HOUSE OF ASSEMBLY

Wednesday 25 September 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

Mr SIBBONS (Mitchell) (11:02): I move:

That the committee have leave to sit during the sitting of the house.

Motion carried.

PUBLIC WORKS COMMITTEE: SOUTH COAST PRIMARY HEALTH CARE PRECINCT

Mr SIBBONS (Mitchell) (11:02): I move:

That the 481st report of the Public Works Committee entitled South Coast Primary Health Care Precinct, be noted.

The Public Works Committee is told that the South Coast Primary Health Care Precinct will achieve a single-storey new build health centre with multipurpose consulting rooms, therapy and treatment spaces, client education and training facilities, a new combined main entrance to the health centre and interface to the South Coast District Hospital and associated infrastructure plus 50 car parks.

The precinct will include allied health and primary health care services, early intervention and rehabilitation therapy spaces, and consulting rooms for ageing and chronic conditions. The total investing budget for the project is $10 million.

The South Coast Primary Health Care Precinct will enable Southern Fleurieu Health Services to enhance its existing services and continue to meet the community need with a specific focus on prevention, early intervention, chronic conditions, self-management and rehabilitation. It will enhance integration of primary health care services with the co-location of medical specialists. It will meet the needs of the local communities and integrate with state and commonwealth reforms, including the Home and Community Care program and National Disability Agreement reform.

The project will be completed by June 2015. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:04): As a member of the Public Works Committee, and particularly as the local member representing the South Coast, I am absolutely delighted to support this particular project. It will assist the professionals and residents of the South Coast no end by way of integration. Many of the current facilities, although they have been satisfactory, rapidly are becoming older and it is not integrated and it is a bit of a mishmash, and that is just the way it has developed.

With the population growth on the South Coast and people coming in from north of Goolwa and the surrounding district around Victor Harbor and across, it is important. The number of retirees down there dictates that an increasing amount of medical services need to be available, and we have very capable doctors and staff through the Fleurieu health services. I am delighted that this project will get ahead. I wish it speed and a satisfactory conclusion. With those few words, we support the project.

Motion carried.

PUBLIC WORKS COMMITTEE: SALISBURY METROPOLITAN FIRE STATION

Mr SIBBONS (Mitchell) (11:06): I move:

That the 482nd report of the committee, on the Salisbury Metro Fire Station, be noted.

The committee is told the MFS proposes to construct a new fire station at 1811 Main North Road, Salisbury Heights. The estimated capital construction cost of this initiative is $7.4 million, including civil works and access provisions for future co-sited SES facilities within overall site plan.

Among its many facilities, the building will include: four engine bays to accommodate fire appliances (which includes the capacity to accommodate the Bronto aerial appliance, if required, the largest appliance in the MFS fleet); an engine canopy to the rear of the four fire appliance bays;

a planning office for operational station officers; a control room for managing callouts, a communications/equipment room; an office space for planning commanders; personal protective equipment storage and drying room; breathing apparatus servicing areas; a new 'dirty-to-clean' module featuring 'dirty' PPE decommissioning zone, 'clean' equipment zone, equipment servicing area, and shower/decontamination facilities; and a gymnasium. A purpose-built MFS fire station at Salisbury will provide the following benefits:

- a facility which will increase the resources of the MFS to protect life, property and the environment from the effects of fire and other dangers to the growing residential, commercial and industrial assets in the northern suburbs of Adelaide;
- a modern, environmentally-conscious, low-maintenance facility which accommodates emergency service appliances and equipment, as well as facilities for training and administration;
- accommodation that will meet government security and accessibility standards;
- the inclusion of environmental initiatives, including photovoltaic technology, water storage tanks, water recycling system, recycled construction and building materials, and low volatile organic compound linings; and
- the building is strategically positioned towards the eastern side of the allotment to allow for a future co-sited allied service and MFS expansion of the facility on the western side of the allotment, as required.

The project will be completed by the beginning of 2015. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:09): The opposition supports the project.

Dr McFETRIDGE (Morphett) (11:09): As people know in this place, because I have said it a number of times, my father, Malcolm, was in the MFS for over 30 years. We lived at Salisbury when I was a kid. I went to Salisbury Consolidated Primary School. Why it was called 'consolidated primary school', I still do not know. Right next to the primary school was the EFS station, as it was then. The siren would go off for a fire call and classes had to stop because you could not hear yourself think, but things have certainly moved on from there.

I should say that dad did go to the Elizabeth Fire Station when that was first established in, I think, 1967 and they had a fire siren there to alert the retained firefighters, who were still being used way back then. They got 10 shillings a callout, I think it was, and in many cases, as dad was the officer on duty, he would go off in the fire appliance by himself and the other retained firefighters would come to the fire station, read what was written up on the chalkboard and then they would go off to the scene of the fire.

Again, we have seen this new fire station out at Elizabeth and things have certainly moved on since then. It is a very good thing. When dad first went to Salisbury Fire Station in 1977, it was where it is now on Frost Road. Salisbury was a much smaller place and Elizabeth was a much smaller place; in fact, they are almost one area now. Having said that, though, if you live in Elizabeth, you live in Elizabeth and if you live in Salisbury, you live in Salisbury. Mum still lives at Salisbury Park. Geographically I think it is called Elizabeth Vale, but she wants to live in Salisbury Park. She still lives there, so she will be served by this fire station, as will the many other people living in Salisbury.

The MFS should be congratulated on what they have been doing for many years serving South Australia. They had their 150-year celebration last year. The new station out at Elizabeth has been there for a few years now, and a new Glen Osmond station is just ready for the minister to cut the ribbon. To hear about this new fire station I think is a very good thing and I know my father would be very proud.

The SPEAKER: To answer the member for Morphett's question, Salisbury Consolidated School was known as Salisbury Consolidated because, in 1948, the prefabricated buildings from the Salisbury Extension School were moved to the grounds of the Salisbury Primary School and the name of the school was changed.

Dr McFETRIDGE: I thank you from the bottom of my heart, Mr Speaker, because nobody has been able to tell me that before—the font of wisdom.

Motion carried.

PUBLIC WORKS COMMITTEE: EASTERN FLEURIEU SCHOOL STRATHALBYN 7-12 CAMPUS REDEVELOPMENT

Mr SIBBONS (Mitchell) (11:13): I move:

That the 483rd report of the committee, entitled Eastern Fleurieu School Strathalbyn 7-12 Campus Redevelopment, be noted.

The committee is told that the Department for Education and Child Development proposes a redevelopment at Eastern Fleurieu School Strathalbyn 7-12 Campus. The project involves the rationalisation and redevelopment of facilities across the site at an estimated cost of $9.85 million excluding GST. The Eastern Fleurieu School Strathalbyn 7-12 Campus redevelopment project will deliver the following:

- Building 3: a refurbished design and technology building with an extension that includes a new CAD suite and a new technology laboratory;
- Building 4: a new food and hospitality and general science building;
- Building 5: a new multipurpose general learning building that can also be used as a performing arts hall for assembly and larger drama performances by the school on occasion;
- an improved and legible overall site with a relocated auto shed and the creation of a new outdoor learning area directly off new buildings; and
- demolition of aged/surplus facilities.

The project will provide modern educational accommodation, meet legislative compliance requirements and deliver DECD benchmark accommodation for the school community. The project will be completed by December 2014. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:15): Once again, I am delighted to announce that the opposition fully supports this project. Indeed, the hearing was something of an experience. Mr Trevor Fletcher, who is the principal of Eastern Fleurieu, attended the hearing. He has been a revelation at that school and done a marvellous job. We were delighted to meet him in person and talk about where he is going. He is a bit like Tony Abbott was prior to the election—he has a plan. His plan is working exceptionally well. This school used to be in my electorate but it is in Heysen these days. It was in Hammond prior to the last election. Things move around up our way.

It is a great project. It is a good school and it will serve people on the Eastern Fleurieu—down through the area towards Langhorne Creek and around Strathalbyn—very well. It is exciting. In effect, Mr Fletcher turned around a school that was struggling and made it a very fine institution, with a growing number of students who want to go there. I look forward to the completion of the project.

Motion carried.

PUBLIC WORKS COMMITTEE: WINDSOR GARDENS VOCATIONAL COLLEGE REDEVELOPMENT

Mr SIBBONS (Mitchell) (11:16): I move:

That the 484th report of the committee, on the Windsor Gardens Vocational College Redevelopment, be noted.

The project proposed by the Department for Education and Child Development involves the new building of a 21st century learning and teaching facility for middle school students and staff, and the refurbishment of some existing facilities at an estimated cost of $4.22 million excluding GST. The scope of the redevelopment is summarised as follows:

- a new building combining three general learning areas and six specialist spaces for music instruction, practice, recording and performance; a teacher preparation area is also provided;
- refurbishment of the canteen to accommodate the PE laboratory and a teacher preparation area;

- refurbishment of technology studies to accommodate electronics;
- demolition of one solid and two transportable buildings and a timber shed to make way for the new building and improved site amenity;
- compaction of site facilities for improved staff and student circulation; and
- improved street presence and enhancement of the college's identity.

The key drivers for the redevelopment proposal are to:

- provide a state-of-the-art 21st century learning and teaching facility with specialist learning areas for music that caters to increased demand for music courses;
- improve the educational accommodation for the school and avoid the ongoing cost of maintenance of aged timber and DEMAC buildings; and
- create an appealing street presence and facilitate greater community participation in school music concerts and events.

The project is expected to be completed by December 2014. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:18): The opposition members of the committee completely supported this project.

Mrs GERAGHTY (Torrens) (11:19): I want to speak briefly to the report. The Windsor Gardens Vocational College is in my electorate and I am very proud to be a supporter of the college. I am on the community liaison team and meet with the school and its staff on quite a number of occasions. It is a really good educational facility. The staff are dedicated to providing the best opportunities for the students; they are very committed.

Any building activity, particularly having over $4 million invested in the school, is a good thing because it creates a much better learning environment for the students and gives them greater opportunities. I congratulate everyone at the school. This took a little while to come to be. The only thing I am disappointed about is that, in December 2014, when all this is completed, obviously I will not be the member, but I do hope I get an invite to go along. I will be keeping in touch with the college after retirement because I have very good contacts and friends at the college.

One of my great joys was watching a young student I met when she was in primary school go all the way through to the Windsor Gardens Vocational College. She and I talked about what opportunities she might have in the future. She went on to university, and she was able to do that with the support of people at that college. Congratulations to everyone there, and well done!

The Hon. R.B. SUCH (Fisher) (11:21): I support this report and the redevelopment of the Windsor Gardens Vocational College but, in doing so, I reflect on what I think was a mistake made many years ago to abolish technical high schools, which nowadays we would probably call technology high schools. I think that was a very big mistake because, despite efforts in latter years to provide some technical vocational training in high schools, it has never been to the level that occurred in the old technical high schools.

I do not believe that the current focus via high schools will ever really put the technological side at the forefront. I think there is a place for creating a modern version of the technical high school. I went to Goodwood Boys; we learnt technical drawing, we learnt woodwork, metalwork, and then latterly they had plastics fabrication, all that sort of—

Mr Pengilly: What are you doing up here, Bob?

The Hon. R.B. SUCH: Well, someone above must look after me because I ended up in here. Sir Eric Neal is an ex tech high scholar; there are plenty of them around. Whilst the focus was on technical education, there was an academic stream as well. We have in our universities professors and others who went through the technical high school system. Sadly, as I said, 20-odd years ago the technical high school system was destroyed; it has never got back to where it was. I know that the technology would be different now; it would need to be a modern version, with things such as computer-assisted design and all that sort of thing.

It was one of the biggest mistakes ever made in the history of education in this state, but what is happening now at Windsor Gardens and elsewhere is a step back towards getting technical education where it should be. It should be seen as equal but different. We need to move away from the idea that people who use their hands, as well as their head, are somehow inferior to people who follow a purely academic-type stream.

I think there is scope to revitalise and lift up, if you like, the technology component in high schools. Some schools are doing a great job. I have two high schools in my area—Aberfoyle Park has a technology component, Reynella East College is very much focused on it, and they have a significant waiting list now of students who want to get in there. Metalwork has come back in popularity but, sadly, our secondary industry has suffered greatly from a whole range of factors—the high dollar and other factors—but it is important that we retain highly skilled people, whether they be in the trades area, manufacturing, whatever.

I look forward to the day when we get back to a system in education that caters more for those who want to use their hands and their head and not just those who are the minority who are heading for university.

Motion carried.

PUBLIC WORKS COMMITTEE: RIVERINE RECOVERY PROJECT WETLANDS PHASE 1B INFRASTRUCTURE

Mr SIBBONS (Mitchell) (11:25): I move:

That the 485th report of the committee, entitled Riverine Recovery Project Wetlands Phase 1B Infrastructure, be noted.

The Riverine Recovery Project aims to achieve measurable long-term improvements in the health of the Riverine environment between Wellington and the South Australian border. The Wetlands Phase 1B Project element (referred to as Wetlands Phase 1B) of the Riverine Recovery Project, will predominantly focus on reintroducing wetting and drying of permanently connected wetlands along the River Murray to achieve ecological benefits. The exception is Lake Carlet, where obstruction to flow will be removed to improve connectivity between the lake and the river. The total cost of the works is estimated to be $8,702,000 (GST exclusive), which includes design and project management costs and 30 per cent construction contingency. The wetland areas are:

- Lake Merreti, located between Lock 5 and Lock 6;
- Lake Woolpolool, located between locks 5 and 6;
- Beldora wetlands, located between locks 3 and 4;
- Murbko South located between locks 1 and 2;
- Kroehn's Landing, located below Lock 1;
- Wongulla Lagoon, located below Lock 1;
- North Purnong, located below Lock 1; and
- Lake Carlet, located below Lock 1.

It is planned that infrastructure will be constructed at four to seven of the wetlands listed above plus removal of flow obstructions at Lake Carlet, depending on available budget and tendered construction cost of infrastructure. The aim of the project is to improve ecological conditions in a suite of implementation-ready wetlands of various types along the River Murray in South Australia, as well as improve hydrological management and deliver environmental water savings. The objectives are:

- restore hydrological and ecological functions at targeted wetlands and associated watercourses (e.g. through the reintroduction of wetting and drying regimes);
- integrate wetland restoration efforts to ensure a representative mosaic of wetland types at an appropriate landscape scale;
- provide environmental water through the development and application of ecologically appropriate hydrological management regimes;
- improve hydrological connectivity of targeted wetlands and watercourses with the River Murray and surrounding habitats; and

- engage community participation in wetland management.

The project is expected to be complete by October 2014. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:29): I have much pleasure in supporting this project. I am very sorry that the member for Chaffey is unwell and not here to speak on this. He is a passionate advocate for the Murray and probably knows more about the Murray than anybody else in this place, quite frankly. The Murray goes through the electorates of a couple of other members in here, but for years and years the member for Chaffey's life, business and family have depended on the Murray, and he was very pleased to support this project and we were very pleased to support it in the committee.

It is interesting where this debate has ended up because, when I first came into this place, along with the member for Hammond, who also has a patch of the Murray in his electorate (and still has), we were told that the world was going to end and Adelaide was going to die from lack of water. I think Sandbags Flannery said that it was never going to rain again. Bob Brown said it was going to take 10 years for the Murray to fill up again.

Eventually it rained and within six months we had water everywhere and Sandbags was proven wrong. It is desperately disappointing that Sandbags has lost his position now and $180,000 a year to go with it, and Bob Brown has sailed off into the sunset, but the fact remains that the member for Chaffey is still here doing a good job. He picked up on the former member for Chaffey, who turned out to be a bit of a disaster and lost her seat absolutely and completely, because she backed the wrong side of politics and forgot about where she came from. We are pleased to have this—

The SPEAKER: The member for Finniss will be seated. The boundaries of relevance are that we are noting the 485th report of the Public Works Committee, not running a commentary on recent Australian history and politics. The member for Finniss.

Mr PENGILLY: Thank you, sir. I am glad you dragged me back to the subject at hand. The reality of it is that this project was put into place largely because of the drought and what followed. We have always had drought in Australia, but we were pleased to support this project. I repeat that it is very disappointing that the member for Chaffey is not here, because he has a far more profound knowledge on these matters than I do, but we do support the project.

The SPEAKER: I, too, wish the member for Chaffey a swift recovery from his malady.

The Hon. R.B. SUCH (Fisher) (11:32): I am pleased to support this project, which has several aspects to it. The first is ecological in terms of restoring to some degree the riverine environment, and that is welcome. The other one, of course, is helping to conserve water and improve the quality of water. The fact that we have had heavy rains recently throughout most of the state should not blind us to the fact that rainfall and water supply can be somewhat variable. I do not think we should get too complacent. It is a bit like bushfires where people think, 'Oh, that was years ago.' Saving water and using it wisely should be an ongoing practice. This is part of that and I think it is to be commended.

I will briefly mention that a project was just completed by the state government, the former federal government and the City of Onkaparinga on wetlands and water recovery in my area. It was an excellent wetlands project adjacent to Candy Road and Byards Road. We need to see more of this sort of thing happening, not just in relation to the Murray, but for all of our creeks, many of which are under significant pressure in terms of degradation, infestation of weeds and other factors.

We have seen the excellent work done by Colin Pitman and people out at Salisbury in terms of creating wetlands and recovering and storing water. Unfortunately, in my electorate we do not have the aquifers that exist out north of Adelaide, so we have issues in relation to storage. However, as I said, we have now seen the completion of a $35 million project in my electorate, which is in keeping with the sort of project that we are talking about today on the River Murray.

We should not stop now. The government should not stop now. Other authorities should not stop now. We have to keep ensuring that we not only restore our rivers and creeks but also store and use water wisely, because for sure we are going to be confronted with dry periods well into the future. I commend this report. It is another excellent initiative aimed at helping the river recover and creating valuable wetlands adjacent to the Murray.

Mr PEDERICK (Hammond) (11:35): I rise also to support the 485th report of the Public Works Committee entitled 'Riverine Recovery Project Wetlands Phase 1B'. Certainly I applaud any work that can be done to recover water, so long as it is done in a sustainable way. When I say 'a sustainable way', we must make sure everyone gets a win out of this—the environment in the first instance, but also irrigators have to have a win and there must be social equity right throughout the river with regard to water savings.

For too long some people, certainly with the Murray-Darling Basin Authority, have taken the easy approach in getting water out of the river with buy-backs. The hard work John Howard pioneered back in 2007, of infrastructure upgrades, should be and should have been well on the way by now. Sadly, that has not happened near as fast as it should have because of the bureaucratic lockups in Canberra, and certainly some bureaucratic lockups here with our Labor government. We need to get these environmental and riverine recovery project water savings in place so that we can get the river back to good health.

I remember during the devastating drought, where the river dropped over a metre and a half below its level of plus 0.75 AHD (Australian height datum), that it was an absolute disaster, especially below Lock 1. At that time, according to the government, Adelaide's water supply was under threat. I made the suggestion at the time that all they needed to do was lower the pumps, and was told that that could not happen. Funnily enough, they then found some engineers who said that it could happen. There were some other flawed policies that were put out there, like a weir at Wellington, which just disregarded everyone south of there in my electorate.

Mr Pengilly: And in mine.

Mr PEDERICK: And in the electorate of the member for Finniss. This would have been utter devastation. A lot of the problem here was that the state government did not negotiate enough water to keep the river running. I think the water was there—not much, I will admit. I remember trying to get 30 gigalitres of water just to cover the base of Lake Albert, just to keep it alive, and I was told that that was too hard. Yet, when you look upstream, when the Murrumbidgee irrigators, with their high-security water, were on 95 per cent water and we were restricted with our so-called high-security water on 18 per cent, you have to wonder what is going on in this country.

I think things are moving on, though, and we are a getting some better environmental outcomes. With environmental outcomes we should have social wins, recreational wins and also economic wins for the river, but it will take a lot of work. The only way the river came back to health last time was because it rained in September 2010 and brought it back to health. It was a great thing to happen because there would have been absolute utter devastation by now if the river had not come back. It is not back to perfect health yet, but it is getting there.

We talk about environmental water. I look at areas of significance in my electorate, like Lake Albert, still running, last time I looked, at 2,700 EC as far as the salt count is concerned, and this is three years down the track from when flows came back. It shows that so much work needs to be done. I know that some work is being done on plans around a connector through to the Coorong, and that needs to be carefully researched so the right outcomes are made if that goes ahead and so that Lake Albert is not just a terminal lake.

Certainly for all the life that relies on the river, all the bird life, the turtles, we do need these environmental watering programs to make sure that the ecology and nature can come back to wellbeing again. I think with the talk of getting thousands of gigalitres of water back into the river—and for every thousand gigalitres, to paint a picture, that is essentially two Sydney Harbours—a lot more of this work can be done with infrastructure upgrades, especially in the Eastern States.

You must commend South Australian irrigators for what they have done over the last 40 years. They are really an icon site as far as river management in this country, because we have had to manage our water so well in the first instance, yet when times got tough, we were the ones who were penalised, and we were still penalised with different projects coming down from a federal scale because supposedly we did not qualify for funding because we were so far ahead of the game as far as irrigation infrastructure and strategies to manage our water. I certainly applaud this initiative, but there is a lot of work to be done and we must make sure that these savings work in concert with our economic base and our social base so that we can have a triple bottom line success rate.

I think some of this might get down to how the desalination plant in Adelaide is managed. We have a desalination plant that is basically puffing along on less than half a cylinder at the

moment just because they have been running 25 gigalitres (I think) through it for the last year in precommissioning phase, so essentially mothballed.

I do not want to reach a point where our river is suffering, yet we do not see our government crank up the desalination plant to put water into Adelaide so that we can still have those economic outcomes along the river. It is something that governments are going to really have to think about hard because, yes, desalinated water is the most expensive water, and we have it coming out of I think the most expensive desalination plant in the country at over $2 billion all up with the pipework. A lot of progress still has to be made.

We cannot stand back and think, 'Everything is alright, the water is back in the river', because it will get dry again, and the first thing that suffers when it gets dry is the wetlands. They got locked out during the drought, especially below Lock 1 right throughout my electorate. It was just amazing to see the dry expanses where water usually lies but was no longer. Certainly, I understand that when it gets really dry, some of those wetlands will be locked out again as far as wetting and drying management, but I believe that is part of this Riverine Recovery Project.

At the end of the day, everyone throughout the country, let alone South Australia, has to manage water a lot better, because we do not need to face the disaster that we faced between 2006 and late 2010, because, quite frankly, I do not think the community would cope. It nearly busted the community wide open last time, and we need to have better outcomes right along the River Murray.

Motion carried.

NATURAL RESOURCES COMMITTEE: EYRE PENINSULA WATER SUPPLY

The Hon. S.W. KEY (Ashford) (11:43): I move:

That the 85th report of the committee, entitled Eyre Peninsula Water Supply Final Report: Under The Lens, be noted.

In October 2011, the Natural Resources Committee was approached by the member for Flinders to consider an inquiry into the Eyre Peninsula water supply. Water resources and supply have been major issues for the peninsula since European settlement around 1900. In the member's own words, 'There is no other issue [other than water resources] that creates the interest and passion on the Eyre Peninsula.' After hearing the member's concerns and speaking with other interested parties, the committee determined to inquire into the matter and put the issues under the lens. The Eyre Peninsula Water Supply Inquiry attracted more than 70 submissions and 46 witness statements.

The water resources of the peninsula are unique; nearly all the naturally occurring water is found in fragile limestone lenses resting atop ancient bedrock. The lenses fill following major winter rainfall events like large contiguous underground storage tanks. Groundwater flows in a southerly and westerly direction, depending on the lens concerned, contributing to a network of wetlands, soaks and springs. Much of this water (up to 10,700 millilitres per annum) is extracted for distribution to major population centres, including Port Lincoln, via SA Water's network.

A portion of the resource is extracted by landholders for stock and domestic uses, although is presently unmetered. Some of Eyre Peninsula's water eventually discharges directly from the aquifers into the sea. Many local community members and landholders agree that extractions from previous decades have resulted in a number of aquifers becoming degraded, thus compromising their ability to provide secure water supplies into the future. This view is mostly disputed by state government agencies responsible for administering prescribing water resources.

They Eyre Peninsula NRM Board, DEWNR and SA Water argue that reduced winter rainfall exacerbated by climate change is responsible for the decline in both the quality and quantity of water in the aquifers, not over-extraction. Despite attempts by the agencies to raise awareness of emerging climate trends, and efforts to provide alternative water sources, in particular through connecting the Eyre Peninsula reticulated system with the Morgan-Whyalla pipeline, many people remain unconvinced that water resources on the peninsula are and will continue to be managed sustainably. In addition, many believe that mineral exploration and mining proposals threaten the integrity of aquifer systems.

Due to the complexity of technical issues involved and the high level of disagreement as to the main cause of the degradation of water supply on Eyre Peninsula, the committee sought expert technical advice from a source not already employed by the agencies. Based on this advice, the

committee has concluded that the cause of the decline of water quantity and quality in the limestone basins cannot be clearly attributed either to natural causes—if you call declining rainfall natural—or over-extraction by SA Water: it is most likely a combination of both.

Members appreciated the fact that landholders were prepared to speak candidly about their concerns. The evidence provided was of a very high standard, and those who gave evidence are to be congratulated for the submissions they made and the time they took to speak to the committee. However, the committee made it clear when it met with landholders, especially the disaffected ones, that members have sought in this report to look to the future, rather than apportion blame for past actions.

The report contains 12 practical recommendations for the future that the committee hopes will help encourage agencies and communities involved with and dependent on Eyre Peninsula's water supplies to move forward towards a more ecologically sustainable future. The recommendations include:

1. Replace the current 10-year average recharge water allocation policy on Eyre Peninsula with an adaptive management policy framework, using carefully-chosen triggers.

2. Review overlapping jurisdictional responsibilities for water resource management on Eyre Peninsula.

3. Rainfall gauging stations and monitoring bores should be located in the limestone groundwater lenses being monitored.

4. DEWNR to reconsider the proposal to use April 1993 as the 'full basin' baseline level for prescribed groundwater resources on Eyre Peninsula. The committee recommends that the 'full basin' level should instead be based on maximum historical recorded water levels.

I wish to thank all those who gave their time to assist the committee in this inquiry. I commend the members for Frome, Torrens, Little Para, Mount Gambier and Stuart, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, the Hon. Gerry Kandelaars MLC, and the Hon. Russell Wortley MLC, for their contributions to this report. All members have worked cooperatively on this report.

The staff, I need to say, have found this almost two-year inquiry a real challenge, fielding telephone calls—very long telephone calls in many cases, I might say, if they are anything like the telephone calls I received from people who live in the area—and emails. I would particularly like to thank Patrick Dupont, our executive officer, and David Trebilcock, our research officer and also the producer of this 170-page plus report with many fine appendices.

I would also like to make special mention of the member for Flinders, without whom this inquiry would not have occurred. The member for Flinders accompanied the committee on most of its fact-finding visits to Eyre Peninsula and assisted the committee with valuable advice throughout the inquiry.

Mr TRELOAR (Flinders) (11:50): I welcome this report and would like to concur with the good member's thanks to the committee and staff members. She already mentioned David Trebilcock and Patrick Dupont, of course, and I congratulate the committee members, particularly the presiding member, the member for Ashford. Thank you very much for the effort and assiduous manner in which you have undertaken this inquiry. I know it is the role of parliamentary committees to do just that, but in this case I believe that effort was made above and beyond the call of duty.

The report has been almost two years in the making. When I first approached the committee about the possibility of undertaking an inquiry into Eyre Peninsula's water supply, it was really to assist in resolving what I saw were some really conflicting views about how the water resource was being managed and what the future of that resource and supply was in fact. It has been a huge inquiry. I understand that the committee has taken more submissions and witness statements on this inquiry than it did in regard to the Murray-Darling Basin, so I think that indicates the interest, concern and passion that the residents of Eyre Peninsula have in regard to their water.

The committee received over 70 submissions and about 46 witness statements, and without doubt the theme coming through was the decline in water quality and quantity in the limestone basins on Eyre Peninsula. One of the findings of the committee was that that decline in quality and quantity has most likely been caused by a combination of reduced rainfall and overextraction. This was one of the points that was hotly debated during the time of the submission, but I can understand that the committee has come to a reasonable landing on this

particular point. You cannot blame one or the other in its entirety. It is quite likely, and I agree, that it has been a combination of both reduced rainfall and overextraction.

I believe that the report looks very clearly to the future water management on Eyre Peninsula, and I thank the committee for taking that direction in this. It does not look to lay blame in any particular way on past practices, even though there was evidence there that mistakes had been made and most certainly they have been in the past. It contains a number of very practical recommendations, I believe, that should, could and will, I am sure, assist agencies and communities involved with and dependent on local water supplies.

The presiding member has run through a few of the recommendations, but I might just take a couple of minutes to run over a few of them that I felt were particularly important. Recommendations of the inquiry include a review of overlapping jurisdictional responsibilities for water resource management on Eyre Peninsula and that rainfall gauging stations and monitoring bores should be located within the limestone groundwater lenses.

The report asks that the Department of Environment, Water and Natural Resources' proposal to use April 1993 as the 'full basin' baseline level for prescribed groundwater be reconsidered. This was a very topical point when it was first put forward. The suggestion by the committee is that full basin levels should instead be based on maximum historical recorded water levels. Interestingly for me, the report also suggests that the potential for recommissioning the Tod Reservoir be investigated, including all possible options to reduce salinity of the catchment and water body

I have to say that the Tod Reservoir holds a very special place within the community of Eyre Peninsula, and people still very much regard it as a public asset. It has been with much dismay that we have looked on its decline over the last 10 years or so. I certainly think there is a very good opportunity—I know that there are problems with the catchment and with salinity levels within the reservoir itself—to utilise it far better than it is being used.

There is no doubt that the water resources on Eyre Peninsula are unique. This has been very clearly identified for probably more than 150 years, truth be known, because it has always been very topical, and this was highlighted once again in regard to this report. The committee made it quite clear when they met with the landowners that members have sought in this report to look to the future rather than apportion blame for the past, and I have already touched on that.

I compliment and congratulate the committee on their document. It is substantial; it was only tabled yesterday, so I have not managed to read it all yet, but it is a document that I think we can hold up and use in our planning for the future. I think the most important thing for me is that landowners, particularly those who feel disaffected, have had the opportunity, in a public structured forum, to air their grievances and raise their issues, and various government agencies have also had the opportunity to state their case.

One of the other things that has been highlighted is that the various government agencies, communities and individuals who all have an interest in the supply and management of water on Eyre Peninsula should do their utmost to keep lines of communication open and to keep their working relationships productive.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:57): I am proud to follow the member for Flinders, but can I place on the record two things. Firstly, notwithstanding the recommendations on the Tod River, I note that in this year's budget the government has already decided to spend money to deal with the strengthening of that site in anticipation of a commercial sale of that water. So, it may be too late, and I am disappointed to read that—not because of the committee's recommendation but because the government has already acted before the report was received.

I also place on the record my concern that SA Water does have a lot to answer for. Heads are not going to roll as a result of this inquiry, I understand that, but I think the recommendations here make SA Water equally culpable as a monopoly provider—not because they were the monopoly making the money out of the water during the time of demise but because they were vested with a direct responsibility for managing this site and managing this very crucial resource.

I think SA Water need to take away this report, read it very carefully and make sure they heed it, because I think it is a damning indictment on their performance over this time. I thank members of the committee for the work they undertook.

The Hon. S.W. KEY (Ashford) (11:58): I would like to close the debate by noting that all the members of the committee would like to have spoken on this particular report but, so that we can actually get the report carried today, we hope, and out into the community for discussion, I would like to move that the report now be noted.

Motion carried.

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

The Hon. I.F. EVANS (Davenport) (11:59): I indicate to the house that I am the lead speaker for the opposition on this particular issue. This is a bill to introduce publicly funded elections in South Australia. Most other jurisdictions in Australia, at the federal and state level, have publicly funded elections of some description. All of the schemes vary in the way they are implemented and the rules that surround them, and this particular bill sets up a unique system to South Australia.

The Liberal Party will be supporting this bill and moving a series of amendments. I apologise to the house, the amendments were meant to be tabled. I have not seen them, but I understand they are on the way. We will go through the amendments in the committee stage in due course. The issue of publicly funded elections is an intriguing policy question. There are many experts who advocate all sorts of positions on the issue of publicly funded elections.

The Liberal Party, at the state level, has been on the record for probably eight to 10 years as supporting the principle of publicly funded elections in some form or other, subject to the model. The Premier announced earlier in the year that he was going to look at introducing publicly funded elections and seek bipartisan support and opened up the door for negotiations on the model. The Attorney and I have been negotiating on behalf of our respective parties in relation to the bill. I think it is fair to say that no-one got all that they wanted, but we have a bill before us and we will be supporting the bill.

The issue with publicly funded is: what is the ill that you are trying to cure through the introduction of publicly funded elections? The Attorney, in his second reading explanation, hints at the issue of public perception of the influence of donations on the policy positions of parties or individuals. I accept that there is, at times, a media perception about that particular issue and this policy goes some way to address that issue by providing to political parties publicly funded elections, or access to public funds, based on certain criteria, and then restrictions on, in this case, in this bill, the price of fundraising events and also stricter donation disclosure rules and expenditure caps, both at the electorate and state level.

As I say, every model around Australia is different. The trade-off for the public is that they get more control over political parties in the sense of a lower disclosure limit, a cap on ticket price, which I will come to in a minute, they get an expenditure cap and a whole range of reporting mechanisms that make it more transparent, if you like, for the public to see behind the operations of the political parties.

Now all of that has an impact on the capacity of the parties to fundraise and the capacity of the parties to operate. Clearly, the parties, regardless of colour, need to be able to avail themselves of funds to operate. It is important for democracy that we have robust political parties to push the envelope of economic reform or policy issues of all kinds and, if it is in the public interest to restrict the capacity of parties to raise money through various means like donations or certain types of fundraising events, then the logical conclusion is that the public then needs to provide some form of funding to political parties so that they can operate. So, that is the principle behind the bill. That is the principle that has been adopted by the federal government about 20 years ago and other states at different times over the last 20 years. South Australia is 'tail-end Charlie' on this particular policy reform.

To go through some of the key elements of the bill, essentially the government bill sought to start this scheme for this 2014 election. We will be moving an amendment to have it start after the election, and our reasons for that are multiple. The first reason is that it is our view that with the state running a $911 million deficit this year and a $400-odd million deficit next year, the taxpayer should not be paying money to political parties to run themselves at this point in time. It is more appropriate to introduce this scheme when the state will be in surplus and the budget predicts to be in surplus post the election in various years, that is why we are delaying it. The Liberal Party is not

comfortable going to the taxpayer saying 'We think you should borrow money to be running the political parties at this point.'

Everyone in the community, including the political parties and candidates, has been preparing for this election which is now only five months away on the basis that there will not be public funding. So, delaying it until after the election really will not interfere with anyone's preparation for this election because for four years we have all been preparing for it on the basis that there is no public funding. We have an amendment to defer it.

The other reason we seek to defer it is that during the negotiations with the Attorney—and I will speak about them later—he suggested after his visit to the New South Wales Electoral Commissioner that I might like to visit the New South Wales Electoral Commissioner because they have a similar scheme, not exactly the same but similar to this, and talk to him about how the scheme works.

The New South Wales Electoral Commissioner's advice to me was that for my side of politics this would be very difficult to implement before the 2014 election because of the complexity and because of our decentralised structure. Every political party is structured differently. The Liberal Party in South Australia has about 160 to 180 branch entities that have cheque books and all of those are controlled by passionate volunteers who have, they would argue, a well placed mistrust of head office. So the cheque books are decentralised in our structure.

What that means is that whatever change we make, there is a huge training regime that needs to go on in regard to this particular piece of legislation. When I met the New South Wales Electoral Commissioner he brought in his training officer, who goes out to all of the political parties and trains them on the operation of their bill, and his advice to me was that it would be impossible for my side of politics to get our volunteer administration up to speed for the 2014 election and we would be placing ourselves at risk.

Another reason we seek to defer it is that there is currently a High Court case in the New South Wales legislation which has caps on donations. I understand that the union movement or representatives of the union movement have taken to the High Court this question of political free speech and whether capping donations is an abuse of that privilege. By delaying it until after the election at least, if that case comes down in the meantime, then we will still have time to consider amendments after the election if it impacts on our bill in some way or other.

From a technical viewpoint—no disrespect to the government—none of the regulations would be ready for this legislation in the next four or five weeks of sitting, which means that the opposition would be at the mercy of the government's regulation-making power in the bill and we would have no ability to influence, reject or disallow the regulations. No disrespect to the Attorney, but that would be a large leap of faith, particularly on an electoral bill to do with political funding five months out from an election. That was perhaps a bridge too far.

We will be moving an amendment to start it from 1 July 2015, which will give parties roughly 15 months after the election to have their officers trained and it will give everyone four years' notice leading in to the 2018 election that the new rules are in place. The bill seeks to start it for this election. We will be moving to start it for 2018.

The bill seeks to have a dollar amount paid to political parties and candidates based on their primary vote in both houses, or in either house, wherever you stand. That is to all candidates, whether they are independent or from a political party. That is to all candidates, whether they are an existing MP or a candidate who is not an MP.

There is a threshold of 4 per cent, which I think is pretty uniform around Australia in relation to funding. Interestingly enough, I checked the informal vote of some elections and it was 5 and 6 per cent, so it seems generous that political parties around Australia have adopted a 4 per cent threshold but, for uniformity purposes, we support the 4 per cent.

The bill also has a system of tapered reimbursement, where it is proposed that for the first 10 per cent of the primary vote the party/candidate would get $3.50 and then, for everything above 10 per cent, they would get a $3 reimbursement. The Liberal Party has some amendments drafted to change that. We believe that all sitting MPs—so parties and sitting MPs in the parliament at the time—should be eligible for a flat $3 per primary vote reimbursement and that, if you are a candidate who is not an MP—we accept that there are emerging parties—the tapered formula, as I have described, would apply, and we have amendments drafted to that end.

In regard to the 4 per cent threshold, the bill says that if you do not get 4 per cent of the vote, you get no public funding reimbursement at whatever the dollar value is. There are some members in the other place (and previous members in the other place) who have been elected to the upper house with less than 4 per cent of the vote. So the policy question comes: how do you deal with that circumstance? We have an amendment that says that even if you do not get to the 4 per cent threshold but you are successfully elected to either house then you should be eligible for reimbursement of whatever your primary vote was, 2.7 per cent, or whatever.

So, we are not seeking to disadvantage those parties that might fall below the threshold but are fortunate enough to be elected; probably the most famous would be Nick Xenophon. I think Dignity for Disabled fall into that category. I might be incorrect, but I think Family First on one occasion at least might have fallen into that circumstance as well. We have amendments to try and correct that.

The bill sets out that there is a cap on how much political parties can be reimbursed, in that they can be reimbursed up to 35 per cent of their primary vote. Nowhere else in Australia does that capping system work, and the Liberal Party believe that you should simply get a reimbursement based on whatever the primary vote you obtain. We do not see that the best horse should be handicapped to that extent. We think that if the voters vote for a particular party—it could be the Labor Party one time and us another that gets the higher primary vote, and the Greens and the other parties that go up and down according to the electoral cycle—that there should be just a simple straight payment based on the primary vote, and we have amendments to achieve that end.

In regard to donations there is no cap on donations, but there is a stronger disclosure mechanism. Currently, the disclosure mechanism federally is $12,400, so if someone donates $12,400 over the course of a financial year you have to disclose that to the Australian Electoral Commission. So, what this bill proposes is actually a lot stronger disclosure regime.

The disclosure limit will be brought down to $5,000 and, importantly, leading into the election, the reporting of that disclosure gets more aggressive and more frequent as you get closer to the election. For the period of January before the election proper—just three months out from the election—you have to do one disclosure report and, from memory, it is weekly after that leading into the election.

Political parties will have to organise their structures so that the state director or the agent as nominated under this bill—we think it will be the state director—would have to be able to coordinate across the party who is donating what, because if it adds up to more than $5,000 in that financial year it will need to be disclosed more aggressively close to the election. This is part of the transparency measures within the bill. There is also a special provision that single donations of more than $25,000 need to be disclosed within a week. This is any time during the four-year period so, again, it is a disclosure measure.

With donations it also includes not only cash donations, of course, but donations of gifts, so if someone gets a painting of something for an auction or 50 dozen wines or a car or something, the value of that contributes to the $5,000 for the purposes of disclosure. It is always interesting for political parties to try and work out what is the actual value of something, but the value concept comes out of the federal legislation, so it is not unknown to the political parties within this state who essentially have to deal with that problem under the federal legislation.

Interestingly enough the bill also, for the first time in Australia as I recall, puts in place a restriction on ticket price for political events where it is advertised that people are going to get access to a member of parliament, a minister or their staff. There is public concern, and we understand the public concern, about someone paying $5,000 to have a seat at the table with the Prime Minister or a minister. We understand why there might be concerns about that particular practice, although I suspect that the concerns are more in the perception than in reality. I understand the genuine concerns but my experience of these functions is there is nothing to really be that concerned about: they are really discussions about the politics of the day.

However, we understand the public is concerned about it, so the bill caps the ticket price at $500. Political parties and candidates, and Independents, will not be able to run fundraisers where they advertise that you are going to have access to a minister, a member of parliament or their staff as a result of paying for the ticket. We are capping it at $500 and that, we think, is a reasonable measure. The $500, of course, would count towards the $5,000 donation.

So that this can be controlled and audited and properly reported to the Australian Electoral Commission, the political parties and the independent candidates will need to nominate an agent to

be the person who is going to take responsibility for the administration of the bill. In the Liberal Party, and I am sure in the Labor Party, it will be the lucky state director of the day. Then, as a result of this bill, the state parties, and the Independents, will have to set up a designated campaign account, and it is the moneys going into that campaign account and the expenditure out of that campaign account that are dealt with essentially by this particular bill. The Australian Electoral Commission in South Australia (who will have to have extra resources as a result of this bill) will be able to clearly audit the money trail of donations going in and expenditure going out in relation to this particular bill.

Clearly, you cannot have every gift contributing to the $5,000. For instance, if there is a sausage sizzle and someone gives you a sausage or something at a school fete, does that contribute? Is that a donation? There has to be some practical lower level limit. This bill sets a limit of $200 so a gift under $200 does not count towards the $5,000 a year disclosure limit. There is no perfect rule for this. You could really set the limit anywhere. It is just a matter of how complicated, burdensome and expensive to administer you want to make it. We think the $200 limit is probably a reasonable starting point.

As a result of all this legislation, there are new responsibilities on the political parties. They will get some special assistance funding to help offset the new administration costs, particularly the auditing side of the finances—the financial side and getting all those controls right. The reason that is important is that the penalties under this bill are significant. If a political party or candidate overspends their electoral cap, which I will come to down the track, the penalty is 20 times the amount of overexpenditure.

If you overspend by $1,000, the party will get penalised $20,000, so you can see why the state directors will want to control expenditure tightly, because any overexpenditure will be a significant hit to their finances. The special assistance funding is paid twice a year and, depending on the size of the party, is either $7,000 twice a year or $12,000 twice a year. It is not big bucks—$24,000 in accounting administration fees might, if you are lucky, get you a day a week to try to deal with this legislation.

With regard to the public funding, it is an opt-in system so the Independents and all political parties have a choice: do you want to opt in to get public funding? You do not have to. It is a voluntary scheme but if you opt in then you must abide by the rules that I have set out in my contribution so far. If you do not opt in, you operate as you are now, but the disclosure rules that are set out in the bill—the $5,000 limit and the restrictions on ticket prices and those sorts of things—are still maintained. It is the expenditure caps that I will come to in a minute to which you get public funding, but you have to accept the fact that, in getting public funding, you are going to be restricted in your expenditure. I will come to that in a second.

The political parties have to opt in two years out from the election. They have to notify the Electoral Commission whether or not they are accepting public funding. I have an amendment drafted to make sure that Independents have to nominate at the same time—that is, if you are an Independent member of parliament at the time, you have to nominate at the same time, so that all MPs have to nominate at the same time.

That is so that no-one is ambushed with regard to how the political game is going to be played at the next election. The rules are crystal clear for all players. Other candidates who are not members of parliament, the myriad of people who nominate who wish to get into this place—and sometimes I wonder why—who are not MPs have a six-month or three-month period (or in that range, from memory) where they nominate to the Electoral Commissioner about public funding.

By opting into the public funding scheme, you accept that you are going to get public funding at whatever the dollar value is per vote but you have to restrict your expenditure to within the expenditure cap. So, what are the expenditure caps? The expenditure caps are essentially $75,000 per state electorate that the candidate or the party contests. In the case of my side, we always contest 47 seats so the cap is 47 seats by $75,000 and then there is a $500,000 amount for parties contesting the upper house. That is if they have more than five members contesting the upper house, from memory. That sets the expenditure cap for the major parties.

For the Independents, the expenditure cap is automatically higher; instead of $75,000, the expenditure cap for Independents in the lower house is $100,000, and in the upper house if you are a member of a group or an Independent group, the expenditure limit there is $125,000 per candidate up to a maximum of five candidates. That is a recognition that the bigger political party has a slight advantage because of the size.

I will talk about the lower house for a second. Within those caps, there is the capacity for the state director, with the agreement of the candidate, to change the cap from $75,000 up to $100,000, but they have to stay within the total cap—so, take your 47 seats, multiply by 75 and that is the total cap. If the Liberal Party wants to say, 'Look, in certain seats, we're going to spend less and spend $100,000 in certain other seats,' we can internally arrange that.

We cannot go above our cap, but we have to notify the Electoral Commissioner within three days of making that arrangement with the candidate, so that the electoral commission auditors know that they need to audit that arrangement, so they know we have not overspent. To protect candidates from overzealous state directors—and apparently they exist, Attorney—who say, 'We're not going to spend anything in your seat,' there is a minimum requirement of $40,000 to be allocated per seat, and that can only be lowered if the candidate agrees. What that means is that for those who might consider themselves in a seat that might not get the full allocation, you are in charge of the decision as to whether your party spends less than the minimum $40,000. We have sought to try to cover all options, if you like, in regard to that matter.

What if the cap is broken? If the cap is broken—this applies to all parties including Independents—the fine is 20 times the overexpenditure. If you overspend by $1,000, you get a $20,000 fine. The fine is not an expiation notice; it is simply taken out of the reimbursement. The Electoral Commissioner will dock your reimbursement $20,000. That is how the fine will be implemented; it is cash straight out and you just do not get it. That is a great incentive for everyone to stay within the cap.

How are third parties implicated by this particular bill? A third party is any person or entity who seeks to incur more than $10,000 of political expenditure in the designated period. The designated period is essentially from 1 July prior to the election to a month after the election. It is roughly that 10-month period leading into the election and around the election. They have to register with the Electoral Commission, and they themselves have to have a designated campaign account so that it can be audited.

If a third party acts in concert or agreement with a political party or candidate, the third party's expenditure is counted as the candidate or party's expenditure. What we are trying to do there is to stop third parties as shields, or shadows if you like, running campaigns on behalf of another party and not being counted in as part of their expenditure. I think I have said enough technically about the bill.

I want to place on the record my thanks to the Attorney and his staff, parliamentary counsel and various public servants who sat through nine or 12 months, or whatever it was, of long meetings—some of them went for seven hours—to try to work through the detail of this bill. I also thank the state director of the Labor Party and the state director of the Liberal Party and his staff. It is fair to say that both sides laid out in a full and frank manner the issues, how it impacted on their parties and why certain things could or could not work.

I think the reason we are here is the goodwill shown during those meetings, and again I want to place on the record my thanks to the Attorney and his staff and the ALP state director. I should also place on the record my thanks to my staffer, Charlotte Edmunds, who has done a sterling job behind the scenes, organising everything we had to and dealing with a whole range of issues arising out of this bill.

We have a series of amendments that we are moving. We have spoken to the government about the amendments, so it has not been ambushed. We understand that the government is going to accept the amendments, which means that the committee stage will be relatively brief and that we will just need to deal with the amendments. The bill will operate from 1 July 2015. We recognise that this is a major change to the way that elections are going to be run in South Australia.

My first meeting on this was in April 2006; it was my first approach from the then government to deal with this matter. So, seven years later, I am pleased to be saying that we are supporting the bill, and I look forward to the committee stage.

Mr PEGLER (Mount Gambier) (12:35): I have always been a great believer in transparency and accountability, and this bill certainly addresses, I believe, the regulatory disclosure scheme requiring all political participants to disclose the gifts and donations they receive valued at over $5,000. I certainly support that, and I think that it is a great initiative.

I also strongly support the expenditure caps that are proposed in this bill. I think that will make everybody much more aware of how they should go about these things. I also support the

fact that there have to be reporting processes and campaign accounts, etc. I know that when I stood I set up a separate account straightaway. All donations and all expenditure went into or out of that account, and there was full transparency.

I do have one problem with this bill. I find it quite amusing at times that the Labor Party and the Liberal Party and other parties will always come together very strongly when there is a chance to fund their parties from the public purse. I am strongly against taxpayers' money going into funding election campaigns and into funding political parties.

I have a real problem there but, other than that, the rest of the bill, as far as the disclosures, expenditure caps, accounts and reporting are concerned, I certainly support those. But I cannot support the public funding these parties and candidates. I think that there are many other better things that governments can spend taxpayers' money on, and that is where I differ from most others.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:37): I will not go through the process of recounting the effects of the bill because I think that was covered in my second reading explanation, and it was certainly very thoroughly covered by the member for Davenport in his overview of the legislation.

I think that this is a very significant day for South Australia. It almost marks a mark in the maturity and sophistication of South Australia as a political entity, where we have acknowledged, understood and now started to take action about the idea of public accountability for donations to political institutions, recognising that the public have a legitimate concern about transparency and a legitimate interest in knowing who is paying what to whom (and I do not mean by saying this any legitimate concern about improper behaviour by political parties), and that is not unfair.

The public have a right to know and they should be in a position where they can raise their own questions about that, and I thank the member for Mount Gambier for his strong endorsement of that proposal. It also means that the journalists of this world can also make inquiries about these things, and that is also to the public good that there is discourse about issues of that sort.

Anybody looking at this legislation would immediately appreciate that it is an extremely complex piece of work. It is something that has taken, as the member for Davenport said, both of us and those who have assisted us the best part of nine months or more of scores of meetings and, as the member for Davenport said, with some of those meetings going for a very long period of time. What we have here is not some off-the-shelf thing from New South Wales, Queensland or anywhere else. This is an entirely South Australian construct which has been put together looking at all of the problems the other states have had.

If anyone wants to understand what a problem looks like, I invite you to read the New South Wales equivalent of what we are looking at here in the parliament because it is roughly the size of a phone book and I would defy a roomful of Mensa candidates to actually read it and understand it. I have been to New South Wales, as has the member for Davenport, and spoken to the people who have the unhappy duty of policing that legislation, and they have told me (as they told the member for Davenport) that it is a nightmare. So both of us have sought to make this legislation—as much as it is possible to make it—immune from those problems. Similar remarks have been made about Queensland and so forth.

The really interesting and totally unique thing about this legislation is that we do not focus on preventing people making a donation to a political party, in fact there are no donation caps at all. There are a number of reasons for doing that—partly philosophical and partly having a wary eye on the constitutional potential ramifications of mucking around with people's political expression or political right to donate to a political cause. We have said that participation in this scheme is entirely voluntary and that, if you do volunteer to participate, you are not going to have donation caps but you will have expenditure caps. The theory behind that is that we do not want to see the creation of public funding as simply a way of enlarging the platform underneath which all political expenditure occurs. In other words, stacking another storey over the expenditure.

What we are trying to do is actually keep the expenditure confined because that also performs a public service in that it means that both political parties are genuinely less dependent on donations than they would otherwise be. Not that they are equally dependent on donations just with an extra level of expenditure whacked underneath it by public funding which arguably might be the case in other jurisdictions. That is really all I wanted to say about the legislation. I think it has all

been said before and I do not have any quibble with anything the honourable member for Davenport said about his overview of the legislation.

I confirm that it is the government's intention to support the amendments which will be moved in committee by the honourable member and, after all these years, in perhaps a few moments one house of the South Australian parliament will have done something that no other parliament in this state has ever managed to do before and that is not only imagine something like this, not only work on it, but complete it and actually have it pass through one house of the parliament. I am reasonably confident that if we get it through this house there is some prospect that the other place might even smile upon it as well, and that would be a very special day. If that happens, I indicate that I have a bottle of ginger beer in my fridge which I will be inviting the member for Davenport—and anybody else who is interested—to share with me. But it is not worth more than $200!

Before I sit down can I just say a few thanks. I would like to thank Reggie Martin, the state secretary, or I prefer to refer to him as 'Mr General Secretary'. He has done a sterling job in being involved in all of these conversations and has at all times been very reasonable and assisting of the whole process so I thank Reggie very much for that. Likewise, Geoff Green who has been absolutely fantastic in this process. He is a very insightful man and he brought a great deal of experience and wisdom to the table.

The member for Davenport is quite right in saying there are things in this legislation which are there to accommodate the particular concerns which everybody had about this being capable of being rolled out. Nobody sought to take advantage of anybody and, also, we were mindful at all times that Independents and minority parties should not also be oppressed by anything that was in here. So, that was front and centre in all of the conversations.

I thank Liam from my staff who began this journey with me some time ago. I think when he began he was a man of little faith, but just like Saint Paul on the road to Damascus he had an epiphany. He has always been enthusiastic and supportive but he has come to actually live and breathe this thing, and that is a fantastic thing. I thank Anne Colbert whom, in particular, did such an enormous amount of work in policy and legislation in the Attorney-General's Department, and she really worked very hard on this; and the Solicitor-General who gave us some very useful advice from time to time.

I would particularly like to publicly acknowledge the great work that the member for Davenport did on this. None of this would have been possible if the member for Davenport and me, his staff and my staff, and the party officials were not able to sit down and have frank discussions where everybody put their cards on the table, where nobody sought to take a rise out of anybody else, and where there was a constant focus on the objective of coming to a reasonable position that everybody could accommodate without anybody seeking to chisel out cheap points or easy yards somewhere. I really want to put on the record my sincere thanks to the member for Davenport and Charlotte—

The Hon. I.F. Evans: Charlotte Edmunds.

The Hon. J.R. RAU: —Edmunds—because she also has had to endure enormous numbers of these meetings.

The Hon. I.F. Evans: She loved it.

The Hon. J.R. RAU: Perhaps we should start again! Obviously I am delighted every time something passes anywhere here. It is a little bit like a person who has tummy troubles—anything that passes is a relief. This particular one is something about which I am very pleased and I think this is one of the landmark pieces of legislation for which, for many years to come, people will say, 'This was the great leap forward.' It might be that in years to come there is finetuning or whatever; inevitably that will happen, but I think this is a very significant moment. With those words of thanks, I also indicate I expect the committee stage of the bill to be very brief.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

The Hon. I.F. EVANS: I move:

Amendment No 1 [I Evans-2]—

Page 3, lines 5 to 8—Delete clause 2 and substitute:

2—Commencement

This Act will come into operation on 1 July 2015.

For those members in the house I will explain the purpose of the amendment. The amendment brings the act into operation on 1 July 2015, so none of this act will start until then. I explained my reasons in the second reading contribution as to why it should be delayed but, by starting it on 1 July 2015, essentially it gives the political parties 15 to 18 months to train all their volunteers and get all the processes in order.

I should also have said in my contribution that I had a phone conversation with the Electoral Commissioner, Kay Mousley, on this, and I thank her for her professionalism. Her position was that, if the parliament wanted this, then whenever they wanted it to start, they would simply have to abide by the parliament's decision. Obviously the shorter the time the greater the pressure. I think that is a fair summary, but she never at any stage indicated that she would not meet a time line set by the parliament. Of course, there will also be extra cost to their office: something like six extra staff, $1.8 million in set-up costs and then some ongoing administration costs towards the whole process. However, the purpose of this amendment is to have the act commence on 1 July 2015.

Amendment carried; clause as amended passed.

Clause 3 passed.

Clause 4.

The Hon. I.F. EVANS: I move:

Amendment No. 2 (I Evans-2]—

Page 14, line 25 to page 15, line 3 [clause 4, inserted section 130P]—Delete inserted section 130P and substitute:

130P—General entitlement to funds

(1) Subject to this Division, the amount of election funding payable for each eligible vote given for—

(a) each candidate in a House of Assembly election or Legislative Council election endorsed by a registered political party at least 1 member of which—

(i) in the case of a general election—was a member of Parliament at the time of the dissolution of the Parliament in relation to the election; or

(ii) in any other case—is a member of Parliament; and

(b) each candidate in a House of Assembly election or Legislative Council election (other than a candidate of a kind referred to in paragraph (a)) who—

(i) in the case of a general election—was a member of Parliament at the time of the dissolution of the Parliament in relation to the election; or

(ii) in any other case—was a member of Parliament at the time of the event that resulted in the vacancy that gave rise to the election; and

(c) each group in a Legislative Council election endorsed by a registered political party at least 1 member of which—

(i) in the case of a general election—was a member of Parliament at the time of the dissolution of the Parliament in relation to the election; or

(ii) in any other case—is a member of Parliament; and

is $3.00 (indexed).

(2) Subject to this Division, the amount of election funding payable for each eligible vote given for each candidate in a House of Assembly election or each candidate or group in a Legislative Council election (other than a candidate or group of a kind referred to in subsection (1)) is as follows:

(a) for each eligible vote given to the candidate or group that falls within the range of 0% to 10% of the total primary vote—$3.50 (indexed);

(b) for each eligible vote given to the candidate or group that falls within the range of 10.01% to 100% of the total primary vote—$3.00 (indexed).

I intend to explain all the amendments so that the house is clear. This amendment redefines what is the general entitlement to funds. Just to make it clear, because I did not do this in my second reading contribution, political parties cannot profit out of this scheme. This is a reimbursement scheme. You may well get a high vote, which entitles you to a certain amount of money, but if you have only spent half of that amount then you can only be reimbursed half of that amount. So, the entitlement for funding is the maximum you can claim back if you have actually spent it. The reason we have designed it that way is that we do not think it is appropriate that anyone, whether they be a political party or an Independent, should be able to profit out of the scheme, so it is a reimbursement scheme.

This particular amendment sets the reimbursement at $3 per vote, which is indexed over time. That is $3 per primary vote in the respective house of both houses. It applies to all political parties that are represented in the parliament going to the election and any Independent member that is a member of parliament going to an election. At that election, they are entitled to a $3 per primary vote reimbursement. If you are not a member of parliament or you are a party that is not represented in either house, then the reimbursement is $3.50 for the first 10 per cent of your primary vote—so you actually get a higher reimbursement than those existing members of parliament—and then $3 for 10 per cent and above. So, it sets out the reimbursement scheme.

Mr PEGLER: With your leave, Mr Chairman, I would like to ask a general question. If an Independent is to stand, when do they have to apply to be recognised? I will give you an example. You could have a situation where the political party of the day has not nominated their candidate. They probably would not have to nominate their candidate until just prior to the election. They could leave it until just before the writs. There may be somebody who wishes to stand. The political party, because they are registered, will receive any of these funds that they may be able to get, but an individual may not be able to because the time limit is more than up.

The Hon. I.F. EVANS: For the political party, they have to nominate two years out from the election, so everyone will know that all Liberal or Labor candidates, regardless of whether they have been preselected, are going to be subject to the public funding rules. You may not know who the candidate is, but you know if they are going to be publicly funded or not. Under the amendments that I have moved, or will be moving later, sitting Independent MPs will also have to nominate at the two-year level. So, all sitting MPs are on the same time frame.

Mr PEGLER: If they nominate two years beforehand, and then they decide not to stand, there is no problem there, is there?

The Hon. I.F. EVANS: No, if you nominate two years before and are going to accept public funding and then do not stand at the election, then you will not get public funding because you are not standing, so you simply withdraw. Do you have the section number?

The Hon. J.R. RAU: I think it is section 130Z(2)(b)(ii), page 21. The first part deals with people who are an electoral group, and it is 24 months, and then in the case of any other election—oh, I see, that's another election; that's not the other candidate.

The Hon. I.F. EVANS: If you can just bear with us, Chairman. It is covered. From memory, as soon as the Independent candidate makes a public statement that he is standing, then I think it is within a matter of weeks or a month after that date.

Progress reported; committee to sit again.

WORKERS REHABILITATION AND COMPENSATION (SAMFS FIREFIGHTERS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:57): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.R. RAU: During debate on the Workers Rehabilitation and Compensation (SAMFS Firefighters) Amendment Bill yesterday I tried to explain to the house the criteria for retained firefighters. I want to clarify to the house, in case I was unclear, that the criteria applicable to retained firefighters in the MFS are the same criteria applicable to full-time firefighters in the MFS.

[Sitting suspended from 12:58 to 14:00]

COUNTRY HEALTH SA

Mr WILLIAMS (MacKillop): Presented a petition signed by 3,913 residents of Millicent, Penola and the Wattle Range district requesting the house to urge the government to reinstate obstetric services at the Millicent Hospital and to guarantee health services will not be further reduced at both the Millicent and Penola hospitals.

MODBURY HOSPITAL

Dr McFETRIDGE (Morphett): Presented a petition signed by 779 residents of South Australia requesting the house to urge the government to maintain the 24-hour paediatric ward at the Modbury Hospital.

PAPERS

The following paper was laid on the table:

By the Deputy Speaker—

Ombudsman SA—Annual Report 2012-13 [Ordered to be printed]

RIVERBANK AUTHORITY

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

Leave granted.

The Hon. J.W. WEATHERILL: The state government has invested more than $2.5 billion in projects to transform Adelaide's Riverbank Precinct. These projects include the modernisation of the new Royal Adelaide Hospital, the Convention Centre, the Adelaide Oval and the footbridge. They will collectively play a significant role in the future of our capital city and our state. But they will not act alone. They will interact with each other, and with the many projects that will be supported through private investment in the precinct. They will also play a central role in the Greater Riverbank Master Plan, running all the way from Gilberton to Bowden with a range of connections and linkages.

This is a transformational endeavour, creating a layered and vibrant grand central park and cultural precinct in our city. For precincts of this nature to reach their full potential, they require a formal governance structure. Acting on a recommendation from the Economic Development Board, today I have announced just that. We will establish a statutory Riverbank authority that will have the responsibility to coordinate development and further investment in the Riverbank Precinct, as well as facilitate events.

There are a number of key partners involved in or using the Riverbank Precinct. These range from the Adelaide City Council to private businesses, cultural groups and authorities. The new Riverbank authority will sit outside of government agencies to oversee the precinct's development and use and ensure coordination between the multiple interests in the precinct. The authority will also be tasked with promoting the precinct as a tourist destination.

Legislation will be required to underpin the authority's work but, before bringing that to parliament, we will consult with local government and non-government agencies on how the authority will work. There are successful models in place from which this process will gain valuable insights. These include the City of Melbourne's Docklands and the South Bank Corporation established in Queensland in 1989. The South Bank Corporation has functioned for nearly 25 years and has delivered Brisbane's iconic South Bank precinct. In the interim, we have already established a coordinating committee, led by Events SA and the Department of Planning, Transport and Infrastructure, to collaboratively curate events in the Riverbank Precinct.

A little earlier today, I was at Adelaide Oval watching the new cricket pitches being laid into place. I was able to gaze back towards the Riverbank over all of the work that is being undertaken; it is no doubt an exciting view. Establishing an authority to oversee all of this development will help ensure that the Riverbank becomes Adelaide's great sporting, cultural, entertainment and leisure precinct.

VISITORS

The SPEAKER: I welcome to parliament East Marden Primary School, who are guests of the member for Hartley; St Mary's College, guests of the member for Adelaide; students from Yankalilla Area School, who are guests of the member for Finniss; and Torrensville Primary School, who are guests of the member for West Torrens.

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:07): I bring up the 32nd report of the committee, entitled Subordinate Legislation.

Report received.

Mr ODENWALDER: I bring up the 33rd report of the committee, entitled Subordinate Legislation.

Report received.

QUESTION TIME

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:08): My question is to the Minister for Education and Child Development. Can the minister confirm that, on 26 May this year, parents of the southern suburbs school alleged sexual assault victim lodged a complaint with the Parent Complaint Unit about the failure of a teacher to comply with mandatory reporting requirements under the Child Protection Act?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:08): I told the house yesterday that on 26 May the family wrote to the Parent Complaint Unit and also copied my office into that correspondence. There were a couple of issues that the parents raised in that correspondence. Essentially, they raised the issue of a mandatory report notice briefly in the letter. They also spoke about the Child Abuse Report Line and some delay that they had experienced in making a report to the Child Abuse Report Line, but the majority of the concern in that letter was about the delay in an arrest being made in relation to the person who has allegedly abused their daughter.

Mr Pisoni interjecting:

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

The Hon. J.M. RANKINE: The investigation had started in March and, as of 26 May, no arrest had yet been made. The family said in this correspondence, 'My family and I would be very grateful for assistance in having this matter addressed as a matter of urgency.' They express some concern about the impact the investigation was having on their daughter, understandably, and waiting to find out what the outcome was. They obviously wanted this person arrested because with arrest would come bail conditions and protection for their daughter in not being approached by this person.

I have to say that I am concerned about this young woman. Obviously, she is under enormous stress. It's an incredibly stressful process for anyone to go through, let alone a school-aged child. The parents have expressed concern about her wellbeing. She will be required, I am assuming, to give evidence in court, and now circumstances around this case are being raised in a public forum like this which, I think, can only add to the pressure that she must be feeling and the parents must be feeling.

Members interjecting:

The Hon. J.M. RANKINE: So, I would urge this house to take some concern and caution around this matter. It's due to go to court next week, and so I don't want to be in a position where I say anything that jeopardises the court, that jeopardises anything that witnesses may be providing and adds additional pressure to this young woman and her family.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:11): Supplementary, sir.

The SPEAKER: Before the supplementary, I call the members for Schubert, Heysen, Kavel and Hammond to order, and I warn the member for Unley for the first time. Leader.

Mr MARSHALL: My supplementary question is again to the Minister for Education and Child Development. When did the Parent Complaint Unit initiate an investigation into the failure of the teacher to comply with the mandatory reporting requirements under the Children's Protection Act?

The SPEAKER: We will treat that as question No. 2; it's not sequential or cognate. Minister for Education.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:12): I don't see anywhere in the letter that was sent by the parents that they were making a complaint about a teacher. They mention the two offences and the age of the daughter and the offender. They say she reported it to the school on both occasions and, as I said yesterday, the school claims it was unaware of the 2011 event.

> The investigation so far—

I am quoting now, but it doesn't say what investigation—

> The investigation so far has been unsuccessful in finding any evidence that these assaults were reported to Families SA by the school. This is put up as a statement of fact. The school did not contact us at any time even though [their daughter] had given them permission to do so.

So, the letter doesn't contain, as far as I can see, a request for an investigation by the Parent Complaint Unit. The Parent Complaint Unit did, however, respond to the parents on 4 June and answered their query about mandatory reporting requirements and provided a contact number for the Families SA customer service manager, as was requested.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:13): Just for clarity, minister, are you saying that, despite the fact that we have now established that the teacher didn't fulfil their responsibility under the mandatory reporting guidelines of the Children's Protection Act, the Parent Complaint Unit did not instigate an investigation into this very obvious breach?

The SPEAKER: I will treat that as a supplementary. Minister for Education.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:14): Again, as I said yesterday, the incident was assessed by the school at the time not to warrant reporting to the Child Abuse Report Line. When complaints were made to the police—and I have checked the information that has come to me—there was a report made to CARL on 14 March, which was around the time that, I understand, the police were informed about this incident and this young woman was interviewed; so, I am assuming that that report was made by SAPOL.

INFRASTRUCTURE PROJECTS

Mr ODENWALDER (Little Para) (14:15): My question is to the Premier. Can the Premier update the house on recent comments about the role of infrastructure in supporting economic activity?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:15): The use of government funds to stimulate economies has been a practice adopted around the world since the onset of the global financial crisis. In Australia, the national economy successfully avoided recession through the commonwealth's stimulus program, which injected billions of dollars through infrastructure programs. Here in South Australia our government took the decision to maintain record high levels of infrastructure spending from 2008-09 onwards to ensure that we supported economic activity now as well as providing infrastructure to support growth in the future.

Lately, there have been growing calls from senior politicians and economic commentators that this approach be continued to support economic activity now and to deliver prosperity in the future. I note the new commonwealth Treasurer Joe Hockey has made clear the Coalition government will invest in road building, and I quote:

> ...so we can immediately stimulate economic growth, create jobs, and ensure Australians receive the productivity benefits of better infrastructure sooner rather than later.

The new Prime Minister said he wanted to be known as an 'infrastructure Prime Minister' who is going to 'put cranes in the skies'.

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: Yes, things have changed, haven't they, after the election? We have gone from budget emergency to fiscal stimulus in the space of three weeks. I note that these comments are made while the federal budget is in both deficit and debt. Only today eminent economists Max Corden and John Freebairn released a paper making the case that governments take on debt in order to invest in infrastructure. Together, their paper argues that such an approach shifts the cost of infrastructure to future generations that will benefit from the infrastructure. Remember that phrase: 'benefit from the infrastructure' and 'future generations'.

This, of course, is the approach our government has taken to the subdued economic activity experienced since the onset of the GFC. We are investing in a range of projects—the Northern Expressway, the South Road Superway, the duplication of the Southern Expressway, the expansion and redevelopment of the Adelaide Oval—all supporting jobs and activity now for prosperity in the future. Similar projects such as the Royal Adelaide Hospital, the electrification of the Noarlunga line, the extension to Seaford, and the electrification of the Gawler line to Dry Creek provide jobs and economic activity now for infrastructure and services in the future.

I also note that the Premier of Western Australia, Colin Barnett, has said that he makes no apologies for the fact the government has loaded up the state credit card, saying the government needed to provide more infrastructure for WA. And the Western Australian Treasurer, Mr Buswell, told reporters the WA government's decision to increase debt levels was a conscious one because it would be used to pay for much needed infrastructure in the state.

In Victoria, Premier Denis Napthine has repeatedly refused to rule out taking on more debt, despite concerns it would undermine the state's AAA credit rating. Of course, there is only one lone voice that stands out against this tide of expertise and opinion, even amongst his own party colleagues. It is the leader of the state opposition. In contrast to his colleagues around the country—

Members interjecting:

The Hon. J.W. WEATHERILL: No.

Mr Marshall interjecting:

The SPEAKER: Well, the Premier is not responsible to the house for the Leader of the Opposition's policy, but I call the Leader of the Opposition to order.

Mr Venning: Come on! He was provoked. That's a bit harsh.

The SPEAKER: I warn the member for Schubert for the first time. I will listen carefully to what the Premier has to say.

The Hon. J.W. WEATHERILL: These are the words of the Leader of the Opposition:

> Quite frankly, it is immoral. Why should we be spending up big at the moment only to put the burden onto future generations?

Just as Joe Hockey, Colin Barnett, Denis Napthine, and Professors Corden and Fairbairn think, it is to support jobs now and economic growth into the future. This is the balance of opinion that exists around this country.

Mr PENGILLY: Point of order: standing order 98.

The SPEAKER: I think the Premier has moved on from quoting the Leader of the Opposition. Premier.

The Hon. J.W. WEATHERILL: I am seeking to bring to the attention of the house the balance of opinion that is expressed across this nation, indeed across the world, about the importance of investing in our future to build a stronger South Australia rather than actually retreating and adopting the austerity measures which all around the world are being retreated upon because they only worsen the situation. This is the burden of opinion. We know how this all happened—

The SPEAKER: Alas, Premier, your time has expired.

Members interjecting:

The SPEAKER: And I call the deputy leader to order.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): My question is to the Minister for Education and Child Development. Can the minister confirm whether she or her department has not received any correspondence requesting an investigation into the failure of the teacher to fulfil their mandatory reporting obligations under the Child Protection Act?

The SPEAKER: The question is phrased a little oddly—'has not received any'. Minister.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:21): I quoted from the letter that was copied to me. It was sent to the PCU and was copied to me.

Mrs Redmond: The question asked about anything else.

Mr Gardner: Is that the only letter?

The Hon. J.M. RANKINE: It is not the only correspondence. There was other correspondence, brief correspondence, asking for an update some time after receipt of this particular letter.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:21): A supplementary question: I accept that it is not in that letter—not that I have seen that. My question is whether there is any correspondence, to you or to your department, requesting an investigation into the fact that there is an alleged breach of the mandatory reporting requirements under the Child Protection Act.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:21): Not that I am aware, but I am happy to take that on notice and have the department and my office do another check. I am not aware of any. I have told the house the correspondence that I am aware of.

An honourable member interjecting:

The Hon. J.M. RANKINE: I am happy to take this on notice and go back and check, but I have quoted—

Members interjecting:

The Hon. J.M. RANKINE: I am getting rubbish from across the chamber. I am happy to take the question on notice and go back and check. The correspondence that we received initially was headed 'Investigation into mandatory reporting'. I have already read to the house how they have referred to an investigation but are not requesting an investigation as far as I understand this letter to read. The response from the Parent Complaint Unit provided information that was requested about mandatory reporting, provided information about where the parents could get additional information and provided a contact number for the customer services manager from Families SA.

Again, can I just say how distressing this must be for this family. My chief executive officer, as I requested yesterday, contacted the family and had quite a lengthy discussion with the family, and we hope to have further meetings with them this week to work through their issues. There are clear discrepancies in the information that has been provided by the school and that being relayed by the family. We are happy to work through those issues and get to the bottom of them.

Mr Pederick interjecting:

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

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:24): A further supplementary question: does the minister accept that investigating breaches of the mandatory reporting requirements of the Child Protection Act is the responsibility of the education department?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:24): I think in light of the fact that charges have now been laid by the police and that a report has been made to the Child Abuse Report Line, this matter has been deemed by the police as serious enough to lay charges. What we don't have is information

about whether information was provided to the police that was not provided to the school, and that is what we need to find out.

VISITORS

The SPEAKER: I welcome to the parliament a delegation from Japan led by Mr Shigemi Hirata which has visited Kangaroo Island Pure Grain and is in discussions with the South Australian government about our premium food and wine from our clean environment. They are guests of the Minister for Agriculture. The member for Fisher.

QUESTION TIME

SEXUAL HEALTH EDUCATION

The Hon. R.B. SUCH (Fisher) (14:25): My question is to the Minister for Education and Child Development: will you undertake a review of age-specific relationships/human sexuality courses being undertaken in departmental schools with a view to ensuring that all students have an understanding of human sexuality and, importantly, appropriate behaviour?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:25): I thank the member for Fisher for his question, and I agree that students should have a good understanding about sexual health. By way of background, relationships and sexual health education fits primarily within the health and physical education learning area of the current curriculum that is provided in our schools.

The soon to be released Australian Curriculum—health and physical education—defines the content to be taught, including providing students with age-appropriate knowledge and skills to manage the changes they will experience as they reach puberty. The relationships and sexuality portion of this curriculum explores physical, social and emotional changes that occur over time and looks at how relationships and sexuality play a significant role in these changes. The content supports students to develop the skills, to grow and maintain respectful relationships, and develop positive practices that support the development of their identify.

At this stage, a review wouldn't be necessary given that the Australian Curriculum has been widely consulted upon across Australia and the new HPE curriculum is yet to be introduced. However, what we are doing is undertaking a review of the Keeping Safe Child Protection Curriculum to ensure that issues such as sexting and online access to explicit content are in the curriculum.

An expert advisory panel has been convened to undertake this review and that includes Professor Freda Briggs, Professor Kenneth Rigby from UniSA, Professor Phillip Slee from Flinders University, Dr Barbara Spears from UniSA, Mary Carmody from Catholic Education, and Jo Mason and Lana Dubrowsky from the Principals Australia Institute. These are the experts on that panel. It is providing advice on ensuring the curriculum addresses contemporary child safety issues such as cyberbullying, strategies for dealing with explicit online images, and sexting.

At this stage it is anticipated the final review curriculum will be available for the 2014 school year. I can also advise the house that the Department of Education and Child Development has an agreement with the Sexual Information Network and Education SA (SHineSA). SHineSA is acknowledged as the lead agency in South Australia in relation to improving the sexual health, respectful relationships and wellbeing of the South Australian community. SHineSA provides support and resources for schools to implement relationship and sexual health education programs through the Focus Schools Program for secondary schools. A total of 121 DECD schools are involved in the Focus Schools Program. This is about 90 per cent of our secondary schools.

In the period 1 July 2012 to 30 June this year a total of 1,297 teachers have participated in professional development opportunities with SHine, including 15-hour teacher training courses, professional development sessions such as HPE faculty or staff updates, evaluation, introductory sessions and also various other professional development sessions. We are working hard to make sure our students have a strong understanding about appropriate and safe relationships, and we will continue to do so.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:29): My question is to the Minister for Education and Child Development. Can the minister advise if there is any investigation

completed or underway into whether the teacher breached her mandatory reporting obligations under the Child Protection Act?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:30): I have had discussions with our chief executive about the issues in relation to this particular case. There are a number of things that need to be checked through, and I am sure that that will be one of them.

The SPEAKER: Supplementary.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:30): Are you indicating that there could be an investigation pending, subject to your discussion with the chief executive?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:30): I have had a discussion with the CE. The contradictory information that we have had from the school versus the parents raises a number of really important factors. We will hopefully be meeting with the parents later this week, and then we will decide what action we need to take. I think it is fair to say, on reflection, looking at some of the issues that have been raised in relation to the information the young people provided, one could make an assessment that it would have been wise, perhaps, to make a notification, but the CE will be working through all of these issues in the coming week.

The SPEAKER: A further supplementary?

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:31): Yes, sir. Does the minister think it is acceptable that it took an article in *The Australian* newspaper for her to organise with the education department CEO to meet with parents of the southern suburbs school alleged sexual abuse victim 121 days after the parents first made contact with the department and the minister's office?

The SPEAKER: That is not a supplementary. We will treat it as another question. Minister for Education.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:31): Thank you, sir. As I said, the issue that was stressed most prominently in the correspondence that was received was concern about the time it had taken to have this person arrested. When we received the correspondence on the Sunday, the very next day, on the Monday—the first working day—that was referred over to the Minister for Police, who provided a formal briefing in July to the parents.

Mr MARSHALL: Supplementary. It's very pertinent to this question and, of course, that previous question was a question; it wasn't a supplementary.

The SPEAKER: The Leader of the Opposition is correct.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:32): Supplementary. Is the minister aware that the SAPOL officers investigating the alleged sexual assault of a 13-year-old girl advised parents that they needed to lodge a complaint with the education department to investigate the failure of a teacher to fulfil mandatory reporting obligations, and that is precisely what they did?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:33): I have no knowledge of the discussions that SAPOL had with the parents.

HEALTH SYSTEM

Ms BEDFORD (Florey) (14:33): My question is to the Minister for Health and Ageing. Can the minister inform the house about the processes involved in making improvements to services in our public health system, particularly services in the north and the north-east?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:33): I thank the member for Florey for her question. It was wonderful for her to join me at the so-called community rally on the front steps of Parliament House earlier today. I think the

member for Florey and I were the only people there who weren't pre-selected Liberal Party candidates, but nonetheless it was good to be there. The member for Schubert was there. I do not think he lives anywhere near the north and the north-eastern suburbs.

The SPEAKER: He is not preselected.

The Hon. J.J. SNELLING: Indeed, I am corrected. The member for Florey, me and the member for Schubert were the only non-preselected Liberal Party candidates there early today. Nonetheless, it is always a pleasure to have my first time addressing a Liberal Party branch meeting, and I hope I get repeated invitations to do so.

The government plans for clinical services in our public health system from a patient's perspective on a system-wide level rather than each individual hospital. In making decisions about what services to provide to South Australians and where, it takes into account the size and distribution of the population as well as projected demand. It is also critical that the data used to make these decisions is accurate.

For the consolidation of the paediatric services in the north, the local health network engaged with clinical staff to ensure that data presented was correct and any questions raised were answered. Consideration is always given to access, need for travel by a patient, volume of service required to achieve quality outcomes for patients, clinical competencies for clinicians and cost effectiveness. SA's Health Care Plan 2007-2016 sets out important changes to the clinical service profile and capacity requirements for the Lyell McEwin.

The government has invested in the Lyell McEwin to transform it into one of three tertiary hospitals serving the South Australian public, with a corresponding increase in volume and complexity. As one of three general hospitals in metropolitan Adelaide, the plan outlines Modbury Hospital as tailoring its services to meet the needs of the ageing population in the north-eastern suburbs, with an emphasis on general medicine and general surgery, and a specific focus on rehabilitation—

Mrs Redmond: So turning it into a nursing home?

The Hon. J.J. SNELLING: Sorry, I can't hear you back there, Isobel.

Mrs Redmond: I said, 'So turning it into a nursing home.'

The Hon. J.J. SNELLING: Turning it into a nursing home.

The SPEAKER: The Minister for Health is called to order. He will not refer to the member for Heysen by her Christian name.

The Hon. J.J. SNELLING: My apologies, sir; a lapse I will try not to repeat—aged care and palliative care services. A further review of paediatric services undertaken by the Northern Adelaide Local Health Network executive team and senior clinicians has since been made to identify opportunities to be identified to deliver appropriate, effective and high quality services to the local community.

The Modbury paediatric ward is underused. The most recent data I have to hand is that, of the eight beds at the moment in the Modbury paediatric ward, only one is being occupied. In a hospital that is at capacity, there are people in the emergency department waiting to be admitted into the hospital, but cannot be, obviously, into the paediatric ward where there are seven beds free. This is exactly what I am talking about.

Maybe the Leader of the Opposition would like to go down to that emergency department, speak to the patients there who are waiting to be admitted and explain to them why there needs to be seven empty beds in the Modbury Hospital that are unable to be used. Maybe the Leader of the Opposition would like to go down there and explain that to those patients.

Ms CHAPMAN: Clearly this is debate.

The SPEAKER: Yes, I think the deputy leader is correct; it is debate. Is the Minister for Health finished?

The Hon. J.J. SNELLING: Yes.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:37): My question is to the Minister for Police. Is the minister aware that SAPOL officers investigating the alleged sexual

assault of a 13-year-old girl advised parents that they needed to lodge a complaint with the education department to investigate the failure of a teacher to fulfil mandatory reporting obligations?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:37): I am aware that a meeting occurred between members of Sturt CIB and the parents on 13 June, at which an explanation was given as to the processes involved in the investigation, because the parents were concerned that the process had taken a little too long. I will give a bit of a summary as to the course of events.

The daughter reported the alleged sexual offence on 13 March. Evidence was taken on 28 March by Sturt CIB. Clarification was sought on 21 May, an arrest was made on 29 May and bail with conditions was set. On 13 June, as I said, Sturt CIB met with the parents to explain the process involved in the investigation and, in doing that, to proffer an explanation as to why it had taken as long as it had.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:38): For clarity, sir: the SAPOL advice to the parents was to make a complaint regarding breaches of the mandatory reporting requirements and that, under the Child Protection Act, they would need to go back to the education department.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:39): I am unaware that that advice was proffered. The briefing that I have received indicates that the meeting that occurred on 13 June between the Sturt CIB and the parents was to explain the process.

The SPEAKER: A supplementary?

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:40): A supplementary question to the Minister for Police: is it the case that the education department had specifically advised SAPOL that complaints and investigative responsibilities for breaches of the mandatory reporting requirements under the Child Protection Act were the responsibility of the education department?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40): I am not aware of the issues to which the leader has referred. I have received a briefing as to the process that was conducted by the Sturt CIB and the chronology—and, as I said, the reason for the meeting with the parents—and the briefing that I have received is all SAPOL-centric. It does not deal with any matters pertaining to DECD.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:41): Can I ask whether the minister will take it upon himself to make an investigation as to what specific advice SAPOL provided to the families with regard to the mandatory reporting requirements and also what advice SAPOL received from the education department regarding whose responsibility it was?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:41): Yes, I will as a courtesy to the parliament. I think there is a reasonable expectation that we should be as forthright and as transparent as possible and I will return with an answer.

Mrs Redmond interjecting:

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

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:41): My question is to the Premier. At any point since it was revealed that Jadynne Harvey received the email advising of the rape of a seven-year-old child at a western suburbs school, has Jadynne Harvey ever offered, tendered, attempted to or actually resigned his position?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:42): No.

MINING EMPLOYMENT

The Hon. M.J. WRIGHT (Lee) (14:42): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about how the government is supporting skills development in mining and associated industries?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:42): Yes, I can. I thank the member for Lee for this very important question. Many of us in this chamber will have seen firsthand how people who have invested their time and energy in upskilling themselves and obtaining new qualifications are much better equipped to access employment opportunities into the future. Members are well aware of the many South Australians who are taking up training opportunities in areas of projected employment growth over the coming years, and this includes opportunities to access training in areas like the mining industry.

It is no secret that mining activity in our state has grown in recent years. Since 2002 we have gone from four mines in South Australia to 21 now, and the output from local mines has grown dramatically. Over the years we have invested in education and training in mining and continue to do so. Indeed, I advise the house that in the coming year the government is investing more than $600,000 to support skills development and employment pathways in the mining sector and related industries.

Over the next year, 10 projects across seven regions in our state will help people to gain the skills they need to secure jobs in mining and associated areas. These projects will support people in communities such as Whyalla, the Far North and other regional and metropolitan communities right around the state. The program is expected to help about 230 people to gain training for jobs. This includes support for 158 young people as well as Aboriginal people, mature aged people and people with disability to develop their skills and receive mentoring and career services to give them the best possible chance to enter this important workforce.

Across these 10 projects the government is working with the private sector to ensure the training and pre-employment support is directly connected to the practical needs of the mining industry and allied business and industry areas. This investment is another example of how the state government is helping people in local communities to improve their skills for rewarding jobs while also supporting business and industry in areas of strategic priority.

FREE-RANGE EGGS

Mrs GERAGHTY (Torrens) (14:44): My question is to the Minister for Business Services and Consumers. Can the minister please inform the house about developments in relation to standards for free-range eggs across Australia, as well as advise about developments to establish a South Australian standard?

The SPEAKER: Deputy Premier, any puns will be severely punished.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:45): I shall try to avoid them. Mr Speaker, thank you for giving me that advice, and I thank the honourable member for her question.

Mrs Geraghty: I only eat free-range eggs.

The Hon. J.R. RAU: The honourable member only eats free-range eggs. As I reported to the house recently, the South Australian government has cracked an industry code that will regulate what constitutes a true free-range egg in South Australia. The standard that will be established will require that the eggs to be produced in the system, first of all, have a stocking rate of no more than 1,500 hens per hectare; secondly, hens are allowed access to free range for at least eight hours a day; thirdly, they do not undertake induced malting; and fourthly, adequate protection is provided on the free range. I know the member for Finniss is sympathetic with this, and many of his constituents on the island are actually exemplars in this area.

This stocking density number is consistent with legislation that was enacted in Queensland to define free-range eggs in that state. However, recent changes to regulation in Queensland by the Campbell Newman government would allow producers with stocking densities of up to 10,000 hens per hectare to call themselves free-range. This decision hurts true free-range

producers, who are to be considered the same as producers with stocking densities more than 600 per cent higher. It hurts the animal welfare cause by not providing a commercial incentive for producers to meet acceptable standards. It hurts consumers, who will be told a product is free-range, when it by most definitions clearly is not.

This leaves the Queensland legislation, which some people have been advocating, a complete empty shell. Our code will be industry based and empower consumers. I urge the Queensland government to reconsider its decision. I also call on other states to flock around a national definition for free-range eggs that sets 1,500 hens per hectare as the stocking density. Given its effects on primary producers, consumers and animal welfare, the South Australian government takes this issue seriously, and is committed to ensuring that the standard for free-range eggs set by this government will not exceed 1,500 hens per hectare.

We are also committed to ensuring that South Australian eggs that meet our standard are eligible to be labelled as premium South Australian product and truly free-range. All eggs are not the same. The government maintains that our approach is:

- good for consumers, providing assurances about what they are buying and empowering them;
- good for animal welfare, producing a commercial incentive for producers to adhere to true free-range standards; and
- good for industry, giving South Australian producers a symbol to help consumers recognise them as premium and truly free-range.

This is a better approach than legislation, as it assists true free-range egg producers while not shattering other elements of the industry.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:48): My question is to the Premier. Can the Premier assure the house that no member of his staff has discussed with the CEO of the education department or his legal advisers individual public servants named in the Debelle inquiry by name or title and the penalties that might or should be applied to them?

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

TONGAN FIRE SERVICE PARTNERSHIP

Mrs VLAHOS (Taylor) (14:48): My question is to the Minister for Finance as the Minister for Emergency Services. Can the minister inform the house about the partnership between the MFS and the Tongan Fire and Emergency Service?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:49): I thank the member for Taylor for the question. As members may be aware, the South Australian Metropolitan Fire Service recently hosted a three-week visit from firefighters of the Tonga Fire and Emergency Services. The visit was part of a special relationship which has been going on now for about 10 years. In 2003, the MFS responded to a request for humanitarian assistance for marginalised Pacific island nations. The request sought in-kind support, ranging from specific technical assistance, leadership and mentoring to long-term assistance such as training programs and specialised equipment.

Mr Grant Lupton, Chief Officer of the MFS, visited Tonga in 2003 to assess the need before formalising an offer of assistance. Subsequently, the MFS signed a memorandum of understanding with the Tongan Fire Service. Under the MOU, the two organisations agreed to a sustainable long-term development framework. Among other things, the MOU included the exchange of personnel, information and equipment that enables the Tongan Fire Service to reach and maintain a high standard in the provision of fire and other emergency services.

Between 2004 and 2012, the MFS provided Tonga with 16 fire appliances, including urban pumpers, tankers, and one international sky jet, as well as 60 breathing apparatus sets, personal protective clothing, and firefighting equipment such as ladders and hoses. The chief of the MFS told me how, on his first visit to Tonga, the Tongan Fire Service personnel were attending fires in workboots and overalls, and were fighting fires with little more than garden hoses.

From the photographs that I have seen of the various fire stations that have been built around the islands of Tonga, I think they are pretty well exclusively equipped with surplus MFS equipment. So, we have done a great deal for one of the more impoverished nations on the face of the earth, in that we have actually built from the ground up a fire service for these people; we have given them the training and we have given them the equipment.

As part of that, we are now in the process of preparing for the delivery of two additional fire appliances that are surplus to our equipment. We have just, as I said, completed the training of four Tongan firefighters, particularly in the use of breathing apparatus, and they are thrilled to bits with the level of expertise that they have been able to develop while in Adelaide.

The Tongan Commissioner for Fire and Emergency Services briefly visited Adelaide to thank me on behalf of the government of Tonga, and to convey the high regard the Tongan government and its citizens have for South Australia. What we have done for Tonga has not gone unnoticed. I was shown photographs of, unfortunately, a race riot that occurred some time back, when minister Rankine had responsibility for the portfolio and I think was actually going to visit Tonga. There was a race riot that, if it had not been for our equipment—

The SPEAKER: Minister, I am sure both sides of the house share my disappointment that your time has expired.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:53): My question is to the Premier. At any point since it was revealed that Simon Blewett received the email advising of the rape of a seven-year-old child at a western suburbs school, has Simon Blewett ever offered, attempted to or actually resigned his position?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:53): I have answered this question before as well in this place.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: No, he hasn't resigned since.

WINE FORUM

Mr SIBBONS (Mitchell) (14:53): My question is to the Minister for Tourism. Can the minister inform the house about the recent Savour Australia global wine forum?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:53): I thank the member for Mitchell for the question. The inaugural Savour wine forum, which brought 800 delegates to South Australia last week, has been declared an absolute success by those who came from all parts of the world, and also by local wine industry people, who say it exceeded all of their expectations. I want to thank the Premier for his involvement, and the Minister for Agriculture.

There were several events put on by the South Australian government; we were one of the sponsors, and we bid to hold the very first Savour here in South Australia because it is the right place to hold Australia's biggest ever global wine forum. We produce more than 50 per cent of Australia's premium wine and, of course, we have been doing food and wine tourism here, better than any other state, for decades.

One of the interesting things that happened during the Savour event was that Tourism Australia and Wine Australia came together to launch a new global push to attract people to come to Australia. Through Restaurant and Catering Australia, we want to get rid of that image of throwing a shrimp on the barbie and having a can of VB. We have premium food, we have premium wine, and it comes from one of the cleanest sources of food anywhere in the world.

Apart from having a fantastic set-up here at the Convention Centre, we also made sure that we got people out and about into other areas. I was at the welcoming function, along with the Minister for Agriculture, which was held in the Adelaide Central Market—a produce market that has been serving up great South Australian produce for over 140 years. The delegates were really impressed that we had the southern hemisphere's largest covered produce market, and they thought it was an ideal place to welcome all of them from around the world to our part of the world here in South Australia.

We also got people out into the regions—that's a very important thing to do. We don't want to just have people in Adelaide so, while the main structure of the conference was here in Adelaide for three days, we had them down in the member for MacKillop's area for a few days beforehand. They had a bonfire barbecue on the beach at Robe, and they spent a day at the Coonawarra.

The interesting thing about the Robe trip, member for MacKillop, was that at 8.30 on the Friday night they had an optional excursion to the Caledonian Hotel to have a cleansing ale. I am not sure how many people knocked that back, but they would have been mad if they did. They went up to the Riverland to Wilkadene Brewery, too, and they spent time on a houseboat. They were down in McLaren Vale, and I was there Sunday morning with them.

We put out in little dinghies, skippered by Mike Brown from Gemtree and Jock Harvey from Chalk Hill, and they went squidding. So, here we had people from Scandinavia, from the UK and from Dubai out squidding. They came back with seven squid—they were pretty happy with that—then they had a wine tasting, then they had a nice lunch in a cave down at Maxwell's and then they got on this big catapult and flung watermelons with Sam Temme at Wirra Wirra about 200 metres to see who could fling the watermelon the farthest.

So, all these events, they said, actually meant more than just sort of going into a wine hall and tasting wine. They forge great relationships with people here in South Australia. The economic benefit was well over $2 million for the few days that they spent in South Australia, but the ongoing economic benefit is immeasurable. This week that they had in South Australia will be worth millions and millions of dollars to our wine industry, our tourism industry and our food industry, as people continue to talk highly of the great food, wine and tourism activities that we have here in South Australia.

CLARE DISTRICT HOSPITAL

Mr BROCK (Frome) (14:57): My question is to the Minister for Health and Ageing. Minister, now that the position of one of the two women's health nurses at Clare has been made redundant, can you please explain how the loss of this person is going to affect the delivery of the service, especially the existing clients whom the redundant worker looked after and future clients requiring this type of service? Further, can the minister provide a response to my earlier question of 6 June, when I asked if there were any moves by Country Health SA or the health department to reduce any of the current services at Clare hospital and, in particular, Kara House, with the palliative care ward?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:58): I thank the member for Frome for his question. I might take the second part of his question first. I can advise that there are no planned reductions to services at the Clare hospital. Clare hospital recently relocated the palliative care room to an alternative room within the same hospital wing.

The previous location was converted to a labour ward. The relocation of the labour ward was required due to the recent theatre upgrade necessitated by increased demand. Kara House Nursing Home is located to the rear of the Clare hospital and was not in any way affected by these changes.

The only services at Clare that have changed are the Do It for Life and Eat Well Be Active programs. Both programs are now addressed by other measures. Do It for Life ended on 30 June and will now be met by a telephone advice line running across the state. Eat Well Be Active will end on 30 September this year and will be replaced by existing programs picking up concepts around healthy eating, healthy lifestyles and being active.

With regard to the first part of the member's question about services provided to the women's health nurses at Clare, it wouldn't be appropriate for me to comment on the circumstances of an individual SA Health employee; however, I am happy to ask my office to investigate any specific concerns that the member for Frome might have about the person in question.

I can tell the member that the services of one-on-one counselling will be continued in the Lower North through referrals to social workers and mental health staff employed at Clare. There have been no redundancies in the mental health team in Clare. The mental health team has seven full-time equivalents consisting of nurses and the provision of services, including social work and occupational therapy. I am advised that the caseload for these workers is manageable.

The group work currently offered to the community will also continue to be offered through a partnership between Country Health SA's Social Worker and Uniting Communities. Women's Health Nurses continue to support the region and attend meetings and are members of regional committees. Other services, as they are identified or established, will be delivered through partnerships with community organisations.

CLARE DISTRICT HOSPITAL

Mr BROCK (Frome) (15:00): Supplementary question: you are saying that the services will be shared amongst other NGOs. Will they get funding to compensate for that?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:00): In any arrangement we enter into with an NGO, obviously we have to pay them for the service; so, yes, if we do enter into any arrangements with an NGO that would be done on a contractual arrangement presumably on a fee-for-service basis.

STATE GOVERNMENT CONCESSIONS

The Hon. I.F. EVANS (Davenport) (15:01): My question is to the Minister for Communities and Social Inclusion. What is the latest estimate known to the minister of the value of government concession overpayments under the CASIS concession system?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:01): Mr Speaker, would I be able to have the question again, please?

The Hon. I.F. EVANS: What is the latest estimate known to the minister of the value of government concession overpayments under the CASIS concession system?

The Hon. A. PICCOLO: I thank the honourable member for his question. Mr Speaker, my answer is no different to the answer I provided on the radio this morning.

STATE GOVERNMENT CONCESSIONS

The Hon. I.F. EVANS (Davenport) (15:02): My question again is to the minister. What is the total value of government concession overpayments under the CASIS concession system that have been overpaid and not clawed back?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): I answered the question that way because the honourable member was actually on the radio with me, so he knew the answer.

Members interjecting:

The SPEAKER: Would the minister perhaps share with the house what he shared with the audience this morning?

The Hon. A. PICCOLO: I am happy to do that, Mr Speaker. The exact figure is at this point unknown, as I mentioned on the radio this morning. We have performed somewhere between 90 and 95 per cent of the reconciliation process, and the exact figure is not known. However, what I can say is that the fanciful figure put out by some, of $600 million, is just an absolute nonsense and outrage. Given that the whole annual program is only $122 million, it is hard to say that overpayments are $600 million. As I said this morning, as soon as we get the exact figure, when the final reconciliation is completed, I will provide it to the house.

STATE GOVERNMENT CONCESSIONS

The Hon. I.F. EVANS (Davenport) (15:03): Again, my question is to the minister. Has your department provided you any estimate of the overpayment of concessions and, if so, what is the level of overpayment the department have advised you?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:03): I thank the honourable member for his question. The answer is no, and that is because until they finish the reconciliation process they cannot give me an exact figure. What I can say is that, given that we have reconciled between 90 and 95 per cent of the concession holders' accounts and given that pattern of reconciliation, the figure is nowhere near the $50 million first mooted, the $120 million secondly mooted, and now the $600 million mooted.

STATE GOVERNMENT CONCESSIONS

The Hon. I.F. EVANS (Davenport) (15:04): Can the minister advise the house if I am right in my understanding that the minister is telling the house that the department has advised him that it is nowhere near $600 million, it is nowhere near $120 million, it is nowhere near the $50 million, but the minister was not advised any figure that it was near?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:04): Yes, Mr Speaker, I can—

The Hon. I.F. Evans interjecting:

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

The Hon. A. PICCOLO: I thank the honourable member for his question. I can advise the house that it is significantly under the $50 million because of the reconciliation process to date. An exact figure is not known, but I will provide an exact figure when that figure is known.

GOVERNMENT AGENCY RELOCATIONS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:04): My question is to the Minister for Transport and Infrastructure. Is it the case that the Environment Protection Authority (EPA) is planning to relocate its offices from the SA Water building to Port Adelaide and, if so, when and at what cost?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:05): I will get a detailed report for the member about the movement of departments. I do not make those decisions. We receive advice on those. Obviously, we would like to see the Port rejuvenated, and I would be encouraging departments that wish to relocate to relocate, but I do not have any accurate information here at hand that I could provide the house with. I will get back to you with a detailed answer.

GOVERNMENT AGENCY RELOCATIONS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:05): I have a supplementary question. Why has the minister encouraged his department to take projects down to Port Adelaide particularly, if that is the case, and what other projects are under consideration? You have asked them to consider—you just said.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:05): Because that is an excellent idea. It is an excellent idea to rejuvenate parts of our wonderful community, and Port Adelaide is a historic and wonderful part of South Australia. I know that members opposite do not take that community very seriously. They do not even run candidates in by-elections; that is how seriously they take the people of Port Adelaide. They will not even offer a candidate for the people of the Port to choose. I am a bit surprised that you have this attitude towards the people of Port Adelaide. We often—

The Hon. P.F. Conlon interjecting:

The SPEAKER: The member for Elder will not provoke the minister into disorderly utterances.

The Hon. A. KOUTSANTONIS: As I said earlier, I am happy to provide a detailed answer to the member when I have the information at hand.

GOVERNMENT AGENCY RELOCATIONS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): I have a further supplementary question. Has the minister recommended to his department to relocate any departments—you have responsibility for a number of accommodations for departments—to any other urban or regional part of South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:06): I do not have that detailed answer here. I do not tell departments unless cabinet decides, because obviously it needs to be done through a tender process, but the government chooses to have representation in regional communities, as we should. The regions

deserve to have services available to them, whether they are transport services, health services or education services. Obviously, we try to disperse as many of those services as we can across regional South Australia. I will get you a detailed answer, but I do not have that here with me.

GOODWOOD JUNCTION UPGRADE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:07): My question is again to the Minister for Transport and Infrastructure. When was the government advised that the Goodwood junction upgrade was running one month late, as revealed by Rod Hook on radio last week?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:07): One month late; yes, apparently. I said in my ministerial statement to the house yesterday that the government received official notification from the department about the delay to the services. I cannot recall the date, but it was in my ministerial statement yesterday, so I refer you to that statement.

Obviously, I am very keen to make sure that these programs are delivered as quickly as possible, but I think that the statement yesterday referred to a report commissioned by the department and the official advice given to me about the delay in those projects. If there is any further information I have to add to the ministerial statement, I will get back to the house as quickly as possible.

GRIEVANCE DEBATE

MODBURY HOSPITAL

Dr McFETRIDGE (Morphett) (15:08): Today in question time we heard the Minister for Health voice some disparaging remarks about the number of protesters at the front of Parliament House voicing their concerns that this government is shutting down the paediatrics ward at Modbury Hospital. Let me tell the house that this is a minister who is so out of touch. He needs to go and have a look at the dashboards as I do, because it may be that Modbury Hospital paediatric ward is not at capacity today, but I guarantee that the rest of the hospital is over capacity.

The Hon. J.J. Snelling interjecting:

The SPEAKER: The Minister for Health is warned for the first time.

Dr McFETRIDGE: Every health expert will tell you that a hospital is full at 80 per cent capacity. Let me tell you what Modbury Hospital's capacity was at 2 o'clock today. At 2 o'clock today, according to the government's own website, the emergency ward was in the white zone and that was at 137 per cent capacity at 2.40pm today. The GEM ward was at 96 per cent.

The Hon. J.J. Snelling interjecting:

The SPEAKER: The Minister for Health is warned for the second and final time. There will be no further warnings.

Dr McFETRIDGE: The medical ward was at 103 per cent; the mental health ward was at 95 per cent capacity; the palliative ward was 89 per cent capacity; the surgical ward was at 95 per cent capacity; the rehab ward was at 101 per cent capacity; and let me just remind the house that the ED was at 137 per cent capacity. The safe capacity of a hospital is well known to be 80 per cent. But what does this government do?

Not only does it accept that, but let me tell you that at 2.40pm today—half an hour ago, 30 minutes ago—what the capacity of the emergency departments at our public hospitals was. Flinders Medical Centre—this is probably normal for Flinders Medical Centre—was at 104 per cent. We saw it at 174 per cent capacity the other day with 36 people waiting, but today it was 104 per cent a half an hour ago.

Lyell McEwin was 154 per cent; Modbury, as I said, was 137 per cent capacity; the Royal Adelaide was 132 per cent capacity; The Queen Elizabeth Hospital was 155 per cent capacity; and the Women's and Children's paediatric was at 131 per cent capacity. You cannot say this is because of surges; you cannot say this is because of winter flus; you cannot say that this is because of warm weather. This is because this government has not provided the numbers of beds nor the right programs to allow for flow through our hospitals.

We are seeing disaster after disaster down at Flinders Medical Centre, with the ramping occurring as recently as the other day. Fortunately at the Royal Adelaide Hospital the patients do not have to stay in the ambulances there; they can be put into the corridors. The ambos tell me they call that 'corridoring', so they are tucked away in every possible space to get them out of the ambulances.

This has been going on for year after year under the former minister and under the current minister and they have no answers. They are ignoring the nurses and the doctors; they are ignoring the people who really know what is going on. They listen to their spin doctors. Stop listening to your spin doctors: start listening to the real doctors.

The current status of mental health beds in our hospitals at 2.40pm today: Flinders Medical Centre were four beds short, the Lyell McEwen was one bed short and the Royal Adelaide Hospital was five beds short. Yet what did we read in the Ernst & Young report that was given to this government? And this government goes out and says there are sufficient resources and adequate beds.

Well, go and ask the doctors; go and ask the nurses; go and ask the patients, the consumers of the health system in South Australia, whether it is adequate. That is clearly at odds with the facts that are being provided in living colour every day by this government on its own website. It is a shame that, as I say, a bit over a half an hour ago every hospital in South Australia was at capacity—over capacity in their EDs—and we need to make sure that this government is listening.

They have no real plans for this health service other than the monolith down the road. In speaking to doctors and nurses earlier and the concerns they have, they tell me their biggest concern is that the government is not listening. This government should start listening to the doctors and the nurses and make sure that long-term solutions are being put in place because this is a long-term problem.

This is not going to be fixed by glossy brochures and spin doctors. This is a serious crisis on our doorstep, and it is going to get bigger and bigger under this government. We need to make sure that on 15 March next year the South Australian public are well aware of what is going on and they change this government and throw it out, because it is not capable of running the health service. It is clearly evident from its own website day after day, yet we have the minister in denial and coming out here and trying to disparage people who are voicing concerns.

PORT DISTRICTS FOOTBALL CLUB

Dr CLOSE (Port Adelaide) (15:14): I would like to inform the house about a recent celebration at Port Districts Football Club for the senior presentations night. Port Districts is technically just outside of my electorate, but the member for Lee and I have got used to sharing a single community that runs across a boundary into two electorates.

Port Districts is a highly successful club. Its recent division two grand final loss to Portland in my electorate means that both are promoted to division one, which I am delighted about. They are not only able to play at that level, they also have the A, B and C grades. It was delightful while at the presentation night to watch the range of different players of different skill levels and different capacity to spend time training, and being part of that club and contributing.

I also noticed the encouragement of youth that was so evident at the club. They are a caring and family-like club, and are very much keen to see their future secured through the encouragement of young people. I went to their junior presentations a few weeks ago, and it is admirable that, as the young people get into the more senior grades, they are encouraged, celebrated, helped and trained, and it speaks well of the longevity of the club, long into the future.

I also found the inclusivity of the club very heart warming. It is a very diverse community in that area, yet everyone is welcome for what they bring and who they are, and the warmth in the room, and the celebration of difference, was very charming and endearing, and I had an excellent night. I commend the Port Districts Football Club to the house as one of the stalwart clubs in my community, and I have many. Although I have several football clubs in my area, I understand that nearly all of them are the result of amalgamations, so 15, 20, 30 years ago there must have been dozens of footy clubs around the peninsula and into the Port Adelaide area.

Before I close I want to correct something I said several weeks ago about Colin Adams, who is the patron of the Port Adelaide Sailing Club. I have the privilege of being a member of the Port Adelaide Sailing Club and very much enjoy spending time with them. We had the open day

this weekend as well which was fantastic. I indicated to the house that I understood that he had been the principal of Largs primary many years ago and, in fact, he worked in the secondary area, primarily as a school inspector, and it was his wife who worked at Largs Bay primary. I like to be scrupulously accurate, and so I wanted to bring that to the attention of the house.

The SPEAKER: Splendid. The member for MacKillop.

COUNTRY HEALTH SA

Mr WILLIAMS (MacKillop) (15:16): Today a petition was tabled in the house from 3,913 of my constituents who are petitioning the house over the delivery of health services, particularly in the towns of Millicent and Penola in my electorate. We are all aware of what has happened in the community at Keith in the northern part of my electorate over the last three years. It took three years for the government to understand that it had got the Keith situation terribly wrong. It took three years for the government to understand that they were being delivered a very cost-effective service by the community of Keith through their privately-run community hospital, and it took three years for the government to come to its senses and restore some level of funding to make sure that the doors of that unit stayed open.

We all know how difficult it is maintaining health services in country towns, and one of the things that aids and assists us to maintain health services in country towns is having well-resourced and well-functioning local hospitals, because this attracts trained professional staff, particularly doctors and highly-trained nursing staff, into those country communities and gives an incentive for those highly-trained specialists to stay and work in those country communities.

We have a situation in Millicent where we have had birthing in the Millicent hospital for probably well over 100 years and we find now that that service has been put under threat by Country Health SA. I just want to detail to the house a couple of things that have been happening in my local community, my home town Millicent, which I think is threatening the delivery of health services to that very important town in rural South Australia.

That is why almost 4,000 of my constituents in the town of Millicent, which only has a population of around 5,000 people, have signed this petition to the house. We know that over a period of some two years, Country Health SA has been negotiating with the doctors at the Millicent Medical Clinic over an ongoing contract to supply services, particularly through the hospital, and these sort of contract negotiations have been going on in other parts of the state as well.

We find in June this year, when things were coming to a head and pressure was being applied to the doctors, there was talk around the district that the birthing unit at the Millicent hospital was going to be downgraded and birthing mothers would be told to attend the Mt Gambier hospital. This was denied by Country Health SA time and time again during June, and even when Country Health SA reps were talking to the local council. At one of the council meetings of the Wattle Range Council in Millicent, they assured the council that there was no move to downgrade the birthing unit services in the Millicent hospital.

A few weeks after that it became evident, through a leaked letter, that Country Health SA had put in writing, in a letter some weeks before making these statements, that there was a plan to shift birthing from the Millicent hospital to Mount Gambier. The community were clearly misled about the intent of what was going to happen in that community. No wonder people came out in droves to sign this petition and petition this parliament.

One of the excuses Country Health gave for this move was that mothers were choosing to go to Mount Gambier rather than have their babies in Millicent. Birthing numbers have fallen from about 110 per year to just 35 in the last 12 months, but the reality is that Country Health SA has directed that first-time mothers cannot birth at Millicent because of some perceived high risk. According to the then acting head of Country Health SA, this was apparently because of a directive from Health SA.

The reality is that the Australian College of Midwives has a completely different attitude towards first-time mothers and does not assess them as having any higher risk than any other mother who does not show any other risk symptoms in the normal assessments as they are going through the gestation of their baby. We have had a deliberate move by Country Health SA to shift birthing from Millicent to Mount Gambier and now, lo and behold, we have this claim that, 'Because the number of births in Millicent have dropped so dramatically, why should we continue the service?' No wonder we are having difficulty attracting well-trained doctors who want to work in that community to carry out the services that the community is demanding.

Members interjecting:

The SPEAKER: I call the members for Giles and MacKillop to order.

VIETNAM VETERANS DAY

Mrs VLAHOS (Taylor) (15:22): I rise to speak today about an event I attended on 17 August, which was the remembrance event at Henderson Square, Montague Farm Estate, for Vietnam Veterans' Remembrance Day (or Long Tan Day) with my local community and veterans' groups. The ceremony is a commemoration of the battle of Long Tan on 18 August 1966, just before I was born, and the Australian service members who lost their lives in the Vietnam War.

I have the utmost respect for our veterans who have served in this war and particularly for the people I have met in my own electorate. Indeed, the Vietnam Veterans Association northern sub-branch is based opposite the Edinburgh base and I often visit the men and women who congregate there for barbecues and fellowship.

This particular annual service, which I have attended before, was a very memorable day. Normally we have it outside, but this day the storms were threatening and we were forced to go inside the local community centre. Joining us at the event, along with many of the families who remember the stories from that time, were the Vietnam Veterans Association northern sub-branch's Pieter (Pedro) Dawson and Ian Le'Raye, who I work with, the Salisbury RSL, the Mawson Lakes Primary School, the Pooraka Farm Community Centre team, TAFE SA, the City of Salisbury, local veteran community members from all around the state and residents of Montague Farm.

This day is the result of a project that commenced several years ago and it is a good example of community cooperation and of what schools and the community can do in teaching the next generation about the history of the battle. This project was originally established with TAFE and the City of Salisbury to create something memorable in the area that is long running. It aims to bring together the Montague Farm Estate street signs, which I will talk about briefly in a second, public artwork (*Seeds of Attainment*), which are still being progressed through the City of Salisbury, the Pooraka Farm Community Centre commemorative garden and the website documentation of the project.

It really is a special opportunity for the community to come together on this day. Many of the people who live there know the significance of many of the people who died and are mentioned on their street signs such as Abraham Street after Signaller Dennis Abraham who was killed in action on 29 September 1968, Raffen Court after Sergeant Francis Raffen who was killed in action on 7 August 1970, and Norley Place after Lance Corporal Graham Norley who was killed in action on 26 January 1968.

All of these people died making commitments to this country and trying to free Vietnam in a very difficult circumstance in which they had no choice. They were national servicemen and volunteers. It is still something that is very personal and recollected by many people I meet in the community in the north and this day is very important to them. I pay my respects to them here in the house and will continue to represent their interests as veterans through this state and federally.

WEATHERILL LABOR GOVERNMENT

Mr VENNING (Schubert) (15:26): South Australia has managed a lot of firsts under the Weatherill Labor government—the highest debt and deficit in our state's history, highest taxes in the nation, highest WorkCover levy, worst business confidence according to the census business index, and the list goes on. Debt is increasing at a rate of $4 million a day. If this continues at the same rate for the next eight years, the state will be $13.75 billion in debt by 2016.

Along with the highest taxes in the nation, Labor is not doing anything to help people with the escalated costs of living. The price of electricity has soared, going up 19 per cent since 1 July 2012, and this is not the only thing increasing. Gas bills are escalating, climbing by 31 per cent since 1 July 2012, and Adelaide has the highest capital city water bills in Australia. What debilitating news is that!

This high cost of living is having a flow on effect on everyone, especially those in regional areas. How are rural businesses supposed to keep up with those who can take their sales online where the costs of running a shop is no longer an issue? These regional communities are suffering as their streets grow more sparse and shops close, forced into abandonment.

Those struggling rural communities realise they can no longer cope with the high cost of living that the Labor government has thrust upon them. These now bare streets are about far more

than just empty shopfronts, they are representing the loss to these vital communities that are the backbone of this state—the communities providing us with food and with work. The communities are suffering because Labor simply cannot fix their debt.

It is not just the regional towns that are feeling these effects. Business SA chief executive, Mr Nigel McBride, reports seeing one in every three shops with a 'for sale' or 'for lease' sign on King William Road—a street supposedly one of our most thriving. The level of business confidence of our people today is the lowest in the nation, along with business conditions and wages growth.

Our unemployment rate has also skyrocketed, going from 6.1 per cent to 7.1 per cent in July. Labor's plan to provide 100,000 new jobs has hardly worked well, with there being fewer jobs in South Australia now than when Labor made this promise back in 2010. There have been 16,100 more unemployed under this Weatherill Labor government.

While the people of South Australia suffer, the Premier continues to ensure his government is kept nice and cosy. His advisers Mr Blewett and Mr Harvey are the two men whose actions regarding the Debelle inquiry were described by Mr Weatherill himself as unacceptable and inexcusable and who have received a combined pay increase of $107,000 since 2010.

The Premier's media adviser is not doing too badly either, receiving a $25,000 pay increase and he continues to be the Premier's personal spin doctor. Why is the taxpayer's money being spent on frivolities such as the Premier's 85.5 per cent increase in speech writing costs while the rest of South Australia is fighting desperately against the debt and poor infrastructure? This is where the money should be spent.

Briefly I want also to discuss an issue with council boundaries. I am very disappointed that despite support within the Barossa community for council boundaries to be realigned throughout the district, it is extremely unlikely that our public initiated proposals for boundary alignment would be successful under the current legislation. I questioned the Minister for State/Local Government Relations during estimates about the progress of a public initiated proposal to alter a section of external boundary of the District Council of Franklin Harbour and incorporate an area of land in the District Council of Cleve, and their response was not encouraging.

The minister responded that no public submission for council boundary alignment has ever been successful. Given this information, it is clear that the process is flawed, needing to be reviewed and improved so that public initiated proposals that have merit and have public support are given the consideration they deserve and have some chance of success, not simply dismissed or put in the too-hard basket.

I have met with Ms Margaret Wagstaff, the chair of the Boundary Adjustment Facilitation Panel, to discuss the current process for the proposal for boundary realignment to be considered. I have also tendered a submission to the Local Excellence Expert Panel review discussion paper 'Councils of the Future', calling for a review of the assessment process of public initiated submissions for council boundary alignment. Yes, it is an act of parliament that provides the framework for the current process, but a full review can examine all of the options and hopefully recommend a better model. I am very disappointed. I was hoping to achieve this before I retired, and it does not look as if I am going to.

Time expired.

PEDAL PRIX

Ms BEDFORD (Florey) (15:30): Today, I would like to elaborate on preliminary remarks on last weekend's UniSA's Human Powered Vehicle Super Series, or as it is known to all of us, the Pedal Prix 24-hour endurance heat at Murray Bridge's Sturt Reserve. Firstly, I would like to congratulate Andrew McLachlan and his board for their exceptional efforts in producing such an outstanding finale to the 2013 series. It was just a fantastic culmination for their efforts. The dedication and the contribution Pedal Prix makes to the rural city of Murray Bridge and South Australian community in general is absolutely enormous.

Andrew knows the event gives teachers, parents and children the opportunity to work together to finish 24 hours and it is truly a very big task. The preparation that is required to get riders ready to finish the event is extensive, particularly the elite-level athletes, a lot of whom are actually triathlete bike riders or mountain racers, and they extend their training to take part in this series. The really fit people are doing stints of about an hour to an hour and 15 minutes at speeds of about 50 kilometres an hour around the circuit, which is no mean feat and pretty impressive, particularly to someone who cannot ride a bicycle.

The event's improvement—it has gone from strength and strength and is much more professional since its early days and their first event in 1986. Paul Richards, the beloved announcer, works all day and most of the night living what he calls a captivating event every single year. Many schools in Florey participate in the event, and it is always great to be there to wish them well at the start and to see them on Sunday morning after the long cold night and hear their stories of courage, adversity and triumph.

The report in *The Advertiser* by Steve Rice gives us some amazing statistics and an insight into the race. There are 3,000 racers who participate in 222 teams. There is an estimated 20,000 back-up crew and crowd attending to support these people, and this year was the 27th event. It was won by the Victorian team called Tru Blu Racing, its second consecutive win in the open title with a race record of 524 laps covering a staggering 1,083.6 kilometres. Full results are not yet available on the web, but I am able to tell you that Pembroke School took out both the junior and upper secondary categories and that Crafers Primary won the primary category.

Florey has some pretty impressive statistics. In category 1, East Para Primary School came third overall in its section in its machine called the Chain Gang with 327 laps. Ardtornish Primary in the Ard Rocket came 42nd overall with 239 laps and the Heights School's Quasar came 61st overall with 173 laps. Category 2 saw Modbury High's Lynx place 16th with 321 laps, and the Heights School had Pulsar at No. 40 with 261 and Odyssey at 51 with 219 laps. Category 3 saw St Paul's College, the COGS team, come 23rd overall with 343 laps. Modbury High, the all-girls team the Pink Panthers (and we really do congratulate them), came 26th overall with 337 laps, and Modbury High's Cheetah came 31st on 329 laps. I do not know yet how many of the other girls teams were ahead of Pink Panthers, but they do extremely well on a very limited budget.

In category 4, Modbury High's Wild Cat was placed 28th with 366 laps, which is very, very good, and the Heights School's Thor came 48th overall in their section with 280 laps. There are far too many people at each school to thank individually; however, each school principal and governing council is 100 per cent behind their school's campaign because of the marvellous opportunity the event gives participating students. There are so many ways students can be involved, including design and IT, fitness and nutrition, logistics and planning, maintenance, and of course, as the human power that powers the vehicles.

Even though they are tired as they pack up, I know the teams of parents and students are already making plans and working on ideas for next year. I am truly proud to be involved with everyone who makes Pedal Prix happen and assure them of my continuing interest and eagerness to see them come back into action for heat 1 in 2014. Major sponsor UniSA will be holding a heat at Mawson Lakes campus in 2014, and I would like to acknowledge UniSA's commitment to what is obviously such a remarkable opportunity to partner in an event that delivers so much to everyone who takes part.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (RESTRICTED BIRTHING PRACTICES) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:36): Obtained leave and introduced a bill for an act to amend the Health Practitioner Regulation National Law (South Australia) Act 2010 and to make a related amendment to the Health and Community Services Complaints Act 2004. Read a first time.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:37): I move:

That this bill be now read a second time.

On 6 June 2012, the Deputy State Coroner handed down his findings into the unrelated deaths of three babies who died at the time of, or very soon after, their birth, between 2007 and 2011. While the names of these babies are publicly reported, out of respect for the families involved in these tragic events I will choose not to repeat the names in this place.

Each of the babies was delivered by way of planned homebirth at the respective homes of their parents, but unfortunately died after complications that were experienced in the course of their birth. In each of the births the Deputy State Coroner found that there was an enhanced risk of complication associated with their birth that was not unpredictable. SA Health's 'Policy for planned birth at home in South Australia' states that:

The prerequisite for a home birth is that the woman should have an uncomplicated singleton pregnancy with a cephalic presentation between 37 and 42 weeks of gestation (259 to 294 days).

The policy also includes a list of conditions that preclude a woman giving birth at home. These conditions may relate to the woman's obstetric and medical history or may arise during her pregnancy or labour. The conditions may also relate to the home environment; for example, ease of access should a hospital transfer be required and the distance to the nearest hospital.

The policy uses the phrase 'preclude a woman giving birth at home', but I want to put it on record that the government is not opposed to homebirths. The government recognises that where a woman gives birth is her choice. But it is important to ensure that this choice is an informed decision and that the person assisting in the birthing process is appropriately qualified and trained and practises in accordance with accepted professional standards.

In his findings, the Deputy State Coroner found the births were in that category where a homebirth would not normally be considered. One was a macrosomic (or large) baby, the second was a breech birth, and the third was the second born of twins. Complications can, and often do, arise in pregnancies when these indications are identified, and present an increased risk to the mother or baby or both. In these situations, it is important to ensure that the level of care provided is appropriate and that the person providing this care is appropriately qualified. I seek leave to have the balance of my second reading remarks incorporated into *Hansard* without my reading them.

Leave granted.

It is also important that the mother understands the risk associated with choosing to homebirth where there is an enhanced risk of complication. The Deputy State Coroner raised concerns about whether the mothers appreciated the degree of risk of the complications associated with their decision to proceed with a homebirth. The Victorian Coroner reached a similar conclusion in his May 2013 Inquest into the death of a baby in a planned homebirth in that State where he found:

> Her [the mother's] evidence as also articulated in her statement and in counsel's submissions was that had she known there was a risk to her baby she would not have proceeded with home birth plans and would have remained in hospital to deliver her baby.

There will be some parents that will wish to proceed with a homebirth even after being informed of the risks. As the South Australian Coroner found in a 2007 Inquest into the death of a second twin in a planned homebirth:

> Clearly the decision as to the place of birth of a child is one for the parents of the child to make. In the present case it is clear that the [parents] made their decision after having obtained a great deal of information of their own initiative. They were clearly intelligent people who were able to make a fully informed decision about the place of birth of their twins.

This Bill is in response to the Deputy State Coroner's recommendations from his 2012 Inquest into the deaths of the three babies. The Deputy State Coroner recommended that the Minister for Health and Ageing:

> …introduce legislation that would render it an offence for a person to engage in the practice of midwifery, including its practice in respect of the management of the three stages of labour, without being a midwife or a medical practitioner registered pursuant to the National Law.

The National Law that the Deputy State Coroner refers to is the *Health Practitioner Regulation National Law* which is the national legislative scheme for the registration and accreditation of 14 health professions. Under the National Law, each profession is regulated to ensure that the persons registered in the profession maintain high standards of competence and conduct. This is to ensure that the health and safety of the public is protected. Should a health practitioner not meet the standards for the profession they may face disciplinary action which may include suspension or de-registration.

Amongst the requirements to be eligible for registration a person must demonstrate that they hold an appropriate qualification to practise in the profession. In order to maintain their registration they must demonstrate continuing professional development. A person that has not been practising in their profession for an extended period of time may be required to undertake further study or only practise under supervision until they can demonstrate competency.

Under the National Law there are currently three practices that are protected—some specific dental treatments, the prescription of optical appliances, and spinal manipulation. The purpose of protecting a practice is to limit its performance to a defined group of health practitioners who are suitably trained and qualified, and regulated. These practitioners must operate under codes and guidelines for the purpose of maintaining high standards of competence and conduct for the scope of practice of the profession.

For example, under the National Law spinal manipulation is a protected practice and may only be performed by a person registered in the medical, chiropractic, osteopathy or physiotherapy professions. Members will appreciate the risk of catastrophic injury that may occur if this practice could be done by unregistered or unqualified individuals.

The Deputy State Coroner's call for the protection of midwifery practice follows the same principle. It is important that any person involved in midwifery practice holds the appropriate qualifications, skills and experience and practises within a quality and safety framework.

It may be useful at this point that I define midwifery practice for the benefit of Members. Midwifery practice refers to the care of a woman across the care continuum of the antenatal, intrapartum and postnatal periods for the mother and baby. In its true sense only a midwife practises midwifery. A medical practitioner may also provide care to the woman throughout the childbearing process. These services are known as obstetric care and are provided by registered medical practitioners who have undertaken education and training in obstetrics, or whose training is recognised by The Royal Australian College of Obstetricians and Gynaecologists and, if employed in the public health system, they are credentialed by SA Health to provide these services.

In responding to the Deputy State Coroner's recommendations SA Health supported the call for legislation to restrict midwifery practice to a midwife or a medical practitioner registered under the *Health Practitioner Regulation National Law*. In January 2013 a consultation paper was distributed to the peak professional bodies and posted on SA Health's website inviting comments on the proposal to protect midwifery practice in South Australia.

Thirty-two submissions were received following a six-week consultation process and these submissions are available on SA Health's website. 25 submissions supported the proposal to legislate for the protection of midwifery practice; four submissions did not. Another three submissions agreed that the public should be protected from unregistered practitioners but suggested alternate measures to restricting the practice to achieve this.

The Chair of the Child Death and Serious Injury Review Committee has also written to the Government supporting the greater regulation of midwifery services to ensure that 'babies are born as safely as foreseeable in the homebirth setting.' These submissions have assisted in the drafting of the Bill before the House today.

While practice protection works in one way to protect the public by ensuring that only those persons that are suitably trained and qualified can perform those services, in another way it prevents those who are not members of the nominated profession from providing such services. The consultation process highlighted that to protect midwifery practice would affect a number of health practitioners that are involved in the provision of antenatal and postnatal care. This care may be provided by registered health practitioners within their scope of practice or unregulated persons providing emotional or social support to the woman and her family.

Many of the submissions received related to Aboriginal Maternal and Infant Care Workers. These workers work with midwives to provide the best care possible for Aboriginal and Torres Strait Islander women with the goal of reducing poor perinatal outcomes. It is well documented that Aboriginal and Torres Strait Islander women continue to experience substantially poorer maternal and perinatal outcomes, characterised by higher rates of death, pre-term birth and a higher proportion of low birth-weight babies, compared with their non-Indigenous counterparts. The collaborative approach between the Aboriginal Maternal and Infant Care Workers and the midwife and medical practitioner has been important in providing culturally respectful and safe maternity care to Aboriginal mothers, babies and families.

Any practice protection should not interfere with collaborative arrangements between the registered health practitioners and other health providers such as Aboriginal Maternal and Infant Care Workers or support persons such as birth attendants, birthing advocates, doulas, assistants in midwifery, or mothercarers. It is not the Government's intention to restrict the services and support available to a woman during her pregnancy. To do so may inadvertently push women to seek out the services of unqualified or unregistered health care providers.

In restricting birthing practices to either a midwife or medical practitioner this Bill strikes a reasonable balance between the services that may be provided to a woman during her pregnancy and the need to ensure that the health and safety of the mother and baby is protected.

Under the *Health Practitioner Regulation National Law* it is an offence for any person that is not registered with the Nursing and Midwifery Board of Australia to take the title of 'midwife' or 'midwife practitioner'. It is also an offence under the National Law to claim to be registered or qualified as a midwife, or to take or use any title, or describe themselves in any way, that may cause another person to believe that they are a midwife.

The National Law only prevents a person from taking the title, or leading others to believe they are a 'midwife'; it does not prevent any person from practising midwifery. As the Deputy State Coroner found a person may call themselves a 'birth advocate' and perform the clinical duties and responsibilities of a midwife without having to conduct the practice within the accepted safety and quality framework of the midwifery profession.

A registered midwife or medical practitioner must ensure they comply with any standards, codes or guidelines issued by their professional regulatory board. Failure to do so may result in disciplinary action.

A registered midwife or medical practitioner must ensure that the information that they provide to their patients is based on contemporary, relevant and well-founded evidence and practice. This will allow the woman to make an informed choice about options for her birth. For example, the codes for midwifery require the midwife to practise in a manner that:

> …recognises the woman's right to receive accurate information; be protected against foreseeable risk of harm to themselves and their infant(s); and have freedom to make choices in relation to their care.

Under the safety and quality framework the midwifery profession would not have recommended homebirthing for the three babies investigated by the Deputy State Coroner.

The woman is placing her trust in the hands of the health practitioner and will be guided by them in determining that she is making a safe choice. Any person that is not a registered midwife is not bound by the requirements to practise within the profession's safety and quality framework.

I am aware that some people are of the view that the codes and guidelines for the midwifery profession are artificially limiting and favour hospital births, and do not allow an informed choice to be made. While the current guidelines for the midwifery profession state that a woman with certain risk factors should be referred for consultation with another care provider and other women with higher risk status are referred for specialist obstetric care, the guidelines do also support and protect a woman's right to choose where she delivers her baby.

The Australian College of Midwives has recently issued the third edition of the *National Midwifery Guidelines for Consultation and Referral* that outlines the process for midwives to follow if a woman chooses to proceed with a homebirth even though it is against advice and evidence that it is not safe to do so.

Where the midwife agrees to provide care, the Guidelines suggest that the midwife should continue to make recommendations for safe care, engage other registered health practitioners in the care of the woman, and plan for the management of an emergency.

The decision at this point to continue care does not imply that the woman's decision to choose a pathway of care that carries increased risk of harm to either the woman or her baby is endorsed by the midwife. It is a professional decision to ensure the best outcome for mother and baby.

The midwife may also decide to discontinue care where the woman decides to give birth (including homebirth) in a manner that is not within accepted professional guidelines. In these circumstances the midwife is to inform the woman of the decision and the reasons why. This decision may be made over a period of time as the midwife continues to outline the risks of proceeding with a homebirth to the woman throughout the course of her pregnancy. I am told that this situation will arise in a very small number of cases as once advised of the risk most women will decide against a homebirth.

Where the decision is made to discontinue care the midwife should ensure that the woman has alternative care, which may include providing assistance to find another practitioner who is willing to see the woman and provide care.

The Guidelines advise that the midwife is obliged to attend the woman as the primary care provider if issues arise during labour or in urgent circumstances. Under these circumstances the midwife is to provide care to the best of their ability.

Some submissions received during the consultation raised concerns that passing legislation to restrict childbirth to a registered midwife or medical practitioner is removing the woman's choice to decide who she may have present at the birth. Giving birth involves so many emotions for the woman and her family, and it is important for the woman to not only have people around her that can ensure a safe delivery for the mother and baby but also those who can provide emotional and social support for the woman and her family. It is not the intention of this legislation to preclude the emotional and social support from the woman and her family.

It is accepted professional practice for the midwife to involve others in the care of the woman during her pregnancy and birth, where it is considered that it would be beneficial to the woman or her baby. However, any such involvement must be considered within an appropriate risk management framework where the midwife is to take into account such matters as:

- whether the involvement of another is supported by legislation, policies, guidelines or protocols;
- that the other person is competent to undertake to perform the activity safely;
- that the other person is ready, or confident, to perform the activity;
- whether there is consensus in the midwifery profession that another person may perform the activity; and
- whether the midwife is available to provide the required level of supervision and support, including education.

Where the midwife makes the decision to involve others in the care of the woman or her baby, the midwife is still regarded as the primary care provider and has responsibility for the overall care of the woman during childbirth.

We have been told that during the consultation period there was a perception from some that registration is just a list of people that can practise in a particular profession. But it is much more than this and this is the message that the Government needs to get across to the public. As I have outlined previously, being registered ensures that the person is appropriately qualified and trained to practise in their profession. In order to continue with their registration they need to continually refresh their skills through professional development. They need to adhere to any standards, codes or guidelines issued by their regulatory board to ensure that they practise in accordance with a quality and safety framework. But more importantly, their practice is at all times under review by both their peers and fellow health practitioners. Under the National Law if a practitioner is impaired, involved in unprofessional conduct or places the public at risk because they are practising in a manner that constitutes a significant departure from accepted professional standards, they may face disciplinary action.

The Deputy State Coroner made a separate recommendation about the need for education in the form of written advice to the public regarding homebirths. SA Health has also accepted this recommendation and work has commenced on an information brochure to be distributed widely and made available on SA Health's website. This brochure will provide up-to-date, unbiased information about the range of birthing options to enable the woman to

make appropriate choices in relation to the birth of her baby, including the involvement of a registered health practitioner.

I would now like to take the opportunity to respond to three issues that emerged during the consultation process.

The first was that this change would make the *Health Practitioner Regulation National Law* inconsistent with other jurisdictions. Shortly after the Deputy State Coroner published his findings SA Health put a paper to the Australian Health Ministers' Advisory Council to seek in-principle support for the National Law to include midwifery practice as a protected practice. Unfortunately this proposal was not supported by other jurisdictions.

The former Minister for Health and Ageing agreed that South Australia would proceed with the practice protection. Since 2007, six Coronial Inquests across four States (South Australia, New South Wales, Victoria and Western Australia) have been held into the deaths of eight babies delivered by way of planned homebirths. SA Health is aware of another death from a homebirth in South Australia that occurred in December 2012 that has been referred to the South Australian Coroner. The circumstances of these Inquests have varied slightly, however, in five of these Inquests it was identified that the deaths resulted from pregnancies where there was an enhanced risk of complication. The common theme in the Inquests was whether the woman had made an informed choice about the place of birth for her baby. The involvement of unregistered persons in these homebirths has been a common element in the Inquests in South Australia and Western Australia.

It is interesting to note that following the publication of the Victorian Coroner's findings released in May 2013 where he also called for greater regulation of homebirthing, the former Commonwealth Health Minister presented a paper to the Standing Council on Health calling for greater regulation of midwifery and maternity care providers. This paper was considered in June 2013 and Health Ministers have agreed to consider options that may be used for greater regulation of unregistered persons providing 'midwifery-type maternity care services'.

While a national approach is preferred, it is the Government's belief that two South Australian Coronial Inquests examining the death of four babies and another death currently referred to the Coroner, highlight the need for greater regulation in this State. South Australia could await the work at the national level but there are concerns about how long this process could take. The evidence is that action is needed now to protect the public in this State.

The proposal to restrict birthing practices in South Australia will create a departure from the National Law which the Australian Health Practitioner Regulation Agency, or AHPRA, will be required to administer in this State. However, Western Australia, New South Wales, Queensland and the Australian Capital Territory have modified the National Law for their jurisdictions on other matters of concern to them, and AHPRA has successfully been able to administer these variations.

The second matter that was raised during the consultation process was that this legislation was not necessary given the increased powers provided to the Health and Community Services Complaints Commissioner to deal with unregistered practitioners.

Members may recall that legislation was passed in this place following the Social Development Committee's *Report into Bogus, Unregistered and Deregistered Health Practitioners* that gave the Health and Community Services Complaints Commissioner greater powers to take action against these practitioners. Unregistered health practitioners are now required to follow a Code of Conduct which sets out minimum standards of practice. If, after a complaint has been made to the Commissioner, it is found that the unregistered practitioner has breached the Code of Conduct, the Commissioner may make a prohibition order. Such an order will generally be made where the Commissioner is of the opinion that the practitioner poses an unacceptable risk to the health or safety of the public. An order made by the Commissioner may prohibit a practitioner from providing health services, or specified health services, for a period of time or permanently. Penalties apply for those practitioners who do not comply with a prohibition notice.

The Deputy State Coroner recommended that these provisions be brought into place, which occurred on 14 March 2013. However, the Deputy State Coroner acknowledged that these provisions alone would not stop a person who is not a registered midwife from engaging in midwifery practice, hence his consequent recommendation for legislation to protect the practice.

Unfortunately, the Health and Community Services Complaints Commissioner can only take action after a complaint has been made and investigated. This does not stop an unregistered practitioner from engaging in midwifery practice. I think that this quote from the submission from the Health Consumers Alliance of SA summarises succinctly why the Health and Community Services Complaints Commissioner's increased powers are not enough:

> …consumers do not believe that this level of protection is sufficient. It is reactive rather than pre-emptive and consideration of complaints and issuing of notices is too late for the dead baby.

The third matter that was raising during the consultation period was a suggestion that women were being forced to seek out unregistered providers because the current level of publicly funded homebirth programs or the number of practising midwives are not sufficient to meet the current demand for homebirthing services.

Statistics released by the Nursing and Midwifery Board of Australia for March 2013 indicate that there were 397 midwives registered in South Australia with a further 2,385 registrants holding dual registration as a registered nurse and midwife.

SA Health currently provides care to women through either the Midwifery Led Continuity of Care Program or the Midwifery Group Practice program in three metropolitan public hospitals (Women's and Children's Hospital, Lyell McEwin Health Service and the Flinders Medical Centre) and six regional centres across country South

Australia. These programs cater to women who are at low obstetric and medical risk. An Aboriginal high risk continuity birthing service at Port Augusta is also supported by midwives and medical practitioners.

In addition, SA Health has commenced work on credentialing nurses and midwives that would allow eligible privately practising midwives access to public hospitals.

These are the services available through the public health system. The Midwifery Group Practice Program at the Flinders Medical Centre and Mount Barker maternity services were expanded in late 2012. Any further expansion of the public programs, particularly in country South Australia, is limited by birth rates, demand and workforce requirements as well as geographical and fiscal limitations.

The comments received during the consultation process also highlighted the lack of options for women with complex clinical needs who wanted to birth at home, and under these circumstances had no alternative but to seek the services of unregistered providers. Homebirthing where there are complex clinical needs is not a practice that is condoned by the professions or the current SA Health *Policy for Planned Birth at Home in South Australia*. However, earlier this year the Australian College of Midwives updated their guidelines to acknowledge that there will be a small number of women who will want to homebirth even where there is an enhanced risk, and so the midwife is able to manage this situation and plan for the management of an emergency. This negates the need to seek out the services of unregistered providers.

The Bill is in response to the Deputy State Coroner's recommendation for legislation to render it an offence for a person other than a registered midwife or medical practitioner to be involved in the management of the three stages of labour.

The Bill before the House will restrict birthing practices, defined as the management of the three stages of labour and childbirth, to a midwife or medical practitioner registered under the *Health Practitioner Regulation National Law*. It is these practitioners who hold the appropriate qualifications and training to perform a restricted birthing practice and who must practise within accepted professional standards. For any other person it will be an offence to perform a restricted birthing practice with a maximum penalty of $30,000 or imprisonment for 12 months applying. This will include unregistered practitioners, persons who were previously registered but who have had their registration suspended or cancelled, or persons previously registered but who have chosen not to renew their registration. No fine will be applied to the woman giving birth.

The Bill recognises that there are a number of health practitioners that may provide health services to a woman during her pregnancy. By restricting birthing practice, these services may continue. The Bill also recognises that there are others who may provide emotional and social support to the woman and her family during the birth. These persons will also be able to continue in this role.

The Bill also makes provision for those instances where a person other than a midwife or medical practitioner may need to render assistance to a woman who is in labour or giving birth to a child in an emergency.

This Bill is not about denying a woman the choice of whether her baby is born at home or in a hospital. It is about ensuring the safety of the woman and her baby by restricting the management of the three stages of labour and childbirth to a registered midwife or medical practitioner.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

4—Amendment of Schedule 2—Health Practitioner Regulation National Law

The *Health Practitioner Regulation National Law*, as it applies as a law of South Australia, is to be amended by inserting a new section that will prevent a person carrying out certain practices associated with a woman's labour and the birth of a child unless the person satisfies 1 of the criteria to be set out in the new provision. In particular, a person will not be able to carry out an act that involves undertaking the care of a woman by managing the 3 stages (or any part of these stages) of labour or child birth unless the person is—

(a) a medical practitioner (as defined by the Law); or

(b) a midwife, as defined by this section (being a person registered as a midwife under the Law); or

(c) a student acting in specified circumstances; or

(d) a person acting under the supervision of a medical practitioner or a midwife and acting in accordance with any professional standards issued by a relevant board; or

(e) a person acting under a recognised form of delegated authority; or

(f) a person acting in an emergency situation.

The maximum penalty for the offence to be constituted by this section will be $30,000 or imprisonment for 12 months. A mechanism is included to ensure certainty about what constitutes the 3 stages of labour or child birth.

Schedule 1—Amendment of *Health and Community Services Complaints Act 2004*

1—Amendment of section 56A—Codes of conduct

A related amendment is to be made to the *Health and Community Services Complaints Act 2004* to ensure that a code of conduct may be prescribed under Part 6 Division 5 of that Act in relation to the provision of health services by any class of persons who are not registered service providers under a registration law that applies in relation to health services in South Australia.

Debate adjourned on motion of Hon. I.F. Evans.

CONTROLLED SUBSTANCES (OFFENCES) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:40): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:40): I move:

That this bill be now read a second time.

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

Leave granted.

The *Controlled Substances (Offences) Amendment Bill 2013* (the Bill) amends the *Controlled Substances Act 1984* (SA) (the CS Act) to tackle the blight of synthetic drugs in our community.

The provisions contained within the Bill will provide South Australia Police (SAPOL) with a new weapon to combat the trade in synthetic drugs.

Under the current provisions of the CS Act, the process of adding newly discovered harmful substances to the list of controlled drugs can be a lengthy one. There are also no provisions to prevent persons marketing potentially unsafe products as legal alternatives to illicit drugs.

This reform tackles the issue of synthetic drugs from a different angle.

Interim Controlled Drugs

The Bill has been drafted to amend the CS Act so that the Attorney-General has the power to declare a substance to be an 'interim controlled drug'. Under the proposed amendment, the Attorney-General may, if he or she is of the opinion that a substance may be of exceptional danger to human, declare the substance to be an 'interim controlled drug' by notice in the Gazette.

The notice operates for a period of not more than 12 months and may be varied or revoked at any time by the Attorney-General. The notice may refer to a substance by its trade name or in any other manner.

Once a substance is declared to be an 'interim controlled drug' that substance is treated in the same way as a 'controlled drug' (with one exception set out below), meaning the existing offence provisions concerning controlled substances contained in Part 5 of the CS Act will apply to that substance.

However, given that:

- these drugs are often sold to people on the basis that they are legal; and
- the purpose of these reforms is to target those persons who profit from creating and selling these dangerous substances with no concern to people's safety and well being;

the possession and consumption offences contained in section 33L of the CS Act will not apply to the interim controlled drugs.

This new mechanism attacks creative chemists who use the internet to either import, or obtain instructions for creating, new substances that are not yet identified as 'controlled drugs'. This section ensures the legislation is able to keep up with the speed at which these new substances are produced.

New offences

The Bill also creates a number of new offences to target the way these substances are manufactured, marketed and sold. The offences apply regardless of whether the substance has been proven to be dangerous.

These new offences target the practice of marketing products as legal alternatives to illegal substances, and/or marketing products as having the same or similar effect to illegal substances, with absolutely no regard as to whether the products are safe for human consumption.

The first new offence is the intentional manufacturing of a controlled drug alternative.

Under the proposed new section 33LD, a person who manufactures a substance intending that the substance:

- will have pharmacological effects similar to those of a controlled drug; or
- will be a legal alternative to a controlled drug;

is guilty of an offence.

The maximum penalty is a $15,000 fine or imprisonment for 4 years, or both.

The term 'manufacture' in relation to controlled drugs means undertaking any process by which the drug is extracted, produced or refined or taking part in the process of the manufacture of the substance.

For the purposes of the CS Act, a person takes part in the process of the manufacture of a controlled drug if the person directs, takes or participates in any step, or causes any step to be taken, in the process of sale, manufacture or cultivation of the drug or plant.

For the purposes of the CS Act, a step in the process of manufacture of a controlled drug includes, without limitation, any of the following when done for the purpose of manufacture of the drug:

- acquiring equipment, substances or materials;
- storing equipment, substances or materials;
- carrying, transporting, loading or unloading equipment, substances or materials;
- guarding or concealing equipment, substances or materials;
- providing or arranging finance (including finance for the acquisition of equipment, substances or materials);
- providing or allowing the use of premises or jointly occupying premises.

These provisions are replicated with respect to the new offence of intentionally manufacturing a controlled drug alternative substance.

The Bill contains another new offence of promoting a controlled drug alternative.

Proposed section 33LE provides that any person who promotes a substance:

- as having pharmacological effects similar to those of a controlled drug; or
- as being a legal alternative to a controlled drug; or
- in a way that is intended, or likely, to cause a person to believe that the substance:
    - is a controlled drug; or
    - has pharmacological effects similar to those of a controlled drug; or
    - is a legal alternative to a controlled drug,

is guilty of an offence.

The maximum penalty is a $10,000 fine or imprisonment for 2 years, or both.

Unlike other offences, there is no need under section 33LE to prove that the product is harmful.

For the purposes of this new offence, a person 'promotes' a substance if the person takes any action that is designed to publicise or promote the substance, whether visual or auditory means are employed and whether the substance is directly depicted or referred to or symbolism of some kind is employed, and includes taking any other action of a kind prescribed by regulation.

This definition of 'promotes' includes advertising, issuing pamphlets, information on a website and any verbal instructions given at the time of sale or supply.

This provision is designed to control the conduct of advertising or packaging a substance in a way to promote it as being a legal alternative to an illegal drug. This conduct is captured whether the person doing the advertising or promoting is selling the drug themselves, or whether they are doing it by reference to a product available elsewhere.

Proposed section 33LF creates the new offence of manufacturing, packaging, selling or supplying a substance promoted as a controlled drug alternative. This offence requires persistent conduct.

Under section 33LF, if a police officer reasonably suspects that a person intends to manufacture, package, sell or supply a substance that is being, or is to be, promoted in a manner prohibited under section 33LE, the officer may give the person a notice (containing any particulars prescribed by the regulations) warning the person that if he or she manufactures, packages, sells or supplies the substance he or she will be guilty of an offence.

The notice may be revoked at any time by further notice given to the person by a police officer, and must be revoked if a police officer is satisfied that the substance to which the notices relates is not being, and is not to be, promoted in a manner prohibited under section 33LE.

A person who has been given such a notice and who subsequently manufactures, sells or supplies the substance specified in the notice is guilty of an offence. The maximum penalty is a $15,000 fine or imprisonment for 4 years, or both.

With respect to each of these new offences, a court can be satisfied that a person has committed an offence in relation to a substance despite any usage instruction concerning the substance (given in any manner, way, medium or form) that indicates that it is not a controlled drug or that it is not a legal alternative to a controlled drug or that it is not intended for human consumption.

This provision is designed to ensure that retailers cannot avoid these provisions simply by packaging and labelling product as a 'bath salt' or as not for human consumption, whilst verbally or via the internet promoting the product for human consumption.

The Bill also creates a new type of court order where conduct of a person can result in their shop, retail outlet or business being ordered closed by a court. This should act as a deterrent to persons who continue to sell and market products contrary to these new provisions, as well as those who sell and market substances declared under the CS Act as controlled drugs.

Under proposed section 33T, on the application by a police officer, if a court is satisfied that:

- a person has been convicted of 1 or more offences against Part 5 of the CS Act committed in the course of carrying on a business; and
- the making of the order is reasonably necessary to ensure that the person does not engage in further conduct constituting an offence against Part 5;

the court may make an order in relation to the person prohibiting them from:

- engaging in specified conduct; or
- carrying on a specified business or a specified kind of business,

at specified premises or in specified circumstances.

A court making an order under section 33T may also make any ancillary orders that the court considers appropriate, and may, by subsequent order, vary or revoke an order made by the court under section 33T.

The aim of this proposal is to discourage genuine retailers from taking the risk of selling these products and to get these products off the shelves.

By including these provisions in the CS Act, the usual seizure provisions of the CS Act will apply. SAPOL officers have the power to search and seize anything that constitutes evidence of a breach of the provisions, which could include any substance or promotional material.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Controlled Substances Act 1984*

4—Amendment of section 4—Interpretation

This clause amends the definition of controlled drug to include interim controlled drugs and inserts a definition of interim controlled drug.

5—Insertion of section 12A

This clause inserts a new section as follows:

12A—Interim controlled drugs

This provision allows the Attorney-General to declare interim controlled drugs.

6—Amendment of section 33L—Possession or consumption of controlled drug etc

This clause excludes interim controlled drugs from the possession offence.

7—Insertion of Part 5 Division 4A

This clause inserts a new Division as follows:

Division 4A—Offences relating to controlled drug alternatives

33LC—Interpretation

This section includes interpretative provisions for the purposes of the Division.

33LD—Intentional manufacture of controlled drug alternative

This section creates a new offence of intentional manufacture of a substance to have pharmacological effects similar to those of a controlled drug or to be a legal alternative to a controlled drug. The maximum penalty is $15,000 or imprisonment for 4 years, or both.

33LE—Promoting controlled drug alternative

This section creates a new offence of promoting a substance—

(a) as having pharmacological effects similar to those of a controlled drug; or

(b) as being a legal alternative to a controlled drug; or

(c) in a way that is intended, or likely, to cause a person to believe that the substance—

(i) is a controlled drug; or

(ii) has pharmacological effects similar to those of a controlled drug; or

(iii) is a legal alternative to a controlled drug.

The maximum penalty for the offence is $10,000 or imprisonment for 2 years, or both.

33LF—Manufacturing, packaging, selling or supplying substance promoted as controlled drug alternative

A police officer who reasonably suspects that a person intends to manufacture, package, sell or supply a substance that is being, or is to be, promoted in a manner prohibited under proposed section 33LE, may give the person a notice warning the person that if he or she manufactures, packages, sells or supplies the substance he or she will be guilty of an offence. Breach of the notice is punishable by a maximum penalty of $15,000 or imprisonment for 4 years, or both.

8—Amendment of section 33S—No accessorial liability for certain offences

This clause amends section 33S (consequentially to the extended definition of *manufacture* in proposed section 33LC).

9—Insertion of section 33T

This clause inserts a new section as follows:

33T—Power of court to prohibit certain activities

Under this section a court may make an order prohibiting a person from engaging in specified conduct or carrying on a specified business or a specified kind of business if the person has been convicted of 1 or more offences against Part 5 committed in the course of carrying on a business and the making of the order is reasonably necessary to ensure that the person does not engage in further such offending.

10—Amendment of section 63—Regulations

This clause amends the regulation making power to ensure that the power to make exemption regulations would extend to substances covered by the proposed provisions.

Debate adjourned on motion of Hon. I.F. Evans.

SPENT CONVICTIONS (DECRIMINALISED OFFENCES) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:41): Obtained leave and introduced a bill for an act to amend the Spent Convictions Act 2009. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:41): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Spent Convictions Act 2009* (the SC Act) to ensure that historical convictions for offences constituted by homosexual acts (that are no longer criminal offences) can be spent.

In late 2012 the President of the Senate, the Hon. John Hogg, wrote to the Premier informing him of a resolution agreed to by the Senate on 22 November 2012. The resolution was as follows:

That the Senate—

(a) notes:

(i) homosexual acts were decriminalised in Victoria in 1981 but that convictions prior to that date can still appear on a Victorian person's police record; and

(ii) that the United Kingdom (UK) recently enacted legislation to expunge historic convictions for homosexual acts which were imposed prior to the decriminalisation of homosexuality in the UK; and

(b) calls on all Australian states and territories to enact legislation that expressly purges convictions imposed on people prior to the decriminalisation of homosexual conduct.

In response, the Bill has been drafted to make amendments to the SC Act to facilitate the spending of such convictions. In its resolution, the Senate referred to the United Kingdom legislation to expunge historic convictions for homosexual acts.

The legislation in the United Kingdom does not provide for any automatic spending of these historical convictions, but rather, under the provisions of the Protection of Freedom Act 2012, the Home Secretary may disregard certain convictions for decriminalised consensual sex offences. The provisions commenced on 1 October 2012.

Under these provisions in the United Kingdom, individuals can apply to the Home Secretary for a formal disregard of the convictions. The application form requires the applicant to provide personal details as at the date of the conviction, details of the convictions and a statement confirming that the convictions related to an offence committed by two or more consenting parties, who were, at the time of the offence, aged 16 years or over.

Applicants are asked to provide any documentation or material to support their application.

The Bill makes amendments to the SC Act taking a similar approach.

Under the SC Act certain criminal offences automatically become spent (for most purposes) after a qualification period of 10 years provided that the individual has not been convicted of any further offences other than a minor offence in which there was no penalty or the only penalty was a fine not exceeding $500.

Under the SC Act there are some offences that can never be spent.

Serious offences (where the person was sentenced to more than 12 months gaol, or in the case of a youth, 24 months detention) are never spent.

In addition, a sex offence can only be spent by order of a qualified Magistrate. However, only an 'eligible sex offence' can be spent. A sex offence is considered to be an 'eligible sex offence' if the penalty upon conviction did not include imprisonment (whether suspended or not).

A spent conviction does not appear on a police check and need not be disclosed if the person is asked about past convictions, for instance in a job interview, with some exceptions.

Under the SC Act, spent convictions can be disclosed if disclosure is for one of a number of excluded purposes. These exclusions are listed in Schedule 1 to the SC Act.

Of relevance to the Bill, Schedule 1 provides that the provisions contained in Part 3 Division 1 of the SC Act (which state that spent convictions do not have to be disclosed and are protected) does not apply:

- in relation to care of children being:
  - any administrative, judicial or other inquiry into, or assessment of, the fitness of a person to have the guardianship or custody of a child, or access to a child; or
  - any assessment of the fitness of a person undertaking, or seeking to undertake, (including without any fee or reward) work or any other activity that directly involves;
    - the care, control, supervision or instruction of children; or
    - otherwise working in close proximity with children on a regular basis; or
  - any assessment of the fitness of a person undertaking, or seeking to undertake, (including without any fee or reward) work or any other activity that directly involves acting as an advocate for children in legal proceedings; or
  - without limiting a preceding paragraph, a disclosure required or permitted by or under another law (including a law of another jurisdiction (including a law of an overseas jurisdiction)) in relation to a person who works, or who is seeking to work, with children; or
  - any—

- disciplinary or fitness inquiry or investigation; or
- enforcement action or proceedings (including for the suspension or cancellation of a registration, licence, accreditation or other authorisation or authority), associated with a person within a preceding paragraph (Part 6 of Schedule 1);

- in relation to care of vulnerable people being:
  - any administrative, judicial or other inquiry into, or assessment of, the fitness of a person to have the guardianship of an aged person or persons with a disability (including an intellectual disability), illness or impairment; or
  - any assessment of the fitness of a person undertaking, or seeking to undertake, (including without any fee or reward) work or any other activity that directly involves;
    - the care of aged persons or persons with a disability (including an intellectual disability), illness or impairment in legal proceedings; or
    - otherwise working in close proximity with aged persons or persons with a disability (including an intellectual disability), illness or impairment; or
  - any assessment of the fitness of a person undertaking, or seeking to undertake, (including without any fee or reward) work or any other activity that directly involves acting as an advocate for aged persons or persons with a disability (including an intellectual disability), illness or impairment in legal proceedings; or
  - any—
    - disciplinary or fitness inquiry or investigation; or
    - enforcement action or proceedings (including for the suspension or cancellation of a registration, licence, accreditation or other authorisation or authority), associated with a person within a preceding paragraph (Part 7 of Schedule 1);
- in relation to activities associated with a character test, being:
  - any assessment of whether a person who, pursuant to statute, has obtained, or is seeking, registration or enrolment, or a licence, accreditation or other authorisation or authority, in or in relation to an occupation, profession, position or activity, is a fit and proper person or a person of good character;
  - any—
    - disciplinary or fitness inquiry or investigation; or
    - enforcement action or proceedings (including for the suspension or cancellation of a registration, licence, accreditation or other authorisation or authority), associated with a person within the preceding paragraph (Part 8 of Schedule 1).

Under the current provisions, once a conviction is spent (either automatically or for an eligible sex offence by order of a qualified Magistrate) a further application may be made to a qualified Magistrate under section 13A of the SC Act that the spent conviction is not disclosed one or more of the following three excluded purposes:

- care of children (Part 6 of Schedule 1);
- care of vulnerable people (Part 7 of Schedule 1); and
- activities associated with a character test (Part 8 of Schedule 1).

Under the Bill, this system is adapted for the purpose of spending of historical homosexual offences.

Under the Bill, the SC Act is amended so that the definition of 'eligible sex offence' is expanded to include a 'designated sex-related offence'.

The term 'designated sex-related offence' is defined as a sex offence that is constituted by consenting adults engaging in (or procuring another adult to engage in) sexual intercourse or activity that no longer constitutes an offence. In addition, this definition includes the capacity to prescribe other offences as 'designated sex-related offences'.

This means that a person who was convicted of a homosexual offence (that is no longer an offence) can apply to a qualified Magistrate for their conviction to be spent, even if they received a sentence of imprisonment,

If the qualified Magistrate finds that:

- an offence is a 'designated sex-related offence'; and
- the offence has ceased, by operation of law, to be an offence,

then the conviction is spent for all purposes.

Under amendments made by the Bill, these types of convictions are spent for all purposes and are no longer be disclosed in any police history check, no matter the purpose of the check (including care of children). This

is only appropriate. The conduct is no longer an offence, the application of the law to this behaviour an historical anomaly and, any such historical conviction is now irrelevant.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Spent Convictions Act 2009*

4—Amendment of section 3—Preliminary

This clause inserts various definitions that are relevant to the amendments to be effected to the other provisions of the Act. It is important to note that the definition of *eligible sex offence* is now to include a *designated sex-related offence*, which will relate to certain sex offences involving consensual sexual activities or otherwise prescribed by the regulations.

5—Amendment of section 5—Scope of Act

This amendment will allow a conviction for a designated sex-related offence to be capable of becoming spent under the scheme of the Act.

6—Amendment of section 8A—Spent conviction for an eligible sex offence

These amendments relate to the ability to obtain an order from a qualified magistrate that an eligible sex offence is spent. In the case of a designated sex-related offence, the qualified magistrate may proceed to make such an order if satisfied that the conduct constituting the offence has ceased, by operation of law, to be an offence.

7—Amendment of section 13—Exclusions

The exclusions from the operation of the Act will not apply with respect to designated sex-related offences in relation to which an order has been made under section 8A (as amended by this measure).

Debate adjourned on motion of Hon. I.F. Evans.

EVIDENCE (IDENTIFICATION EVIDENCE) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:41): Obtained leave and introduced a bill for an act to amend the Evidence Act 1929. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:42): I move:

That this bill be now read a second time.

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

Leave granted.

Labor's Strengthening our Police Service Policy 2010 said:

'Line ups' require substantial police resources often requiring up to 10 police officers and up to 60 hours of police time to arrange. A re-elected Rann Government will amend legislation that will allow identification of a person suspected of committing an offence via photographs or video (including still or moving digital images) in lieu of physical 'line ups'. Police will be able to use technology such as PowerPoint presentations or mobile data terminals located within vehicles to present photographs to victims and witnesses. These changes will increase the efficiency of police investigations; relieve victims of the trauma of having to see the offender again and most importantly free up valuable police resources. Any changes to the legislation and procedures will ensure that the use of identification evidence in criminal proceedings will not be compromised.

This Bill is the Government's third attempt to implement this policy. The first two attempts failed in the Legislative Council. The Government has listened to the concerns expressed by members of the Legislative Council about the content of the first two Bills and, as a consequence, has included a new provision in this Bill in an attempt to address these concerns. Further comment on this particular provision is set out below.

A properly conducted identification parade has been regarded traditionally as giving rise to the most confidence in a reliable identification. As was explained by Gibbs J in *Alexander* (1981) 145 CLR 395 at 401, *'The safest and most satisfactory way of ensuring that a witness makes an accurate identification is by arranging for the witness to pick out from a group the person whom he saw on the occasion relevant to the crime.'* Identification by means of an identification parade is preferred to other alternatives, such as from photographs, at least when a named suspect is reasonably known to the police (though the High Court accepted in *Alexander* that photographs were unobjectionable and probably unavoidable in the investigative stage when a suspect was not known).

Alexander has been followed in South Australia. In *Deering* (1986) 43 SASR 252, King CJ said: *'Where there is a clear and definite suspect or where an arrest has been made the proper procedure to be followed is for the police to arrange an identification parade if the suspect or arrested person is prepared to participate in such a parade. If that procedure is not followed it gives rise to a discretion in the trial judge to exclude the evidence of identification by other means and that discretion will be exercised having regard to all relevant factors including, of course, the public interest in ensuring that persons who have committed crimes are convicted and punished for those crimes. It may be necessary to present photographs to an alleged victim of a crime at a stage of the investigation at which no person has been arrested and at which there is no definite suspect, in order to provide an opportunity for the victim to pick out the offender.'*

The traditional assumption favouring identification parades also gives rise to the potential for comment or warning to the jury by the trial judge that the weight of the photographic identification, whilst admissible, is inherently inferior to that of an identification parade. Such comments are open to criticism as confusing, unnecessary and even plain wrong.

However, it is clear that, notwithstanding *Alexander*, photographic identification evidence is routinely adduced at trials in South Australia. The practice of the courts has moved away from *Alexander* and toward the routine use of photographic identification evidence. It is widely accepted in practice as relevant and admissible evidence. It appears that local defence lawyers routinely advise their clients (perhaps unwisely) to refuse to take part in an identification procedure, therefore requiring the police to resort to photographic procedures. It appears that, notwithstanding *Alexander*, identification parades are already comparatively rare in practice in South Australia.

The traditional assumption that identification parades are a superior form of identification was accepted by the Australian Law Reform Commission in the 1980s and was incorporated into the *Uniform Evidence Act* which has been enacted in New South Wales, Victoria, the Commonwealth and the Australian Capital Territory (though not on this point in Tasmania). However, that assumption has come under increasing challenge over recent years on account of practical considerations, psychological and academic research and technological advances. Other jurisdictions, notably Western Australia (by judicial ruling) and England have explicitly departed from the preferred use of identification parades and recognise the benefit of identification by means of photographs or a video.

The West Australian Court of Appeal in 2007 in *Western Australia v Winmar* [2007] WASCA 244 considered the available research and 'firmly rejected' any suggestion that the identification from a photoboard (which is typically used in South Australia) was 'inherently inferior' to identification from an identification parade. The court observed:

> *The court should not, as some past authority may tend to suggest, attempt to discourage the use of the digiboard [the West Australian term for a photoboard] for identification, either by requiring trial judges to warn juries specifically about the dangers of that process as compared to an identification parade, or by requiring trial judges to suggest that the process is inherently flawed, or by suggesting that trial judges should be readier in the exercise of their discretion, to exclude digiboard identification than they might be to exclude evidence of identification by other means.*

There has also been research, notably by Professor Neil Brewer at Flinders University, that highlights that traditional identification parades are not as reliable as was commonly supposed. It has been found that witnesses have a tendency to compare the appearance of each person in the identification parade to each other. They do this as part of a strategy to find the person who most closely resembles the culprit. The process of comparison means that a witness is likely to make an identification, although not necessarily the correct one. A further problem that arises is that the 'simultaneous' format (where the witness views everyone at once) associated with traditional identification parades has been found to increase the risk of false identification. Professor Brewer and others have found that a sequential form of identification (where the witness views the images one at a time) produces a substantially reduced rate of wrong identification.

Identification evidence has long been regarded as inherently problematic by the criminal justice system owing to the well documented risk of a mistaken identification by even honest witnesses leading to the real risk of a wrongful conviction. The difficultly in cross examining confident but wrong identification witnesses has long been recognised. The common assumption is that human memory is an uncomplicated photographic like process but, as jurists and researchers note, the reality is that identification evidence presents its own real dangers. The potential unreliability is due to the subconscious frailties of observation and memory. To try and alleviate the dangers associated with identification evidence, the courts have long insisted that the jury must be warned as to the dangers of relying on identification evidence, both in general terms and in specific terms appropriate to the facts of the particular case (see *R v Turnbull* [1977] QB 224 and *R v Domican* (1992) 173 CLR 555). It is not proposed to dilute or remove this warning. This warning applies to all forms of identification evidence without discrimination and should remain.

The core proposal of this Bill is, therefore to put photographic means of identification on an even footing with an identification parade. A bad photographic identification is just as bad as a bad identification parade—and a good photographic identification is just as good as a good identification parade. The form of the proposed amendment is designed to be technologically neutral.

As stated earlier, the Government introduced similar Bills in 2011 and 2012. The Legislative Council defeated both Bills due to a concern that the Bill should also include a statutory 'safeguard' to ensure that identification processes are adequate. This Bill includes such a safeguard by replicating the procedure set out in Part 17 of the *Summary Offences Act 1953*, namely, that the evidence will be inadmissible unless an audio-visual record of the identification process is made.

Evidence that does not conform to this requirement may only be admitted if the interests of justice require it.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Evidence Act 1929*

4—Insertion of section 34AB

It is proposed to insert a new section after section 34A of the principal Act.

34AB—Identification evidence

The new section provides that, in a criminal trial, evidence of the identity of the offender obtained by means of an identification process is not inadmissible merely because the evidence was obtained by a process other than an identification parade. The new section further provides that, in a criminal trial, evidence of the identity of the offender obtained by means of an identification process is inadmissible unless—

(a) an audio visual record of the identification process is made and kept in accordance with the regulations; or

(b) the judge is satisfied that, despite the failure to comply with paragraph (a), the interests of justice require the admission of the evidence.

If evidence of the identity of the defendant is admitted in a criminal trial where the defendant's identity is in issue, the judge must inform the jury—

(a) of the need for caution before accepting identification evidence; and

(b) of the reasons for the need for caution, both generally and in the circumstances of the case.

In giving any such information, the judge is not required to use any particular form of words but may not make any suggestion that evidence of identification obtained by an identification process other than an identification parade is any less reliable than evidence of identification obtained by those means.

To avoid doubt, a provision is included in the section that provides that the section does not make evidence admissible that would otherwise be inadmissible or affect the court's discretion to exclude evidence.

An *identification process* is defined for the purposes of this section as a process whereby a witness identifies another person, and includes an identification parade and identification from a photographic or other form of visual display.

Debate adjourned on motion of Hon. I.F. Evans.

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

In committee (resumed on motion).

Clause 4.

The Hon. I.F. EVANS: Prior to the break and the adjournment, I was answering a question put to me by the member for Mount Gambier in the debate on my amendment. I will now, if the Chair is happy, continue answering that question. The member for Mount Gambier has raised an interesting point that has not quite been dealt with in enough detail in the bill, although the Attorney and I are pretty clear that we had it in one draft but, for some reason, it has dropped out.

There are significant complexities that arise from a candidate becoming an Independent candidate, in one way or another, within two years from the polling date and especially within the

capped expenditure period. For clarity, to respond to the original question, section 130Z(2)(a) states that:

> (2) A certificate under subsection (1) must be lodged with the Electoral Commission by the agent of the relevant party, candidate or group, in accordance with any requirements of the Electoral Commissioner—
>
> (a) in the case of a certificate lodged by the agent of a candidate or group not endorsed by a party [Independent]—on or before 5 pm on the day on which the capped expenditure period commences in relation to the candidate or group for the election.

So, that means, if you announce you will become a candidate, and you are not already an MP, six weeks out from the election, for example, that would be the day on which the capped expenditure period would begin. So, to enter the public funding arrangements, you would need to lodge that certificate by 5pm with the commissioner on that day. We think that is reasonable. Given you are making a conscious decision to stand, you would have already planned on that question. However, this raises other points that would be addressed by amendments between the houses, and we will make sure the member for Mount Gambier is given the amendments prior.

If a candidate becomes an Independent within the two years, in a situation where they were previously a member of a political party—so this includes candidates who become disendorsed as well as choosing to leave the party—what should be their arrangements? The situation should continue for the candidates as it was, as the candidate previously had an arrangement with the party that it either opted in or not opted in to the scheme.

The newly Independent candidate would then have to change their position with the commissioner within 24 hours of being no longer endorsed as a candidate. So, if you were an MP belonging to a party and suddenly you do not belong to that party for some reason, by your choice or the party's choice, then you are stuck with the decision of the party about whether or not you are in public funding unless you change it within 24 hours with the commissioner; so, again, that candidate gets the choice. If no change is made, the previous arrangement would remain.

The complexity increases if this occurs during the capped expenditure period, which is from 1 July through. The agent of the party should have 48 hours to submit to the commissioner a report on the candidate expenditure already incurred on behalf of what was previously a party member candidate. The commissioner must check and accept this return. The commissioner will be able to say, 'Well, I think you're trying to load up the expenditure. I'll accept that one, not this one.' The commissioner will be the independent umpire. The already used expenditure should follow the newly Independent candidate and be removed from their cap and should be required to form part of their expenditure for the purposes of the cap.

Exactly how that operates will be a matter for drafting, but the intention is clear: that candidate will not be able to have two bites at the expenditure biscuit, but the independent umpire will be the Electoral Commissioner on that matter; so no party will control it. If the previous party tries to load up and fake the expenditure of that candidate, the Electoral Commissioner can make a judgement about that and make a ruling that he or she is going to accept X amount of the expenditure and allocate the rest to the newly Independent candidate; so there is protection for the Independent candidate. So that explains that. We will have that drafted between the houses. We will make sure the member for Mount Gambier sees the amendment, and we will answer further questions if they arise from the drafting.

Mr PEGLER: Where we said that if somebody is an Independent and eight weeks out from the election they decide they are going to stand, they announce it that morning, I would have thought that it should be by 5pm the next day. What happens if they announce it on a Sunday or a Saturday, or something like that?

The Hon. J.R. RAU: I can answer the last bit. I think, under the Acts Interpretation Act, the day would be interpreted as next business day; so that is fine. Can I just say that, having listened carefully to what the member for Davenport had to say, I find it impossible to disagree with a word. We are in agreement about the matters that he explained. Like the member for Davenport, I also make the offer to the member for Mount Gambier. Between the houses, as far as I am concerned, we are both more than happy to keep the conversation going.

The Hon. I.F. EVANS: The reason 24 hours is picked is that an Independent candidate, for instance, might want to announce their candidature at a big public meeting at 7 o'clock that night in some town hall; so putting an 'o'clock—5 o'clock—becomes an issue, but 24 hours caters for all circumstances.

Mr PEGLER: I would just like to put on record thanks to both the member for Davenport and the Attorney for looking into this matter.

The CHAIR: Just before I put this to a vote, can I draw to your attention to the fact that I have been advised of a typographical error. It is on the second last line of the amendment, 'in any other case—is a member of Parliament' and there is a semicolon and then 'and'. I have been advised that the semicolon should not be there; it should be a comma, and the 'and' should be deleted.

Amendment carried.

The Hon. I.F. EVANS: I move:

Amendment No 3 [I Evans–2]—

Page 15, lines 4 to 25 [clause 4, inserted section 130Q]—Delete inserted section 130Q

Amendment No. 3 is consequential, so I do not need to speak to it.

Amendment carried.

The Hon. I.F. EVANS: I move:

Amendment No 4 [I Evans–2]—

Page 15, lines 28 to 35 [clause 4, inserted section 130R(1) and (2)]—Delete subsections (1) and (2) and substitute:

(1) A payment under this Division will not be made in respect of votes given in an election for a candidate unless—

(a) the total number of eligible votes cast in favour of the candidate is at least 4% of the total primary vote; or

(b) the candidate is elected.

(2) A payment under this Division will not be made in respect of votes given in an election for a group unless—

(a) the total number of eligible votes cast in favour of the group is at least 4% of the total primary vote; or

(b) a member of the group is elected.

Amendment No. 4 simply implements the scheme I talked about earlier, where if a member of parliament receives less than the 4 per cent threshold but is elected, they are eligible to public funding to the level of their primary vote.

Amendment carried.

The Hon. I.F. EVANS: I move:

Amendment No 5 [I Evans–2]—

Page 21, after line 10 [clause 4, inserted subsection 130Z(2)]—Before paragraph (a) insert:

(aa) in the case of a certificate lodged by the agent of—

(i) a candidate who—

(A) is not endorsed by a party; and

(B) is a member of Parliament; or

(ii) a group—

(A) that is not endorsed by a party; and

(B) a member of which is a member of Parliament,

at least 24 months before polling day for the election; or

Amendment No. 5 simply introduces the scheme that where you are a sitting member of parliament but not a member of a party you have to nominate to the Electoral Commissioner at the same time as the political parties that you are going to accept or reject public funding, which is two years out. The other circumstances the member for Mount Gambier outlined flow if it is closer than two years. At the two-year mark, if you are an Independent, you should have to nominate at the same time as the other members of parliament. That is what this amendment does.

Amendment carried.

The Hon. I.F. EVANS: I move:

Amendment No 6 [I Evans–2]—

Page 21, line 12 [clause 4, inserted subsection 130Z(2)(a)]—After 'party' insert:

(other than a candidate or group referred to in paragraph (aa))

Amendment No. 6 is consequential.

Amendment carried; clause as amended passed.

The Hon. I.F. EVANS: For the clarity of the committee, I have no other amendments or wish to speak to any other matter until schedule 1.

Clause 5 passed.

Schedule 1.

The Hon. I.F. EVANS: I move:

Amendment No 7 [I Evans–2]—

Schedule 1, page 48, line 33 to page 49 line 23—Delete the Schedule

This amendment deletes schedule 1 and is consequential to the amendments we have previously moved.

Schedule negatived.

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) (15:53): Before I move the third reading, I thank again the people I have mentioned. I also need to mention Mr Thompson, who has done an excellent job in relation to this and been of great assistance, and also parliamentary counsel, who as usual have done a fantastic job in interpreting the somewhat cloudy thoughts on occasions and giving them some structure. I did not want it to pass without those acknowledgements and sincere thanks. I move:

That this bill be now read a third time.

The Hon. I.F. EVANS (Davenport) (15:53): I simply want to thank, as the Attorney has, parliamentary counsel and others. Parliamentary counsel put up with a lot of discussion and very long hours about matters. They probably did not have a great understanding of the internal workings of political parties until they sat through a lot of meetings. We enjoyed their input and we thank them for what was a complicated piece of drafting.

Bill read a third time and passed.

EVIDENCE (DISCREDITABLE CONDUCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:55): I rise to speak on the Evidence (Discreditable Conduct) Amendment Bill 2013. Members might recall that the Evidence (Discreditable Conduct) Amendment Act 2011 came into operation on 1 June 2012. The act itself made some important changes to the admission and use of evidence of bad character in criminal proceedings and that new act of 2011 was designed and intended to clarify and refine what has long proved to be a complex and confusing area of criminal law.

I think it is fair to say that the Attorney-General's contribution to the debate suggesting that the legislative reform in this area was, to describe him, an elegant development of the reform in this area was, on reflection, somewhat simplistic because clearly we are back here today because problems have arisen.

It is acknowledged that this has become a very complex and confusing area of the law and therefore it is not unreasonable that, even with the most careful deliberation, some problems may come to light. Unlike other circumstances where the Attorney-General might have hurriedly rushed into something or there was a knee-jerk reaction to a public outcry on something and it was hastily

brought into place, ill-prepared to deal with the matter, in this instance the opposition recognises that this is not easily resolved.

It is also fair to say that consistent with what was canvassed in the debates for the 2011 act, I think there has been a general shift in the expectation, that we have moved from being extremely wary of allowing the introduction of evidence that falls into this category, whether we call it discreditable conduct or, of course, evidence of bad character. There has generally been a common law protection against juries having access to this information which might contaminate the ultimate conclusion of a fair trial for the accused in particular.

I think the general sentiment of expectation is that justice in the outcome of criminal proceedings is not exclusively a matter of protection of the accused and there are certain societal expectations that have developed and advanced what culminated in that legislation. The problem has been that the mechanics of implementing that reform by—if I can very much paraphrase it—lowering the threshold of admission allows for an expansion of opportunity of conduct to be before the court, and frequently in the view of a jury, but with some protections. One of the manifestations of implementation has been that it is reasonable then to give notice, in this particular instance written notice, of when it is going to be presented.

The complication, as we are informed and understand it on the contribution of the Attorney-General and also Mr Martin Hinton SC who advises and represents our government, has been that—and again, if I try and simplify this—a particular approach to the admission and disclosure obligations was drawn from the commonwealth regime, and that does not sit neatly with the processes and procedures that operate under South Australian law. As a consequence, I think the practical outcome has now been considered I think now in two cases, and ultimately the unreasonable obligation of providing written notice in so many circumstances is such that it is just simply impractical, and the DPP, I think, has put his hand up for some relief. So I hope I have not misunderstood that.

The disappointing aspect of this bill, however, is not that it has come back to the parliament to seek relief and seek to be reformed, it is that, having been presented with a reduction in the circumstances in which a written notice is given, at the last minute the indication is that it is the government's intention to advance a no-notice-at-all approach. It is disappointing because the opposition received one bill, had a briefing on it, and understood that that is where we were going. The briefing was not only from advisers of the minister but also, significantly, from Mr Hinton, at that high level, to provide advice. But then we find that there is a moving of the goal posts.

It is of concern to the opposition that as best as possible we try and make this law right and, as I say, lower the threshold and have the protections that go with it. But we are now about to be asked to throw out the notice process altogether. This is the notice of intent to introduce that evidence, or apply to introduce that evidence, and it gives the opposition no time really to get advice, again, from senior counsel but also of course from learned bodies such as The Law Society, the Bar Association and defence counsel in criminal cases, for example, who are represented in each of those organisations.

This is significant change to the law. It is one that we have supported the direction of but with protections, and I think the removal of a notice altogether does need to be carefully considered. It is disappointing but, nevertheless, it not our intention in any way to hold up the passage of this legislation in this house, with the qualification that, between houses, we will consider any responses we have. It may be that we need to have some further consultation with Mr Hinton and/or other advisers that the government might make available. But it does seem to me that we really need to look at this issue again.

On this side of the house we do not think it is necessarily as simple as taking out the written notice process altogether, unless there is going to be some consideration at least of the opening up or the lowering of the thresholds for accessibility. I do not know yet how that is going to play out or how it is going to apply, but we will certainly need some advice on it and to consider it. I think I am right in saying that, even to legally trained people, this is a complex area of the law.

I can remember in the halcyon days as a law student when you learned about cases like the Emily Perry case and similar fact evidence, and whether she had in fact poisoned previous husbands and the like and, in her murder trial, there was very substantial amount of debate as to the admissibility of circumstances surrounding the demise of her former husbands. A most interesting case because, of course, the victim of attempted murder in that case was refusing to

give evidence to the prosecution. As I recall, he still loved his wife and could not possibly accept that she would be trying to kill him.

However, there are circumstances where that is important. Perhaps it is a little easier when you look at the extreme end of these cases, but when you come to look at propensity or similar fact evidence in a number of other cases it is more difficult. There is that balancing act that needs to be maintained. At least, if we are going to lower one threshold, we need to ensure that there are certain protections.

It was brought to my attention by the Hon. Stephen Wade of another place that there is already an academic paper out examining South Australia's new approach to the use of bad character evidence in criminal proceedings, which is by David Plater, Lucy Line and Rhiannon Davies. It must be only recently published, but it does give a thorough examination of the legislation.

It appears to at least alert the reader to possible problems that could come in its application, even though, as I have said, the 2011 act was passed with a reasonable and certainly hopeful expectation that it would provide some clarity to this complex area. It seems that the circumstances that have prevailed since, culminating in two recent decisions that were brought to our attention, have proved that to be wrong.

There is no reflection on the government for coming back to fix this up. It is a little concerning that we have had mixed messages as to how that should be dealt with and the removal of notices altogether. In the circumstances, reform is something we will need to look at further. We will do so, and we would seek the cooperation of the government if it wishes to have this expedited.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:06): I thank the honourable member for Bragg for her contribution. I will also be very brief about this matter. I will explain a few points about exactly what we are on about. This bill proposes to bring South Australia in line with the Uniform Evidence Act jurisdictions.

It provides that written notice will be required only when a party in a criminal case intends to lead evidence of discreditable conduct to establish a particular propensity or disposition of the defendant as circumstantial evidence of a fact in issue, otherwise known, as the member for Bragg referred to, as similar fact evidence. That is one quite discrete class of evidence. However, after further discussions with the Solicitor-General, I have come to the view that a requirement for written notice, even in limited circumstances, is not necessary.

The amendment removes entirely the need for notice to be given where a party seeks to lead evidence of discreditable conduct. This will not undermine a defendant's right to a fair trial. The court will still, as with any other type of evidence, have to be satisfied of the relevance and admissibility of the discreditable conduct evidence before a party will be able to lead such evidence. The opposition has signalled so far its preparedness to support the bill at this stage, and I appreciate that. I also hope that in due course, after we have had further opportunity to speak, the bill in its amended form will also be supported.

I will make a couple of further very brief points. The original amendment that was filed and, indeed, the second amendment, which we have more recently foreshadowed, do not affect the test of admissibility. They do not impact on the question of admissibility. They simply impact on whether a procedural step, namely, the provision of written notice, needs to be gone through before the issue of admissibility of particular evidence can be put before the court, but it in no way tests or changes the threshold of the admissibility of that evidence.

I gather, from what the honourable member for Bragg has said, that the general character evidence that was caught up in this notice provision requirement—unintentionally, I might add—is not something about which the opposition has any quibble.

So the only question the opposition, as I understand it, is wishing to be satisfied about is that relatively small remnant being the similar fact evidence and what impact this has on that. My answer to that is that the impact is procedural, not substantive. The judge still has to apply the same test, as set out in the section, when the judge is determining whether to admit or not to admit the evidence. The only difference is whether or not a formal written notice in compliance with the existing legislation needs to be provided to the defence counsel prior to that occurring.

When the DPP first raised this with me—and the member for Bragg might be interested in this—he said, 'These notices are bedevilling the DPP. Every time we even want to call somebody

to say that this fellow is a ratbag, we have to fill in these endless notices, and they are achieving nothing.' I thought we would go ahead and reform the process. The DPP said, 'Quite frankly, none of these things are really useful, but I could understand it if you were a little more reluctant in the case of what is properly described as similar fact evidence, not because there is any real difference but because it is relatively unusual.' At that stage I gave instructions for the preparation of the legislation—and, indeed, the original bill does not include the similar fact evidence in its purview for that reason.

However, as recently as a few weeks ago, I was advised by the Solicitor-General that recent decisions of the courts have suggested that the courts themselves do not regard these notices as being of any substantial value. In other words, whether or not a party does comply with the current notice provisions by judicial interpretation is being regarded as not relevant to the judicial requirement of determining admissibility. In other words, there is no down side for not putting in one of these notices. It doesn't affect the judge's role at all. When it was explained to me that that applies across the board, I then said to the Solicitor-General, 'If these have no clout anyway and all people are doing is filling them in—

Ms Chapman: Except to advise the defence counsel.

The Hon. J.R. RAU: Yes, but there might be a broader disclosure issue which is a slightly different issue. It was on that advice that these things served no practical purpose and had no impact in terms of the admissibility if the evidence was brought forward in contravention of the requirement to provide the notice.

It was in light of that recent advice that I thought that if they are not doing anything, why do we create this artificial distinction between one group of things which we all agree are doing nothing and we are prepared to get rid of and another group of things which we know are doing nothing but we want to keep anyway even though they are doing nothing? That is the reasoning, that is why it came relatively late because I can assure the honourable member that it was relatively recently (in recent weeks) that the Solicitor-General shared with me information about recent court interpretation of these provisions which led him to the view that these notices across the board are of no substantial significance.

I am happy to arrange briefings in the interim. My intention presently is that I will move it in the amended form. The whole intention about this was to dispense with unnecessary process which was occupying time with the DPP. If it is serving no purpose, why make them do it? I will move it in the amended form. I understand what the honourable member is saying and I issue the invitation between houses. I am very happy to arrange for the member for Bragg and the Hon. Mr Wade in another place to be provided with whatever further briefings or discussions they consider to be helpful. I will move it in the amended form and I am happy to offer those briefings.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Amendment No 1 [AG–1]—

Page 2, lines 11 to 13—Delete lines 11 to 13 (inclusive) and substitute:

Section 34P(4) and (5)—delete subsections (4) and (5)

The case to which I was referring I am advised is called R v C, G, reference 2013 SASCFC, page 83. There was an interpretation in that which did not follow earlier comments made by Justice White in R v C, which was reported in 2013 SASCFC, page 44.

Amendment carried; clause as amended passed.

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) (16:16): I move:

That this bill be now read a third time.

Bill read a third time and passed.

DISABILITY SERVICES (RIGHTS, PROTECTION AND INCLUSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

Dr McFETRIDGE (Morphett) (16:17): I indicate that the Liberal Party will be supporting this bill without amendment. I am the lead speaker on this bill, and I just thank the minister and his staff, particularly Peter Hoppo and Joe Young, on their cooperation. The level of consultation on this bill has been exceptional for the Labor government in the nearly 12 years I have been in this place. There have been a number of round tables, consultation with a broad range of groups or stakeholders, and they have been to see me privately in my office, as well as that I had the opportunity to attend a roundtable meeting at Greenhill Road about a fortnight ago.

It has been extremely pleasing to see what I said at the Novita walk in the park at the Botanic Gardens about a month or so ago—that is, if you cannot be bipartisan on disabilities, where can you be bipartisan—being supported. It is a pleasure to stand here. I suppose if there were any downsides, it has taken longer than all of us would have liked to reach this stage, but it is here now, and let us see what we can do to make sure that the bill goes through this place and the other place without too much further delay.

The bill itself introduces safeguards and a complaints policy, and amends the act to provide a legal service and remedy in the event of victimisation by providers of disability services. The amendment gives the minister the ability to review funded services or activities and introduces regulations accordingly. The bill also introduces the principles of the United Nations Convention on the Rights of Persons with Disabilities as a set of best practice principles to guide policy development, funding decisions and the administration and provision of disability services.

This is a good piece of legislation that is going to expand the protections for people with disabilities. There were some people who raised the issue of mandatory reporting with me, and I know the Hon. Kelly Vincent in the other place has certainly put in private member's legislation for mandatory reporting for people with disabilities. My requests for information from the minister were received and met with a lot of good information and cooperation.

I spoke to parliamentary counsel about this issue and we are convinced that if we are going to go down the path of mandatory reporting—and I think there is a real opportunity to do that—it should not be in this piece of legislation, so we will not be moving any amendments here. I cannot speak for other parties, but the Liberal Party in the other place will not be doing so either.

Having said all of that, I would just like to go back 10 years to my history in this place of having promoted the rights and protections of people with disabilities, particularly children with disabilities. I thought I had only asked former premier Rann about the protection of children with disabilities from sexual predators and abuse once or twice, but it turns out that I raised it eight times in this place, as questions and in grievance debates, during the period of September 2003 through to June 2004.

So, it was 10 years ago this month that I started raising the issue of the protections that are required. I will just read some of the responses the then premier Rann gave this place. My question to the then premier on 15 September 2003 was:

> Will the Premier request the Catholic Archbishop of Adelaide to release the results of the inquiry into the sexual abuse of children at St Ann's Special School so that the report can be tabled in this parliament?

The then premier Rann replied:

> I thank the honourable member for his question. I understand the honourable member has been in contact with family members of those people who are involved. This is obviously a terrible thing that has occurred and I would be more than happy to raise the issue with the Catholic Archbishop.

The issues and concerns continued on, as I said, from September 2003 to June 2004. This is why I am a bit puzzled why the government is in the pickle that it is. On 13 October 2004 I asked the then premier whether he had spoken with the Catholic Archbishop, and in his response, the Hon. M.D. Rann, then premier of the state, said:

> I think that I have already publicly addressed this matter—

I do believe he had, but he then went on to say:

> The abuse of a child is among the most grotesque of crimes, and it is absolutely abhorrent to me and, I am sure, every member of this house. Children, and in particular children with disabilities, are highly vulnerable and deserve to be safe in the company of the adults who carry the responsibility for them.

The then premier Rann was certainly highlighting to this house, to all members in this place, and to the general public that the need to protect the most vulnerable, particularly children and children with disabilities, was absolutely paramount. That was on 13 October 2003—10 years ago.

In a grievance debate on 22 October 2003, I pointed out the fact that we need to be able to point the finger at the people responsible for despicable acts of paedophilia and sexual abuse of vulnerable members of society. That is what this bill is helping to do; it is helping to strengthen the reporting processes and the whole of the protocols that are in place.

Back in 2003, Channel 7's *Today Tonight* aired a program that revealed some startling revelations that were made about government cover-ups, which included the shredding of government documents. That was back then—10 years ago—and I would hate to think that that sort of thing is happening now. This issue of child abuse has been rolling on for 10 years.

I asked another question on 23 February 2004 as to whether the then premier had received a copy of the Catholic Church's inquiry into child abuse. The premier said that he had had a conversation with the Catholic Archbishop, and the premier promised to continue to investigate the tabling of that document in this place. On 31 March 2004, when the Anglican Church's Board of Inquiry report was tabled in this place, I asked the then premier whether he would ensure the Catholic Church also table its report at the earliest moment, and still, that was something that dragged on and on. Again, on 28 June 2004, I asked the then premier:

> ...what reasons has the Catholic Archbishop given you for not tabling in parliament a copy of the report...

The premier said that it was in the public domain and, therefore, subject to full rigorous public scrutiny—that is not my understanding and that was not the understanding of the parents of the children involved. There was an absolute need 10 years ago and there is today to make sure that we are protecting the most vulnerable people in our society—not just the children but particularly, in this case, the children with disabilities. That is where I hope this bill goes forward to in offering the extra protection that people with disabilities of all ages—not just children—deserve and should be getting. I did a grieve on child protection in this place on 31 May 2004, and I said:

> What we have seen here is an absolute breach of trust. People in organisations that cover up or perpetrate any acts of sexual abuse or misconduct, particularly against children but also against others, should be exposed. They should be condemned and further scrutinised.

That is what we need to do. There is a committee being formed this afternoon, I think, in the other place, that will be continuing to scrutinise and examine the concerns that are currently going on with the abuse of some young people in South Australia.

I raised this for the eighth time in this place on 24 June 2004. I did a grieve about child abuse, and I pointed out that the Catholic Church's report had been released then. The report was some 30 pages long and it raised a lot of questions. Questions had been raised by parents of the children who were subjects of the report. The report was compiled by Mr Brian Hayes QC. The parents told me, and I said in this grieve, that Mr Hayes was given fairly tight instructions to act on and to report on.

I know today, because one of them does some part-time work in my office as a volunteer JP, that the parents are still very unhappy about the levels of exposure that were revealed way back then, to the point where, in September 2011—two years ago—*Four Corners* did a story on the abuse of the young kids at St Ann's Special School and, again, in October, did a follow-up on that.

I use the example of the St Ann's issues just to remind everybody in this place that we need to make sure that we are protecting the most vulnerable people, that we are protecting our children and making sure that the predators who are out there—and they are always out there—are going to be put under scrutiny and put under observation and that they are going to be caught and punished. We need to make sure that anybody who feels that they need to report abuse is going to be protected.

This bill goes a long way to doing that. As for the issue of mandatory reporting, as I said, we will come back to this place and we will keep talking to the minister about it. I will conclude by saying I would like to thank the minister for his level of cooperation—it is a rare thing in this place—and I look forward to seeing this bill pass without any further delay.

Mr GARDNER (Morialta) (16:28): It gives me some pleasure to be able to speak today on the Disability Services (Rights, Protection and Inclusion) Amendment Bill. I have been waiting for this opportunity for some time, as I just want to briefly outline to the house.

The history of this bill goes back a long way, of course. It is an amendment to the 1993 Disability Services Act, so it is an act that has been in place for 20 years. It was important at the time, but it was rushed in a sense in order to enable the state to access commonwealth funding to assist these services, which was important, but it was not a perfect act and it has needed some attention. I am pleased that today we are able to give it some attention.

Over the past 20 years, there have been a number of things that have changed. In the late nineties, under the Brown and Olsen governments, there was progress. The Hon. Robert Lawson QC, a former minister for disabilities from another house, made some significant steps forward towards individualised funding, and the society and community has a better appreciation of how people with a disability should be able to access government services and the tension between service-based mentalities and rights-based mentalities in how these matters are dealt with.

Governments do provide a service and have done for some time, and that is important but, whether it is from a framework of how much the government can afford to spend or from a framework of what is the right of the individual who is receiving that service, that is where the tension can sometimes play. And where there are limited funds the tension then becomes: does everyone receive an inadequate service or do those who are fortunate enough to be able to access the service receive that service based on the human rights that they should have? Of course, that means fewer or more inadequate services for those who miss out.

Consequently, we have situations, such as at the moment, where there are hundreds of people on waiting lists. There have been waiting lists for a long time, I will acknowledge that. From time to time, governments bring good programs or extra services to the house, and this is something that is not unique to this government or the one before. We all run for these parliaments because we want to make a contribution. Nobody comes into parliament thinking, 'I don't want people to have services.' We all try to do what we can, and it is a matter of priorities from there. In the nineties, as I say, I particularly acknowledge the work of the Hon. Robert Lawson as the minister.

Throughout the last decade I think that it would be churlish not to acknowledge that the advent of political organisations for groups in the disability sector has probably brought forward strong steps as well. I pay credit to those involved in running for parliament with the Dignity for Disabled group, now Dignity for Disability, which started before the 2006 election and was successfully elected to parliament in 2010. I particularly note (in addition to the representative for that group, Kelly Vincent, who does a good job in the upper house on behalf of her constituents) Dr Paul Collier, who I think has regularly been acknowledged in this place as a significant contributor in this area of public policy.

While we appreciate the work that our colleague in the other place, Kelly Vincent, does, I think we all would have loved to have had the opportunity to serve with Dr Collier. It is a great shame that he never had that opportunity, but his legacy is through the election of the Hon. Kelly Vincent, and we appreciate that. That was in 2006. In July 2008 Australia ratified the UN Convention on the Rights of Persons with Disabilities, the first time that we had this sort of human rights-based framework. The principles from that I want to quote briefly:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) Non-discrimination;

(c) Full and effective participation and inclusion in society;

(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) Equality of opportunity;

(f) Accessibility;

(g) Equality between men and women;

(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

And that is important, and I think that Monsignor Cappo, who I will get to in a moment, recognised the importance of acknowledging this framework in this bill, and I think the minister has done so as well. There is, albeit a brief reference, the important reference in this bill to the UN Convention, so it gets a tick.

In December 2009, subsequent to the UN Convention, and with political discourse continuing in its way, Mike Rann, the former premier, sought the creation of a blueprint and commissioned Monsignor Cappo and the Social Inclusion Unit to draft that Strong Voices framework. The Strong Voices blueprint I do not want to dissect in great detail, but it was a significant body of work. The consultation process that Monsignor Cappo and his team undertook between July and September 2010 included more than 2,000 people being engaged in that process.

Just to give members of the house and those reading the *Hansard* an understanding of that consultation, 16 community forums, 10 in the country and six in Adelaide managed to get the involvement of 578 people; there was an online survey which attracted nearly 1,300 participants; there was a phone-in that was advertised that attracted 170 phone calls; and there were written submissions for 120 organisations and individuals. In addition, the Social Inclusion Unit proactively approached a number of organisations, including meetings at Orana, Minda, Strathmont, Bedford and Highgate, and a series of workshops and a stall at the 2010 DIRC expo. That work was significant. It gave us the Strong Voices report, and we are now in October 2011.

In the meantime, two bills had been presented to the Legislative Council by the Hon. Kelly Vincent, which dealt with a number of these issues, because we are getting on a bit for time. These issues have been circulating for some time. We are talking about an act that by this stage is 18 years old and, as we said at the beginning, was somewhat rushed. I should say, the first recommendation of the 34 contained in Strong Voices was:

> Priority Action [number one] The South Australian Parliament must enact a new Disability Act to replace the existing Disability Services Act 1993 to: align with the United Nations Convention on the Rights of Persons with Disabilities and specify high level service standards such as minimising use of restrictive practices; direct all State Government agencies and Local Governments to lodge Access and Inclusion Plans with the Social Inclusion Board for public release; establish an integrated suite of appeal processes and safeguards; and establish a Community Visitors Scheme to monitor standards of disability housing and accommodation service settings.

I acknowledge that the last of those was included in last year's budget, but the remainder were waiting on the bill. The government responded after a couple of months, on 19 December, Premier Jay Weatherill and the Hon. Ian Hunter, Minister for Communities and Social Inclusion, saying that the government supported 16 of 34 recommendations, and specifically in relation to recommendation one:

> The Government will draft a Bill for a new Disability Act in consultation with people with a disability and the disability sector that is more reflective of the rights and aspirations of people with a disability. This will build on the initial work already undertaken in the proposed redrafting of the existing Disability Services Act announced by Minister Rankine in late 2010.

In late 2010 we have the work begun by the minister, the member for Wright. In late 2011 we have the minister from the other place announcing that this is underway, and then we have this two-year period until we get to today. I acknowledge that the current minister has said in this house previously that some of this is taking into account the NDIS.

That body of work was going on between 2010 and 2013 until that legislation was passed in the federal parliament, but for the first two years of that we had state ministers promising people with a disability in South Australia that they would have a new act reflecting the rights granted in the UN Convention and we had ministers who were also aware that this NDIS work was going on who did not use that as a reason why that could not work. I will go specifically to minister Hunter, then minister for disability, who, when answering a question from the Hon. Tammy Franks on 29 February 2012 about when this act was coming in, confirmed again:

> The Social Inclusion Board's disability blueprint, *Strong Voices*, was released on 19 October 2011. It recommended that a new disability act replace the existing Disability Services Act 1993. On 19 December 2011 Premier Weatherill announced that the government would be drafting a new disability act.
>
> …I certainly give the position of myself as minister that when we come to drafting the new act we will be consulting with the community and particularly those affected, people living with disabilities, very widely on the new act.

I acknowledge that there has been consultation on it. In April 2012, the Hon. Stephen Wade of the Liberal Party asked about the details of when the government would be tabling the new bill or

whether it would considering the Hon. Kelly Vincent's bills, which had been lying on the table for some time. Minister Hunter at that stage said, on 5 April 2012:

> The government is committed to bringing in a bill for a new act, as we have said publicly a number of times. It was a recommendation that the government accepted in the Strong Voices report, which we took to cabinet. My department is working on a range of proposals for me in consideration of a new act and, once we have a draft act that we take through to cabinet, we will put that out for public consultation.

On 25 June, in estimates last year, again minister Hunter said:

> In terms of the new act. I am very pleased to report that the review of the act is well underway. We are committed to strengthening the rights, protection, advocacy and safeguards for people with disability.

He went on to say:

> It is anticipated that the drafting instructions will be ready for cabinet by early August 2012. Parliamentary counsel will then receive the drafting instructions and prepare the bill, which will create a new disability act and repeal the Disability Services Act 1993.

It goes on to talk about the timeline being two years and being on track to meet that commitment. On 29 November last year, about a year ago, and three years on from the initial approach by former premier Rann, the Hon. Kelly Vincent asked:

> When does he plan to introduce that legislation to reform the outdated Disability Services Act, or would he like to save himself a bit of time by supporting mine?

Minister Hunter responded:

> I can advise the house that the legislation is before parliamentary counsel as we speak. I would like to have introduced it before the end of our year, but that is not to be. ... we can come back next week, I suppose. But I am not sure that parliamentary counsel would have it available even then—although if we were to give them some extra time, perhaps, and tell them to drop off all of the parliamentary drafting they are doing for Independent members of the house I might be able to get a bill drafted. However, that is another point altogether.

So that was the year of minister Hunter holding this portfolio. I have some respect for minister Hunter. I think he worked hard, but I think on this matter the rubber was hitting the road and there was delay after delay presented in different terms from what the new minister has suggested.

This year the member for Light has suggested that the bill was awaiting consideration in light of the NDIS legislation and obviously as a new minister there were other matters that he needed to take into account and we have a bill for which I am grateful. But it is not, in fact, the bill which was described by minister Hunter last year. It is not a repeal of the Disability Services Act in an entirely new act. It is a bill that makes some significant improvements to the Disability Services Act and, of course, the opposition is happy to support those improvements.

I make the point though that for the last four years the government has been talking about introducing a bill of this sort and it has been sought for longer than that. It was committed to by the Liberal Party at the last election, and the government had its Strong Voices framework set out and that is all well and good, but it would have been helpful had the parliament had the information that we were looking at something narrower than, in fact, the introduction of a whole new bill.

Going directly to the bill as it is presented to us, it is not a long bill. It references the United Nations Convention on the Rights of Persons with Disabilities, as I identified, and it enshrines the right of people with a disability to exercise choice and control in relation to decision making in their lives, and that is incredibly important. It mandates a requirement for disability service providers to have accessible and well-publicised complaints and grievance procedures.

It has protections for those who complain or report bad treatment; it mandates a requirement for disability service providers to have in place safeguarding policies and procedures; and it gives the Minister for Disabilities the power to make regulations covering the issue of reporting on outcomes with a view to monitoring an action on a lack of appropriate performance by both government and government-funded agencies. So that is the bill and that is what it does. We support those things. We will watch what happens with interest in the months ahead and as the NDIS work continues whether further improvements are made.

Just finishing on the NDIS, the shadow minister, the member for Morphett, could not have been more passionate in his support in his endeavour to demonstrate the Liberal Party's support for the NDIS, as I was as the previous shadow minister. I am pleased that on election night the Prime Minister singled it out and identified it as an issue that is above politics. It is an idea whose time has come. It is clear that people with a disability in a comparatively and relatively wealthy society such as Australia must have their rights enshrined and protected, and that work goes on.

I do not want to overstate the work that has already been done, because it is an ongoing project. We are getting there, but it would probably be premature to say that it is a heroic achievement that we have installed this NDIS or that the work of the previous federal government or the current work that is being done is the achievement in itself. It is a work in progress and, as part of the opposition and along with the shadow minister, I look forward to continuing to work with the government on endeavouring to make sure that the NDIS meets its promise, and this bill is no doubt going to be a step on that path.

The DEPUTY SPEAKER: If the minister speaks he closes the debate.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:44): Thank you, Mr Deputy Speaker, and I will make a few comments. I would like to thank the speakers opposite for their comments and also for their indication of their support for this bill in its current form, and I look forward to a speedy passage of it, not only in this house but hopefully in the upper house, with their support in the upper house. In particular I would also like to thank the member for Morphett for his bipartisanship on this issue which he committed to and which he has delivered on, so I also acknowledge that.

This bill is the result of a gap analysis which I requested shortly after becoming minister. I have noted some of the delays in bringing this bill to this house but I can say that I have honoured the commitment that I made to this house to ensure that the bill came this year. The analysis identified two key issues: the need to legislate for safeguards for vulnerable adults living with disability—and that is certainly covered in this bill; and, secondly, creating a legislative basis for the disability stream of the Community Visitors Scheme. We have covered that by regulation but we also indicate that we will be looking at a bill in its own right at a future time to strengthen that program.

Due to the extensive consultation undertaken with the disability services sector—and I thank the member opposite for the compliment in acknowledging the contribution that the government has made in this area to engage the sector—I am confident that this bill satisfies the first of these two issues for those living with disability and their carers. The bill, as mentioned, references the United Nations Convention on the Rights of Persons with Disabilities. It enshrines the right of people with disability to exercise choice and control in relation to decision-making, which reinforces the principles underlying the NDIS scheme or Disability Care Australia. In that, I would like to say that as disability care will be an ongoing project, as mentioned by one of the speakers, we will have to respond accordingly with state law as things evolve over the next few years and I have made a commitment to do that.

This bill also references other national and state discrimination legislation. In particular, I would like to mention that in interpreting this act, we also take into account other acts, for example, the Carers Act and the important role that carers play in supporting and assisting people who are living with disability. This bill also mandates a requirement for disability service providers to have accessible and well-publicised complaints and grievance procedures. Through the consultation process, it was quite clear that one of the major grievances people had was that they did not know how to get their grievance resolved. While there was a number of existing statutory positions, they thought getting to that point was difficult. It now puts an onus on service providers to make sure people know how to go through the process.

Also, importantly, as a first step to safeguard people who are vulnerable and living with disability, this bill protects people who complain or report any bad treatment of people living with a disability. The bill also mandates a requirement for disability service providers to have in place safeguarding policies and procedures. I wish to really reinforce that. Often we have a lot of discussion about mandatory reporting and other things, and we may look at that in the future, but it is important that, rather than after the event, we safeguard people, and safeguarding people is preventing people from being abused or neglected, and the emphasis in this bill is to do that. I have given a commitment to work with the disability sector further, and I have set up a process where we will explore how we can best safeguard people living with disability. That work will continue over the next six, nine or 12 months and may result in further legislation later next year.

This bill also enables the minister to make regulations covering the issue of reporting on outcomes, with a view to monitoring and taking action on the lack of appropriate performance by government and government-funded agencies. One of the issues raised by many people was that it was one thing to have rules in place but how do we actually ensure that people are performing to the standards required?

In relation to the Community Visitors Scheme, we have enacted regulations this year to cover that and there will be legislation later on. However, I would like to put on the record and acknowledge the excellent work undertaken by Mr Maurice Corcoran AM in this area, and I also acknowledge the contribution and advice he has given to me on this bill and other matters and will continue to do so.

I would also like to mention the recent creation of the position of senior practitioner role within the Department for Disability, Communities and Social Inclusion, and the appointment of Professor Richard Bruggeman to the position for an initial period of 12 months. Professor Bruggeman will be pivotal in providing quality expertise and leadership oversight for protecting and promoting the rights of people living with disability who may be subjected to restrictive practices, and he will play an important role in ongoing review of the legislation.

I put on the record my thanks, as I already mentioned, to the opposition and particularly the member for Morphett. I also acknowledge the people in my department, Dr David Caudrey, Barbara Weis and Joe Young, for their advice and cooperation in the preparation of this bill, and also for the round tables that were held. I also acknowledge my personal staff, in particular Peter Hoppo and John Trezise, for their contribution in supporting me through this. Last but not least, I thank the disability sector, who worked cooperatively with me and the agency to come up with this bill. I look forward to the bill's speedy passage, and hopefully in the other house as well.

Bill read a second time.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

COMMUNITY HOUSING PROVIDERS (NATIONAL LAW) (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

Dr McFETRIDGE (Morphett) (16:51): This bill is another example where, with cooperation and true consultation, you can get legislation through this place. I indicate that the opposition will be supporting this piece of legislation unamended. I refer anybody who wants to find out more about this bill to the second reading explanation of the New South Wales minister, the Hon. Ms Pru Goward, on 13 June 2012, because New South Wales is the lead legislator on this. I also refer people to minister Piccolo's second reading explanation.

Both speeches are quite comprehensive and explain the issues. As recently as a few moments ago that was confirmed to me by Dr Alice Clark, the Executive Director of Shelter SA. She is the latest of a number of senior NGO CEOs who have contacted to me to say that they are very happy with the way this bill has been prepared and the consultation that has taken place. With that, the opposition supports the bill and I look forward to its speedy passage through both houses.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:52): I thank the opposition for their support and, again, thank the member for Morphett for his contribution. I understand we need to go into committee to adopt a couple of amendments.

Bill read a second time.

In committee.

Clauses 1 to 14 passed.

Clause 15.

The Hon. A. PICCOLO: I move:

Amendment No 1 [CommSocInc–1]—

Page 9, lines 29 to 35—Delete subclause (2) and substitute:

(2) For the purposes of this Part, SAHT is taken to have an interest in land of a community housing provider if a community housing agreement with the community housing provider identifies the land as being land in which SAHT has an interest.

This amendment applies following additional consultation with the community housing sector to ensure the clear separation of the government's dual roles as funder and regulator of the community housing sector. The wording of the bill, as initially tabled, unintentionally extended the scope of the South Australian Housing Trust's controls over community housing assets which are not funded by the government, by linking the definition of the South Australian Housing Trust's 'interest' in an asset, under section 15 of the bill, to the definition of 'community housing asset' under the national law.

Community housing assets under the national law may include assets of a community housing provider which are used to deliver community housing services but which were not originally funded by government. Under this amendment the South Australian Housing Trust as funder will only have an interest in and control over assets which are the subject of a community housing agreement. The scope of the registrar's powers under the national law remains unchanged and may be broader than that of the South Australian Housing Trust to enable oversight of a community housing provider's community housing assets. I indicate that the community housing sector has indicated support for this amendment.

Amendment carried; clause as amended passed.

Clauses 16 to 19 passed.

Clause 20.

The Hon. A. PICCOLO: I move:

Amendment No 2 [CommSocInc—1]—

Page 12, lines 21 to 24—Delete paragraph (d) and substitute:

(d) the imposition of a charge over land of the community housing provider to secure payment of money for the acquisition, construction, development or improvement of land by, or for the benefit of, the community housing provider that is or may become payable under the community housing agreement; and

Following discussion with the community housing sector, this amendment applies to limit the scope of the South Australian Housing Trust's power to register a statutory charge over non-government funded assets as security for small once-off or recurrent funding for services. The additional wording proposed in this amendment seeks to provide further assurance to community housing providers of the government's intention to secure public moneys invested in community housing where those moneys are provided for the development, acquisition or improvement of assets. Again, I indicate that the community housing sector supports this amendment.

Amendment carried; clause as amended passed.

Remaining clauses (21 to 37), schedules and title passed.

Bill reported with amendment.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 17:00 the house adjourned until Thursday 26 September 2013 at 10:30.