HOUSE OF ASSEMBLY

Thursday 26 September 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:30 and read prayers.

STATUTES AMENDMENT (CHELTENHAM PARK AND RELATED AMENDMENTS) BILL

The Hon. I.F. EVANS (Davenport) (10:31): Obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992 and the Liquor Licensing Act 1997. Read a first time.

The Hon. I.F. EVANS (Davenport) (10:31): I move:

That this bill be now read a second time.

This bill is designed to assist the SAJC and other clubs which find themselves in a rather unique position. The SAJC has a facility at Cheltenham which is a licensed facility and has gaming machines. Of course, it is well known to the house that the Cheltenham racecourse has been sold, and that the St Clair development is happening on that site, so racing no longer occurs on that site.

The SAJC has a special circumstances licence. The special circumstances licence is generally issued where there is major sporting activity undertaken onsite, or an office of a state sporting organisation. Given that the SAJC stopped racing there, that creates some difficulty for the SAJC at Cheltenham. The SAJC is part of the St Clair development; there is a block of land 270 metres away from its existing licensed facility. It is on land owned by the SAJC, and the land between the existing facility and the SAJC is all owned by the SAJC; the land is contiguous.

The SAJC seeks to move their licence and gaming facilities 270 metres. To do so, they have to go through an extraordinary process. They would have to sell 40 gaming machines to Club One, which means, by definition, they would only get revenue from 30, because they have to forfeit 10 as part of the sales process. Of course, what revenue they get out of selling those machines is anyone's guess; it depends on the market and the trading ground at the time. They then need to apply for a new liquor licence and a new gaming licence, and there are processes involved with both of those. In particular, they would have to undertake a social effects test.

Mandatory social effects tests were introduced in the legislation—I think I am right in saying this—in 2010. In the three years since mandatory social effects tests have been in place, there has not been one undertaken, but the estimated cost is around $100,000. If they obtain the appropriate liquor licence and the appropriate gaming licence, if they survive the social effects test, then they would have to go back into the market to try to buy 40 gaming machines in one or more trading grounds over an extended period of time and you would not know what value they would have to pay for those poker machines. It would be dictated again by the market in the trading ground at the time. But one thing is clear: they would be getting the revenue from selling 30 but have the expense of buying 40. Their best advice is that the difference in costs is about $700,000 just for that element.

They would have $100,000 for a social effects test, $700,000 lost in the trading rounds of the gaming machines, and there are other costs associated with that because they have to make applications and submissions. The round out cost will be about $1 million to move the facility 270 metres across land that the SAJC already own. They are not seeking to move it 10 kilometres, they are not seeking to move it one kilometre down to a totally different site, they are seeking to move their facility 270 metres across a block of land that they own. The process that is in place will dictate that they undergo a $1 million process to achieve that.

The opposition believes that falls into the case of bureaucratic red tape. We understand the reasons why certain measures were put in legislation to deal with transfers of greater distance or transfers to property that are not owned by the licensee but we think it is reasonable in this case where they are moving it on land that is contiguous. Our bill says the land must be contiguous and owned by the same entity—in other words, moving it onto their own land that is touching the land that the existing facility sits on.

We think it narrows down the bill to very few cases across the state. We think that harness racing may have a similar issue. They wish to move their facility at some time in the future closer to Port Wakefield Road, and the SANFL down the track will have a similar issue when they redevelop Football Park. The SAJC is a not-for-profit organisation and, to put an organisation through a

$1 million process to move it 270 metres away with the uncertainty of that process, because there is no guarantee that they will get through, we say is nonsense.

The SAJC has a proposal to redevelop on the new site 270 metres away from the existing facility a new gaming and licensed facility. It is about a $7.7 million facility and it will help create permanent employment for myriad people in that area. So we think how the current legislation deals with this particular set of circumstances is nothing more than bureaucratic red tape. If the SAJC do not get through that process, it will cost them $900,000 a year in lost revenue and they can take their $7 million and invest it in interstate racing entities that will get them the rate of return they desire. They do not need to invest it in South Australian racing.

We think this is nonsense. We think our bill narrows down the circumstances that very few people, clubs and entities will be able to move under these circumstances. We think this is a fair outcome. The licensed facility has been there for decades; the gaming facilities have been there for a long time but a shorter time. They are moving it 270 metres. It is a million dollar risk, a million dollar cost and they might not get through the process. You are putting at risk $900,000 a year revenue to the SAJC. You are putting at risk jobs and you are putting at risk a $7 million development—to what end?

We hope that the government will support this bill because we think the bill is sensible. We think the bill gives a balanced outcome. It does not create open slather in these circumstances because the bill only applies where the entity wants to move the facility to land that is contiguous and owned by the existing owner. In other words, very short distances around the existing facilities. We think this is a balanced outcome. We think this is the right thing to do for those clubs and entities that find themselves in these circumstances, and we hope the government can find within itself to support this bill.

With those few words, I will close my second reading but I will indicate to the government that I will write to the minister and, given there are only four weeks left in the house, we would appreciate a vote on this at the earliest possible time. If the government supports it we would like to get it through both houses of parliament so that the matters that are addressed by this bill are dealt with before the parliament rises.

Debate adjourned on motion of Mr Sibbons.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE (PRESIDING MEMBER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

The Hon. S.W. KEY (Ashford) (10:42): The existing Aboriginal Lands Parliamentary Standing Committee was established in 2003 by legislation under the Aboriginal Lands Parliamentary Standing Committee Act 2003. The committee has now been in existence for 10 years with the Minister for Aboriginal Affairs and Reconciliation being the Presiding Member. Although there were grounds for the minister to be the presiding member of the committee when it was first established, this is no longer considered to be the case. It is therefore intended to amend the Aboriginal Lands Parliamentary Standing Committee Act 2003 to remove the Office of Minister for Aboriginal Affairs and Reconciliation as a member of the Aboriginal Lands Parliamentary Standing Committee.

It is the view of this government that the importance of the portfolio of Aboriginal Affairs and Reconciliation transcends all political divides, which is why the Aboriginal Lands Parliamentary Standing Committee (the committee) should conduct its business in collegiate spirit in order to effectively serve for the purposes for which it was established—and I know this is the case; this is how it operates. I note also the concerns of past and current members that that position of presiding member should be allocated to someone with greater opportunity to be fully engaged in the affairs of the committee.

The bill has the support of the committee members and there will be a seamless transition with the minister no longer being a member of the committee. The amendment bill enables the committee to appoint one of its Legislative Council members to be the presiding member of the committee and reduces the quorum from six to five members. This legislative change will have no impact on the work carried out, the functions performed or the Aboriginal community visitations made by the committee.

I note that consequential amendments are required to the Parliamentary Remuneration Act 1990 to allow the presiding member to receive an allowance. In recognition of additional responsibilities arising from the position of the presiding member, the government supports an increase in remuneration to the equivalent of the Presiding Member of the Social Development Committee, being an allowance of 14 per cent of basic salary to perform this role.

In supporting this bill the government also proposes to use an opportunity to introduce a small but not insignificant amendment to include amending references to the Pitjantjatjara Land Rights Act 1981 and the Committees Act of the Anangu Pitjantjatjara Yankunytjatjara Lands Rights Act 1981. Under section 3, Interpretation (c), and again in section 6, Functions of Committee (a), change the legislation reference from Pitjantjatjara Land Rights Act 1981 to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981.

Mr GRIFFITHS (Goyder) (10:45): I am so pleased by the words of the member for Ashford in saying that support exists for this change to occur to the Aboriginal Lands Parliamentary Standing Committee to take the position away from the minister as being chair of the committee and to put it back to one of the committee members. I put on the record that I am not a member of that committee, but I have been lucky enough to host at Goyder a recent visit by the committee in March or April, when they went to the Point Pearce community, which I feel blessed to have.

Point Pearce is an Aboriginal town in Goyder, on the western coast of the peninsula. It was previously called, in a common term, a mission, but they are good people. I have been there many times, quite a lot before I was elected to parliament in 2006 in a previous role in local government visiting that town. I arranged at one stage for a full council meeting to be held at Point Pearce. I have been with them on the challenges they faced in going through liquidation twice in the management structure that was in place, and I have seen on people's faces the distress that has caused and the challenge to the community has a whole that it has represented.

I recognise that a bipartisan spirit and a full complement of members has to exist strongly to ensure that, within South Australia, for the 30,000 people who are recognised as being of Aboriginal decent and live in South Australia and contribute strongly to its social, environmental and economic future, a full-time commitment is being given. I recognise that the whoever holds the role of minister is in a busy position as a result of other portfolio responsibilities, and I know that ministers at all times have made many trips to APY lands and Aboriginal communities to speak to the people and to understand the issues, the opportunities and challenges that face them.

When I read one little briefing paper that referred to a minister who had only been able to attend one meeting out of 29 of the standing committee, it did highlight to me the need for a review to be undertaken. I am so pleased that this has the full support of all committee members and the government, and that it has been recognised for the important part it plays in South Australian society.

When the visit of the standing committee occurred at Point Pearce earlier this year, there was an opportunity for a very full and frank discussion, there is no doubt about that. I was grateful for the attendance not of all members, as some were not able to make it, but four or five were there, and we met with the community leaders. It is fair to say that everybody put their position quite strongly, and that is the way it should be, because no opportunity should be lost when you have that level of representation from parliamentarians to hear from the community the issues being faced.

Point Pearce has challenges, there is no doubt about that. Every time I am with the people I am impressed by the fact that they want their community to have a strong future, to not just be involved in training programs but also for the community and its adults to be involved in opportunities for work, because that is the key for them. They are going through housing renovations, and looking at future opportunities for home ownership. In recent years some excellent work has been done on the farm, and the Aboriginal Lands Trust has driven it quite strongly. An off-site farmer is involved, but there are jobs outcomes for young Aboriginal men involved in that project, which is a commitment and a wonderful example to others.

I note that you, Mr Speaker, have previously been to Point Pearce, and I thank you for the commitment of visiting. I believe you stayed with the Schulze family, the then mayor of the Yorke Peninsula council. I know you have been exposed to some of the issues in that community as well. It is hard not to recognise that the challenges need to be overcome, and to do that it needs the parliament to ensure that it has people who want to do the hard work.

It is not just a matter of meeting in Parliament House, it is a matter of the commitment that needs to be shown in going to the remote communities and speaking to the people, sitting around the camp site with them in a very informal way. The only way you can do that is by having a representation that has the capacity to be there. Because of the business of the minister that is very hard to achieve, so the fact that this change is occurring is an exceptionally positive step, which I know will be well received. The minister's involvement will still be very strong, but the fact that there will be a committee structure where the chairperson is appointed from the Legislative Council and that the absolute majority will be there at every possible occasion is a good one.

From conversations I have had with the community, that leadership structure is very important to them. The challenges they have faced with the financial issues and its bankruptcy twice, I believe, in the last 15 years, has taken away leadership capacity that previously existed. People have moved onto different roles and, in some cases, very responsible older people have passed away, and that is sad for the community. There were some wonderfully strong ladies who led the community for a long time and are no longer with us, and it was sad for everybody when they passed. They want to see a structure in place that will work strongly.

As a side story, there were a series of consultation meetings held recently. I was told about one at Port Augusta and there was one at Maitland, which impacted upon the management of Aboriginal communities in Point Pearce. I was amazed as to why it was held in Maitland and not Point Pearce. There was a very small turnout of the Aboriginal community, but the Chair was certainly there and another of his committee members was there. It is about setting up a structure that will give greater independence to them and certainly ensuring that there is a level of financial control that exists. That is key for me and, with a local community that has gone through bankruptcy twice, that enforces it. It is all about trying to create an economic future for them, too.

If we have a regional lands standing committee of the parliament that has a chairperson who comes from the Legislative Council, they are out there with the communities all the time, they are not worrying about the diary commitments that a minister has, and it is within their own group that has some flexibility and opportunities to be there, I only see that as a good thing. When the member for Ashford stood up and talked in support of the bill I was so pleased, because the member for Flinders and I debated what we thought the position of the government might be, so to hear that it is supported is wonderful.

I also look forward to the passage of this bill. I look forward to the appointment of a chairperson whose commitment will be undoubted and the relationship between Aboriginal communities and the parliament being so strong that the outcomes are only positive. Yes, we have been told about the challenges and opportunities, but the focus will be on positive outcomes for what is clearly a remarkable group of people.

In my own area, from the Narungga people, when you are told a little bit about the cultural heritage of the community, the dreamtime stories and the basis of things that are there—when you take the time to sit down and listen, you are very impressed. This is a people who go back thousands and thousands of years and their connection to the land, to me, is undoubted. I hope that this change only results in a positive move, because I think it will be very widely received as a positive in the community, because the ministerial contact will still be there but the committee will also operate very strongly. I look forward to the bill's passage and adoption very soon.

The Hon. R.B. SUCH (Fisher) (10:53): I support this bill. I will make some general comments. There is no doubt that outcomes have improved in some aspects for many Aboriginal people, but not to the extent that most of us would desire. What we are looking at here, ironically, is a situation where non-Aboriginal people are once again making decisions about Aboriginal people. We do not have any Aboriginal people in parliament that I know of—no-one has declared themselves to be Aboriginal—and that is unfortunate.

Clearly, there has to be some assistance, guidance and direction in terms of helping to ensure that people, whether they are in the APY lands or elsewhere, have good outcomes in respect to education, health and so on. However, we need to be moving to a situation where Aboriginal people control their own destiny and are no longer controlled by other people, even though they might be well meaning. There are some things that need to be looked at: not just changing the composition of a committee, but ensuring that Aboriginal people, whether they are in the APY lands or wherever, can actually make meaningful decisions about their lives. In my view, that includes, if they want to, being able to own a house on traditional lands.

We have a system in Canberra where people cannot own the land; they lease the land. They can build a house on it, but they cannot own it. I cannot see why, in the Aboriginal lands, if the people want that, they cannot own a home on traditional lands. I think we have to move away from this total control model and allow Aboriginal people to chart their own destiny, and that is what I would hope we would see as an important direction and outcome.

I support this initiative. I think it is a good move, what is reflected in the bill; I think it makes sense. It is probably a pity in a way that we cannot have a system—maybe we could, with some adjustment—where we have people who maybe are not members of parliament who could be involved in some of our parliamentary committees; in this case, it would be Aboriginal people directly involved in a committee process. I support this bill, and I look forward to its speedy passage.

Mr TRELOAR (Flinders) (10:56): I, too, rise to support this bill. I commend the member for Morphett for bringing it to the parliament, and I also commend and thank the member for Ashford for indicating that the government will support this, with just one minor amendment. We are pleased to note the speedy passage of this bill.

Essentially, the bill proposes to remove the minister as the presiding member of this particular standing committee, the Aboriginal Lands Parliamentary Standing Committee, a very important committee. It is generally agreed that it is a very difficult position to have the minister responsible for the portfolio sitting on and presiding over that committee.

For the most part, this is a multipartisan committee. It has a very large budget, particularly in relation to travel. We have spoken about the far-flung communities within this state, right from the Lower South-East to the Far West and the Far North. They are many miles apart, with a lot of travelling involved for the committee. There are approximately 30,000 people of Aboriginal descent living in South Australia, and they are spread far and wide right across the state. So, it is no wonder that this committee is required to travel, and so they should, to many parts of the state.

The committee itself was established in 2003. It has the aim of building stronger, more direct and more enduring relationships between Aboriginal communities and the South Australian Parliament. It is a vital committee, it is a vital relationship to keep working on.

I was lucky enough, as a newly-elected member, to be able to join this committee on one of its visits to the west of the state, when the committee visited Ceduna in, I think, maybe 2010 or early 2011. I took the opportunity and was welcomed along with that committee. We had the chance to visit Koonibba and Yalata.

Of course, in my own electorate of Flinders, there are a number of Aboriginal communities; Yalata is probably the most sizeable, both in population and in area. I have also taken the opportunity to visit Yalata more recently for the opening of the new police station there—and that was quite an occasion out at Yalata. In fact, my staff member at Ceduna had previous employment at Yalata, and her son also does some work out there, so I have a good understanding and insight into how Yalata works.

Of course, there is an old mission station at Koonibba; that community still functions with its own school. I am planning to visit there in the next few weeks to say hi to the kids at the school. Scotdesco, of course, is another Aboriginal land west of Ceduna. Aside from that, there are significant Aboriginal populations living within the townships of both Ceduna and Port Lincoln.

I have digressed a bit, but I want to come back to the committee itself. The committee's functions include inquiring into how Aboriginal lands are being managed, used and controlled. It also discusses issues affecting the interests of traditional owners of Aboriginal lands. Although it is dot point No. 3 on my speaking notes, I think it is probably the most critical of all. It inquires and looks into the health, housing, education, economic development, and employment or training of Aboriginal people. It is my belief that well-intentioned governments of both sides of politics, over many years, have committed much time, effort and money to issues around the Aboriginal population and Aboriginal communities, and it despairs me somewhat to see that very little has changed over many years.

Although we are well intentioned, it seems to me that we have not been able to make significant inroads into living standards, health standards, education standards and housing issues that are so prevalent amongst the Aboriginal communities. A lot of funding goes into Aboriginal affairs both federal and state. I wonder sometimes, particularly seeing it up close and firsthand, how much of the funding actually gets to on-ground works. A lot seems to be taken up in

administration and service delivery. The outcomes of some of these funding streams, perhaps, are somewhat wanting and somewhat debatable.

The committee system of parliament is important because committees are established to be bipartisan and, in some ways, this particular committee, the Aboriginal Lands Standing Committee, was compromised from that position by having the minister responsible presiding over it. It is the only committee that is chaired by a member of the Crown. There are a few anomalies that relate to this committee in particular. This bill seeks to address that, and I congratulate the member for Morphett and thank the government for supporting it. It has been a long time coming. I am hoping that it can make a difference to the way the committee functions, and I am hoping that, in the future, the committee can make a real difference to the way our Aboriginal population—that very critical and important part of our state's community and heritage—lead their lives.

The Hon. L.R. BREUER (Giles) (11:02): I rise to support the member for Morphett's bill and it gives me great heart to see that this bill has come in because, after the Aboriginal Lands Standing Committee this week, I asked if there were a change of government in March, would the committee be continued, because I have very strong memories of spending four years in opposition when the then minister, Dorothy Kotz, would not have a meeting of that committee and it really made me very sad at the time. After the 2002 election, the committee was reformed and I have been a member of that committee since that time, apart from my time as speaker—a proud member of a committee that I feel has a real purpose in South Australia and represents well our Aboriginal communities.

The member for Morphett became a member of that committee also after the 2002 election, so we have been buddies ever since that day, and I am really pleased to see that this has come up and it is very likely to go through. The importance of this committee for communities in our more remote areas is invaluable, and I do not want to go into country versus city because it might get me in all sorts of trouble—

Members interjecting:

The Hon. L.R. BREUER: —however, it is a popular move out there in the bush I can tell you. I am a hero! This committee is important in our remote areas of South Australia, as they have a channel into this parliament and into government, and it is really invaluable. I remember I first went to the lands when I started campaigning prior to the 1997 election, and I have regularly visited there since, so I have made many visits to the lands.

The issues around 1997 were finding employment for people there; there were not enough houses in the area; there were health issues, particularly for their young people; the mortality rate for young people in that area; and their stores always cost too much—the cost of living there. They were the issues back in 1997. On my last visit to the lands this year a couple of months ago, the issues were employment, not enough housing in the lands, the health of all people but young people particularly and the stores cost too much. So, what has changed?

However, I do believe in that time, there have been some incredible changes in that area in the APY lands and in some of the other regional communities like the Oak Valley Maralinga community and the Nepabunna community, etc. We have introduced a lot more housing; there are a lot more services that are provided in this area and they are good services. We have a lot more police out in those areas. A whole range of issues have improved out there, but we still have such a long way to go. I think the member for Morphett certainly understands that, I understand that, members of our committee understand that, and the government understands that. We still have such a long way to go.

I believe that we are at a point now with the millions and millions of dollars that have been pumped into those areas over the years that we have to look for some other solutions. I firmly believe that good leadership in those areas is absolutely essential. In those committees where you have good strong leadership, things do happen, but communities really have to take responsibility themselves in lots of cases and make more happen in those areas. I think that is something that needs to be seriously looked at and I know it is happening, and I am pleased about that.

The issue of the chair of this committee has been ongoing since the time of minister Weatherill, actually, when he was the minister for Aboriginal affairs. He realised that it was not appropriate for the chair of the committee to be reporting to himself or writing to himself—or herself, in the case of subsequent ministers. It has been an ongoing issue but it has never really seemed to happen so it is really good for the member for Morphett to do this, because it was ludicrous that they do write to themselves or report to themselves.

I think it was also really important that people from the communities actually had an opportunity to have a figure of authority in parliament that they could refer to, rather than the minister. If there was some angst about the minister or some issue with the minister that they were dealing with, to have a chair of the Aboriginal lands committee who they could report to and ask and seek assistance from is really important.

I think in the future this will make a considerable difference. The have been able to come to the committee itself, but they have had to go through the minister's office to do it. Now they can report to the chair and the committee itself can take it up from there. I know that certainly when I leave this place, the committee that I will be really sad about leaving is the Aboriginal lands committee.

Members interjecting:

The Hon. L.R. BREUER: I will miss some of you. I will miss the bush people, the country people. One of the things about that committee, is that Duncan and I—because we have been the longest-serving members of that committee and probably pushed the issues harder than anyone—have always insisted on trying to make it a non-partisan committee because that was really important. It was not a committee that you should be playing politics with. There are too many issues at stake; there are too many people at stake. We have always tried to make it a non-partisan committee when we have had any say in it.

I know we have reprimanded a couple of very vocal members at times who have tried to turn it into politics and turn it back. I think even the member for Morphett has felt an occasional sting from me if I felt he has overstepped the mark—he is smiling. It has been a non-partisan committee and it always should be. It should be about looking after the Aboriginal communities, looking after those areas and making sure that we get the message through to parliament and to our parties about what is happening out there.

Although primarily a lot of those communities are actually in my electorate or the member for Stuart's electorate because they are remote communities, I think it might have been the member for Flinders who mentioned some statistics about the number of Aboriginal people in South Australia. One of the issues there that has always concerned me is that the great majority of Aboriginal people in South Australia actually live in the cities and towns, rather than in the remote communities. There are something like about 3,500 people living in the APY lands. So, it is not a committee that has really dealt with issues within the cities and towns. It has been a bit of a sideline at times.

But I think, for the committee that is formed after the next election, maybe there might be some way that it could be looked at that they get included a bit more in the dealings and deliberations of the committee, and that there may be some way we can assist them, because there are some serious issues out there in certain communities. They have very similar problems to some of the problems that you find in the APY lands. Education—keeping kids at school and getting kids into further education—is a really important thing, and it is not happening in a lot of our major cities and our bigger towns.

So, I think that is something that could be looked at with the next committee; I think it would be important to do that. Again, for me to say metro versus country is a bit of pot calling the kettle black at the moment, but I have felt strongly about that over the years, that we are not inclusive enough of those others, although the committee is of course not geared to that. The legislation is aimed at the Aboriginal lands.

Another thing I just want to put a word in about: I have heard many pronunciations of Anangu Pitjantjatjara Yankunytjatjara today, and it always amuses me when I hear them and how people try very hard. One of the issues is that people see the APY lands as Pitjantjatjara people. I just want to put my two-bob in about Yankunytjatjara people, because, in actual fact, there are more Yankunytjatjara people in the APY lands. My people who I work with very closely (and I have a Yankunytjatjara name myself—Nyimbula) will always make a point of telling me, 'You tell them that it's Yankunytjatjara lands, not Pitjantjatjara—Yankunytjatjara lands.' So, I just want to put that point in, that the Yankunytjatjara people are just as, if not more, important than the Pitjantjatjara people in those particular areas.

I support this bill. As I said, I am very pleased that it is going through. I think I would really like to be in that committee in the next parliament; however, I will not be, and I wish them well in the next parliament. I think we can do great things. I think that this committee has done a lot of good

over the last 10 or 12 years, and I know that they can continue to do that in the next parliament. I think that having the chair not being the minister will make it so much easier.

Mr GARDNER (Morialta) (11:12): I will not detain the chamber for long, because I have a feeling if I can keep this speech to about four minutes, we may get a private member's bill from the opposition through for the second time in a couple of months, which is very pleasing and I think good for the parliament. Ever since I have been elected, for the last three and a half years, I usually do try to make some comment on bills and motions relating to our parliament's dealings with our Aboriginal people, because it is very important for me.

I would not be here in Australia, let alone anywhere else, if my mother, when she came to Australia to do some work with Aboriginal communities in the Northern Territory, had not found the experience so enriching and rewarding and so welcoming that she decided to stay in Australia and continue on with that work for a number of years. Otherwise, she probably would have gone home to England, and who knows where I would be? At any rate, I also should probably declare a conflict of interest, because this is a committee that I hope one day to have the opportunity to—

The Hon. L.R. Breuer: Oxford, we reckon. You'd be at Oxford, we think, studying English literature.

Mr GARDNER: Excellent. Well, I appreciate the confidence of the members for Giles and Ashford in my academic ability. To the member for Giles, can I just say, I hope that this committee in the future brings you back regularly as a witness, so that you do not feel too alienated from this community within the parliament that you have been such an important member of for a number of years.

With that in view, it is probably a conflict of interest for me, because I hope one day to serve on this committee. I have not put myself forward to be one of the lone Liberal opposition representatives from this chamber on the committee up to now, because the member for Norwood and the member for Morphett have done an excellent job since I have been here, and it would probably be a fairly career-limiting move to run against the member for Norwood in the party room for something like this, so I have not done it. This bill is quite important, and as I say, I will try to wrap up quickly so we can pass it thanks to the words of the government, get into committee, pass through amendments and then have it all done and dusted.

To get on the record: the bill has been a long time coming. I have spoken to a number of people about this committee, and I read the reports when they come out. I know that it has been a frustration for a number of years for members of the committee and for people who work in the sector that the Minister for Aboriginal Affairs and Reconciliation sits on the committee.

Others have explained why it is a bit of a conflict of interest. It does not happen in practice, it does not work in practice, it affects quorum, and it affects the workability of the committee. It is the only standing committee in the state's parliament that is chaired by a minister of the Crown, and as it stands, the minister very rarely, if ever, attends the committee hearings, let alone chairs them.

It is the only committee that conducts inquiries at the direction of a minister. Essentially, you have the minister instructing the committee to investigate his or her own portfolio of responsibility, and it has been called into question a number of times over the years, including by the member for Morphett, the member for Giles, former member Lea Stevens (in 2009), and the Hon. Robert Brokenshire in another place. We have heard others talk about the historical interest.

Ministers who have held the portfolio, including the Premier, the member for Hartley, the current minister, and the member for Colton, have rarely, if ever, attended committee meetings. It affects the ability of annual reports to be able to be out on time, and there have been some issues with that. The committee is a wonderful committee; it gives a serious voice to people who need to be heard on issues relevant to them, and I appreciate the spirit in which it has been conducted. I look forward to this bill's passage, and I am sure it will go from strength to strength in the future.

Mr VAN HOLST PELLEKAAN (Stuart) (11:16): I rise today to support all of the people who spoke on this bill, but of course most particularly the member for Morphett, who has been working on this for a very, very long time. In the electorate of Stuart, I represent the very important Aboriginal communities of Nepabunna and Davenport. Of course, as the member for Giles would understand, when we both essentially represent the North-East and the North-West outback areas respectively, we do take a great deal of interest in each other's patches, and as she contributes to the North-East, certainly I have a lot of experience over the years and hold an interest in the APY lands and Maralinga lands as well.

This is a very important issue. I will not go over everything that has been said, other than just to say that really there is nowhere else that a governance model like this would be allowed, where essentially the chair of a committee is there to report to and lobby him or herself; it just really is not sensible. I also think that if, and hopefully when, the member for Morphett's good work comes into practice, a very useful outcome of this is it will actually bring one additional member of parliament into significantly contributing to this work.

If the minister is not the chair of the committee, then there will be one additional member of parliament who can join that committee, and I think the more members of parliament take a very serious interest in the Aboriginal lands, Aboriginal affairs in general and in reconciliation, the better off this parliament and our state will be.

Dr McFETRIDGE (Morphett) (11:18): I would like to thank all members who have contributed to the debate on this bill, and I am very pleased to say that it has bipartisan support—or multipartisan support—both in this place and the other place. I spoke to the minister's staff just recently and we did pick up a couple of technical errors for which we are going to introduce amendments, through the member for Ashford, I believe—just to change the name of the act from the Pitjantjatjara Land Rights Act to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act ('the APY Act').

Can I just say, regarding the member for Giles' comment about pronunciation of the word 'Anangu', that Bill Edwards, when I undertook some language studies, always said that the 'ng' is pronounced like in 'singer'; it is a nasal thing. People say A-nan-gu or whatever, and it is a bit like the various mispronunciations of Kaurna. So, let's get it right; it is a South Australian language, and we should all try and pay respect.

The purpose of this committee is not just about the APY. I should say also on what the member for Giles said, Lowitja O'Donoghue often says to me—and she is a Yankunytjatjara woman—that it should be the YPA Act, not the APY Act, so that it would then be the Yankunytjatjara Pitjantjatjara Anangu. They are two groups, and Anangu just means 'people' in Pitjantjatjara.

There are 30,000 people of Aboriginal and Torres Strait Islander descent in South Australia. The Anangu Pitjantjatjara Yankunytjatjara and also some of the Ngaanyatjarra who come across from Western Australia make up about 2,500 of those people. We spend about $1.3 billion on those 30,000 people per year and this is why this committee needs to be a committee that has its own power within itself to drive issues, to question, to examine and to direct people to report to us without having to have a situation where the minister has been writing and reporting to themselves and questioning themselves. It has been a strange situation. This bill will change that and I look forward to its passage through the place.

Over the years the various secretaries of this committee have been very hardworking. Not only do they have to try to get a group of politicians together to go on trips to remote parts of the state but also they deal with the many different groups that are involved in Aboriginal affairs in South Australia. We started off with Jonathan Nicholls, who is now with Uniting Communities and runs the Anangu Paper Tracker website which is a very good website for people to look at. He is a terrific fellow and is certainly my conscience in Aboriginal affairs on many occasions. We had Sarah Alpers who came down from the Tiwi Islands where she had been working. She did an excellent job with us and is now with the Attorney-General's Department in Justice.

Terry Sparrow came out of the Public Service and worked with us for a number of years and now is back with the Public Service. Terry was great at organising politicians and Aboriginal groups. Now we have Jason Caire. Jason does a terrific job under a lot of pressure from the members of the committee. Just this week he organised 20 tjilpis and kungkas down from the APY lands to address the committee. He organised them to get here, to make sure they were in parliament, and getting them fed and watered was also an important part of the process of welcoming them to this committee. It has been an important job for the committee secretaries and I congratulate them, our past and present committee secretaries. I cannot guarantee the member for Giles a job as committee secretary but perhaps there might be some consultancy work there in the future. This is an important piece of legislation. I thank members for their contributions and I thank the government for their support. I look forward to its swift passage through the other place.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. S.W. KEY: I move:

Amendment No 1 [Key–1]—

Page 2, after line 14—Insert:

(2) Section 3, definition of ***the lands***, (c)—delete '*Pitjantjatjara Land Rights Act 1981*' and substitute:

Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981

Dr McFETRIDGE: I appreciate the government picking up the technical difference here.

Amendment carried, clause as amended passed.

Clause 5 passed.

New clause 5A.

The Hon. S.W. KEY: I move:

Amendment No 2 [Key–1]—

Page 3, after line 7, insert:

5A—Amendment of section 6—Functions of Committee

Section 6(a)—delete '*Pitjantjatjara Land Rights Act 1981'* and substitute:

A*nangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981'*

Dr McFETRIDGE: I thank the member for Ashford for her eagle eye in picking this up as well.

New clause inserted.

Remaining clauses (6 to 9), schedule and title passed.

Bill reported with amendment.

Dr McFETRIDGE (Morphett) (11:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LIQUOR LICENSING (SUPPLY TO MINORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

Mr PEDERICK (Hammond) (11:29): I rise to speak to this Liquor Licensing (Supply to Minors) Amendment Bill introduced by the member for Morialta. I certainly share some of his concerns with regard to this bill. In the past the Labor government's response to problems caused by alcohol abuse has been very much focused on issues around licensed premises and problems associated sometimes with those premises. There has certainly been a very heavy emphasis on regulation fees and charges.

Given that most young people's initial experience of alcohol is in a domestic environment—and quite often it is not in their own domestic environment—the government's response does little to tackle the key factor promoting the culture of binge drinking amongst young people.

The harmful effects of any alcohol consumption on the physiology of children and teenagers is well established, particularly as a result of groundbreaking new work in the field of brain science in the last 20 years. It has been noted that 62 per cent of children aged 14 to 17 are consuming alcohol at some level, and 35 per cent of that group obtain it from their parents. I seek leave to continue my remarks.

Leave granted; debate adjourned.

NATIONAL POLICE REMEMBRANCE DAY

Mr VAN HOLST PELLEKAAN (Stuart) (11:31): I move:

That this house—

(a) notes that 29 September 2013 is National Police Remembrance Day;

(b) pays tribute to the 61 members of the South Australian police force who have paid the ultimate sacrifice whilst performing their duties as police officers; and

(c) acknowledges the dangers facing the men and women who serve in our police force to provide us with a safer and more secure community.

Today is the 24th National Police Remembrance Day, which we will celebrate tomorrow with ceremonies all over our state of South Australia. Those ceremonies will remember and honour those South Australian officers who have died while on duty. I will be in Port Augusta. It is our 24th official remembrance day, but our police have been serving us for 175 years now and over that time we have lost 61 officers while on duty. The first were Mounted Constable John Carter, aged 22, and Lance Corporal William Wickam, aged 24, both on 7 May 1847 by drowning. Most recent was Senior Constable Bogdan Sobczak, aged 52, on 26 May 2002, who died in a motor vehicle accident.

Very sadly, police officers have died in the line of duty from six drownings, two accidental shootings, four horse accidents, one stabbing, eight murders, one from thirst, two assaults, one case of sunstroke, two cases of pneumonia, one bicycle accident, and four by bushfire, including what must have been an incredibly sad situation where we lost three officers—Special Constables Mervyn Casey and Colin Kroemer, and Sergeant Cecil William Sparkes—all on the same day, 19 January 1951, when they were trapped and perished together in a bushfire in the Adelaide Hills. There have been 25 motor vehicle accidents, one gassing, one hit and run by a motor vehicle, and two other unspecified accidents.

Perhaps not surprisingly, the majority of loss of life has been from motor vehicle accidents. However, extremely concerning is that the second most frequent cause of death while on duty of a serving South Australia Police officer has been murder. Inspector Richard Pettinger in 1862, Mounted Constable Harry Pearce in 1881, Foot Constable Albert Ring in 1908, Foot Constable William Hyde in 1909, Foot Constable John Holman in 1929, Senior Constable Harold Pannell in 1957, First Class Constable Lyncon Williams in 1985,and Senior Constable David Barr in 1990 were all murdered. All of the 61 officers, regardless of how they died, had families, friends and colleagues who would have been devastated by their deaths.

In addition to those officers who have lost their life while on duty, there are the countless number of police men and women who have been injured while on duty. It is a very difficult balance between serving our state, weighing up the appropriate level of personal risk to take and not over-reacting when under pressure. Probably none of us here in this place, with the exception of the member for Little Para, who was a sworn police officer before becoming a member of parliament, can fully understand those pressures.

Nowadays, officers are under extreme media, internal, public and political scrutiny. Every moment of every day, they are under scrutiny, even when off duty. Very importantly, it is never excusable for a police officer to over-react and use excessive force, but it must be recognised what pressure police officers are under to make and act upon split-second decisions on behalf of the public and simultaneously ensure their own and their colleagues' personal safety.

Let us remember that, on average, over the last 175 years that SAPOL has been in existence, a South Australian police has died while on duty every 2.9 years; more frequently than one death every three years for the last 175 years. I ask what other public workplace or industry outside the military defence forces is there in our state or our nation with such risks over such a long time? Fortunately, it has now been just over a decade since Senior Constable Sobczak died at work.

Let's hope that modern times and modern methods are significantly improving the alarming average of one death in every 2.9 years. Every day that each of our 4,500 South Australian police officers goes to work might be a day when he or she faces a life and death situation. I thank each of them for the fact that they face the personal risks they do in order to protect our community, and I honour those 61 officers who have paid the ultimate sacrifice on our behalf.

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) (11:38): I rise to support and commend the motion of the shadow minister for police. In 2013, National Police Remembrance Day is being held throughout Australia and the South Pacific on Friday 27 September.

National Police Remembrance Day is traditionally held on 29 September, that being the feast day of St Michael, the Archangel, the patron saint of policemen. As it falls near the equinox, it is associated in the Northern Hemisphere with the beginning of autumn and the shortening of the days. For us in the Southern Hemisphere, the feast day of St Michael's heralds longer days and warmer weather, and I think that there is probably some significance in that association with better days and milder weather.

National Police Remembrance Day is a significant day of commemoration, where people can reflect on each individual police force and remember those officers killed on duty. It provides an opportunity to honour all police who have given their life serving the Australian and South West Pacific communities. In South Australia, it is no different and, this year, as we commemorate the officers who have been subject to violence, which has cost careers and lives, we should pause to consider just what that means in a world which is changing with accelerating pace. It does not escape the attention of the government or the media that, over the past year, assaults against SAPOL officers have risen. This should make us ponder its cause. Is it merely a statistically anomaly or does it point to something deeper and more troubling—a symptom of a shift in our social attitudes?

An increasing amount of psychological literature is focused on discovering the origins and manifestations of antisocial and pro-social attitudes, and how those attitudes can be subject to change. Our carefully woven social fabric is coming under strain from a multitude of different pressures. As the way we communicate and collaborate changes in ways we could not imagine, allegiances shift and splinter. Not all of these forces are benign. History is replete with lessons of the danger of viewing any group as the 'other'. Those in this chamber require little explanation as to the diligence of our officers and the importance of their work. We should think carefully about those figures because they suggest that, possibly, perpetrators of violence against police officers increasingly view them as not of the same community.

Perhaps they regard our officers as stony-faced arbiters, peering down from above. That is an abiding image for some, particularly those who have found themselves on the wrong side of the law. I also think that we have an issue with alcohol-fuelled violence, in addition to this notion of police being 'other', we have the added influence of late night uncontrolled drinking compounding this view held with some individuals as to what police officers represent.

The convergence of National Police Remembrance Day with the figures of police assaults should make us think about how and why such violence is perpetrated. Antipolice attitudes find their physical expression in violence. The persistence of such attitudes, held by a distinct minority in the face of all contravening evidence, is not only a cause for concern but also for action. I think the Attorney-General, with a series of legislative remedies, is very much pushing to address some of the root causes of increasing violence towards police officers.

National Police Remembrance Day is the perfect opportunity to honour the sacrifice made by SAPOL officers while initiating a conversation about how to change the minds which need changing. Sober commemoration of the past will also help to ensure that the work of SAPOL officers is better appreciated. Our police force is not external to our society; it is such a fundamental part that, without it, our society would cease to resemble itself. My discussions with police officers made me very much aware that this is the motivating driver of their decision to become a police officer and to remain in the police force. They do see themselves as the thin blue line, the line that holds the division, if you like, between civilised society and anarchy.

Our police officers guard the community more effectively when they are acknowledged as being part of it. Acknowledging this involves understanding that the police walk amongst us. Not only are police as vulnerable to the same workplace stress as all of us, in fact, more so, they are subject to physical harm each time they don their uniform. For the length of their career, a police officer belongs as much to the public as to their family, and I have heard police officers make this comment as well, that policing is not a job that they leave behind when they clock off and go home, it is job that occupies them around the clock, 365 days a year.

The 61 SAPOL officers killed in the course of their service since records have been kept are deeply missed and very much appreciated by South Australians right across the community. They remind us that, although technology improves and society changes, the dangers to our officers remain the same. This number contains only the barest traces of the tragedy of the statistic, and I commend the shadow minister for police for the amount of historic research that went into his speech but also highlighting some of the circumstances surrounding the deaths of a large number of these officers and the fact that they were cold-bloodedly murdered.

In the past 12 months, of the three Australian officers killed in service, fortunately none were from SAPOL. It is in part because this government has funded SAPOL to a degree commensurate with their value to society. I have heard no comment from any section of the community begrudging the commitment that this government has made to the adequate funding of SAPOL.

We can keep the lives of our officers from falling into the lap of the gods and that is why we have more sworn officers than ever before and that is why our SAPOL men and women have more colleagues and allies to join them on their dangerous assignments. That is why there has been a 40 per cent decline in reported crime in the past decade and that is why, although we celebrate National Police Remembrance Day with the same reverence, we hope that there is an ever-dwindling set of names to add to the memorial.

Honourable members: Hear, hear!

Dr McFETRIDGE (Morphett) (11:45): I congratulate the member for Stuart for bringing this motion to the house that notes that 29 September 2013 is National Police Remembrance Day and pays tribute to the 61 members of the South Australian police force who have paid the ultimate sacrifice while performing their duties as police officers. The second part acknowledges the dangers facing the men and women who serve in our police force and provide us with a safer and more secure community.

The first part is about remembering those police officers who have died in the course of duty. Could I just particularly mention Foot Constable Albert Edward Ring who was shot and killed while on duty on 29 March 1908. Constable Ring was aged 36 and was patrolling in Jetty Road, Glenelg. He was shot and killed by a man he had arrested earlier in the day for drunkenness. This just goes to show that, even for what we would consider relatively minor offences, police officers can pay the ultimate price. In my electorate of Morphett, we particularly remember the efforts of Constable Albert Ring.

Over the years, the reputation of the South Australian police has always been one of the best in the world, if not the best in the world. There have been very isolated cases where their behaviour has been called into question, and you only have to look at the reports of the Police Complaints Authority and the anticorruption squad. Their level of activity is a terrific indicator of what a wonderful police force we have in South Australia.

Having said that, though, it is a salient point that 61 members of the South Australian police force have paid the ultimate price and have died in the course of their duty. That is as a result of violence and crashes, and no doubt there will be many police who have died as a result of stress. As the old farmers say, 'It is not the work, it is the worry that kills you,' and certainly the high levels of stress that members of parliament work under is nothing compared to what the police officers of today work under. Out there on the front line, they have to deal with in some cases some seriously nasty people and in many cases people who are breaking the law, and having to deal with them is stressful and does take a toll on their health and their immune system.

The police officers' health will suffer because of the stress and certainly I know there are many officers who have to take stress leave, but in terms of the long-term effects of that stress on their health, I am sure there are people who have come down with cancers and health-related issues that have in some way been contributed to by the many years of dedicated service and the stress that is associated with it.

The need to protect our police officers by providing them with the best equipment, the best communications and the best social support is something that I think we are all conscious of. We recognise the fact that now in 2013 it is everything from high-speed car chases to the high level of mental illness in our society, where police officers are having to deal with a whole range of issues on a daily basis. They do it so well, those men and women.

I had the privilege of being the shadow minister for police for a period of time and was able to go to some of the graduation ceremonies and speak to those young men and women. Some of them were not so young because there were mature-age graduates coming in. It gave me confidence to know that we had people coming into our police force who were going to continue the high standard of service that we have seen for a long time.

The member for Mitchell reminds me that the other big issue that police are having to deal with, and we hear about it on a daily basis, is the drug problem and the drug addicts in our community. I think it was just yesterday we heard about hundreds of kilos of ephedrine being

discovered that was on its way to be made into amphetamines. The drug scourge is something that the police must shake their heads at when they see lives being destroyed and the long-term penalty that people pay. The police are doing a terrific job, doing what they need to do, or what they have to do to try to save society from itself in those sorts of cases.

The other good thing that we are seeing in the South Australian police force in particular is a wide and very diverse range of backgrounds of police officers coming into the police service now. I remember when I was younger I wanted to join the fire brigade and my father, in his wisdom, steered me in other directions—although it is an exceptionally good job and I do enjoy being a member of the CFS—he thought that I was destined for other things and that has occurred.

I did want to join the police force for a short period there. I think I was the right height—that is the thing, you had to be the right height and you had to be a man. That has changed considerably now. We see people of all shapes and sizes and from all backgrounds coming in. I cannot remember the police officer's name, but we had a Sikh police officer and he was very proud to be wearing that police badge on his turban. It was good to see.

I was able to witness the graduation of some Aboriginal police officers who had served as community police officers. It is a terrific thing to see now the diversity of backgrounds and the experiences of our police officers. That can only go towards making the police force generally more aware, more receptive to what is happening in society nowadays and, hopefully, the collective knowledge will then contribute towards reducing the conflict between the police and perpetrators of crime so that we do not end up with police officers being injured or hurt or, in the worst cases, paying the ultimate sacrifice and being killed.

However, we remember today in this place that 29 September is National Police Remembrance Day and we certainly pay tribute to the 61 members of the South Australian police force who have paid the ultimate sacrifice while performing their duties as police officers.

Mr GRIFFITHS (Goyder) (11:53): I rise also to support the motion from the member for Stuart, and I do so out of great respect. It is interesting that in this chamber sometimes there are a lot of loud voices but today it is a rather sombre time where over 175 years we, who have lived with the benefit of the effort made by the police over that time, respect what they have done and respect the sacrifice of 61 of their own members in protecting all South Australians. We all have pretensions about what we might be able to achieve in life but I can put on the record categorically that I could never have been a police officer. I do not think I have the psychological make-up for it.

Mr Odenwalder: Too small.

Mr GRIFFITHS: The member for Little Para says I am too small—not quite sure about that! It takes a particular mindset to be responsible to the people you live with all the time. I say this from my point of view of having lived in country towns. I live in a town of 1,000 people which is the biggest I have lived in and for me it has always been a one or two-officer station with a mixture of male or female.

They are part of the social fabric of the community. They become involved in a lot of different things but they are also there to enforce the law. They have to try to find that balance between having a social life, and their family having a life, but also being held in sufficient respect that what they say is fact and has to be acted upon.

I know as a much younger man (in a moment of a temporary insanity, I think it must have been), in the community in which I grew up I did a thing in the main street that involved a vehicle, which I am not proud of. It was witnessed by a police officer and it was late in the evening on a Saturday night. I have never forgotten this chap's name; I will always remember it. From that time, my level of respect for the police just grew immensely, and I have always remembered it. He had seen what I had done and he came up to me and said, 'I'm giving you five minutes to get home, Steven. If you're there when I drive past, nothing more will be said about it.' I was, and I waved to him as he drove past, and I have respected that since. That is what I have tried to instil into my own children.

The Hon. M.F. O'Brien: There wasn't a bare bottom involved, was there?

Mr GRIFFITHS: Earlier in the evening there was—no, not the bare bottom. But it just shows that police officers deal with so many different areas. I have known officers who have been friends of mine that I have played sport with who have had to attend car accidents. They have seen people who they know who have passed away, and then they have the responsibility to go talk to family members and to relay what has occurred to a friend of theirs, in some cases. I know there

are debriefing opportunities, and I know there is a chance to talk amongst their colleagues about it, but when you consider, psychologically, the impact that must have, it takes an exceptional sort of person, I think, to be a police officer, and especially ones who commit to a long time.

I used to take great pleasure in reading the *Police Journal* each time that it comes out. I do not read each story cover-to-cover, but I always make sure that I look at the comments from the retiring members. Some of those are relatively short-term—some can be a few years up to, say, five years—but there is an increasing number of people who have been in it for 30, 35 or 40 years, and for them it has been their working life. Without fault, they pay tribute to the friends that they have made within the police force and the assistance that the police force has provided to them.

But it should be us, indeed, who say thank you to them, because they have dealt with all these issues, and then suddenly they are in a different stage of their life where they are not associated with the day-to-day activities of what occurs, and they expected to suddenly transition their mind from a potentially very stressful situation to one where you are with your partner in life hopefully, you are spending a lot more time at home, and that creates tensions, too. So, there are issues to deal with all through their working life and post-working life.

I think we should always pay respect to the families of police officers, too. A great friend of mine was a police officer at Yorketown, and we would have pasty making days, I would babysit his kids and all that sort of thing, but there were so many occasions where he was called out in the absolute middle of the night to deal with a domestic issue or a car accident. It would take hours and hours, and then eventually he would get home, but he had to be able to turn his mind off from what he had dealt with to return to being a dad or a husband, and that must be very hard. So, for all our emergency services area, and the people who work in our hospitals, it just shows the challenge that it represents in life.

I do have some great news to relay. I was at the Yorke Peninsula Field Days yesterday, and minister, can I say congratulations to the police stand and exhibits that are there, because they won an award. Sergeant Paul Friend was the person who accepted it on behalf of the police force, and not only were the Field Days committee very excited to present it to him, but he relayed the fact that it is an opportunity for interaction to occur and for people to understand the activities of the police and to respect them more, to do the beer goggles test and all that sort of stuff. It caters for all ages, but he talked about the fact that it would be fun for people to go there, and I think that is what we need to do.

I know I have been very grateful in recent years, since being a member of parliament, that when issues are brought to my attention, I have been able to contact the police on a very confidential basis to get some background information on it, and I have been able to relay some things that do not impact upon what they might be doing, and they have been able to take actions on behalf of me. The most recent example I have of that is from yesterday, where a very difficult situation, which could have escalated quite seriously within a community, was able to be managed by a police force that responded very quickly to an issue and I hope has defused that.

I pay commendation to police officers all over South Australia and what they have done in 175 years. I particularly pay my deepest respects to the 61 officers who have passed in the service of these duties, and I think that 29 September is a day on which we should all reflect for just a little while about the sacrifices that have been made. I hope that forever and a day we continue to have great people stand up, prepared to make a commitment that will take them through many years, to make sure that South Australia is a great state.

Mr PENGILLY (Finniss) (11:59): I am very pleased to stand up today and support this motion by the member for Stuart, because as fate would have it, I believe that I am the only member of this place in both houses who has lost a relative, as a police officer, who was murdered on duty. That officer was Foot Constable William Hyde; he died in 1909, and was my great-great uncle.

In 2009, the Police Association rededicated his grave in West Terrace Cemetery, which I attended at the time. Commissioner Hyde (no relation, I might add) attended, and I am very grateful to the Police Association for what they did. As a matter of interest for the house, Foot Constable William Hyde was shot five times by a gunman in Kensington, South Australia, on 2 January 1909. He fought hard for his life, but he died two days later.

He had actually been playing cricket that morning, and he got a message that there were some people near the tramways trust looking fairly devious. He went from the cricket down there to

investigate, and they pulled a gun on him and shot him. There were never, ever arrested, and they disappeared—they were seen loitering near the Marryatville Hotel, actually.

When we had the remembrance in 2009, my mother, who is now just on 90, and my auntie Annie, who has since passed away, but was 94 at the time, both came. The then deputy leader of Liberal Party (who is the current deputy leader of the Liberal Party) was there, as were the shadow police minister at the time (David Ridgway) and me. It was actually a very poignant moment.

It is to be remembered that Adelaide was a much smaller place in 1909 than it is in 2013, but the reality is that my great-great uncle's funeral was attended by 15,000 people in the City of Adelaide; it was quite amazing. The cortege went past the town hall and the bells tolled, and he was buried at West Terrace. They never forget. He was the 18th of 61 South Australian police officers to die in the line of duty since 1838.

It is something that has gone down through our family. We are a mixture of Irish, Scottish, English, Jewish, Cornish, Welsh and just about everything else, like many others in this place, but he has always been referred to in the family as 'Uncle Bill', and the story will go down through the generations. We are very proud that one member of our family served Australia, more particularly South Australia, as a police officer.

We are very saddened by the fact that he was murdered, but very proud of what he did. Indeed, many members of my family have served in the military since then—not so much the police. It is a good time to remember that, just before National Police Remembrance Day. It is also good to acknowledge the dangers facing police currently, and what they have to go through in the line of duty.

Generally speaking, none of us want to see a copper—the last thing we want to see are blue and red flashing lights coming behind us or hear a siren, not quite knowing whether it is for you or something else, or getting pulled into a breathalyser station. That happens, and that is part of their job. Generally speaking, you do not want to see them, but of course when you do, sometimes it is unfortunate, such as due to an accident.

Just recently in my electorate, there have been two fatal accidents over on the island. Of course, the police are the people who have to go and do the hard yards at the accident scene, and also have to inform families and do all those terrible things that go along with the road carnage that seems to take place. Further to that, they do an amazing job. I am a great defender of SAPOL, and I acknowledge the hard work that goes on by the police in my electorate and across South Australia. They face increasing threats, from radical bikie gangs and from criminals.

One of the things that really concerns me is the physical threats that the police are now under from the illegal drug industry and what they have to deal with when these drugs cut loose. I recall here a couple of years ago that there was an incident in the Middleton area where the police were called and a male and a female officer attended. Someone was out of control on a drug rampage and domestic issue. The person who was committing the crime grabbed hold of the young policewoman and drove her face into the mud and it was all the two of them could do to control this person. It got dealt with, but they do come under some hideous pressures and the work that they have to do now to find the drug dealers and the criminal minds behind drug distribution is important and difficult work and needs to be done sometimes in a manner which others are not aware of.

I was very pleased recently that there were some major drug busts on the south coast and Victor Harbor. It was the result of a six-month operation. The police worked very hard to do this and they got a few people and they will go through and pay the penalty. I guess the other side of this is that I have taken a close interest in the prison system of South Australia and had that role for some time and I have visited a number of prisons. The sad part is to go into the prisons and see inmates who have been convicted on drug charges and after a time, hopefully most of the time, they don't get access to drugs while they are in prison and they come clean, so to speak. They get out there and quite often reoffend. The police then have to go through the merry-go-round once again.

It is a difficult job. I think we are very lucky in this state to have a police force that is beyond reproach and very rarely do you hear anything detrimental in relation to SAPOL or officers' activities. Over the years there have been a couple of cases that have arisen out of police who have gone haywire, so to speak, and have paid the penalty. They have a hard job to undertake. I think the work of the Blue Light Disco, in particular, is fantastic. They do a great job. They are very popular in my electorate and the efforts put in by SAPOL officers both on duty and off duty in the community in the Blue Light Disco is to be commended.

They have many other roles. Many of us in here would have had the opportunity to hear the Police Band or witness the Police greys in action in South Australia. It gave me a great deal of pleasure to go to the opening of the new Police Academy some time ago as a member of the Public Works Committee and see what has transpired down there. We should and do take pride in SAPOL in South Australia and we should and do take pride in the police forces across Australia, including the federal police.

As a regular visitor to Adelaide Airport I see the federal police officers in operation quite often and they have a different role to undertake. In fact, I have a great mate who will remain nameless who is a senior federal police officer and he has come up through the ranks and occupies a particularly high position now. He travels to all sorts of places. You see the STAR force officers protecting people in important roles all the time. They remain obscure.

The various roles of police across the broader scale of things is something to note and you are never quite sure when they are around the place, but they are always there. They are there to keep us safe. They take great pleasure in keeping us safe. I think they are frustrated by the inability to give someone a clip over the ear from time to time which they used to do and probably need to do again. They remain frustrated by paper work and by their inability to pull people into gear pretty quickly. I acknowledge the enormous efforts of the police and I pay tribute once again to my late great great uncle Foot Constable William Hyde.

Mr PEDERICK (Hammond) (12:09): I rise to support the motion by the member for Stuart that this house notes that 29 September 2013 is National Police Remembrance Day, that we pay tribute to the 61 members of the South Australian police force who have paid the ultimate sacrifice whilst performing their duties as police officers, and acknowledge the dangers facing the men and women who serve in our police force to provide us with a safer and more secure community.

With regard to local policing in regional areas, as a member who represents a regional area, the local police are very much a part of the community. That was demonstrated with some local forums recently. There was one in Murray Bridge where the local police had a forum and went through some of the issues that were being dealt with in the local community, and there were questions raised by the community. That interaction was well regarded and well received.

There was another forum held down the South Coast in the Goolwa end of my electorate and there was some concern about perceived crime rates. What we do know is that crime is not fussy about where it takes place. Some people might think they live in better places than others, but crime can happen anywhere. Certainly there was the perception that there were quite a few different activities of an illegal nature going on. There was a massive interest in the community for that forum. About 200 people attended and there were about eight or nine police in attendance from the Hills/Fleurieu section. They gave a very good overview and put up the statistics of what the real story was, and it was not as bad as what people thought.

It is interesting to note that it is not just the uniformed or local police who are out and about. You can have the breathalyser unit in the community or you can have the unmarked cars in the community and people do not even know they are there quietly policing our state. I think that interaction with the community is to be highly regarded, especially in country communities where the back-up can sometimes be many kilometres away if there are situations. In my electorate there are a lot of areas for police to cover. There is the Mallee region around Pinnaroo and Lameroo and, at the other end of the electorate, there are two police stations at Goolwa. That can either be backed up through Victor Harbor, Mount Barker or Strathalbyn. If there is a significant incident anywhere in that vicinity, back-up police have to come a significant distance.

In relation to community policing, I am talking about how police interact with the community. I must say that some local police do it better than others because they realise they have to live in the community. In recent times, I know the local police officer at Lameroo would go into the hotel, have a look at the people in the bar and say, 'Give me your car keys now and I'll take you home at closing time and, if you don't comply, well, you will get a visit as you leave.' Generally, they complied and they were delivered home, which I think is a great service. Instead of just laying down the heavy hand of the law, which could happen, she made sure that people do get home safely.

There are people who have long-held positions in regional police stations. The local police officer at Coonalpyn (Stan) has been there for many years. When you listen to the truck drivers on the CB radio, it is not, 'Look out for the cops, they're out in Coonalpyn,' it is, 'Stan is on the road.' This is a true story: the interstate drivers know who the local police officer is in Coonalpyn. They

will be on the CB and they will say, 'Stan is out,' or, 'Stan is not out,' or, 'Stan's car is out but Stan is not in it,' and stuff like this. It is interesting that that takes place. From what I understand, Stan is like most police officers, he is very fair-minded and does the right thing, but if he gets a bit of heat over the airwaves, or someone does the wrong thing in his policing area, he will enforce the appropriate action.

Talking about appropriate action, generally in policing—and we have seen it in recent times, where one police officer was shot and one was assaulted—when police knock on a door, and it could be as a result of a call about a domestic dispute or usually something of that nature, they are not sure what they are going to face. If all of a sudden through a screen door a gun goes off, who knows what is going to happen. We have seen some horrible injuries sustained by police in recent years from things like that happening, and they do not deserve that at all. Those people who commit those criminal activities, they deserve the book to be thrown at them, quite frankly.

So, you have to commend police officers who have the guts to do those jobs—to go to the door of homeowners and sort out these domestic issues but also in relation to keeping our streets and communities safe at night, whether it be here in Adelaide or out in the community. Who knows what police officers come up against.

Sadly, we have seen over the 175 or so years of the police force operating in this state these 61 deaths of people who have just been doing their job—doing their job of keeping the community safe, police the community. They just want to go home to their loved ones like everyone else. These 61 members of the police force were protecting the community and, sadly, they did not have the opportunity to go home.

I would like to think that this honour roll will not grow but, sadly, I think it will because crime has not suddenly disappeared and some people, for some strange reason, always think that they are above the law. They will always get caught out, and they will end up facing the very dire consequences they deserve if they do attack police officers and cause them fatal injuries in their line of duty. I commend our police force for all the work they do, but I also want to pay a special commendation to the 61 police officers who have paid the ultimate sacrifice.

The Hon. R.B. SUCH (Fisher) (12:18): I support this motion. I think that members have extended it out beyond acknowledging the sacrifice of the 61 members, and I think that is appropriate, too. As the member for Hammond just pointed out, if a police officer knocks on a door, they do not know what the reaction will be. Likewise, if they pull someone over in a car, they do not know whether someone is going to be pleasant or do something harmful to them. So, it is a job that has its unpredictable aspects and, of course, it obviously applies to those who are in the frontline more so than those who are in an office block.

We are focusing on the sacrifice of police, but I think that it is important that, in all professions where people are serving the community that we acknowledge the loss of life. No doubt, if you look at the history of the MFS or CFS, there has been loss of life of members. I am not so sure about the SES, whether they have had any loss of life of members. There are a lot of organisations, I guess, which parallel SAPOL, where people risk their life to serve the community. I suppose the other most obvious one is in the military, where casualties are often quite significant. But the loss of one person is a tragedy.

I was only a youngster at the time, but I remember when police officers were burnt to death not far from where I lived, they were burnt to death at Upper Sturt in the 1950s. When you are a youngster, those sort of things have a big impact on you.

I know a lot of police currently serving as well as many who have retired. I must say I am very impressed with the young police that I have met in recent times, not to say that there is anything wrong with the older ones, but I have been really impressed with some of the young police coming through the training system now. I met a couple of young detectives at the Show, not that I had done anything wrong, but I knew the lad from wayback and I know his father very well, and he and his wife are both young detectives working out of Port Adelaide. To look at his wife, a petite person in civvies, you would not think that that was her work. I have been very impressed with the attitude and professionalism of some of the young ones I have met working out of Sturt LSA, but they still cop criticism.

I was at a Neighbourhood Watch meeting where the officer turned up in his own time, and he was going off to a private function afterwards, and he was not in police uniform and some people did not think that that was appropriate. Here is someone who is in his own time attending a Neighbourhood Watch meeting and some of the residents thought it was inappropriate that he did

not have his uniform on. You cannot win sometimes. Other police that I have had dealings with over time are, just up the road, Ken Cocks, former traffic officer, straight shooter, fantastic bloke (I use that in a descriptive sense); and Senior Sergeant John Wallace who is coming to give evidence to a parliamentary committee later this week.

John was a police officer in the Aberfoyle Park area before I became the member, and for a little while after I became the member. He took it upon himself to visit families at risk and he would go and visit young people and say, 'Look, are you helping your parents? Are you going to school?' and this sort of thing. It was fantastic interactive policing. He took over Hindley Street Police Station at one stage and, rather than being heavy-handed with a lot of the street kids, he said to me, 'You don't have to get someone up against a wall and belt the daylights out of them,' and he would get hot chips and sit around with these street kids and talk to them and follow up on some of their issues.

They are just two examples and, like others, I have a lot of retired police in my electorate. I can mention their names because they are not currently serving: Don McFarlane, who was in the drug squad; and Bob Harber, who I believe was a detective; and even my friendly lawyer, Michael Wood, who is an ex-police prosecutor. There are so many in the community who have been in the police force. The sons of some mates of mine are now in the police force. I will just use their first names: Angus, a detective; and Scott, now an inspector, and they are fantastic people serving in the police force.

A couple of general points about the police—after my little road episode, the then commissioner, Mal Hyde, asked to have a talk with me, which was very kind of him. He said something to me that I think is fundamental to policing: that it comes down to the individual integrity of the police officer and whether or not they do the right thing. We have had some police over time who have not done the right thing but I think the main point is that out of currently, I think, in excess of 4,000 police, the number who do bad things is very small. We can think of some infamous characters but when you put it in the context of the number of police, it is a very small number.

The police are trying to deal with problems that they have not created but which society has allowed to emerge: problems with alcohol misuse, drug abuse (a real problem now right across the spectrum), inadequate and poor parenting and all of those sorts of issues, and the police are usually the ones who have to try and deal with them. We have a society now where a lot of people do not have any commitment to basic values.

Whether we like it or not, a lot of our values come out of the church-based tradition, the Judeo-Christian tradition, and those of us in the old school went to Sunday school and had all those values reinforced. Sadly, our society now seems to have a lot of people who do not have any respect for themselves, respect for others, or respect for property, so it is not surprising that the police are busy trying to deal with the inadequacies of what we have done collectively as a society and allowed a type of behaviour to exist that is inappropriate, sometimes antisocial and sometimes straight-out criminal.

I mentioned Senior Sergeant John Wallace. When I was a lad, the sergeant at Blackwood was Sergeant Gregory, the father of Bob Gregory who was a member of parliament and a minister. He was an old-style copper with a lot of common sense. If you did the wrong thing, he would say, 'I will give you a kick up the backside,' or something similar. Unfortunately today, I do not think police have the discretion and the opportunity to apply some of the old-fashioned approaches. I am not saying they should bash up people but dealing with an incident on the spot with a bit of good old-fashioned wisdom and advice is probably preferable to 10 pages of reports that go nowhere.

It highlights I think particularly the important role of a police officer in a country area where they are in the community and often their children go to the local school. Their approach has to be not to turn a blind eye, but they have to use a bit of common sense and reasonable judgement in making decisions. Someone was telling me once about a former police officer who was based at Mannum who is no longer in the police force. A local who was on the ferry, stationary in his car, took his seat belt off and leant down to get something off the floor, and he booked him for not having his seatbelt on.

That sort of thing does not go down too well in a country town and it highlights a point that I am trying to see our police force focus on and that is an educative role in terms of minor traffic violations rather than the punitive approach, because, at the end of the day, traffic police are the public relations face of the police force and it is their reaction and dealings with people that often sets the tone of how people feel towards the police force.

I commend this motion. I think it is important to recognise not only the sacrifice of those who have paid the ultimate price but also the serving police who face challenges every day including in some cases risking their lives to serve the community.

Mr ODENWALDER (Little Para) (12:27): I will not speak for very long. I have spoken on these matters many times in the house and I spoke about Remembrance Day last week in a grievance to do with Koda's law, as it has become known. However, I do want to congratulate the member for Stuart for bringing this motion to the house and I want to thank all members who have spoken to it.

I know the member for Stuart is genuine when he brings motions like this to the house and I know that everyone who has spoken on it is genuine as well. Really what I want to touch on is just how impressed I am with the bipartisan nature of this house's support and this parliament's support for the hardworking people of SAPOL. We disagree about details; we disagree about, well, almost everything really, but one thing we do not disagree about is the need to keep our police officers safe. I do not think anyone here ever wants to compromise on that safety.

I want to pay tribute to all my local police; obviously, they are all hardworking. I will not name any of them but I think up in the northern area—in Elizabeth and Salisbury, certainly—they lead the way in some very important community-based policing and getting kids involved in sport and those sorts of things and trying to address the very things that the member for Fisher spoke about.

I just want to close by paying tribute to the Police Association which has a pretty enviable coverage. For those of us who are trade unionists, they have pretty enviable coverage of their workforce and for good reason. They support their hardworking police and, particularly in areas where they need to be kept safe, they are vigilant and they are always there for their members to keep them safe. I support the motion.

Mr GARDNER (Morialta) (12:29): I am pleased to have the opportunity also to support the member for Stuart's motion. The motion is that the house notes that 29 September is National Police Remembrance Day. It pays tribute to 61 members of the South Australian police force who have paid the ultimate sacrifice while performing their duties as police officers and acknowledges the dangers facing the men and women who serve in our police force to provide us with a safer and more secure community.

Policing is a vocation for which I have the utmost respect, as do the members of the house who have spoken today, and members who have not. Perhaps I might commend to the casual reader of *Hansard* the entirety of this debate because I think all of the contributions have been made in the best of spirits, have imparted useful and interesting information and I think reflect very well upon the communities of those members who have endorsed their election to this place.

South Australia Police, as some of the members have identified, have a singular reputation as a fine police force with an excellent reputation for the best possible application of the powers they have. South Australia has, by world standards, an extremely clean record for our police force. Ministers past and present, I am sure, would be very grateful for that as would the rest of the community. We have a very long reputation in that sense. I think South Australia is the first police force in the nature of its current form and has a very long history.

I want to pay tribute to the police officers whose serve my community in Morialta, as well as the rest of the community, particularly those who I know and those who are friends. In that sense, I think one of the members has already drawn special attention to the families of police officers, and what happens when a husband or wife or father or child is on shift and the family finds out that an incident has happened.

People talked about not knowing what is happening on the other side of the screen door sometimes when you attend an incident. Members may remember an incident a few years ago at Hectorville where two officers (who have written about this and spoken to the *Police Journal*) were shot. I think members would have read about this. It happened just down the road from my office.

These two officers were shot through the screen door of the house where they were attending an incident. We are all very grateful that those police officers are alive and with us today because far worse could have happened, but the families of police officers around South Australia did not know whether it was their loved one who might have been shot until they heard from their loved one later that day. It is a difficult thing for any family to go through, especially the families of those who have been injured.

Of course, every day families send their loved ones off to work knowing that that might happen. That is something that most of us have the fortune not to have to deal with. It is a singular sort of occupation. There are others, such as the armed forces, who have similar incidents. However, for those living and working in South Australia there are not many occupations where one goes out and faces that kind of danger and fear for your loved ones.

The member for Goyder talked about reading the articles in the *Police Journal*. We get a lot of magazines in this job, a lot of industry publications sent to us. I would not be surprised if the one out of the many that every member of this house probably reads every month is the *Police Journal*—messages from retiring members, in particular, but there are some excellent stories that give us an insight into the living work of those serving officers.

Tomorrow is National Police Remembrance Day. Today, I think all members of the house are wearing lapel pins proudly because we can do that in this house. I am wearing a tie today which I wear every year, just once a year because I did not have any personal history in the police force. I was given this Police Federation of Australia tie by Mark Burgess and Vince Kelly who, in 2008 were and still are the CEO and President of the Police Federation of Australia. In a previous life I had some cause to assist the member for Sturt, who was the shadow minister federally at the time, to assist the association in the federal parliament.

At sunset on 29 September (I am pretty sure it was 2008) we attended at the National Police Memorial which was then two years old. Tomorrow is its seventh anniversary. It is on Kings Park in Canberra on the northern shore of Lake Burley Griffin, near Aspen Island and the National Carillon. It is not the best known landmark in Canberra—it is a city of landmarks—but can I encourage all members, if you have the opportunity to visit our nation's capital, to visit the National Police Memorial.

It has an honour roll of the names of all of our fallen police officers and messages from their families. It is not a large monument, but it is very significant, and at sunset especially when all of the names are lit, it is an extraordinary sight, and I encourage all members to take the opportunity to visit when they next have a reason to visit the national capital. I commend the member for Stuart for bringing this motion to the house, and like all members, I look forward to supporting it.

Ms THOMPSON (Reynell) (12:35): I wanted to speak on this matter to raise something that has just been well-covered by the member for Morialta. While we recognise the service given by police men and women every day and also particularly pay tribute to the members of the police who have given their lives in our protection, there was some passing reference to members of the family, but the member for Morialta explored that matter in greater depth.

I am the sister of a serving police officer, so everything the member for Morialta said about how you feel when you hear something on the radio about a police officer being involved in an incident rang very true for me. I am always waiting to see how old they were; that is the first indication of whether your loved one is safe or not safe. It is something that people do every day, and there are unfortunately strange people in our community who you cannot tell are going to be a risk when you answer that door.

The issue of domestic violence has been one that has been so very difficult for police. I commend the way that police have changed their attitudes to domestic violence in recent years so that now police are seen as real helps and friends in the face of domestic violence. I know that in our local service area the police were really anticipating the introduction of the intervention orders, as they felt that now they would be able to do something sensible when they were faced with situations of domestic violence.

'Sensible' is a word that I find myself frequently using in relation to our police. In dealing with different situations that come up in the electorate office that require some involvement by the police, I am always so pleased that they are so sensible. They understand that there is a complex community that we both seek to serve, and that some people need extra reassurance and extra support. My recent experience is that the local police have really gone out of their way to make the community feel safe and to understand that some people find it very difficult to feel safe, and that extra trips down the street, etc. at certain times can do a lot for the community.

I particularly want to put on record my thanks to our local superintendent, Superintendent Graeme Adcock. We have an excellent working relationship, and the interactions between our offices mean that things are done easily and in a straightforward manner, and many members of

our community feel better served as a result of the cooperation and support from Superintendent Adcock and his team.

Mr SIBBONS (Mitchell) (12:38): I would also like to speak on the member for Stuart's motion that notes that 29 September 2013 is National Police Remembrance Day. It pays tribute to the 61 members of the South Australian Police Force who have paid the ultimate sacrifice while performing their duties as police officers and acknowledges the dangers facing the men and women who serve in our police force to provide us with a safer and more secure community. They are fitting words in that motion. I would also like to thank the member for Stuart for his historical research. It was very well done.

As I have said in this place before, I have a huge respect for the work that police do in South Australia protecting our community. They do more than just protect; they also educate our community in many ways, and some of those ways go unnoticed. I have to say that there are many things that we as members of parliament witness, and I would like to thank them for those occasions when they are out there educating our younger people about right and wrong and so on.

Police are also in a very dangerous environment on many occasions. There are many dangers that they face. It is a thankless job, most of the time. Generally, the public dislikes police until they need them, which is very unfortunate. The member for Morialta just spoke on the *Police Journal*. I must say that the *Police Journal* does the rounds in the Sibbons household. Everybody gets a good chance to read about what is going on in the *Police Journal*.

Just briefly, as a parent of a serving police officer, when you expect him to be home at a certain time and he is not home, you certainly tend to get a little nervous—it is one of those things that you do as a parent—but I have great faith in the training that the police department has instilled in my son. I know that his training will keep him in good stead. I would like to pay tribute to the hardworking members of SAPOL in keeping our community safe. I would also like to thank all members today for their contribution. I commend this motion to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (12:42): I would like to thank all members who have very genuinely and wholeheartedly supported this motion, not the least of whom, of course, is the police minister himself, so thank you for that. I would also like to acknowledge, for those people who made comment about the informed research I was able to share with the house, that I was fortunate enough to be able to get that from the PASA (Police Association of South Australia) website. It is only fitting that I acknowledge their contribution in that area, among others.

I was particularly taken with the minister's comments about community. I know that he thought that stuff through and meant that very genuinely. He was thinking quite sincerely about that and it is something I have thought about as well. There is this division of community and I think that, whenever community, government, police and various agencies feel that they are confronting organised crime, then, by definition, there is a division because there is an organisation on the other side that is working against you. So, I think that was a very important thing to point out.

Certainly, for me, police officers are very much a part of community. There is no doubt that they are deeply part of the warp and weft of our community, particularly in country areas, and I think that is very important. This is not to say that police are perfect, it is not to say that every single officer in every single place is perfect or doing their job just right, but it is true of the overwhelming majority.

We would all know serving and retired officers. I know the member for Mitchell's son has just recently graduated from the academy and is now a serving police officer. Every single one of us, just from our friendships, would know officers very well, and I am sure that we would hold them in high regard.

I think particularly of very close friends of mine from Port Augusta whose daughter—a girl I have known since she was, I reckon, seven or eight—is now a serving police officer. I think often about their family, as an example of the families all over the place who not only face death, as has happened 61 times in our state's history but, as the member for Morialta and the member for Reynell and others commented, face the stress every single time.

Every time a police officer whom you happen to love for one reason or another goes to work, you also know that the risk of injury, or perhaps worse, is there. I think of the most notable examples of serious injury, constables Tung Tran and Nathan Mulholland, to whom the member for Morialta referred in relation to that Hectorville incident.

Both constables have, thankfully, recovered extremely well and have both gone back to work, no doubt not without scars of various forms, but let us hope they are stronger for the experience and are better, more capable officers. Nobody would wish any officers to go through that sort of trauma, but let us hope that they have been advantaged in some way by that, and that that they take experience for the most of their careers that most officers do not have to endure.

The minister did also talk about the increase in assaults. That is an alarming trend that we are seeing, that all members of this house, I am sure, would join together on in trying to reduce. It does not happen here in parliament, it does not happen in laws; it happens on the street and it happens in the community, and that is where we need to work on this issue.

Unlike the member for Goyder, as a small boy I did want to be a police officer, but I did also want to be a racing car driver, and I did also want to be a fireman, and I did also want to be an astronaut. I never, ever imagined, as a small boy or a young man, that I would be the shadow minister for Police, and it is a responsibility on behalf of the opposition and the people of South Australia that I relish; it is an important job, as of course is that of the Minister for Police—an exceptionally important job.

As I said, our police force is not perfect, but it is the best in the nation, and it is revered and renowned around the world. When our exceptionally professional and exceptionally good-hearted officers go to work, they unfortunately face risks. I honour those 61 police officers in South Australia who have paid the ultimate price; I hope and pray that it is a very, very long time until any other officer has to do the same, and I encourage all members of parliament to participate in a ceremony tomorrow.

Motion carried.

PEDESTRIAN SAFETY

The Hon. R.B. SUCH (Fisher) (12:47): I move:

That this house requests the state government to undertake a comprehensive review of the road laws relating to pedestrians in order to help improve their safety.

Pedestrians—and I guess we all come under that category at one time or another—I believe often get overlooked in regard to road safety matters. It is not totally correct to say that, because in the Road Safety Action Plan, which has just been released and which is on the *Notice Paper* for discussion as a separate item, there is reference to pedestrian safety. But, I think it is fair to say, overall and over time there seems to be little attention paid to the safety and wellbeing of pedestrians. There is a quote from Prince Charles in which he says:

The whole of the 20th Century has always put the car at the centre. So by putting the pedestrian first, you create these liveable places, I think, with more attraction and interest and character...liveability.

I am a car user and car owner, and I think it is true to say that the car has come to dominate many aspects of our society. In the process, I think consideration of the wellbeing of the pedestrian has been overlooked. According to SAPOL data, this year there have been 13 pedestrian deaths compared to eight last year. The figures have changed over time. When the urban default speed limit (of which I was a strong supporter) was introduced in 2003, the number of pedestrian deaths fell from 17 in that year to 12 in the following year, but they gradually increased and have gone back up to some of those earlier levels. In 2007 there were 17 pedestrians killed, 16 in 2010 and 17 again in 2011.

Any death is sad and unfortunate. There are many causal factors that I could relate. Just briefly, serious injuries to pedestrians are categorised in court according to local government areas. In the City of Adelaide in the period 2008 to 2012—and these are serious injuries—there were 70; in Port Adelaide Enfield, 44; Charles Sturt, 38; Playford, 37; Salisbury, 33; West Torrens, 26; Onkaparinga, 26; Norwood Payneham St Peters, 25; Holdfast Bay, 19; Marion, 18. What that tells us is there are issues affecting the safety of pedestrians right across the metropolitan area. I do not have the figures in front of me for country towns but I am sure there would be an indication there of issues of serious injury to pedestrians.

According to statistics, one in every eight road users is a pedestrian. It is quite an unusual concept really because in some ways they should not be on the road. There is an average of 93 pedestrians seriously injured in South Australia each year, and that is on top of the fatalities, and 283 who receive minor injuries. I guess any injury is not necessarily minor.

With crashes, 61 per cent that resulted in a serious or fatal injury to a pedestrian were during the hours of 7am to 7pm. The peak time for accidents for pedestrians was between 3pm and 7pm. The risk of an accident involving a pedestrian substantially increases at night time. While only 30 per cent of casualty crashes involving pedestrians occurred between 6pm and 6am, when they did occur, 38 per cent of them were fatal or involved a serious injury. This compares to 23 per cent during the day.

On average, 29 per cent of pedestrian fatalities and serious injury crashes involving pedestrians occur at intersections and 71 per cent at mid-block sections; that means where there are no intersecting roads which suggests that people are crossing a road clearly where there is no signalised provision or other safety provision. Of those who were injured or killed at an intersection, 61 per cent occurred where there was no traffic signal, so it highlights the point I just made.

This one is really on the head of the pedestrian—42 per cent of fatalities had a blood alcohol concentration of more than .05, so clearly pedestrians have a responsibility not to be consuming too much alcohol and then involving themselves in a road situation where it could result in a fatality or serious injury. Of those killed, 9 per cent had a positive test result for cannabis or some other drug. Once again, people are doing things which have a consequence in terms of their wellbeing and safety.

The percentage of pedestrian casualties by age group is spread unevenly with those in the age group 0-15 at 11 per cent; 16-24, 21 per cent; 25-30, 22 per cent; 40-59, 20 per cent; 60-79, 17 per cent; and 80-90 plus, 10 per cent. I have those figures as a percentage of population but I think the point is the serious accidents involving pedestrians span the whole age range and would reflect the extent to which people are out and about. You would not expect too many 90-plus people to be out late at night, but I do not know because I have not reached that age yet, so I am not sure what happens.

In New South Wales, in 2009 the Minister for Roads asked their Staysafe Committee to report on pedestrian safety and they came up with a lot of recommendations. They looked at a whole range of things: trends with regard to pedestrian injuries and fatalities; underlying causes of injuries and fatalities; incidence of drivers leaving the scene of the accident after hitting a pedestrian; effectiveness of measures to address pedestrian safety; additional strategies to increase pedestrian safety; and any other related matters, which is a parliamentary term that we are fond of, too.

What the committee found was that significant predictors of pedestrian casualty included judgement errors—I guess you could characterise that as being silly or stupid—and alcohol. They were two of the key ones. Other factors included the age of the pedestrian, gender—I would suspect men are more silly when it comes to crossing roads than women; they tend to be risk takers—road classification, speed limits, pedestrian controls, time of the day and the week, lighting, weather conditions and the type of vehicle involved.

The committee recommended greater emphasis on pedestrian safety in schools. Schools are asked to do everything these days but, clearly, if you are having any road safety program you need to acknowledge pedestrians, cyclists and, I guess, motorcyclists too. The committee also recommended greater emphasis on older pedestrians and deficiencies in road awareness. I do not know whether members have noticed but, particularly if there is no signalised crossing or safety crossing point, older people just say, 'Well, stuff it, I am crossing here.' I see it on Fullarton Road and often on other arterial roads. For some reason, some older people do not seem to want to walk to a signalised crossing or they just think they will take their chance and cross the road.

The committee also identified a lack of knowledge about Australian Road Rules. I think that applies to nearly everyone in the community. Australian Road Rules 72 to 75 talk about the obligation of a motorist to give way to pedestrians at intersections and other road-related areas. I am sure all members here have walked up to Rundle Mall and found that they have been challenged—putting it mildly—at an intersection or at some point where cars and pedestrians meet. It is almost as if the pedestrian is a second-class citizen: get out of the way or get run over. That is covered in Australian Road Rules 72 to 75.

We need updated and improved engineering solutions. South Australia does not have the zebra crossing. I still think there is merit in considering that. We have emu crossings and others. New South Wales has had the zebra crossing for a long time. I have not had a chance to research the effectiveness of them, but anyone who has driven in New South Wales would know that, if you

step on one, the motorists stop, because if they hit you on a zebra crossing then they are in big trouble.

Other issues include short crossing times allowed in metropolitan settings. I think the Department of Planning now controls the city pedestrian lights. I requested that they have a look at the timing on some of them. There is one in Grenfell Street where people get sick of waiting for the light to change so they just take off. That is very dangerous. Obviously there has to be a balance between the vehicle and the pedestrian but, if you make people wait too long before they can cross with a green pedestrian light, they often think, 'Well, I am not going to hang around,' and off they go.

The committee also identified inadequate street lighting and inadequate crossing technology options as an issue, and another source of frustration for pedestrians is phasing of walk times at signalised intersections. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

ITALIAN CONSULATE

Mr BROCK (Frome): Presented a petition signed by 106 residents of Frome requesting the house to urge the government to take action to ensure the Italian Consulate of South Australia remains open in Adelaide.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answer to a question be distributed and printed in *Hansard*.

BUS CONTRACTS

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (16 May 2012).

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts): I am advised:

Given the same penalties apply for missed and incomplete trips, as well as for late-running trips, there is no benefit to bus contractors for changing the stopping pattern for a bus to make up time.

PAPERS

The following papers were laid on the table:

By the Speaker—

Ombudsman SA—Department for Education and Child Development Report September 2013

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

Approvals to Remove Track Infrastructure—Annual Report 2012-13

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

Access to Water and Sewerage Infrastructure Explanatory Memorandum
Water Industry (Third Party Access) Amendment Bill 2013—Draft for Consultation

VISITORS

The SPEAKER: I welcome to Parliament House today students from the Galilee Catholic School, who are guests of the member for Kaurna.

CHILD PROTECTION INQUIRY

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.M. RANKINE: In July, 11 employees identified in the Debelle report were sent letters regarding their performance. Mr Harrison took charge of these disciplinary proceedings following his appointment as chief executive officer. Mr Harrison has today informed me that eight of the 11 matters are now complete. I am advised that, in one case, there was found to be no breach of conduct, while in five other cases, it was deemed that the employee performed unsatisfactorily by failing to undertake or complete a procedure or activity that was deemed reasonable and appropriate. Of these five cases, four employees have been counselled by the chief executive, and I understand that the remaining employee will be counselled in coming weeks.

As a result of the process undertaken by the chief executive, the deputy chief executive, Mr Gino DeGennaro, tendered his resignation on Monday, effective tomorrow. Further, Ms Jan Andrews will complete her service tomorrow as chief executive of the Office of Non-Government Schools. Of the remaining three cases, I am advised that further investigations have been undertaken to elicit additional information. These will be finalised as soon as practicable after appropriate consideration of the information uncovered.

In progressing these matters, the chief executive had a responsibility to ensure that the disciplinary process was conducted in accordance with the principles of natural justice, procedural fairness and appropriate privacy. In doing so, Mr Harrison took advice from the Crown Solicitor's Office. I want to reassure the house that the chief executive and I, along with the department, accept the findings of the Debelle royal commission, and we are quickly advancing the implementation of these recommendations.

QUESTION TIME

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:04): My question is to the Premier. Why has the government sacked public servants adversely named in the findings of the Debelle inquiry but has not sacked ministerial staff similarly adversely named in the findings of the Debelle inquiry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:04): This is in substance the question that I was asked earlier this week, and I refer the honourable member to my answer.

The SPEAKER: Is this a supplementary?

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:04): It is, sir. We would like to know why there seems to be a wholly different approach to ministerial staff versus public servants in this state. The findings were only put out today—only a few moments ago—and we would like an explanation as to why there is a difference.

The SPEAKER: Premier. Nothing further?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:05): I have nothing further to add.

Members interjecting:

The SPEAKER: I call to order the members for Morphett, MacKillop and Morialta. Leader.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:05): My question is to the Premier. Will any of the public servants facing disciplinary action following the Debelle inquiry receive termination payments other than those related to leave entitlements?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:06): I am happy to get details of what entitlements the two people I have mentioned are entitled to. One person, as I understand it, was on a contract that was due to cease at the end of this year, but I am happy to get a report and bring that back to the house.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): My question is to the Premier. Is it true that Mr Harrison advised Mr DeGennaro that if he did not resign he would be sacked?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:06): The process that the chief executive officer absolutely undertook was appropriate and proper and he took great care, as I understand it, to do things in an appropriate manner, and I think it is unbecoming to make those unfounded assertions in this house.

Mrs REDMOND: Point of order, Mr Speaker: I believe the minister just asserted improper motive to the Leader of the Opposition in her answer on that question.

Ms Chapman interjecting:

The SPEAKER: No, I do not think she imputed improper motive; she just criticised the Leader of the Opposition. There is a difference. Before the supplementary, could I call the deputy leader to order. Leader.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:07): Thank you, sir. My supplementary is to the minister. Is the minister suggesting that Mr DeGenarro's resignation is in no way related to his involvement in the case at the centre of the Debelle inquiry?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:07): I think there is a big difference between someone choosing to resign as a result of—

Mr Venning: You've got to be kidding!

The Hon. J.M. RANKINE: There is a big difference between someone choosing to resign and someone being threatened with resignation. Now, I did not assert what the leader actually said and, in fact, my understanding is that letters were issued to both those people advising, I think, essentially, that the CE no longer had confidence in them, and Mr DeGennaro chose to resign.

Members interjecting:

The SPEAKER: I call to order the members for Schubert, Heysen and Goyder. The leader.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:08): My question is to the Minister for Education and Child Development. Will the minister table the correspondence she referred to yesterday in question time which was sent from her office to the parents at the centre of the southern suburbs school alleged sex abuse case in response to the family's letter of 26 May?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:09): I would seek permission, obviously, of the family, before I tabled a document that publicly identified them.

Mr Gardner: I am sure they would love to have contact from you.

The SPEAKER: Could I just warn for the first time, the member for Morialta. The leader.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:09): Following on from that, is it the case that the only correspondence sent by the minister's office to this family was an automatically generated email simply acknowledging receipt of the family's letter?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:09): No, that is not correct. There was a letter that was sent to the family, as I have said on numerous occasions this week, I think it was on 4 June, where we advised the family that the matter had been referred to the Minister for Police.

The SPEAKER: Before the next question, could I just call to order that serial offender, the member for Kavel. Leader.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:09): Will the minister table the name-redacted correspondence she is currently referring to, then?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:10): As far as I am aware, it is not normal practice to table files and documents from departmental files in this place, but there is a process of requesting freedom of information. We will be meeting with the family tomorrow, as I understand it, and I am happy to talk through with them any issues that they may have. They would have received an automatically-generated acknowledgement when their correspondence came in, but there was a letter sent to them on 4 June.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:10): My question is to the Premier. Following today's Ombudsman's report, does the southern suburbs sexual abuse case confirm that recommendations made by Mr Debelle have still not been implemented?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:10): All of Mr Debelle's recommendations have been accepted by the government and we are in the process of implementing them. There are three, I think, that we cannot implement until such time as a legal event is completed. There are some recommendations in relation to legislation and those matters are being progressed. We expect to have the vast majority of the recommendations completed by the end of this year.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:11): As a supplementary to that: as the Ombudsman's report tabled today identified that the principal had an obligation to (1) notify the department of families and communities, (2) notify the Child Abuse Report Line, and (3) notify SAPOL, did any of these procedures take place in relation to the alleged sexual assault of a 13 year old in the southern suburbs school?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:11): They are totally different incidences and circumstances and in fact in Mr Debelle's report, he makes a recommendation—

Members interjecting:

The Hon. J.M. RANKINE: Sorry—he acknowledges that a police officer recommended that the principal contact the Child Abuse Report Line. I understand that it took a couple of days for that to occur, but he has made a recommendation that legislation be altered so that people can rely on a defence that, if they find out about a child abuse matter—and the principal found out about this, as I understand it, through the police—they should be entitled to rely on the fact that they would have made that notification to the Child Abuse Report Line.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:12): A further supplementary: given that in the southern suburbs school alleged sexual assault case, (1) the principal did not notify the department of families and communities, (2) the principal did not notify the Child Abuse Report Line, and (3) there was no SAPOL referral, will the minister instigate an independent education inquiry into the handling of this new alleged sexual assault case?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:13): Yes, the chief executive officer will undertake such an investigation.

Members interjecting:

The SPEAKER: The member for Unley is called to order and the deputy leader is warned for the first time. The member for Ashford.

ABORIGINAL AND TORRES STRAIT ISLANDER VISUAL ARTS FESTIVAL

The Hon. S.W. KEY (Ashford) (14:13): My question is directed to the Premier as the Minister for the Arts. Premier, could you inform the house about the Aboriginal and Torres Strait Islander Visual Arts Festival announced today with Andrew MacKenzie, chief executive of BHP Billiton?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:13): I thank the honourable member for her question. South Australia has its newest artistic festival. This is a fantastic collaboration with BHP. It will be called the Aboriginal and Torres Strait Islander Visual Arts Festival. It will be held in spring and spring 2015 will be the first of these festivals. It is supported by the state government, the state Art Gallery and of course a range of our other cultural institutions, including the Museum, and a $4 million investment from BHP Billiton.

We know that art is a significant contributor to Aboriginal communities and we want to strengthen the future of Aboriginal artwork in that high end of the art world. This is unashamedly about excellence in Aboriginal artwork, and we have an ambitious goal here to make South Australia the international hub for Indigenous art in this country.

When we asked BHP Billiton last year to recommit itself to South Australia, we asked them to support a national Aboriginal cultural event as one of the initiatives that we sought. South Australia has been a leader in the appreciation of Aboriginal art. We were the first to display an Aboriginal artist in a state art collection in 1939 with the hanging of an Albert Namatjira painting.

The South Australian Museum houses the biggest anthropological Aboriginal artefact collection in the nation—indeed, probably anywhere in the world; it is an extraordinary collection. If you look at some of the drawings from Tindale you will see that, in the first contact with Aboriginal people when he was getting them to draw their images and symbols, they bear a striking resemblance to what we now understand today as classic Aboriginal art forms.

This is obviously a festival that has been brought together by BHP's commitment as a result of its ongoing presence here in South Australia. Along with its $540 million investment in rescoping the Olympic Dam expansion project, BHP has committed more than $110 million to scientific, environmental and social initiatives such as the one we are announcing today.

The winner of this year's Premier's NAIDOC award and the first Aboriginal curator appointed to the Art Gallery, Nici Cumpston, has been appointed as the inaugural artistic director for this important festival. The festival will feature a series of exhibitions; a curated Aboriginal art fair featuring recognised Aboriginal APY lands artists; other selected artists; a national symposium that brings together collectors, exhibitors, academics and art centres; and an Aboriginal trainee program.

This is an ambitious goal—to take the whole effort across Australia and say that South Australia should be the focus of it—but we think that we are entitled to reach for that goal, and we think this festival will not only make a massive contribution to our state, but also be massively beneficial for our Aboriginal communities, especially in the Far North of our state.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:16): My question is to the Minister for Education and Child Development. Now that the minister has had 24 hours to check, can she confirm that her department did receive a request dated 25 June this year from the parents at the centre of the southern suburbs school alleged sexual abuse case, to investigate 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) (14:17): Yes, I was advised, after searching—the departmental databank records were discovered last night—that an email with two attachments was forwarded to the departmental mailbox. They were forwarded on to a departmental officer. They were discovered last night and the chief executive will investigate the handling of that particular email. That email did have an attachment asking for an investigation into non-reporting to the Child Abuse Report Line. I must say, though, that none of that information came to my office.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:18): I have a supplementary question. Has the minister asked her ministerial staff why she was not advised that the family made this request to her department on 25 June this year and, if not, why not; and if yes, how did her staff respond?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:18): My staff only became aware of the existence of this email after the searches were done, and queries were raised by the media.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:18): I have a further supplementary question. Has the minister's office asked her department why the minister was not informed that the family made this request to the complaints unit on 25 June this year and, if not, why not; and if yes, what was the response?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:18): It was only located last evening, as I understand it. People were not telling me about things that they did not know about. The chief executive did not know about it; I did not know about it; it was an email that was forwarded to one person in the department.

The SPEAKER: Before the leader asks the next question, the leader does not need encouragement from the member for Finniss, and I call him to order. I also warn the member for Heysen and warn that serial troublemaker, the member for Kavel.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:19): A supplementary question for the minister: how is it possible that systems within your ministerial office and within the education department have not improved in light of all of the evidence that we have seen from the Debelle inquiry and now the Ombudsman's inquiry report?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:19): The email did not come to my office—

Mr Gardner: To your department?

The Hon. J.M. RANKINE: I am sorry, but the leader was asserting both.

An honourable member: No.

The Hon. J.M. RANKINE: Your leader was asserting that these things came to my office. They didn't come to my office. As I understand it, the email went to one person in the department and the chief executive officer will ask the questions that you are now posing to me, which is right and proper for him to do, to get a clear explanation, and I am really sorry—

Ms Chapman interjecting:

The Hon. J.M. RANKINE: —that proper processes don't fit in with your time line, but that is just how it is.

Members interjecting:

The SPEAKER: I warn the deputy leader for the second and final time; there will be no further warnings. Leader.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): My question is to the Minister for Education and Child Development. Given that the family at the centre of the southern suburbs school alleged sex abuse case sought an investigation on 25 June, why was no investigation commenced and no contact made with the parents?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:21): They are the questions that will be put to the person who received that request. The failure to notify: an investigation into that can be conducted in two ways. If it is deemed to be of an extremely serious nature, it is an investigation which the police can conduct and, as we know, there is something like a maximum penalty of about $10,000 should that matter go to court and be prosecuted by the police. There is also the opportunity to undertake an internal departmental inquiry, and if someone is found negligent in their duty, the chief executive has the power to—

Mr Venning: The buck stops with you—resign.

The Hon. J.M. RANKINE: —impose penalties in relation to some sort of disciplinary action.

Mrs Redmond interjecting:

Mr Venning: The buck stops with you—resign.

The Hon. J.M. RANKINE: The chief executive has had discussions with some senior police about this particular case and we are being extremely cautious about the inquiries that are being made until we are very clear that none of the investigations will impact improperly on the matter which is going to court in the very near future.

The SPEAKER: Before I call the leader again, the member for Schubert is warned for the first and second time for serial interjection; the member for Heysen is warned for the second and final time; the member for Unley alas is not here to receive his first warning; and that gentleman and ornament of the parliament, the member for Goyder, is warned for the first time.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:23): My question is to the Premier. Was the Premier advised of the drop-off since March 2010 of critical incident reports within his office as education minister as reported in a meeting between the director of the office of the CEO and the minister's office manager on 13 October 2010?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:23): I thank the honourable member for his question. All of these matters are documented within the Debelle report. All of the relevant findings are made. I am not going to canvass the findings of the Debelle inquiry again in this place. I know there are those who want to revisit the matter. I know that you are deeply disappointed that you didn't find things that you wish were in there that weren't in there.

Members interjecting:

The Hon. J.W. WEATHERILL: All of the relevant matters have been found and set out in detail in that report.

The SPEAKER: The member for Morialta is warned for the second and final time and the member for Hammond is called to order.

CHILD PROTECTION

Mr MARSHALL (Norwood—Leader of the Opposition) (14:24): My question is to the Premier. As the Ombudsman's report confirms that there were initially concerns by police that the principal failed to notify the Child Abuse Report Line in the case at the centre of the Debelle inquiry and the principal of the southern suburbs school also failed to notify the Child Abuse Report Line, doesn't this indicate a government culture of a casual attitude toward child protection?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:24): Thank you for that question. I am very glad to be able to respond to that question, apart from the fact that it proceeds from a misreading of the Debelle report, where actually one of the key findings that was made by Mr Debelle in the report is that principals in these circumstances should be relieved of their obligations to make a mandatory notification where the only reason that they actually get that information is from a police officer who is themselves a mandatory notifier.

So, if the honourable member was actually familiar with the Debelle report, he would actually realise that the criticism he is making of the principal is one that Mr Debelle himself says is not well-founded, because in that circumstance, the principal made the mandatory notification within a few days later. The only reason they had that information was because of the report of an officer who had already made a mandatory report. So, if you like, the substratum fact on which he makes his rather bold assertion about a casual attitude to child protection is just not founded at all.

I want to remind the honourable member—because he was not in the parliament until 2010, so he won't actually have the corporate history here—that within three weeks of coming into office, the member for Ashford commissioned the Layton review into child protection. She did that because we had a child protection system that was in crisis—not that that word was permitted to be used, because one of the advisers on a particular advisory panel to government told me that, when she tried to use that word, it was edited out of the reports to be given to the former government. She was not permitted to use the word 'crisis' in relation to child protection.

What she found was that a layer of authority, a coordinating committee, was actually put over the top of her so that she could not make sure that her reports got through to the relevant minister about the child protection system. As to our child protection, we have tripled the number of

resources into that system. We have done more to shine a light on the evil of child sexual abuse in this state than any other government that has come before us or any other government around our nation.

Indeed, the model that we used to set up the Mullighan inquiry, something that I initiated myself, has been used as the model for the royal commission that is now looking into child sexual abuse around the nation. We extended the Mullighan inquiry into the Aboriginal lands, because we wanted to shine a light on child sexual abuse there. I must say, when those opposite had the chance to really shine a light on the evil of child sexual abuse, they balked at it. They refused to remove the pre-1982 exemption—

Mr VAN HOLST PELLEKAAN: Point of order, sir: standing order 98—the Premier is debating the substance of the question, not answering the question.

The SPEAKER: Well, I'll listen—

The Hon. J.J. SNELLING: Sir, the question accused the government of having a casual attitude to child sexual abuse.

Members interjecting:

Ms Chapman: He's the Speaker, not you.

The Hon. I.F. Evans: You used to be speaker.

The SPEAKER: And a very good speaker he was, too.

Mr Marshall: Actually, he wasn't. We've got the footage. He lost it a couple of times.

The SPEAKER: With good reason. The terms of the question were so pejorative that it opens the scope to give the Premier the leeway to make the remarks he is making. I have warned the member for Heysen twice. If I see her lips move, she'll be out.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker, and it is an important matter, because offences that occurred prior to 1982 were unable to be prosecuted in this parliament when we came into government. The previous government was given the opportunity to actually remove that exemption and they chose not to. This government passed laws that did that. This government expanded the scope of screening in relation to people who work with children so that we could shine a light on the evil of child sexual abuse to prevent this happening.

There is no more important issue to me personally or to this government than protecting our most vulnerable citizens, our little children. Nothing could be more important to me or to us, and every day, we do everything we possibly can to try to achieve that. Does that mean that horrible things don't still happen? Of course they do. Is that an awful thing and does it hurt all of us? Of course it does. But, every single day, we devote ourselves to that objective. Of course there have been mistakes made here, but it has been this government—

Mr VAN HOLST PELLEKAAN: Point of order, sir: I believe the Premier has exceeded his time.

The SPEAKER: And, unlike the member for Unley, you are exactly correct.

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:29): My question is to the Minister for Education. If Mr DeGennaro had not resigned, would he have been allowed to serve out the remainder of his contract?

The Hon. M.J. Wright interjecting:

The SPEAKER: That is of course, as the member for Lee points out by way of an out-of-order interjection, a hypothetical question. Leader, do you have another question?

CHILD PROTECTION INQUIRY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:30): Certainly, sir; I've always got questions. This question is to the Premier. Given that the chief executive of the education department lost confidence in his staff regarding their handling of the matters contained in the Debelle inquiry report, why hasn't the Premier lost confidence in his staff for their appalling handling of the matters contained within the Debelle inquiry report?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:30): Mr Speaker, this is just another way of coming up with a question that was asked earlier in the week. I gave—

Members interjecting:

The Hon. J.W. WEATHERILL: I gave an extended answer to that question earlier in the week, and I am not going to answer it again.

Mr Marshall: So there's no loss of confidence?

The SPEAKER: Leader, do you have another question?

The Hon. J.J. Snelling: I think he has run out, sir.

The SPEAKER: Run out? Deputy leader.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31): My question is to the Minister for Transport Services. When it got to the beginning of September—the month the government had promised to reopen the Noarlunga train services after a nine-month closure—did the minister ask the department if services would be reopened?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:31): I have been consulting with my department on a daily basis about the various different projects that we have going on around the city and the suburbs, about the services that we run on trains, on buses, and on trams. These are ordinary conversations that we have within the course of every single day, so of course I would have discussed these matters over a number of weeks and, indeed, months.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): Supplementary, if I may, to the minister. Given these daily conversations you have with the department on the services that you are providing, on this one, minister, in September, when you asked them then about the reopening of the services in early September, what did they tell you?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:32): In my conversations with those in my department—and I do think it is quite normal for the Minister for Transport Services to have conversations with the department about services; that seems to be fairly orthodox activity—my advice and my understanding has always been, up until very recently—up until the review that was carried out by the department, Mr Rod Hook and his staff, post-Belair—that it would be going ahead and would be opening by the end of September or beginning of October. I think that we all had that understanding.

NOARLUNGA RAILWAY LINE

The SPEAKER: Supplementary from the deputy leader?

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:33): Supplementary, if I may. Minister, in all these daily conversations, and given your statement that you understood, up until the review (which was only a week or so ago) that there was an expectation that it would reopen in November, at any one time did the department tell you that this line would not reopen in September?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:33): I think that you mean that I had an expectation it would open in September. In the initial part of your sentence you said 'November', but I am assuming you mean September; is that correct?

Ms Chapman: Yes.

The Hon. C.C. FOX: It is, right; just clarifying for you. Obviously, I take the advice of senior public servants. If senior public servants and engineers—

Members interjecting:

The Hon. C.C. FOX: Those opposite, Mr Speaker, laugh at that. I don't want to take advice from my imaginary friends who write unusual documents; I actually like to take advantage of

the advice from real people in the Public Service, and my understanding was that the advice they gave me—

Members interjecting:

The SPEAKER: The Minister for Transport Services has the call.

The Hon. C.C. FOX: Yes, yes. My understanding was, as I have explained in the previous answer, that up until very recently that line would be reopened towards the end of September, beginning of October. It seems unusual to me that I should have to answer that question two or three times. It is very clear. After the reopening of the Belair line, the department decided to re-examine the way that they brought infrastructure back online. They initiated their own review into how they did that, and minister Koutsantonis and I awaited the results of that review and the results of what they were planning to do, and we took their advice accordingly.

The SPEAKER: Minister, we don't need the transport minister's surname.

An honourable member: People have been warned for that.

The Hon. C.C. FOX: I apologise.

The SPEAKER: They have been warned for that, especially since as I understand in the Greek it means 'the son of paralysed Tony'.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): A further supplementary, if I may. Minister, prior to the advice that you received pursuant to the review which, as you have explained, was the first time you became aware that there had been any delay in the service reopening, when was the last time prior to that that you visited anywhere along the Noarlunga train line upgrade that was being undertaken?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:36): First of all just as a piece of background, I would like to say that I answer this question as a resident, not as an engineer and not as someone who has an understanding, for example, of a signalling system or technicalities. In answer to your question, when did I last visit a site, I actually live on the Noarlunga railway line just one back, so I think we can safely say that I see it every day and I cross it every day.

The activities that occur on my particular stretch of line may not be occurring on another, so what is indicative of the stretch of line I see is not necessarily indicative of what is occurring on the rest of it. If the member for Bragg is suggesting that I should be walking every 37 kilometres of the Seaford line every day, that does seem to be slightly peculiar. Obviously I have a deep interest in the Noarlunga line which is both political and personal.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:37): A supplementary.

The SPEAKER: Before the deputy leader seeks a further supplementary—is it a further supplementary?

Ms CHAPMAN: I am, sir, by way of clarification.

Ms Sanderson interjecting:

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

Ms CHAPMAN: The minister answered the question in her role, as she indicated, as a local resident, but I am asking you, minister, as the minister, had you visited any of this part of the line in your official capacity as a minister prior to the review? When was that? When was the last time?

An honourable member interjecting:

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:38): Yes, that is what I am thinking. I was at that visit with you. I thank the member for Bragg for the question. I recall the event. I don't recall the date, but I am very happy to get that back to you.

ROYAL ADELAIDE HOSPITAL OPEN IDEAS COMPETITION

Mr ODENWALDER (Little Para) (14:38): My question is to the Deputy Premier and Minister for Planning. Can the Deputy Premier update the house about the next stage of the design competition for the RAH site?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:38): I thank the honourable member for his question. I know that he is very interested in this, as are many people around Adelaide. It is very interesting to see that even our great metropolitan newspaper is publishing some of the images and maintaining the interest in this, which is something for which I am very grateful.

As members would know, recently six finalists were shortlisted (six design teams) and these will progress to the next stage. Members should be aware that these six teams were chosen out of 126 people who put in what amount to very elementary desktop entries. They were assessed against the criteria which have been set out in the design competition and a final six of those were selected, not necessarily by reason of them having the most pretty picture. I know that there has been some controversy about some of them, particularly the one with the hill in the middle, but I guess a little bit of controversy spices these things up. I think all of us can expect to see those designs change and be refined significantly before we get to the end of the process.

It is really important also for members to understand that the final six contestants who are now in this competition are required by the rules of the competition to engage with local architecture and landscape firms to work up their final proposal. Irrespective of whether they are from Slovakia or from Melbourne or wherever they are from, they are now engaged in a process whereby they are utilising skills and providing engagement with local people. This is a very, very long way from a slap in the face to local industry, which I know some who obviously do not understand the process have been uninformedly saying that it is.

It would really be helpful if those who go around criticising this competition could actually check the facts before they go into print or make statements, because the fact is that local industry is very much engaged in this process. We are looking toward the end of this next phase. The important thing is that the final contestants are now being given I think $100,000 each to get on with developing their six competing designs, so a large proportion of that money will also be spent here in South Australia, because they are partnering with South Australian architects, landscape designers and so forth. So, it is a very exciting process.

Anybody who has not already been there, I would encourage them to go to Leigh Street. You cannot miss it. It is just opposite the Liberal Party headquarters. It is in the archives building there downstairs. It used to be the auction rooms; people would remember those. Anyway, there is an exhibition of the whole 126 down there, and I would really recommend people go there and have a look, because this is actually building a bit of momentum. I would also encourage all members of the public: please participate in the consultation process. Please let us know—the competition organisers, I mean, not me—what features you think are important for this project, because they are very interested and they are listening now.

DEFENCE RESERVES SUPPORT COUNCIL

Ms BEDFORD (Florey) (14:41): My question is to the Minister for Veterans' Affairs and Defence Industries. Can the minister tell the house about the support provided to the Defence Reserves Support Council?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:42): I thank the member for Florey and acknowledge her keen interest in the welfare of our defence veterans in particular but, of course, our reservists who continue to serve our country. Many members will be aware that Parliament House is a signed-up, supportive employer of defence reservists in South Australia and that on 8 November 2012 South Australia was the first state government to enter into a memorandum of understanding with the Department of Defence that draws the entire Public Service into the supportive employer network.

I have long admired the good work done by the Chair of the Defence Reserves Support Council in South Australia, Dr Pamela Schulz OAM, in encouraging employers to become supportive employers and to engage with defence reservists. I was honoured to host a reception in my role as state Minister for Veterans' Affairs and Defence Industries earlier in the month to

acknowledge and encourage employer and organisation support for defence reservists in South Australia. I was pleased that the Leader of the Opposition, along with the members for Taylor, Bragg and Ashford, were also in attendance, and I take this opportunity to acknowledge the good work that the members for Ashford and Bragg contribute through their service on the Defence Reserves Support Council.

I am confident that all in the house recognise the contribution that the young men and women who serve in our reserve forces make to the defence and security of our nation. Our nation has an impressive history in reserves service. It is a history that stretches back more than 100 years, almost to Federation. The Commonwealth Defence Act of 1909 mandated a system of military training and encouraged employers to support that service. Reservists have served us well in times of conflict and in times of peace. Most recently, defence reserves helped to bring peace and rebuilding in the Solomon Islands and East Timor. Those who saw service in these countries are among our newest veterans.

Given the important regional nation building tasks that have been undertaken by our reservists in recent years, our support for them has become more focused. Supportive employers repay this contribution by ensuring that reservists do not suffer as a result of being on duty and that their job progression and defence leave are assured and protected. In this, I acknowledge the importance of employers in the defence and private sectors. The work of the Defence Reserves Support Council is crucial. It allows our reservists to serve with confidence, knowing they have the complete backing of their community and their employers.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:45): My question is to the Minister for Transport Services. Minister, what is the estimated total cost of providing substitute bus services on the Noarlunga line as a result of the line not reopening on time?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:45): I do not have that figure in front of me, and I will bring it back to the house. However, it is, I think, worth pointing out that we have apologised extensively and continually, in fact, to the commuters on that particular line. From 1 October onwards, travel on that substitute bus line service will be free until the completion of the railway line. I think that is a good decision and a right decision to have made for commuters, taking into account what they have been through. In relation to the first question on the figures, I will bring that back to the house.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:46): Supplementary, if I may, Mr Speaker: as the minister has indicated that she will obtain that information and bring it back to the house, can the minister, in that information, ensure that we have not only the loss of ticket revenue as a cost but also what is paid to the private operators to provide that service?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:46): Yes.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:46): My question again is to the Minister for Transport Services. Why are the Seaford and Seaford Meadows train stations fully illuminated, have toilets operating and are being patrolled by security guards when they will not be servicing customers until next year?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:47): That would be an issue of security making sure that that those wonderful new buildings are not going to be vandalised in any way, shape or form.

NOARLUNGA RAILWAY LINE

Mr PENGILLY (Finniss) (14:47): Supplementary, sir. Can the minister inform the house what expense is being incurred in having 24-hour, seven-day-a-week guards in place at those stations?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:47): Once again, I'm very happy to discover that figure and bring it back to the house. Of course, if there are people here who think that it's a good idea to just allow new buildings and new infrastructure to be left to be destroyed by vandals in any way, shape or form, I

think that's rather tragic and indicative of a very casual attitude towards building this state. However, I—

Mr PENGILLY: Point of order, sir.

The SPEAKER: This had better be a valid point of order or it will be a first warning.

Mr PENGILLY: Standing order 98, sir: the minister had answered the question.

The SPEAKER: No, that is a bogus point of order, obstructing the business of the house and, accordingly, the member for Finniss is warned for the first time. Has the Minister for Transport Services finished?

The Hon. C.C. FOX: Well I've finished my answer, yes. Thank you.

The SPEAKER: The deputy leader.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:48): My question is to the Minister for Transport Services. Will the timetables for the Seaford rail line include information to allow customers to identify which services are electric and which are diesel?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:48): Timetabling is about servicing. When we publish timetables for buses, for example, we do not publish precisely which bus will be arriving at which bus stop. What type of bus will be arriving? What type of train will be arriving? I may be wrong, and I stand to be corrected, member for Bragg, but I think that perhaps what you may be trying to do is to make a surprise of the fact that there will be some diesel services running on those lines. That has—

Ms Chapman interjecting:

The Hon. C.C. FOX: Member for Bragg, you may have known this all week but, member for Bragg, I have actually discussed this on radio for the last six months. So I don't know what your media monitoring is like, but it's clearly not very good if you've just discovered this. I can't be responsible for who tells you what, but—

Ms Chapman interjecting:

The Hon. C.C. FOX: Oh, briefings aren't good enough?

Ms Chapman: No, they're actually very good.

The Hon. C.C. FOX: Oh, the briefings are good enough, right. So, 'Wasn't listening to excellent briefing'—I'm with you. So, yes, there will be diesel services and there will be electric services. What we know—we are all very aware of this—is that, when you purchase new rolling stock, you do it in a progressive manner, you don't knock out what already works and, as time goes on and as various different carriages and trains are no longer to be used, they will be replaced with electric stock.

Ms CHAPMAN: Supplementary.

The SPEAKER: Supplementary, deputy leader.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:49): As the Minister for Transport has explained publicly that the electric services are apparently going to be, I think, 10 minutes faster, will the minister now agree to identify on the timetables whether they are going to have a diesel train or an electric train, just as is currently offered for buses that are direct, or whether they are going to have their normal route? With the difference in time frame being offered under that, will you now publish that?

The SPEAKER: Deputy leader, if you want to make an explanation, and I do not encourage that, you seek leave. Minister for Transport Services.

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:50): Thank you, Mr Speaker. Could I just ask the member for Bragg to rephrase the question because there seemed to be a number of questions—

Members interjecting:

The SPEAKER: I think the opposition was saying 'We ask the questions.'

The Hon. C.C. FOX: Yes, but before that, Mr Speaker, the member for Bragg asked a question and it was a little confusing, so perhaps she could ask it again with fewer explanations.

The SPEAKER: Alright; member for Bragg.

NOARLUNGA RAILWAY LINE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50): Always happy to assist the minister. Given that the journey on an electric train is 10 minutes quicker than the one on a diesel train if you are a passenger, will you now publish that on the timetables so that the consumer will know whether to go down and actually catch the diesel train or the electric train?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:51): The nature of timetabling is such that you will know when the train arrives and when the train departs. Indeed, I am not quite sure when you last recently took a piece of public transport—

Ms Chapman: Excuse me; this week.

The Hon. C.C. FOX: Well done.

Members interjecting:

The SPEAKER: I call to order the ministers for health and education.

The Hon. C.C. FOX: Mr Speaker, as soon as the timetables are drafted, I am more than happy to arrange an excellent briefing, as the member for Bragg has referred to, and I am very happy to organise a briefing for her on the nature of the timetables.

HOUSING SA, DISRUPTIVE TENANTS

The Hon. M.J. WRIGHT (Lee) (14:52): My question is to the Minister for Social Housing. Can the minister update the house on how the government is strengthening its focus on managing disruptive tenants in Housing SA 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) (14:52): I would like to thank the member for this important question. In my view, and in the view of this government, every South Australian has the right to the quiet enjoyment of their home, free of excess noise, disruption or inappropriate behaviour.

An honourable member interjecting:

The Hon. A. PICCOLO: We cannot help with partners! Therefore, as a landlord responsible for managing more than 40,000 properties, Housing SA has an important role to play in managing disputes between neighbours which involve our tenants. Housing SA receives complaints each year relating to disruptive behaviour but I wish to stress that the overall majority of Housing SA tenants do the right thing and are good neighbours. All complaints are investigated to ensure they can be substantiated and are not vexatious. The Disruptive Management Team handles about 180 to 200 cases of severe or repeated disruption each year.

Those households who are not willing or are unable to modify their disruptive behaviour after referral to the DMT are generally referred to the Residential Tenancies Tribunal for eviction proceedings to commence. Tenants whose behaviour undermines the wellbeing of others can be taken directly to the RTT without the need for additional warnings. Earlier today, I announced a revised policy aimed at resolving these types of complaints quickly and more effectively.

The new policy will improve Housing SA's response times to these types of issues and, importantly, ensure the rights of tenants are upheld to provide reasonable peace, comfort and privacy in their own homes. Under this new policy, each metropolitan Housing SA office will have a dedicated specialist staff member responsible for dealing directly with complainants about disruptive tenants.

These staff will be a single point of contact in managing these issues, ensuring that there is consistency in the response and that these matters are handled appropriately and with sensitivity. Moreover, this holistic approach will give tenants and their neighbours the opportunity, information, advice and support they need to resolve these issues in a no-nonsense and prompt manner.

In addition to the specialist staff, Housing SA is increasing its responsiveness to disruptive tenant complaints by responding to all complaints within 48 hours. We are introducing an online complaint form to make reporting a complaint easier. I would also just like to say, if a matter is serious, obviously you call the police: you do not wait for a Housing SA officer to turn up, but if it is an issue of nuisance, we will respond within 48 hours. We are delivering other education programs to reinforce what is good behaviour in terms of neighbours. We are also reviewing information-sharing protocols with partner agencies such as Families SA, SA Health and SA Police.

I wish to stress that this policy is not about applying a heavy hand across Housing SA tenants: it is about being compassionate yet very clear and firm and upholding everybody's rights in their home. Members with constituents who have concerns about disruptive tenants and want to know more can visit www.sa.gov.au/housingsacustomer and click on the link to the disruptive tenant policy or telephone 131 299 or inquire in person at a Housing SA office. We will also be sending out this information to all electorate offices and a contact point.

The SPEAKER: Before the next question is asked, that was one of the most important answers I have heard in a question time in recent months. I found it hard to hear the minister because of the incessant talking in class of the Minister for Education, and I warn her for the first time. Is there a supplementary?

Mr GARDNER: Yes, supplementary, sir.

The SPEAKER: The member for Morialta.

HOUSING SA, DISRUPTIVE TENANTS

Mr GARDNER (Morialta) (14:56): Can the minister please provide to the house the number of Housing SA tenants who have been subject to three strikes or warnings in the last 12 months who are not facing eviction proceedings?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:56): I thank the member for that question. I do not have those figures before me but I am happy to get them for him.

The SPEAKER: Member for Stuart, supplementary?

HOUSING SA, DISRUPTIVE TENANTS

Mr VAN HOLST PELLEKAAN (Stuart) (14:56): A supplementary question: the minister in his answer said that all metropolitan offices would have a dedicated specialist staff member to deal with disruptive tenants. What is the minister doing for regional situations, and will regional areas be given the same 48-hour response time frame?

The SPEAKER: Before I call the Minister for Communities, I call the member for Kaurna to order. The Minister for Communities.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:57): I thank the honourable member for his question and I can assure the member that, even though we have fewer complaints from the regions, we do have some complaints from the regions. What we are doing is implementing this in the metropolitan area. In three months' time, we will review how the policy is working and those learnings will then be applied across the state.

SCIENCE RESEARCH

Dr CLOSE (Port Adelaide) (14:57): My question is to the Minister for Science and Information Economy. Can the minister inform the house about recent support that has been provided to local business and industry so that they are better able to work together with researchers to develop innovative products and services?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:58): I thank the member for this really important question. I have had the opportunity to see firsthand that we have many outstanding, productive and innovative industries in South Australia. We also have many creative researchers in our universities and other research organisations who consistently demonstrate a capacity to work with local industry on complex problems and find productive and commercial solutions.

That is incredibly important because obviously we live in a very competitive global marketplace and we need to generate high value and high quality products and services. I am very pleased to report that the state government is helping to bring business, industry and researchers together to strengthen productivity and innovation with the support of our $1 million investment for innovation vouchers.

The idea for these vouchers was suggested by international leader in business model innovation in manufacturing, Professor Göran Roos, as an effective way of encouraging small to medium enterprises and our research sector to work together. It is about incentivising this kind of behaviour. It is a real partnership effort because, while individual vouchers for businesses contribute up to $50,000 towards a particular project, the business also makes a contribution.

This collaborative effort is a catalyst for business and industry to develop such innovations, which are likely to be profitable in the marketplace going forward. This approach fits with our economic statement which identifies innovation as being a clear priority for our state, and it is the key to improving productivity rather than trying to compete on cost alone. The vouchers also support industry projects which are a priority for our state's long-term economic future, such as advanced manufacturing.

I can advise the house of recent voucher grants that are supporting businesses in South Australia. For example, the Adelaide-based bioscience company TGR BioSciences was granted a voucher for $30,000. This company will work with the Australian National Fabrication Facility at the University of South Australia to develop a new diagnostic tool that can deliver the analyses of multiple lab tests, such as blood tests, so that test results are available in less than 10 minutes—which is fantastic.

In addition, the solar panel manufacturer Tindo Solar has received vouchers worth a total of $66,000 to work with the Mawson Institute at the University of South Australia. This involves developing two products: the first is to develop a new method to increase the efficiency of solar panels and the second is to develop a new lightweight, high-capacity battery for its solar panels. I take this opportunity to thank the many businesses that are looking to the future of our state and our outstanding researchers. I look forward to seeing this partnership grow, not only for the benefit of those researchers and companies but also for the benefit and prosperity of our state.

RENEWABLE ENERGY

The Hon. I.F. EVANS (Davenport) (15:01): My question is to the Minister for Finance. Has the government abandoned its target of buying 50 per cent of its energy from renewable sources and, if so, has it adopted a lower cap for renewable energy purchase and, if so, what is it?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01): I will come back to the house with a detailed response.

PUBLIC TRANSPORT FARE EVASION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:01): I have a question for the Minister for Transport Services. When the minister told TV journalists that fare evasion was being detected because there is a new ticket system, was the minister aware that fare evaders do not use a ticket?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (15:02): I thank the member for Bragg for her question. How can I put this?

An honourable member: Stunned at the last question of the day.

The Hon. C.C. FOX: I'm stunned at the extraordinary nature of the last question. It is about how you measure things.

Members interjecting:

The Hon. C.C. FOX: Why is that amusing?

An honourable member interjecting:

The Hon. C.C. FOX: No, this is not a known-unknown situation. In fact, what I shall do is bring back to the house—

Members interjecting:

The Hon. C.C. FOX: Mr Speaker, the member for Bragg has asked a question; her colleagues aren't interested in the answer—they can't hear me. I will bring back to the house in two weeks' time a detailed breakdown of precisely how fare evasion—

Mr van Holst Pellekaan: That's not what the question was. The question was whether you knew.

The Hon. C.C. FOX: Of precisely how it occurs, yes.

STATE GOVERNMENT CONCESSIONS

The Hon. I.F. EVANS (Davenport) (15:03): My question is to the Minister for Communities and Social Inclusion. Does the government have a policy of claiming back overpayment of concessions and is it the government's intention to claim back overpayment of concessions in the future?

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): The question there is that the government has a policy to claim any liability to the government right across the board; anything owed to the government the government has a policy to claim. If, as an agency, we make a decision that the cost of recovery would exceed the amount recovered, we would then go to the Treasurer and seek approval to not recover that money.

The short answer is: yes, we do have a policy in place right across government, as I understand it; secondly, in the case of concessions, if we make a judgement, when we have the final figure, that the amount outstanding is so small that the administrative costs of collecting it are greater, we may make the decision not to collect. I will be happy to tell you what we do when I have the figures.

GRIEVANCE DEBATE

YORKE PENINSULA FIELD DAYS

The SPEAKER: I call the unusually passionate member for Goyder today.

Mr GRIFFITHS (Goyder) (15:04): I was rather angry about that situation, Mr Speaker, so there was a reason for that. It is my great pleasure to talk this afternoon about the Yorke Peninsula field days.

Members interjecting:

Mr GRIFFITHS: I am pleased to hear that. Many members say they wish they had been there. I had the privilege provided to me by the parliament to be away yesterday and to attend that and to witness some of the excitement that is created on the northern Yorke Peninsula for the three days on which Paskeville holds its field days. They have been going for 119 years. From their commencement in 1894 with very humble beginnings, moving around to a lot of different areas and totally focused upon agriculture, they have branched out since then and have now become just a wonderful example of what regional communities are like.

For the last 40 years or so, they have been based on the same site, and anyone who has had the opportunity to be there and witness the level of infrastructure development that has taken place cannot be anything but impressed, because the facilities are absolutely first class. It has come about as a result of the wonderful prudent management applying for some grants, an enormous amount of volunteer work to build things, and belief in a community that wants to actually provide a facility that is in top-notch order, and it does so.

The field days attract so many exhibitors, and they are probably in their hundreds. I know I have seen exhibitor site number 600, so there are people spread everywhere, and it is amazing how many people go for all three days. It is a long three days, but they are there for three days looking around, talking to people, looking at things they are interested in purchasing and looking at some of the exhibits which involve hundreds of thousands of dollars worth of machinery. They then go down to some of the lower level exhibits in smaller areas that talk about skills that are available, places for kids to go to, household products, clothing—everything that you could imagine that is associated with a society is on display at Paskeville for the three days of the field days.

The stall holders are wonderful people. Many of them have to come up the previous week to bring up some of their displays. They are there on the Monday just making sure the displays are

in their final and best order. The exhibits are open to the public on Tuesday, Wednesday and Thursday. The packing up commences on the Friday when people are going home. But all three days are exciting to see the number of people there, hopefully who want to buy products—some of them very expensive, some much smaller—but they come there because they know they are going to have a good time.

No matter which of the streets you walk on—and there are streets all over the site—you will find somebody that you know; somebody to have a conversation with; somebody to ask a question of; and somebody who can actually help you in providing a service or just give you some information. I truly enjoyed it. For me, I first went there in 2005 as a candidate for the Liberal Party to set up for three days and to ask questions of people and then they would tell me what was going on and we would see what we could hopefully do for them. It has become a rather challenging time. Being there yesterday, I was consumed in talking to people about mining and wind farm applications for the Yorke Peninsula area. I was there from 8.30am until 5.30pm, and just every moment was taken up by that.

Mr Pengilly: You shouldn't have come back then; you could have been there a bit longer.

Mr GRIFFITHS: It was packing up then, member for Finniss, so it was time to walk home. I want to put on record my great appreciation for those people that make it possible, and there are a couple of organisations that I want to read out. It is made up primarily of the agricultural bureaus from the Northern Yorke Peninsula who work for seemingly two whole years in between the finish of one field day to the start of the next one to make sure that everything runs smoothly.

Mr Pederick interjecting:

Mr GRIFFITHS: And the member for Hammond points out they do so without government support. They might get a little bit in promotion, but the absolute majority is done through their own effort. These are people from the Arthurton agricultural bureau; the Bores Plain agricultural bureau; the Bute agricultural bureau; the Cunliffe women in agriculture and business; the Moonta agricultural bureau; the Paskeville agriculture bureau; the Portersville agricultural bureau; South Hummocks agricultural bureau; Snowtown agricultural bureau, which is led by their president Mr Paul Browning who is from Bores Plain agricultural bureau, and their administrator is Elaine Bussenschutt OAM.

I want pay special tribute to Mr Browning and Mrs Bussenschutt. It is on a rotational basis so it has been a big challenge for Mr Browning. He did a great job yesterday at the official opening of which Mr Ian Doyle from ABC radio and television was the guest speaker to open the event. Elaine Bussenschutt, a previous chairperson of the association and now its full-time administrator, is a wonderful example. Seemingly she knows everybody in regional South Australia who is an exhibitor and she has a great connection with those people who do make this effort to come and exhibit. It attracts literally thousands of people. I want to put on record also the fact that there are wonderful sponsors. *The Advertiser* has been a major sponsor for a long time, and all of South Australia can be proud of what the Yorke Peninsula Field Days does.

REYNELLA FOOTBALL CLUB

Mr SIBBONS (Mitchell) (15:10): I am thrilled today to highlight the success of one of the greatest sporting clubs in my electorate, Reynella Football Club, the Wineflies. Reynella has had a terrific 2013 season, culminating in the ultimate prize: an A-grade premiership, as well as a grand final appearance for the under-14s. Last Saturday, the A-grade won its grand final, beating Morphettville Park by 25 points, while unfortunately the under-14s lost their decider to Happy Valley. Congratulations to the leading lights in the A-grade's grand final win, including 19-year-old Dillon Lock, Jason Farrier, Steve and David Prescott, Jack Guy, Brenton Tilley and former Crow Michael Doughty, who returned to his old club after retiring from the AFL.

Established in 1896, the Wineflies are one of the oldest Aussie Rules clubs in Australia. They are part of the Southern Football League, which incorporates sixteen different clubs from the western and southern suburbs of Adelaide. Reynella Football Club boasts a growing membership and encourages active involvement of all seniors, juniors and minis players and their families. The club fields a full complement of teams, and an ever-growing list of minis. They pride themselves on their sense of community, professionalism and welcoming, friendly atmosphere. In season 2013, each of the club's Saturday junior and senior sides made the finals—another fantastic achievement.

The Wineflies are committed to the development of junior football in the Reynella area, and club secretary David Denyer was absolutely excited on the grand final win. He said:

> Obviously we are very happy. But one of things we are most proud of is that our premiership winning side is all local talent—of the 21 players in the side, 20 had come up through our junior ranks. We have a strong local culture and community base. We're very much a family club.

Eight players from this year's winning side also played in the club's last A-grade premiership in 2010. The club has two senior teams, five junior teams (under-14s to under-18s) and seven mini sides (two under-8s, three under-10s and two under-12s), with approximately 310 playing members in total.

I am a big advocate for community sporting clubs, such as the Reynella Football Club, and have spoken previously in this place about the benefits for young people involved in community sport: camaraderie, team work, discipline, fitness and organisational skills, just to name a few. Local clubs such as the Reynella Football Club provide a safe and healthy environment in which our kids can grow, develop and give back so much to our communities. My warm congratulations to the Wineflies on their very successful 2013 season, and I look forward to their ongoing success in the future.

While I have a little bit of time, I would like to talk about another good news story in my area. The City of Marion recently took out top spot as the South Australian finalist in the Keep Australia Beautiful National Sustainable Cities Award. The City of Marion prepared an extensive submission, which highlighted the complexity and diversity of managing a council specific to environmental sustainability and community health and wellbeing.

Just some of the projects on show were the Hallett Cove Library Community Enterprise Centre, hard waste collection, food waste recycling, protection of biodiversity and coast care. Judge Cameron Little met with community groups, schools, council and cultural centre representatives to gain an insight to the scope of community engagement and the on-ground programs initiated by council and its partner stakeholders. These included a presentation of the council's strategic and community plans: Hallett Cove foreshore, the Lower Field River, the Warriparinga Wetlands, Living Kaurna Cultural Centre, Warradale Primary School and the Oaklands Wetlands.

The City of Marion has partnered with neighbouring City of Holdfast Bay on a joint $123 million stormwater management plan and is working collaboratively to improve the resilience of the southern Adelaide region to the impacts of the changing climate.

As a finalist, the City of Marion will now proceed to the National Sustainable Cities Awards in Western Australia in November. It will compete against Launceston, Tasmania; Canada Bay, New South Wales; the City of Moreland, Victoria; and finalists from WA and Queensland. I thank Marion council for its clear and positive attitude to addressing climate change through the championship of recycling and environmental sustainability measures across its regions.

FINNISS FOOTBALL FINALS

Mr PENGILLY (Finniss) (15:15): In a similar sporting vein, and also following along on football, I would like to turn my attention to the football finals in my electorate, in both the Great Southern Football League and the Kangaroo Island League—and I will not forget the contribution the netball fraternity makes either.

Last Saturday, the mighty Encounter Bay A-grade Eagles, under coach of the year Billy Neely, won the grand final, and they beat Willunga by 11 points, coming from behind in the last quarter to overtake and beat Willunga on Willunga Oval—there is nothing like beating another team on their own ground. Unfortunately, I could not be there that day; I was there the week before, when they won the preliminary final against Strathalbyn at Mount Compass, and led all day.

Last week was certainly great for Encounter Bay Football Club and the south-coast district. It took 17 years and a huge amount of hard work. Billy Neely certainly put in an enormous effort over the last couple of seasons to get the A-grade to where it was. Unfortunately, the B-grade got put out the week before, but there was some outstanding play of football. I have been reading the report in the *Victor Harbor Times* and picking up on that. So, it was terrific for them to win.

Certainly from looking at social media and the newsprint this week, I think they have celebrated in style, and I suspect they will probably still be having training for the next couple of weeks, regardless of the fact that football is over.

However, let me also say that the Victor Harbor Senior Colts won the grand final, which was good, as did the Victor Harbor Junior Colts, in the Great Southern Football League (for the fourth year in a row, I might add). That was a magnificent achievement by them, and the Victor Harbor area certainly came out pretty well in the finals of the football. I guess being the biggest town in the region they obviously have more to drawn on, and that helps, but it was outstanding.

I would like to pay tribute to the president of Encounter Bay, Richard Littley and his team, and the people around him for the great support and great work they do. I am a proud sponsor of Encounter Bay, and I was very happy to get the news—I got a couple of reports during the afternoon.

The week before, the Kangaroo Island Football League held their grand finals. Once again, a small group of people put this together, and in particular I mention president of the Kangaroo Island Football League, Heath Gurney, and the secretary, Tony Nolan. I also meant to mention Great Southern's president, Gordon Tonkin, and secretary, Kevin Curran. KI Football League works very hard to keep football alive and well and to provide outlets for youth on the island in difficult circumstances.

On the island, the Parndana A-grade won the final—o woe, o bliss—for the sixth year in a row, despite the best efforts of everyone to knock them off. They came through again, and it is a credit to that club that they did win. In the B-grade, the Western Districts Football Club Bs won; it is worth noting that the Western Districts club works very hard to keep going and to fill teams every week in fairly strenuous circumstances. The impact of the blue gums on the west end of the island has been dramatic on the population, yet their B-grade came through and knocked off their archrivals, Parndana. So, I imagine they are probably still celebrating as well out on the west end.

In the Colts, the Wisanger Football Club, of which I am the No. 1 ticket holder—I am also patron of the KI league—won for the fourth time in a row; I stand to be corrected, as it may be the third. The male medal winner in the Great Southern Football League was Ian Perrie, who put on a phenomenal year; he is just an absolute workhorse and a fantastic role model for footballers across the Fleurieu. On Kangaroo Island, the medal winner was a young footballer from the Kingscote Football Club, Zac Edwards. They both thoroughly deserved their wins.

Football is an enormous part of culture in country South Australia and goes along with netball as being absolutely critical to providing outlets for the youth of the districts to have good, clean entertainment and activities on Saturday afternoons mainly, along with other sports. I guess Australian Rules Football and netball are seriously the biggest sports in my electorate by a long way. I wish them well for their efforts and look forward to country football resuming again next year.

GLANDORE LANEWAYS

The Hon. S.W. KEY (Ashford) (15:20): There are a number of laneways running between Nottingham Crescent, Maud Street and Pleasant Avenue, including Mersey and Garland Streets in Glandore. These laneways were owned by the estate of Fredrick Francis Burmeister. The Public Trustee was appointed as executor of the estate in February 1940, and since Mr Burmeister's death has had the care, control and management of the laneways. The majority of adjoining property owners also have a legal interest in an easement in the laneways which provides them with right of way over part of the laneways.

The extent of the rights of way varies and details are shown in each certificate of title. The property owners have the right to maintain their laneways for their use but do not have an obligation to maintain the laneways, and also the Public Trustee has no obligation to maintain laneways for the use of property owners. I guess this issue of maintenance in particular was one of the reasons why this issue was brought before me. I understand from just looking at the electoral roll that there are at least 204 residents who would possibly be affected by the status of the laneways and what could happen to those laneways.

As I said, this issue was brought to my attention by the then Marion councillor Vicky Veliskou and laneway locals Luke Hutchinson, Phillip Boehm, Lynda May and Garry Hallas. A number of meetings were held, some in Glandore itself as street meetings with residents, at the Ashford electorate office and also at the Marion council. At many of those meetings we had relevant council staff, because obviously there was legal advice that was needed as well as the issues that had been brought to me by the constituents.

Because of the issues of the laneways not being maintained, in their view, the constituents—particularly Phillip Boehm and Luke Hutchinson—had taken it upon themselves to

get rid of trailer loads full of rubbish, spraying weeds and also fixing potholes. I am pleased to say that Marion council has certainly taken up the challenge of trying to make sure these laneways are not only clear but also looked after, and has commissioned a couple of reports at the very least to work out how to deal with issues like traffic management, safety, security, road treatments and the cost implications of doing that.

I understand that the preferred option of Marion council—and this has been taken up by more recent councillors, Tim Pfeiffer and Alice Campbell—is to give in-principle support to take ownership of the laneways. In the report they were given as option (a) that the Public Trustee give consent to the council's proposal, with a signed agreement from affected landowners, and that the outcome of negotiations with the Public Trustee and affected landowners be provided in a further report to be presented to council by August 2012, and so the issues go on.

My point is that, although there has been some fantastic work done—and I commend particularly the councillors for keeping this issue going, not to mention the residents, and here we are in September 2013 and there is still not a resolution to this issue—I consider myself a failure, because we have been trying to negotiate this issue since 2009 and so far we don't seem to have a resolution. As I would normally undertake, we have another meeting on Saturday morning in Glandore to see if we can put some pressure on whoever we need to put pressure on to try to get the issue of the laneways resolved.

I notice that a number of other councils have dealt with this difficult situation, and there have been some success stories in Unley, Norwood and Adelaide, as I understand it, because those areas have laneways that have different ownership. I am hoping that Marion council will be able to see a light in the near future to resolve this issue.

COUNTRY FIRE SERVICE

Mr GARDNER (Morialta) (15:25): It gives me great pleasure to rise and speak today on the great work that Country Fire Service brigades within Morialta have been doing. Specifically, I will speak about the CFS Chief Officer's Award for Training Excellence. Members would be aware that I often take the time to speak on local brigades and what the volunteers in Morialta have been up to. With the electorate of Morialta due to take on a very different and enlarged shape—engorged even, as of the 2014 election, after the redistribution as it doubles in size in the Hills—I am looking forward to meeting and working with many more of these volunteers, including those from CFS region 2, namely, Paracombe and Cudlee Creek.

Recently, the 10th annual Chief Officer's Awards were distributed to brigades. These awards recognise those brigades that meet the minimum training standards determined by the Standards of Fire and Emergency Cover (SFEC). Unfortunately, it is almost a misrepresentation when using the term 'minimum standards', given the difficulty for brigades in actually achieving these standards. The training of firefighters of the CFS requires the hard work of volunteers and staff all the way up and down the chain of command. The CFS has developed a Training Administration System, which allows volunteers to actively monitor their brigade's training levels. Enough training courses need to be provided so that opportunities are there for volunteers to upskill.

Brigade training officers need to keep on top of areas where the brigade needs further training. These might include courses ranging from operating compressed breathing apparatus to providing first aid or operating radios. Achieving the award also requires firefighters to make themselves available on weekends or after hours to attend the training. All in all, many, many volunteer hours go into getting our firefighters trained, both from the individual and others in the CFS.

The task of maintaining a minimum standard can be especially challenging, given that a brigade may have met the minimum requirements all year, only to have a trained firefighter resign or move brigades, which causes the brigade to go below their minimum standard in one area of training. Out of the 425 brigades across South Australia, only six brigades have been awarded the Chief Officer's Award for each of the 10 years that it has existed. Of these elite six brigades, I am proud to advise the house that two are currently within the boundaries of Morialta and a third will be after the next election. I congratulate the Athelstone CFS, the Norton Summit-Ashton CFS and Paracombe CFS on all of their hard work in achieving this milestone year after year.

Each one of these brigades has put in a considerable amount of effort over the last 10 years to achieve this. I especially congratulate the captains of these brigades. The first is Eero Haatainen, who recently stood down as captain of Athelstone, to be replaced by Mick Rossi, who I

am sure will continue with this tradition. Wayne Atkins has been the training officer at Athelstone for longer than the Chief Officer's Award has existed, so he certainly needs to be congratulated also.

From Norton Summit-Ashton, I congratulate captain John Naumann and the previous captain, Doug Munn, who has since gone on to being a deputy group officer. I know that the current training officer at Norton Summit-Ashton, Philip van der Hoek, puts in a considerable amount of time ensuring that every opportunity for a member to be trained is taken up, thus continuing the longstanding service that the van der Hoek family has contributed in the Morialta area. They are a famous Rostrevor family who I have known for a number of years.

I also congratulate all the firefighters from the Paracombe CFS. Unfortunately, I have not yet had the opportunity to visit the Paracombe brigade, which is new to Morialta as at the next election, but I can assure the house and members of the brigade that I will be taking the deputy leader, the shadow minister for emergency services, up to Paracombe and Cudlee Creek in the very near future to meet with the brigades and learn a bit more about the goings on in region 2. I am sure they will all be looking forward to that, as am I.

I am truly grateful for the hard work these brigades put in year in, year out, month in, month out, fire season in, fire season out, which results in a safer community for the people of Morialta and adjacent areas, and I thank them again.

O'SULLIVAN BEACH PRIMARY SCHOOL

Ms THOMPSON (Reynell) (15:30): It is my great privilege this afternoon to rise to talk about yet another of the excellent schools in my area. This afternoon, I would like to talk about O'Sullivan Beach Primary School. It is a fairly small school, but it is rapidly growing. I need to indicate to the Minister for Education that enrolments at O'Sullivan Beach are growing so rapidly that I will be writing to her soon asking for some new classrooms please. This increase in enrolments has come about because of the educational achievements of the school. I find that, when a school is doing particularly well, people vote with their feet and they suddenly arrive at that school from all over the place.

O'Sullivan Beach currently has children coming from far and wide, but particularly it is servicing the local neighbourhood of O'Sullivan Beach. There is a high proportion of Aboriginal students in this school (about 19 per cent), which is unusual for a city school, and there is quite a low proportion of students from different language backgrounds (only about 6 per cent), but there a high number of children who have experienced trauma and who are identified as having special learning needs.

In fact, when the recruitment process for the current principal, Sally Menadue, commenced, I was engaged in a discussion with the governing council about what they were looking for in a principal, and one of the important things they wanted was somebody who recognised the importance of having skills in teaching children who have experienced trauma because, unfortunately, many of the children have been through situations of violence in their home. But they also wanted somebody who was going to recognise that just because children had had this trauma, had parents with long periods of unemployment or illness, it did not mean that the children could not learn.

In Sally Menadue they got somebody who clearly believed that children could learn. When she started, the NAPLAN tests were not doing very well at all. She sought a way to improve the situation and decided that Jolly Phonics was a program that would help them. I came across the Jolly Phonics program in Scotland, and one of the important things about that is that part of the program seeks to engage the parents actively in their children's learning. Jolly Phonics teaches the 42, I think it is, different sounds of the English language rather than looking at letter by letter.

It recognises that some children learn best when they do things, so an action is associated with each sound. So, children who have struggled with dyslexia and other reading difficulties have had other pathways opened to them to learn. The result of this is that, in two years, the average of the minimal increase above the standard for NAPLAN is six months, and there are many children in the school who are now 24 months in advance of their reading age.

This is clearly a demonstration that children whose background might not have been rich in books, etc., can learn and do learn when there is confidence displayed in them. Sally also recognised that the school community was talking about things that they used to do as a community. They used to have school concerts and they used to have school fetes so that the whole community could come together. Well, there is now a school concert, and this year there will

be the first school fete in many years, and the whole purpose of that is to bring the community together to identify as people who help each other.

Another important decision of Sally's was to engage all the teachers in deciding that every child in the school was the responsibility of every teacher—the year 2 teacher did not just look after the year 2 students and the year 6 teacher look after the year 6 students: every teacher had to consider the wellbeing of every child. It had to be a seamless process from one class to the other. Children could not be confused with different learning styles and teaching styles all the way through; they had to have one learning methodology that would enable all children to learn. As I have said, the results have been outstanding in a short time, as was recently demonstrated on a *Today Tonight* segment.

STATUTES AMENDMENT (ASSESSMENT OF RELEVANT HISTORY) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:35): Obtained leave and introduced a bill for an act to amend the Children's Protection Act 1993, the Disability Services Act 1993 and 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) (15:35): 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.

It is important that government does everything possible to promote the safety and well-being of the most vulnerable in our community. Children, and adults with physical disabilities or mental impairment, are among the most vulnerable. Parents, care-givers and family members should be confident that organisations and businesses providing services to children and vulnerable adults are taking all reasonable steps to ensure the safety and well-being of those children and vulnerable adults. Further, parents, care-givers and family members should be confident that unsuitable people are not providing those services. Screening of people who work or volunteer with children and vulnerable adults is a significant preventative measure.

I am proud to say that it was this Government that first introduced legislative measures in the *Children's Protection Act 1993* for the screening of those who work or volunteer with children in 2005 as part of the Keeping Them Safe reform program. This followed the landmark review initiated by this Government into our child protection system, conducted by former Supreme Court justice Robyn Layton. These provisions were later enhanced in 2009 in response to the recommendations arising from the Mullighan Inquiry. This was another landmark inquiry instigated by this Government to learn from the mistakes of the past, by shining a light on child sex abuse and providing a forum for so many affected people to tell their stories and commence the healing process.

More recently, this Government signed the *Intergovernmental Agreement for A National Exchange of Criminal History Information For People Working With Children* (IGA). It is designed to facilitate the exchange of information with other jurisdictions for the purposes of screening those that work or volunteer with children.

This Government remains committed to ensuring that the legislative framework in South Australia for screening those who work or volunteer with children is an effective preventative measure that contributes to safety and well being, and that similar requirements are in place for those who work or volunteer with vulnerable adults. It is paramount that the legislative arrangements in this State work in tandem with those in other jurisdictions in order to prevent unsuitable people from escaping the screening safety net. We are also concerned to ensure that the arrangements for screening public sector employees in general are adequate for the benefit of the community and to protect the interests of the government as an employer.

It is for these reasons that this Government has launched a wide-ranging review into the screening arrangements in this State. The review is to be undertaken by a cross-government working group led by the Attorney-General's Department. The working group is to make recommendations to Cabinet about the screening of those who work or volunteer with children and vulnerable adults by December 2013. Recommendations about screening of public sector employees in general are to be made by July 2014. It will be necessary as part of the first tranche of the review, for the working group to examine the various legislative schemes in other jurisdictions for screening those who work or volunteer with children or vulnerable adults in order to make recommendations about what best suits South Australia.

The Government is introducing this Bill in tandem with the review because there are certain issues that can be, and should be, dealt with now. This includes giving full effect to the IGA.

Notably, the Bill introduces for the first time in this State a legislative framework to screen people that work or volunteer in the disability sector by amending the *Disability Services Act 1993* and further enhances the existing arrangements in the *Children's Protection Act 1993* for screening those that work or volunteer with children. It also amends the *Spent Convictions Act 2009* to facilitate more robust screening of those that work or volunteer with children in accordance with our obligations under the IGA.

Amendments to the Children's Protection Act 1993

Currently, section 8B(1) of the *Children's Protection Act 1993* makes it an offence for a responsible authority of an organisation to fail to ensure that before a person is appointed to or engaged to act in a prescribed position in the organisation an assessment of the person's 'criminal history' is undertaken. Similarly, section 8B(2) authorises the responsible authority of an organisation to undertake an assessment of a person's 'criminal history' at any time, in specified circumstances.

The Bill introduces an obligation to assess 'relevant history' instead of 'criminal history'. 'Relevant history' is defined broadly in the Act for the purposes of an assessment undertaken by a person or body authorised to do so under the regulations made under the Act. Presently, only the screening unit in the Department for Communities and Social Inclusion is so authorised. This amendment will explicitly permit a broad range of information to be taken into account by this screening unit—including information held by government agencies. Otherwise, 'relevant history' is defined to accord with criminal history information obtained from SAPOL or Crim Trac, as is presently the case for assessments undertaken by others. 'Findings of guilt' fall within the definition of 'relevant history' in any event. 'Findings of guilt' include convictions and other findings of guilt by a court, however described. However, the extent to which findings of guilt can be relied on will be subject to the *Spent Convictions Act 2009* as amended by this Bill.

The Bill supports the use of this broad range of information by introducing provisions in the *Children's Protection Act 1993* that authorise the disclosure of 'relevant history' information and other information to a person or body authorised under the regulations to undertake relevant history assessments, 'despite any other Act or law'. These provisions override any statutory or other prohibitions that may otherwise apply and obviate the need for consent to release of information where it might otherwise be an exception to a prohibition on disclosure. Privacy and confidentiality are addressed by extending the power of the Chief Executive to promulgate standards to be observed in dealing with information 'in connection with an assessment of a person's relevant history' and by extending the power to make regulations about confidentiality of information to information 'relating to, or obtained in the course of, an assessment of a person's relevant history'. This will facilitate corresponding amendments to the Chief Executive's Standards and the offence provisions for breach of confidentiality in the *Children's Protection Regulations 2010*.

The Bill clarifies the range of non-government organisations to which s8B of the *Children's Protection Act 1993* applies by specifying organisations that provide 'cultural, entertainment or party services' and makes provision to include other organisations prescribed by regulation. The range of organisations to which the child safe environment and other obligations in section 8C apply, have similarly been amended. The Bill also makes provision for positions in government organisations that are currently not caught by the screening provisions in section 8B, to be designated as prescribed positions and subject to screening. This provides a legislative framework to ensure that staff developing policies and doing other work behind the scenes to enhance the safety and development of children, meet the same high standards as those in the same organisation on the front line.

The Bill includes a power to make regulations under the *Children's Protection Act 1993* to require organisations to use a specified person or body to undertake assessments for the purposes of section 8B. This provision will be relied on to make regulations to mandate the use of the screening unit in the Department for Communities and Social Inclusion for assessments undertaken on behalf of government organisations and those funded by government. This will ensure consistency in the quality of assessments relied on by government organisations and NGOs and ensure that a broad range of information is relied on for those assessments.

The Bill introduces a new section 8BA in the *Children's Protection Act 1993* in order to facilitate the screening of those that are not otherwise caught by section 8B. Section 8BA makes it an offence for a responsible authority of an organisation to which section 8B applies, to perform prescribed functions unless the person has undergone a national police check or an assessment of relevant history in the preceding three years. Sole traders, those in partnerships and volunteers who perform prescribed functions in circumstances where they have not been appointed to or engaged to act in a prescribed position in an organisation for that purpose, will be similarly caught by section 8BA. Significantly, section 8BA empowers parents, carers and guardians to take steps to protect their children by requesting a person to whom section 8BA applies to produce evidence that they have undergone a national police check or an assessment of relevant history in the preceding three years where they may perform or are performing a prescribed function for their child. Failure to comply will be an offence. This will enable parents, carers and guardians to vet prospective service providers and service providers that have already been engaged.

The Bill also supports any government contractual arrangements concerned with the protection of children that do not otherwise fall within the scope of the *Children's Protection Act 1993*, by enabling a person or body to be authorised to undertake assessments of a person's relevant history for prescribed purposes relating to the care and protection of children. This will permit the screening unit in the Department for Communities and Social Inclusion to be authorised to undertake assessments that arise from government contractual arrangements such as hire of a school hall by a person who is providing services direct to children.

Amendments to the Disability Services Act 1993

The screening provisions relating to those that work or volunteer in the disability services sector introduced in the *Disability Services Act 1993* by the Bill, closely mirror the screening provisions in the *Children's Protection Act 1993*, taking into account the enhancements made by the Bill. This includes the introduction of an obligation to assess 'relevant history', which will permit a broad range of information to be taken into account where the assessment is undertaken by a person or body authorised under the regulations. These new provisions fill a legislative vacuum that currently exists in this sector, although screening has been imposed in the disability services sector for many years through employment conditions and contractual obligations.

Amendments to the Spent Convictions Act 2009

The Bill also amends the *Spent Convictions Act 2009* to facilitate the operation of the IGA.

By way of a Memorandum of Understanding (MOU) signed by the States, Territories and the Commonwealth, the Council of Australian Governments (COAG) established an inter-jurisdictional exchange of criminal history information for people working with children, commencing with a 12 month trial. An independent evaluation of the trial, completed in March 2011, recommended the permanent continuation of this arrangement.

The IGA supersedes and replaces the MOU. South Australia is a party to the IGA and the Department of Communities and Social Inclusion screening unit has also been accepted for inclusion as an authorised screening unit under this IGA.

To facilitate South Australia's involvement, amendments are required to the *Spent Convictions Act 2009*.

Under the IGA, the parties agree that the nominated screening units in each state will exchange the following information for the purpose of screening people prior to them undertaking child-related work:

- Convictions, which includes any recorded or un-recorded conviction or finding of guilt, and which also includes a conviction for which a pardon has been granted; and
- Expanded Criminal History Information, which includes spent convictions.

This cannot occur under the *Spent Convictions Act 2009* as currently drafted. The required amendments are as follows.

Schedule 1 provides that the provisions contained in Part 3 Division 1 of the *Spent Convictions Act 2009*, which state that spent convictions do not have to be disclosed and are protected, do not apply in relation to a number of 'excluded purposes'. The Bill therefore creates a new exclusion in Schedule 1 so that any prescribed screening unit for a prescribed purpose can take into account spent convictions. Regulations can then be drafted to prescribe the relevant screening units and purposes.

Presently, section 13 of the *Spent Convictions Act 2009* states that in cases where a court had declined to record a conviction, a conviction has been quashed, or a conviction has been pardoned, those convictions are considered to be immediately spent, and cannot be disclosed even for an excluded purpose.

In addition, the situation is further complicated if an application is successful under section 13A and a qualified Magistrate orders that the spent conviction cannot be disclosed even if the criminal history check in the circumstances spelt out in Part 6 of Schedule 1 of the *Spent Convictions Act 2009*.

Consequently, the Bill makes amendments to the *Spent Convictions Act 2009* so that a prescribed screening unit can be provided with and take into account the following spent convictions for the prescribed purpose;

- a conviction for an offence when the person has been granted a pardon for the offence;
- a conviction that has been quashed;
- a finding of guilt or finding that offence is proven and where no conviction is recorded against the person;
- a conviction for an offence where a Qualified Magistrate has made an order under section 13A.

The Bill makes amendments so that any prescribed screening unit using the information for the prescribed purpose (for example, of screening for working with children) will be required to treat these spent convictions differently than other convictions and spent convictions. It is important that the will of the court (in not recording a conviction or ordering a conviction quashed), the action of the Crown in granting a pardon in the exercise of the Royal Prerogative, or a decision of a Qualified Magistrate is respected.

Under the Bill:

- when a prescribed screening unit is provided the above information, the screening unit is only empowered to use this information for the prescribed purpose; and
- when the prescribed screening unit is using the spent conviction for a prescribed purpose;
    - the screening unit must not take into account this information unless the screening unit is of the opinion that there are 'good reasons' in the circumstances of the particular case for doing so; and
    - if the screening unit finds such 'good reasons', in taking the information into account, the screening unit must give strong weight to the following facts (where applicable):
        - the person has been pardoned and the conviction is considered to be spent for all purposes under the *Spent Convictions Act 2009*;
        - the convictions has been quashed and the conviction is considered to be spent for all purposes under the *Spent Convictions Act 2009*;
        - no conviction was recorded against the person and the conviction is considered to be spent for all purposes under the *Spent Convictions Act 2009*;
        - a qualified Magistrate has made an order under section 13A with respect to the conviction; and
- the screening unit must provide written reasons for any decision to use the information adversely to the person the subject of the information, and provide those reasons to that person.

This Government is committed to taking whatever measures are appropriate to ensure that the arrangements in this State for screening those that work or volunteer with children and vulnerable adults remain effective well into the future, as part of a broader protective framework. It is for this reason that we look forward to the outcome of the review. In the meantime, the measures proposed in this Bill significantly improve the protection of our children and vulnerable adults.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Children's Protection Act 1993*

4—Amendment of section 8A—General functions of the Chief Executive

This clause amends section 8A of the principal Act to clarify that the Chief Executive may make standards in respect of information obtained in connection with an assessment of a person's relevant history, including assessments other that those required under section 8B.

5—Amendment of section 8B—Powers and obligations of responsible authority in respect of relevant history

This clause amends section 8B of the principal Act, extending the scope of the section from criminal history to relevant history, which is defined in subsection (8) as amended. The clause makes other amendments consequent upon that extension, as well as changes to the organisations to which the section applies and protects bodies who disclose information to those persons conducting assessments.

6—Insertion of section 8BA—Obligations of certain performers of prescribed functions in respect of relevant history

This clause inserts new section 8BA into the principal Act. The new section requires certain direct providers of services to children to have an assessment of their relevant history undertaken, or to obtain a criminal history report prepared by South Australia Police or CrimTrac, within the 3 years prior to performing a prescribed function. Evidence of that check must be produced on the request of specified people. In both cases, failure to comply with the subsection amounts to an offence, with a maximum penalty of $10,000.

7—Amendment of section 8C—Obligations of certain organisations

This clause makes a consequential amendment to section 8C of the principal Act.

Part 3—Amendment of *Disability Services Act 1993*

8—Insertion of sections 5B and 5C

This clause inserts new sections 5B and 5C into the principal Act.

The new section 5B provides for the undertaking of assessments of relevant history in respect of people working etc with disabled persons in a way that is consistent with the requirements under the *Children's Protection Act 1993* relating to those working etc with children.

New section 5C requires certain prescribed disability service providers to have an assessment of their relevant history undertaken, or to obtain a criminal history report prepared by South Australia Police or CrimTrac, within the 3 years prior to performing a prescribed function. Evidence of that check must be produced on the request of specified people. In both cases, failure to comply with the subsection amounts to an offence, with a maximum penalty of $10,000.

9—Substitution of section 10

This clause substitutes section 10 of the principal Act, inserting a standard provision in respect of the regulation making power.

Part 4—Amendment of *Spent Convictions Act 2009*

10—Amendment of section 13—Exclusions

This clause amends section 13 of the principal Act to provide that subsection (2) does not apply in relation to the operation of clause 9A of Schedule 1.

11—Amendment of section 13A—Exclusions may not apply

This clause inserts new subsection 13A(8) to provide that an order under that section does not limit the operation of clause 9A of Schedule 1 in any respect.

12—Amendment of Schedule 1—Exclusions

This clause inserts new clause 9A into Schedule 1 of the principal Act, setting out exclusions from Part 3 Division 1 of the principal Act, and making related provisions, in respect of prescribed screening units, as defined in the clause.

Debate adjourned on motion of Mr Gardner.

STATUTES AMENDMENT (NATIONAL ELECTRICITY AND GAS LAWS—LIMITED MERITS REVIEW) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:36): On behalf of the Minister for Mineral Resources and Energy, obtained leave and introduced a bill for an act to amend the National Electricity (South Australia) Act 1996 and the National Gas (South Australia) Act 2008. 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) (15:37): 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 Government is again delivering on a key energy commitment through new legislation to improve the governance arrangements of the Australian energy sector, for the benefit of South Australians and all Australians.

Under the National Electricity Law and the National Gas Law, parties affected by the decisions of the Australian Energy Regulator, or other relevant decision makers, are provided an opportunity for limited merits review of these decisions. These reviews are performed by the Australian Competition Tribunal.

As part of its Energy Market Reform Implementation Plan, the Council of Australian Governments committed to changes to the limited merits review regime to be introduced prior to the commencement of the next round of revenue determinations for regulated energy network businesses in mid-2014.

The *Statutes Amendment (National Electricity and Gas Laws—Limited Merits Review) Bill 2013* will amend the National Electricity Law, set out in the schedule to the *National Electricity (South Australia) Act 1996*, and the National Gas Law, set out in the schedule to the *National Gas (South Australia) Act 2008*, for the major reform of the limited merits review regime.

In light of significant energy price rises and concerns that inappropriate use or operation of the review process may have contributed to such rises, Energy Ministers agreed to a review of the limited merits review regime and established an independent expert panel to undertake this review. The review was consistent with a legislated requirement to review the limited merits review regime within seven years of the commencement of the requirement.

The panel delivered two reports, in June and September 2012, and found that the original policy intent of the regime remained relevant, but that the operation of the regime had not delivered on the national electricity objective, the national gas objective, or the original policy intentions agreed by Energy Ministers.

In particular, the panel found that, despite the long term interests of consumers being central to the national electricity objective and national gas objective, the implications of review decisions on the long term interests of consumers had not explicitly featured in the review process.

The panel also found that, contrary to the original policy intent of the merits review framework, reviews have had a narrow focus, with the Australian Competition Tribunal limited to considering parts of the original decision, rather than examining the decision as a whole in light of the national energy objectives.

Consequently, the panel made a number of recommendations to improve the operation of the regime.

Energy Ministers issued a *Statement of Policy Intent* in December 2012, in which they affirmed the policy intent that in interpreting the national electricity objective and national gas objective, the long-term interests of consumers (with respect to price, safety, reliability and security of supply) are paramount in the regulation of the energy industry.

The *Statement of Policy Intent* also affirmed that the objective of the review framework is to ensure that relevant decisions promote efficient investment, operation and use of energy infrastructure, and are consistent with the revenue and pricing principles of the National Electricity Law and National Gas Law, in ways that best serve the long-term interests of consumers.

Energy Ministers considered that the long-term interests of consumers should be the sole criterion for determining the preferable decision, both at the initial decision making stage and at merits review.

In June 2013, Energy Ministers released their policy position and the *Regulation Impact Statement; Limited Merits Review of Decision-Making in the Electricity and Gas Regulatory Frameworks—Decision Paper*.

Energy Ministers agreed to retain the Australian Competition Tribunal as the review body for the regime and to maintain the limited nature of the merits review process subject to a further review in 2016 of the role of the Australian Competition Tribunal under the new regime.

However, Energy Ministers agreed legislative amendments were required to address a number of the issues raised by the panel; in particular to ensure that the limited merits review only results in changes to decisions under review where the Australian Competition Tribunal concludes that there is a materially preferable decision in the long term interests of consumers.

Energy Ministers also identified a need to amend Commonwealth legislation to allow the Australian Competition Tribunal to act in a more informal and investigative manner when undertaking reviews.

A number of amendments to both the National Electricity Law and the National Gas Law were identified to give effect to this important reform, including ensuring that the limited merits review regime delivers materially preferable decisions in the long term interest of consumers, and specifying the matters that are to be taken into account in decision making by both the Australian Energy Regulator and the Australian Competition Tribunal.

The national electricity objective and national gas objective explicitly target economically efficient outcomes that are in the long term interests of consumers, but the nature of decisions in the energy sector are such that there may be several possible economically efficient decisions, with different implications for the long term interests of consumers.

Consequently, the Bill requires that the Australian Energy Regulator, in making a reviewable regulatory decision, if there are two or more possible decisions that will or are likely to contribute to the achievement of the national electricity objective or the national gas objective, make the preferable reviewable regulatory decision; that is the decision that it considers will, or is likely to, contribute to the achievement of the national electricity objective or national gas objective to the greatest degree.

The Australian Energy Regulator will also be required to give reasons in its decision as to the basis on which it is satisfied that the decision is the preferable reviewable regulatory decision.

This will provide a greater degree of transparency about the Australian Energy Regulator's decision-making process, with the Australian Energy Regulator's explanation also assisting the Australian Competition Tribunal and other parties if the decision is subject to review.

As noted previously, revenue determinations are complex, requiring the Australian Energy Regulator to make a range of decisions. Some of these decisions directly relate to each other, while others entail balancing between different outcomes, and others are wholly independent of other constituent decisions.

Consequently, this Bill will require the Australian Energy Regulator to specify in its decision the manner in which the constituent components of that decision relate to each other and how it took these interrelationships into account in making the decision.

This is intended to provide the Australian Competition Tribunal, and interested stakeholders, guidance on how the Australian Energy Regulator had regard to a range of elements, and any interrelationships between them, in coming to the final, overall decision.

This Bill will also impose a clear obligation on the Australian Energy Regulator to develop a record of its regulatory process, which will be the key reference point for the Australian Competition Tribunal in conducting a review of a reviewable regulatory decision.

The Bill will extend the scope of parties who can apply for review of a decision to include parties that made a submission or comment to the Australian Energy Regulator during the regulatory process subject to the review. This would extend to users, consumer interest groups or a Minister of a participating jurisdiction, as long as they participated in the regulatory decision-making process.

This Bill will make no change to the four existing grounds for review but imposes an additional requirement on applicants, with the effect of raising the threshold to obtain leave to review. Applicants will be required to establish two matters:

(a) that there is a serious issue to be heard and determined as to whether there was an error of fact, incorrect exercise of discretion or unreasonableness in the original decision, as under the current framework; and

(b) a prima facie case that addressing the matter alleged in the ground for review will or is likely to result in a decision that is materially preferable to the original decision in the long term interests of consumers as set out in the national electricity objective or the national gas objective.

The most significant amendments in this Bill relate to the role of the Australian Competition Tribunal in conducting a review of a reviewable regulatory decision. The Bill will ensure the Australian Competition Tribunal can only set aside, vary or remit a decision if it is satisfied that to do so will, or is likely to, result in a materially preferable decision, otherwise the decision under review will be affirmed.

Importantly, the Bill will clarify that a materially preferable decision is a decision that is materially preferable to the reviewable regulatory decision in making a contribution to the achievement of the national electricity objective or the national gas objective.

The long-term interests of consumers must be the Australian Competition Tribunal's paramount consideration in determining that a materially preferable decision exists.

In considering what constitutes a materially preferable decision, the Bill also requires the Australian Competition Tribunal to consider how the constituent components of the reviewable regulatory decision interrelate with the matters raised as a ground for review and each other, to consider the revenue and pricing principles in the same manner as the Australian Energy Regulator does in its decision, and to consider the decision as a whole in terms of the achievement of the objective.

The Bill will also clarify that neither the establishment of a ground for review, nor the consequence for, or impact on, the average annual regulated revenue of the regulated network service provider, nor that the amount that is specified or derived from the reviewable regulatory decision exceeds the monetary threshold for the grant of leave to review the decision, is in itself determinative of whether a materially preferable decision exists.

Instead, the Bill will require the Australian Competition Tribunal to undertake an holistic assessment of whether the setting aside or varying of the reviewable regulatory decision, or remission of the matter back to the original decision maker, will or is likely to deliver a materially preferable outcome in the long term interests of consumers, as set out in the national electricity objective and the national gas objective.

The Bill will clarify that the Australian Competition Tribunal is required to remit the matter to the Australian Energy Regulator in circumstances where the Tribunal considers there is likely to be a materially preferable decision, but where establishing this would require a complex assessment in which the entire, or a significant proportion of, the original decision-making process needs to be repeated.

The Bill will ensure that the Australian Competition Tribunal will primarily be limited to considering the material that was before the Australian Energy Regulator when making the original decision, including its final determination.

However, the Australian Competition Tribunal will be allowed to consider new information or material if it would assist it in making its determination and such information was not unreasonably withheld from the Australian Energy Regulator or was publicly available or known to be available to the Australian Energy Regulator when it was making the reviewable regulatory decision.

In both cases, the information or material must be information or material that the Australian Competition Tribunal considers the Australian Energy Regulator would reasonably have been expected to have considered when it was making the original decision.

The Bill will make it clear this opportunity for new information or material to be introduced is only available if the Australian Competition Tribunal is of the view that a ground for review has been established.

The Bill will also clarify the Australian Competition Tribunal's continuing capacity to seek assistance, information, materials and evidence from experts on its own motion where it considers a ground for review has been established and such information would assist it to determine whether a materially preferable decision exists. Experts assisting the Australian Competition Tribunal will be limited to considering the material that was before the Australian Energy Regulator when making the original decision, including its final determination.

The Bill will clarify what matters the Australian Energy Regulator, the applicant and other parties, may or may not raise in a review and will include a prohibition on network service providers raising an issue that was resolved or not maintained in the regulatory process when establishing a ground of review.

The Bill addresses current barriers to user and consumer participation in the limited merits review process, while maintaining incentives to discourage trivial or vexatious claims.

First, the Bill will introduce a general requirement on the Australian Competition Tribunal to engage with consumers in its review process.

Second, for the purposes of symmetry, the Bill will make it explicit that the Australian Energy Regulator must consult with consumers as part of its decision making process. This is in addition to the existing legislated requirement to consult the relevant regulated network service provider and other relevant parties affected by the decision.

Third, the Bill will reduce the risk to consumer groups of participation in the review process, by removing the provision that small users and consumers may have costs awarded against them on the basis that they conducted their case without due regard to submissions or arguments made to the Australian Competition Tribunal by another party and by limiting the costs orders that can be made against them to administrative costs.

Finally, the Bill precludes a network business from passing costs of a review through to consumers, either prospectively or following a review.

In establishing the national electricity objective and the national gas objective, it was recognised that the long term interests of consumers are not delivered by any one of its factors in isolation, but rather require a balancing of the range of factors.

The Australian Energy Regulator therefore determines what is in the long term interests of consumers by delivering an effective balance between these factors.

The Australian Competition Tribunal likewise will consider the contribution of the regulatory decision to achieving the objective by considering and balancing the combination of factors in the objective, and arriving at the decision that best serves the long-term interests of consumers.

This Bill will make it clear that achieving the preferable decision in the long term interests of consumers as set out in the national electricity objective and the national gas objective is the aim of the Australian Energy Regulator.

Due to its role of assessing the merits of the original decision, the Bill will also make it clear that achieving the materially preferable decision in the long term interests of consumers as set out in the national electricity objective and the national gas objective for the Australian Energy Regulator's decision is the aim of the Australian Competition Tribunal.

The changes to the National Electricity Law and National Gas Law that will be introduced with the passing of this Bill will be key in ensuring consumers do not pay more than necessary for the quality, safety, reliability and security of supply of electricity and natural gas under the national energy laws.

This will be achieved through more closely aligning the reviewable regulatory decision making processes, with particular regard to delivering the national electricity objective and national gas objective. In this way, the amendments affected by this Bill will make the reviewable regulatory decision making processes and any subsequent reviews more robust and transparent and importantly more focussed on the outcomes that are in the long term interests of consumers.

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

The provisions in Part 2 will amend the National Electricity Law and the provisions in Part 3 will amend the National Gas Law.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 2—Definitions

A new definition, being that of *constituent components* of a reviewable regulatory decision, is to be included in the National Electricity Law. The constituent components of a reviewable regulatory decision are those matters that constitute the elements or components of the decision and on which the reviewable regulatory decision is based and include the matters that go to the making of the reviewable regulatory decision and decisions made by the AER (being the relevant decision-maker) for the purposes of the reviewable regulatory decision.

5—Amendment of section 16—Manner in which AER performs AER economic regulatory functions or powers

New paragraph (b) of section 16(1) requires that network service users, or prospective network service users, and user or consumer associations or user or consumer interest groups, that the AER considers have an interest in the determination, will be consulted in relation to the making of a distribution determination or a transmission determination.

New paragraph (c) of section 16(1) requires that the AER, in relation to making a reviewable regulatory decision, must specify the manner in which the constituent components of the decision relate to each other and the manner in which that interrelationship has been taken into account in the making of the reviewable regulatory decision.

New paragraph (d) requires the AER, in a case where 2 or more possible reviewable regulatory decisions may contribute to the national electricity objective, to make the decision most likely to contribute to that objective to the greatest degree, and to specify the basis on which the AER makes the relevant decision.

6—Insertion of section 28ZJ

The AER is to be required, in relation to a reviewable regulatory decision, to keep a written record of certain matters and documents.

7—Amendment of section 71A—Definitions

This clause relates to definitions that are used for the purposes of Division 3A of Part 6 of the National Electricity Law. The definition of *affected or interested person or body* (which is especially relevant to the operation of section 71B of the Law) is to be amended to include a *reviewable regulatory decision process participant*, and a *reviewable regulatory decision process participant* is to be defined as a person or body who made a submission or comment in relation to the making of a reviewable regulatory decision and so as to include also a Minister of a participating jurisdiction.

8—Amendment of section 71C—Grounds for review

This amendment will require an applicant to the Tribunal for a review of a reviewable regulatory decision to specify the manner in which a determination of the Tribunal to vary the reviewable regulatory decision, or to set

aside the decision and to remit the matter back to the AER for a fresh decision, on the basis of 1 or more grounds raised in the application, either separately or collectively, would, or would be likely to, result in a materially preferable NEO decision (as specified in new section 71P(2a)(c)).

9—Amendment of section 71E—Tribunal must not grant leave unless serious issue to be heard and determined etc

Section 71E of the Law relates to what must be established by an applicant before the Tribunal may grant leave to apply for a review of a reviewable regulatory decision. This amendment will require an applicant to establish a *prima facie* case as to a matter required to be specified under the amendment made to section 71C of the Law (in addition to the existing requirement that there is a serious issue to be heard and determined as to whether a ground for review set out in section 71C(1) exists).

10—Amendment of section 71K—Leave for reviewable regulatory decision process participants

These are consequential amendments.

11—Amendment of section 71M—Interveners may raise new grounds for review

These amendments relate to any new ground that an intervener may wish to raise with respect to a reviewable regulatory decision. If an intervener wishes to raise a new ground, the intervener will also be required to specify the manner in which a determination of the Tribunal to vary the reviewable regulatory decision, or to set aside the decision and to remit the matter back to the AER for a fresh decision, on the basis of 1 or more grounds raised in the notice of intervention or in the application for review, would, or would be likely to, result in a materially preferable NEO decision.

12—Substitution of section 71O

The new section to be enacted under this clause sets out the matters that the AER, and any other person or body participating in the proceedings before the Tribunal (including as to whether a ground for review exists), may raise at the various stages of the proceedings.

13—Amendment of section 71P—Tribunal must make determination

Section 71P of the Law sets out the Tribunal's options if the Tribunal grants leave for a review to proceed under this Subdivision. Under new subsection (2a) of section 71P, the Tribunal will only be able to vary the reviewable regulatory decision, or set aside the reviewable regulatory decision and remit the matter back to the AER to make the decision again, if the Tribunal is satisfied that to do so will, or is likely to, result in a decision that is materially preferable to the original decision in making a contribution to the achievement of the national electricity objective and, in the case of a determination to vary the decision, the Tribunal is satisfied that to do so will not require the Tribunal to undertake an assessment of such complexity that the preferable course of action would be to set aside the decision and remit the matter to the AER to make the decision again.

14—Amendment of section 71R—Matters to be considered by Tribunal in making determination

These provisions are relevant to the matters that the Tribunal may consider in reviewing a reviewable regulatory decision, and any additional consultation that the Tribunal may undertake. If the Tribunal is satisfied that a ground for review has been made out and that it would assist to obtain additional information or material in order to determine whether a materially preferable NEO decision exists, the Tribunal may, on its own initiative, take steps to obtain that information or material subject to the qualification that the action taken by a person acting in response to such steps must be limited to considering decision related matter under section 28ZJ.

15—Amendment of section 71X—Costs in a review

16—Amendment of section 71Y—Amount of costs

17—Insertion of section 71YA

These amendments relate to the costs associated with a review under this Division of the Law. A new provision will limit the costs awarded against a small/medium user or consumer intervener in favour of another party to the payment of reasonable administrative costs (as determined by the Tribunal) of that other party. Another provision will prevent the passing on of costs that a network service provider may incur under this Division through certain mechanisms.

18—Amendment of section 71Z—Review of Division

The MCE will be required to review the Tribunal's role under this Division of the Law by 1 December 2016.

Part 3—Amendment of *National Gas Law*

19—Amendment of section 2—Definitions

These amendments relate to the definitions that apply for the purposes of the National Gas Law. The amendments are consistent with the amendments to be made to the National Electricity Law, except that the scheme to which this Part of the Bill applies is essentially to relate to any *designated reviewable regulatory decision*, being an applicable access arrangement decision (other than a full access arrangement decision that does not approve a full access arrangement).

20—Amendment of section 28—Manner in which AER must perform or exercise AER economic regulatory functions or powers

Subsection (1) of section 28 is to be revised. Currently, subsection (1) requires that the AER must, in performing or exercising an AER economic regulatory function or power, act in a manner that will or is likely to contribute to the achievement of the national gas objective. The revised subsection (1) will also require the AER, in making a designated reviewable regulatory decision, to consult with the relevant covered pipeline service provider, users or prospective users of the pipeline services that the AER considers have an interest in the matter, and user or consumer associations or users or consumer groups that the AER considers have an interest in the matter. Other amendments are consistent with section 16(1)(c) and (d), to be inserted into the National Electricity Law (see clause 5).

21—Insertion of section 68C

The AER is to be required, in relation to a designated reviewable regulatory decision, to keep a written record of certain matters and documents (and see clause 6).

22—Amendment of section 244—Definitions

These amendments correspond to amendments to be made to the National Electricity Law (see clause 7).

23—Amendment of section 246—Grounds for review

These amendments correspond to amendments to be made to the National Electricity Law (see clause 8).

24—Amendment of section 248—Tribunal must not grant leave unless serious issue to be heard and determined etc

This amendment corresponds to an amendment to be made to the National Electricity Law (see clause 9).

25—Amendment of section 249—Leave must be refused if application is about an error relating to revenue amounts below specified threshold

26—Amendment of section 254—Leave for reviewable regulatory decision process participants

These are consequential amendments.

27—Amendment of section 256—Interveners may raise new grounds for review

These amendments correspond to amendments to be made to the National Electricity Law (see clause 11).

28—Amendment of section 258—Matters that parties to a review may and may not raise in a review

This amendment will disapply section 258 of the National Gas Law with respect to a designated reviewable regulatory decision, as new section 258A is to apply instead.

29—Insertion of section 258A

The new section corresponds to a section to be inserted into the National Electricity Law (see clause 12).

30—Amendment of section 259—Tribunal must make determination

These amendments correspond to amendments to be made to the National Electricity Law (see clause 13).

31—Amendment of section 261—Matters to be considered by Tribunal in making determination

These amendments correspond to amendments to be made to the National Electricity Law (see clause 14).

32—Amendment of section 268—Costs in a review

33—Amendment of section 269—Amount of costs

34—Insertion of section 269A

These amendments relate to the costs associated with a review of a designated reviewable regulatory decision and correspond to amendments to be made to the National Electricity Law (see clauses 15, 16 and 17).

35—Amendment of section 270—Review of Part

The MCE will be required to review the Tribunal's role under this Part of the National Gas Law by 1 December 2016.

Debate adjourned on motion of Mr Gardner.

WORKCOVER CORPORATION (GOVERNANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September 2013.)

Mr WILLIAMS (MacKillop) (15:54): We are back talking about WorkCover. I indicate to the house that I will be the lead speaker on behalf of the opposition. I recall that, when this government first took over the Treasury benches, on a very regular basis, at least quarterly, WorkCover put out a detailed statement on how the scheme was performing, and then over the years the detail was changed. Instead of raw figures we got meaningless statements using words to say that they were performing well or not quite so well, or not performing very well at all, rather than numbers.

I ceased having responsibility on behalf of the opposition for WorkCover some years ago, some time early in 2008, and more recently have come back to that responsibility, and I see that is virtually no information is published about the performance of WorkCover at all now. Even the very wordy and somewhat meaningless statements which came out quarterly for a while seem to have disappeared. From what I have been able to ascertain in the last few months, about the only real information we get about WorkCover is the annual report.

If my memory serves me correctly, the annual report is due to be handed to the relevant minister by 30 September and would be tabled in the house shortly thereafter, so I expect we will get the annual report sometime in the next few sitting weeks, giving us the latest figures up until the end of June this year. In fact, I suspect it will be the next sitting week.

So, we are reliant on the last annual report, which came out almost 12 months ago, which gave us the figures to the end of June 2012, so the only information the opposition and the people of South Australia really have about the way the WorkCover scheme is performing is very old and very dated.

The only other point where we can access relevant information is through the estimates process. You may recall, sir, because you were the chairman of the estimates committee this year, that I was asking the minister a series of questions. I went back through the *Hansard* only this morning and on several occasions you asked me to state which budget line I was referring to. From memory, the word 'WorkCover' appeared in the budget on two different pages and that is about the only information that appeared in the budget about WorkCover—just the fact that WorkCover was a part of the government.

So, the amount of information that is available to the public and to parliamentarians is very scant indeed. But I have to tell the house that we know that the WorkCover scheme is still not performing. How do we know that? We know that because we get a consistent flow of complaints from employers about the impact on their business of the way WorkCover is being managed.

I am going to refer to a letter that I got quite recently from one of my constituents who is operating a transport business in my electorate. The business owner in this letter says to me that he left school in 1972 and started operating a trucking company. He has been operating it ever since and, as far as he is concerned, he has operated it fairly successfully, but WorkCover is doing its level best to put him out of business. That is his experience, and I will come back to that in a moment.

Before I do that, I just want to again refer to the estimates committee of this year because I asked the minister a series of questions about different aspects of WorkCover, and I will quote some of his responses from the *Hansard*. Referring to the WorkCover improvement project, he said:

> ...that I expect will shortly be the subject of public discussion. When that occurs—which I expect to be in the not-too-distant future—there will be an opportunity perhaps to canvass some of the matters of detail and a little more.

He went on in that same vein a number of times. He said:

> I have been looking at the 2010 amendments—amongst others, I might add—quite carefully over the last few months. I have formed some views about a number of provisions of the legislation which I will be making public very shortly after I have had the opportunity of discussing [them] with my colleagues.

He went on to say:

> ...there is no doubt in my mind, having had a look at the scheme, that it should and must improve.

The minister also said:

> ...I am at a point where I hope to be able to have a very detailed conversation with all of my parliamentary colleagues who are interested in discussing this matter about what is going on as far as the government is concerned. I have been doing a lot of work in this space in the few months that I have been in this role.

That was back in June—in fact, it was on my birthday. I have been looking forward since the end of June to this point in time where the minister was going to have an open conversation, not only with his colleagues in parliament but with the people of South Australia, about the conclusion that he has come to through the WorkCover Improvement Project, and how he sees that he is going to resolve the issue of the scheme which is, without doubt, the worst scheme in Australia.

It is the worst as far as its level of funding goes—another way of expressing it is that it has the worst unfunded liability of any scheme in Australia. It has the worst return-to-work rate of any

scheme in Australia. It is demonstrably failing injured workers and demonstrably failing employers. It is incredibly costly and it is a burden on employment, business and economic activity in this state.

I must say that I am looking forward to the conversation that the minister and I are going to have over the next little while, particularly during the committee stage where I hope that the minister will be able to give us some explanation as to how he sees these changes flowing through to improve the scheme.

What we have seen from this government over the last 12 years, as I alluded to a few moments ago, is a significant reduction in the amount of information published about the way the scheme is operating. That has basically meant that people, whether they be employers, injured workers, general members of the public, business associations or members of this parliament, find it incredibly difficult to raise matters of concern because so little information is in the public arena. I think that is one of the very first things that the minister should be changing.

He should be ensuring that we go back to what occurred 12 years ago when this government came to the Treasury benches, where WorkCover was obliged to report on a very regular basis—as I said, in those days it produced a quarterly report on the way the scheme was performing and giving information about a range of things that were happening regarding the scheme. As they say, the more openness you can have the more accountable those who are managing the scheme are to the stakeholders, and generally the better the quality of their decision-making will become. Unfortunately, we have seen the opposite.

The other thing that characterises the way that this government has managed WorkCover over the last 12 years is that we have seen a number of major amendments to the legislation, all of which, it seems, have failed spectacularly. We saw very significant amendments to the legislation back in 2008 and we have seen the scheme, if anything, deteriorate even more rapidly than it was doing prior to those amendments.

The amendments, passed in 2008, we were assured by the then premier and the then minister and the then treasurer, were going to turn the scheme around. We were assured so much so that we were told that the average levy rate would be reduced—and lo and behold it has been reduced, from 3 per cent to 2.75 per cent, and it has been held at that rate ever since by the board.

Interestingly, though, WorkCover's actuaries, when they give a report to the WorkCover board—I think it is handed to the WorkCover Board in December of each year—hands down its decision about what the next annual average premium rate will be in March of the year leading into the next financial year. The actuaries (I think it was Finity) last year told the board, through its report, that the average levy rate should indeed be 3.37 per cent for the scheme to be fully funded in what is now the current year.

And this fascinates me. Through its wisdom, the board left the average premium rate at 2.75 per cent. That was the figure that the then minister argued back in 2008 (and I think the treasurer and the premier at the time) that that is where the changes would get the levy rate down to. It would decrease from that point and head down towards 2 per cent in the direction towards the average levy rate in other jurisdictions.

For the information of the house, the levy rate in other jurisdictions is about half or less than what it is in South Australia and the return-to-work rate in other jurisdictions is obviously much higher. So not only are we failing injured workers but we are certainly failing business and we are putting a cost impost on doing business in South Australia which is not shared by our competitors in the other states. That is one of the disasters of this WorkCover scheme as managed under this government. There are a whole range of causes, and I might get the chance to canvass some of those.

Let me come back to the letter that I received from my constituent only in the last week. He rang me about a fortnight ago and then sent me some information. Two years ago, this particular constituent was paying an annual premium of $54,000. In the last financial year that jumped to $82,000—and I am rounding the figures off. He informs me that it is his understanding that next year that will jump to $106,000. So in two years he has gone from paying a premium rate of $54,000 to $106,000. Anybody would be questioning why on earth that is happening.

We have a system called experience rating. This particular businessman had a worker injure himself. As I said earlier, he runs a trucking company and the worker ran off the road in one of his trucks. It happened at about 6 o'clock in the evening and the worker had driven about 300 kilometres. He had been at work for four or five hours. It was not as though he had been

driving for 20 or 30 hours as some people allege from time to time truck drivers do and are deprived of sleep. That was not the case here.

The case was that he ran off the road, hit a tree and he injured himself. He had bruising and broke his big toe. One of the reasons he was injured was that he was not wearing a seatbelt. I am wondering if a worker is disobeying one of the basic rules of the road by not wearing a seatbelt and injures himself at work, whether we should say that that is a WorkCover responsibility. How on earth can the employer be responsible for that sort of eventuality when a driver will not even put on his seatbelt? He suffered a broken big toe and slight bruising. That accident has cost WorkCover $96,000 and it is still ongoing.

So the poor, hapless employer, as a result of that through the experience rating process, has seen his premium go from $54,000 to $82,000 to $106,000 over the space of three premium years. He has put in his letter to me that he is very seriously considering shutting down his business, and if he does do that, nine jobs will be lost in a town in my electorate purely because this government has failed to manage WorkCover.

We can observe that, in every other state, we have work injury insurance schemes managed by the states—there are plenty of them around—and they all seem to be able to get them to work, but for some reason, in South Australia, we cannot. I am arguing that that is the way the government manages it; that is the way the government allows it to be managed or, I think it is probably more accurate to say, mismanaged.

When we come to this piece of legislation, as a result of his WorkCover improvement project, I was expecting the minister to give us something a little bit more substantial, but what we have here is a bill that basically does two of three things. It basically changes the way the board is appointed; that is the major thrust of the bill. I happen to agree that the way the board is to be appointed needs to be changed. This is just one of the things that needs to be changed in WorkCover. We need to have a commercial board. We need to get rid of this notion that we have a board full of mates. That has been shown to have been a disaster.

For example, you may remember, sir, in the estimates committee this year when we were asking about rehabilitation and that WorkCover is changing the way that it is funding rehabilitation providers, I asked a question about that. The CEO of WorkCover said that there is a serious problem with the costs associated with rehabilitation services being provided to WorkCover in South Australia. He said, on a percentage basis, it is costing our scheme three times more than what it is the average across the rest of Australia—three times more.

My colleague, the member for Davenport, asked a series of questions including, 'Was this because we have had for a long period of time (not the case currently, but previously) one of the key providers of rehabilitation services in South Australia as a member of the WorkCover board?' The minister obviously did not accept that there was a connection between those two facts—and we did not expect him to—but I think it does demonstrate that there is a significant problem with the way the board is established and that we are not getting the skill set on the board that we need.

I can tell the house the opposition certainly supports the principle of having a commercial board. The other point I want to revisit is one I talked a few minutes ago, that is, the board's decision to set the average levy rate at 2.75 per cent, whereas the actuaries' advice was that it should be at least 3.37 per cent. Not only did the actuaries tell the board that last December, but the actuaries also said, 'We've back calculated in hindsight what's happened in previous years, so not only are we looking forward and trying to estimate what the average premium rate needs to be in the next year, the out year, but we have actually gone back and redone the actual figures, with the experience of what has actually happened in the previous years.'

They said to the board that, in each of at least the last three years (it might have even been more), the average premium rate should have been over 3 per cent, yet the board persisted in keeping the average premium rate at 2.75 per cent. Again, to me, that points to an absolute failure of the board to carry out its fundamental duty.

The excuse is that the board is implementing other measures, which it argues would bring down the cost to the scheme. After 12 years of fiddling with other measures, it has been demonstrated that the board and management at WorkCover have failed every time to bring down the costs of managing and running the scheme.

It has been failure after failure after failure and then, on top of all of that, the board would have us believe that all of a sudden it is going to get something right, and therefore we are within

our rights to set the premium rate well below where the actuarial advice tells us it should be. Again, it is high time we had a commercial board—that we had people sitting at the board table who actually knew what they were doing.

The Hon. I.F. Evans: Another innovation from the opposition!

The Hon. J.R. Rau: That's what the bill says, by the way.

Mr WILLIAMS: The minister says, 'That's what the bill says.' I am going to make a statement in a moment which I have made plenty of times and I which think just about everybody who has ever stood in this position in this house has made on a regular basis. The concern I have with this clause in the bill is that, in establishing a commercial board, the minister of the day must appoint to the board people who:

(a) must have such qualifications, skills, knowledge or experience as are, in the Minister's opinion, relevant to ensuring that the board carries out its functions effectively; and

(b) must at all times act professionally and in accordance with recognised principles of good corporate governance.

Mr Deputy Speaker, what is regularly said from this position is: that may be well and good; this may well be a very good minister who may get that all right, but who is to say who is going to be sitting in that minister's chair next week, next year, in two years' time, or in 10 years' time? It could be anyone. I think to give such an open-ended power to the minister of the day does not guarantee that we are going to get the sort of board that we need.

The Hon. J.R. Rau: You can't be heartbroken, Mitch; you can't be heartbroken.

Mr WILLIAMS: Well, I think that we could certainly argue—and certainly, the stakeholders that have been lobbying me, minister, have argued, that they would like to see some criteria in there. They would like to see some criteria; they would like to know that the board consists of the people with professional experience relevant to the job at hand.

There are a number of professional experiences, certainly in the insurance industry pertaining to injury compensation, high-level accounting experience, and high-level business management experience. Under the proposal that we have before us today, there is no guarantee that a minister—and I am not suggesting this minister—at some time in the future could not load up the board with anybody as long as that minister was convinced, in their own mind, that they were the right people for the job; that is the criterion.

The Hon. J.R. Rau: And pay the political consequence.

Mr WILLIAMS: The minister says, 'And pay the political consequence.' The people who are paying the consequences of what we have had to date from this government are the businesses of South Australia, like the one I just talked about in my electorate that is being driven to the wall. That is the consequence of the mess that we have had in WorkCover. I also have some concerns about giving the minister even broader power to be able to remove somebody from the board. I can imagine that as a minister that would be a great power to have. If you didn't like what somebody was doing, you would get rid of them. To be quite frank, I suspect that is what happens in a lot of businesses, and probably a lot of successful businesses, who knows? It is a very rare clause.

The Hon. I.F. Evans: It is sort of WorkCover WorkChoices.

Mr WILLIAMS: Yes. My colleague the member for Davenport suggests that this is WorkChoices for WorkCover. Very droll! Be that as it may, the bit I find fascinating—

The Hon. J.R. Rau interjecting:

Mr WILLIAMS: I saw what you did, minister. The bit I find fascinating in the bill before us is clause 11 which amends section 21 which would make life almost untenable under certain circumstances for the CEO of WorkCover because it creates two masters. It reads that the corporation must ensure that the CEO is reasonably available to the minister in order to assist the minister in the administration of this act, and it goes on to mention assisting the minister in the administration of the Workers Rehabilitation and Compensation Act. The CEO must comply with any reasonable request by the minister to provide information about the operation and the administration of this act.

The minister did not explain in his second reading contribution what is driving him on that particular clause. There must be something which has upset the minister because the earlier

clause in the act invokes within the WorkCover Corporation Act sections 7 and 8 of the Public Corporations Act which already empower the minister to receive any information that he might require from the CEO of WorkCover by virtue of clause 7 of the Public Corporations Act.

The minister wants the same power twice, but it goes even further. The minister wants the same power three times because at the same time that the bill was tabled in the house, the minister and the Premier signed off on a new charter for WorkCover. Let me read from the new charter which is dated August 2013, so it is only a few weeks old:

> 9. Provision of Information Directly to the Minister
>
> 9.1 WorkCover will ensure that the Chief Executive of WorkCover shall provide such information concerning the operations of WorkCover as the Minister may request from time to time within the period specified by the Minister.

Clause 11 of the WorkCover Corporation Charter states:

> This Charter comes into operation, and is binding on WorkCover, upon signing by the Minister and the Treasurer.

In three instances the minister is demanding that he have his way with the CEO of WorkCover. I am looking forward to the minister explaining to the house why he needs that power in no less than three different ways because notwithstanding what the minister told the estimates committee earlier this year about having a public debate about a large range of matters concerning WorkCover we have not as yet seen much explanation of what the minister is endeavouring to achieve here and what ills he is trying to right by this piece of legislation.

I want to let the house know that the opposition will not be opposing the bill in this place but we reserve our right. We are still consulting with some of the stakeholders. We may be moving some amendments to put some of these things into the bill. I guess I have expressed my concerns, particularly about the open-endedness of the clause which I believe would allow a minister to put anybody on the board. The minister says that a minister would pay the political consequences, but in the past that has not prevented ministers from doing very silly things.

The Hon. J.R. Rau interjecting:

Mr WILLIAMS: I am just saying it has not prevented ministers in the past from doing very serious things, but the reality is that the cost is paid by both injured workers and employers, in the case of WorkCover. That is my personal belief and, as I said, I am still in discussions with some of the stakeholders. Those discussions will be ongoing over the next couple of weeks and we may come to the conclusion that we will move amendments in the other place, so I am foreshadowing that to the house.

I am looking forward to the minister being much more forthcoming in his summing up as to what he is seeking to do both through this piece of legislation, the new charter which was recently signed and the WorkCover annual performance statement, or we can have that discussion in committee. I am looking forward to the house getting much more information about how the minister sees this mess that we all know is within WorkCover currently and how he envisages fixing that up.

The Hon. I.F. EVANS (Davenport) (16:11): I am not going to hold the house long because my colleague the member for MacKillop has very persuasively covered the issues that this bill raises in relation to WorkCover. I will make some observations about WorkCover and where South Australia finds itself after 11 years of this government trying to manage and reform WorkCover.

The reality is that the facts speak for themselves. The South Australian WorkCover scheme is widely regarded as the worst performing scheme in Australia. The minister nods. The reason it is considered the worst performing scheme in Australia is that, firstly, it has the highest levy rate in Australia. The scheme is that badly managed that we understand that the actuarial advice to WorkCover is that, had they set the levy rate to essentially cover the cost of the scheme, it would actually be higher than the rate that is currently set. So, if they were setting the rate at the level the actuarial advice suggested then the rate would be higher and it would be a worse and more expensive scheme. Let's not kid ourselves: this scheme is not performing well.

Of course, the workers compensation scheme's primary role is to assist injured workers. That is what it is there for. On that key measure, this scheme has the worst return-to-work rate in Australia. That is confirmed. So, the businesses in South Australia are paying the highest levy rate

in Australia to get the worst return-to-work rate for their employees. The employers are getting belted at one end and the poor old employees, when they get injured, take longer to get back to work than anywhere else in Australia.

When you go to the financial performance of the scheme, even though they are charging the highest levy rate in Australia, its funding ratio is about 65 per cent in round figures—approximately, give or take a per cent. Other schemes are 100 per cent funded. If you look at the unfunded liability of WorkCover, it is $1.4 billion or $1,400 million. That is nearly three Adelaide Oval projects in unfunded liability if you want a mental picture of how much the cost is.

'On what performance measure is this scheme performing well,' I ask the house rhetorically. This scheme is the worst performing scheme in Australia. If you go to the estimates committees hearing this year, just to give you one example, after 11 years of management by this government, you have the chief executive saying that, in regard to rehabilitation expenditure, the South Australian scheme spends three times the proportion of money on rehabilitation as the Australian average. So, I asked for clarification, and he gave the example. I said, 'So, three times the proportion?' He said, 'Yes.' So, if it was 3 per cent, for example, in New South Wales and Victoria, it would be something like 9 per cent here.

This is not something that has happened today, this is not something that happened last week: this is something that has built up over 11 years—11 years of mismanagement. The impact of this is both financial and human. The financial element is to those small businesses that are suffering the highest WorkCover costs in Australia. The human cost is for those workers who are injured and, despite their having three times the amount of money spent on them with rehabilitation, they take the longest to get back to work.

How does that happen, you would have to ask. This scheme is the worst scheme in Australia. That is why the opposition, in principle, supports the concept of bringing in a totally commercial board because you would have to ask the question: could it go any worse? Could it go any worse becomes the issue.

We have some comparisons in South Australia. Some people who wish to run around and defend WorkCover will say, 'Well, there's a different scheme in Queensland, there's a different scheme in Victoria.' But there are other entities in South Australia that are running their workers compensation scheme under the same scheme as small business, and they are called the self-insured. There is the local government Workers Compensation Scheme; they are outside the formal WorkCover SA. They run a self-insured scheme, but they are still obligated to meet the obligations of the act, and their levy rates are almost half the levy rates of the workers compensation scheme.

So, some businesses, entities, workplaces and employers in South Australia are running their businesses under exactly the same scheme for a cheaper rate and getting their workers back to work quicker. So, you have to ask the question: if they can do it, why isn't the main scheme doing it? My view on this is pretty simple: I think the WorkCover scheme has suffered neglect by the government. Every time the scheme has got into trouble, the government has announced some form of review or appointment or new strategy, and it really has not addressed the key elements of the scheme.

If you look at what has happened over 11 years, this scheme has had more ministers than the Catholic Church, it has had more reviews than Michael Jackson, more positions than the *Karma Sutra*, and they have wrapped it up in a titanic strategy which was going to be the best in the world and which, of course, sank without trace. They played hokey-pokey with redemptions: they put redemptions in, they take redemptions out, they put redemptions in. They have no idea what they are doing. Even when we asked in the estimates committees about redemptions, they said, 'Oh no, redemptions are still allowed.' We asked, 'How many redemptions have been paid in the last 12 months?' and I cannot remember the answer, but it was three or four.

Mr Griffiths: It was three.

The Hon. I.F. EVANS: It was three. Three redemptions in the last 12 months. Well, let's not process them too quickly! The reality is that the government strategy on WorkCover has been all over the place for 11 years. They have a tiger by the tail and they just do not know what to do with it. Part of their problem, of course, is that their support base, the union in particular, is very concerned about any changes to WorkCover. It does not matter, it appears, that the business community is paying more in levies, which the union movement should work out actually means less for wages.

Every cent that goes to WorkCover, every dollar that goes to WorkCover is a dollar that they cannot offer a worker or, indeed, offer a new worker. Why the union movement is silent on that issue is bizarre. It has the worst return-to-work rate, and there is silence out there from the workers' representatives about why it is that the people who they represent are going back to work at such a slow rate in South Australia.

The reason I support the principle of a commercial board is simply that this matter has to be addressed. It is costing the state too much at the employment level. It is costing the state too much at the small business level. It is costing the state too much at the human cost level. So, we welcome the concept of a commercial board. The member for MacKillop has outlined that there maybe some amendments following consultation in the other place but, after 11 years of what has been an absolute debacle of a story of management of WorkCover, you would have to ask, could it get any worse?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (16:22): This is a very important piece of legislation and I do want to spend a bit of time on it so that we do not have to consume a lot of time in committee. The situation basically is this: I became Minister for Industrial Relations in January/February or something like that and, obviously, something very high on my priority list was to look at WorkCover. I indicated publicly at that time that it was my aspiration that there might be an attempt to find some, what I call, easy wins, which were things which were more or less universally agreed around the table that we could move forward quickly in the parliament, get those wins done, and then do the more difficult second phase of the project a little later.

As I progressed with that, I was progressing with three pieces of work. The first piece of work was an amendment to the WorkCover Corporation legislation which is ultimately the product we are dealing with here today. The second piece of work was a change to the WorkCover charter, which is, if you like, a set of directions and performance criteria which are issued by the Treasurer and the minister of the day by which the board and the corporation are required to calibrate their performance. The third thing was to be a piece of work involving amendments to the Workers Rehabilitation and Compensation Act, which I wanted to rename the 'return to work and recovery act'.

Anyway, as luck would have it, every time I thought I had found a solution to a problem, it raised yet another problem as part of the solution to the problem I thought I had just solved. So, I got to the point where it appeared clear to me that I could proceed with the bill we have in front of us; I could proceed with the charter; and I had to put on my thinking cap about the other project, and I will come back to that in a moment. The charter, as the member for MacKillop has observed, was put into place in August. That is now the guiding principle for WorkCover. WorkCover has also, within the last 12 months, acquired a new chief executive, Mr McCarthy, who has completely refreshed the senior management team at WorkCover.

I think at the time the charter was put in and at the time I gave notice that I would introduce this bill, I said that my aspiration for the combination of the charter, this bill and the new management team was that it would stabilise the scheme. The scheme would not deteriorate. The unfunded liability would not deteriorate, and when I say 'not deteriorate', I mean not deteriorate by reason of the money coming into the scheme versus the money going out.

Obviously none of us can control interest rates, the performance of stock markets and all that sort of stuff—and if we could, why would we be in here doing this? We would be living in the Bahamas or something; clearly none of us know how to work that one out. The scheme would be stable. It might even start a slight downward trend but 'might' and 'slight' are the two words that I underline in that comment.

If you want me to characterise what we have done so far, the corporation bill and the charter represent a tourniquet. We stop the bleeding, and I am confident that we will stop the bleeding. I am confident that we are going to stop the scheme deteriorating, but I have never said that this is the magic bullet, that all the problems will be solved and that the scheme will be fixed, because that is simply not true.

The charter is already in and I can tell you that, if you look at the charter and think about that, a lot of it is actually a direction to the board about how they manage what they have, and that is all directed. I would invite the member for MacKillop and other people to look not just at the charter but at the performance criteria and targets that are set in the document called the

WorkCover Performance Statement which is annexed to the charter. That actually does give them some pretty hard targets. They are not unrealistically hard. They are not fantasy targets, but nonetheless, they are pretty rigorous targets that they have to pursue. That bit is squared away; that bit is operational.

The second piece is the question about the WorkCover Corporation. I formed the view that one of the inherent problems in the WorkCover system—and by no means the only one; I am not trying to overcook this—is the representative board concept. I fundamentally disagree with it. If you are going to have a public corporation operating in a way that is going to deliver the best outcome for the taxpayer, it must be a commercial operation.

It should, as much as possible, mimic the structure of a board that you might have for the ANZ bank or some other outfit out there somewhere. That is why—and I have to say, with some difficulty from my point of view, because I had to persuade some of my colleagues and people on my side of the house about this—we removed any reference to the butcher, the baker and the candlestick maker from the board criteria. There are no formal criteria at all.

I caution the member for MacKillop: if he starts reading some of the correspondence that has been coming here from the business lobby which says, 'One of them has got to be a certified practising accountant; everybody has to have the company director's piece of paper; one of them has to be a member of Mensa,' and all this sort of stuff, if that is what they want written into the act, I guarantee you that everybody on this side of the house, and those who are trusting the people on this side of the house to be fair, will say, 'Well, hang on, if the company directors get a guernsey and Mensa gets a guernsey and the chartered accountants get a guernsey, why not the butcher, the baker and the candlestick maker?' We will be right back where we started—perhaps even worse.

I was reminded a minute ago, by the people here with me—who have a much better education than me, who have had an education from an established school—of these words, 'O Master, make me chaste and celibate—but not yet.' That is exactly what the member for MacKillop is on about. 'Yes, we love commercial boards; they are fantastic, but just put some of our people on there.' You can't have a bob each way. You are either in for a commercial board or you are not. It is one of those things where you have to do something or get off the pot. We have decided we are going to do something.

If the opposition in another place wants to miss a once-in-a-generation opportunity I say this: if this window here about a commercial board closes, do not expect it to re-open any time soon. That is about the commercial board. Yes, it should be a commercial board. I can tell the member for MacKillop that it is my intention that that board will be a board whereby everyone in this place will say, 'They are solid citizens. They will know what they're doing. None of these people are stooges for anybody else. These people are going to have a very clear business priority, and they will have the capability of delivering that.'

It is my intention—and I will be perfectly frank with the house—to move very quickly to appoint the board, because the tenure of the existing board expires on the 31st of next month. I do not have a lot of time to muck around. I intend to go ahead and put a commercial board in here. I ask the opposition to please support this opportunity, because I promise you that, if in the other place you amend it to start putting Mensa candidates and other people in the formal criteria in the act, what you will get is an equal and opposite reaction. It has taken me a long time to get to the point where I can offer this to the parliament. You will unpick it in one fell swoop if you start doing that, I promise you. It probably will not worry you, but it will also make me look silly.

The other thing is in relation to the capacity of the minister of the day to give directions. I am open to talking about that topic with the member for MacKillop and the member for Davenport, but can I say to just remember this: if we do have a commercial board and you want to follow the analogy through with a publicly-listed company, who are the shareholders? The answer is that the shareholders have one share, which is held in trust by the minister of the day on behalf of the people.

As I understand company law, an extraordinary general meeting can be called by the shareholders of a public company at any time, provided they sustain a sufficiently high volume. I cannot remember the percentage you need to bring on one of these extraordinary general meetings—whether it is one-third or 25 per cent or whatever it might be—but, given a substantial vote, the shareholders of a public company can convene an extraordinary general meeting at any time to discuss any matter of which notice is given to the shareholders.

All I have sought to do in the final version of this is to say that the minister of the day, in effect, as the trustee for the people of South Australia, should have the capacity to do what a majority of the shareholders in a public company can do. If there is some technical objection to the formal mechanism by which the minister of the day communicates with the chief executive or so on, I am happy to have that conversation.

Again, I offer a word of caution, and this is not because of bad experience on my part: I want to make it very clear that, in the time that I have been the minister, Mr Bentley and Mr McCarthy have been exceptional, as has the board. I have had no problem with them at all; nor have I had any problem with any member of the board at all. I have no grievance about this; none at all.

But can I say this: there may be circumstances where the board became feral (for want of a better description) and, if the chief executive wanted to somehow blow the whistle, there should be the capacity with the chief executive to be able to communicate with the minister of the day. That does not mean that the minister of the day should ever be involved in the day-to-day management of the corporation. I do not see that as being the minister's role.

The minister could potentially be blinded because of resolutions of the board. If the minister is not getting information from the board, the only other place the minister can get it from is the chief executive, and should not have the capacity only to communicate with one of those entities. I accept that what I am saying contemplates a circumstance in which clearly there is a problem. I have not yet experienced that and I hope never to, but the reason for some of these provisions is the contemplation that, if something did go seriously wrong, the minister, as the trustee for the people of South Australia, should have the capacity to demand that information be provided.

That is the rationale for it. I am happy to engage in a conversation about the detail of that between the houses. Can I say in regard to the business about the commercial board: please; I implore members of the opposition do not disturb that water, because if that water is disturbed I am not going to be able to stop what the reaction will be. The window of opportunity for this particular type of reform does not open very often. It is open; for God's sake jump through it.

There is the question of what happens if the minister puts all of his silly mates on there and that, theoretically, if my amendments get up—and right now, quite frankly, all the minister has to do is consult with people—it would be easy for me, without consulting with anyone, to put a bunch of my silly mates up there. Actually, I do not have silly mates; they are all pretty good people, but they may not be qualified for this sort of job. If I did that, any opposition worth tuppence would tear me to shreds, and quite correctly. What an appalling abuse of position that would be!

Mr Williams: You guys put Mia Handshin on the EPA board.

Mrs Redmond: Jeremy Moore; what about all of those appointments?

The DEPUTY SPEAKER: Order!

Mrs Redmond: No answer.

The Hon. J.R. RAU: You can go on with those things if you want to.

Mrs Redmond: What about Nick Alexandrides on the bench?

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: I actually think that is a very offensive remark, member for Heysen, even though you are not in your seat.

Mrs Redmond: It was intended to be; he does not deserve to be on the bench.

The DEPUTY SPEAKER: Order!

The Hon. J.R. RAU: The member for Heysen is out of her seat and interjecting; doubly disorderly.

The DEPUTY SPEAKER: She should not be interjecting.

The Hon. J.R. RAU: Absolutely offensive! We are here to debate something, not be obnoxious. The next point is: where are we going from here? Where we are going from here is basically this. Both the member for MacKillop and the member for Davenport have made some trenchant criticisms of the WorkCover scheme. Since I have had the opportunity to examine the scheme carefully over the last eight to 10 months, I have come to roughly an identical conclusion.

It does not make employers happy; it does not make employees happy; it does not have a good record in terms of its unfunded liability; and it does not have a good record in terms of return to work. The question is, are we going to tinker or are we going to actually confront that serious issue head on? It is my intention and the intention of the government that the time for tinkering has passed, and more tinkering will produce the same as the tinkering in the past has produced. We are now at a point in time where what we really need to do is confront the reality of the fact that the scheme needs to be basically reconceived.

So, what we have in front of us now is something which will maintain the current arrangements in stasis, in the sense that there will be no deterioration. There may be some improvement, but I do not expect it to be dramatic. I imagine the board will explain for itself why it came to the conclusion it did about the levy rate, but I can tell the member for MacKillop that the board was very well aware of what I was doing and what the government was doing, and the board has expressed to me that they have confidence that the measures that have been taken, in particular the charter, will actually have a positive effect.

What I am asking the parliament to do is this: understand that the charter is in, and that is already operational; understand that there is a new management team with new leadership, and that is already operational; understand that this piece of legislation is the first part of a project that will see the board operate as a commercial board, not as a representative board; and understand that the next phase of this will be a root-and-branch reconsideration of the scheme, which will be something that we will be able to have a conversation about.

If it was easy, it would have been done a long time ago. If it was just a bit hard, it might have been the project that we had been working on together here since February. It might have actually manifested itself in two bills: this one and another bill to amend the Workers Rehabilitation and Compensation Act, which would have been called the return to work and recovery act. But that is just not the case, and to pretend otherwise is just to ignore reality.

So, this is phase one. I am not pumping this up as being the solution to all the problems. It is not, but it does improve one really critical element of this, which is the corporate governance of the corporation, something which has never been looked at properly before, ever.

We do have the charter in place, and if you look through the history of the charter, this is the first time the charter has been so particular and had those sorts of performance criteria attached to it. There is a very serious effort being made, both by the policy advisers who have been working with me and by Mr McCarthy and his team and Mr Bentley and the board, to actually make substantial improvement. I am relatively confident that, towards the end of the year, we may even see some evidence of that, but it would only be evidence. Given the time we have been talking about, obviously no meaningful trend could be identified and explained.

That is basically it. I hope that goes some way to answering the questions that the member for MacKillop and the member for Davenport raised, but to come back to this commercial board point, I really do implore the opposition. This is not an easy position for the government to come to, and if the response of the opposition in the Legislative Council is to introduce restrictions on the minister's discretion, such as membership of Mensa or membership of a CPA or having completed the Company Directors Course or having served on the board of a top 150 company for a period of time, as sure as night follows day I guarantee you that you will get a whole bunch of other amendments and this opportunity will be completely lost. So, please have a think about that. I think that's basically it from me.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr WILLIAMS: Minister, I raise the issue about having three different goes at ensuring that the CEO answers your questions; I just think it is a bit over the top. According to the explanation of clauses attached to your second reading speech, by making the corporation subject specifically to sections 7 and 8 of the Public Corporations Act:

> ...Under section 7, a public corporation must, at the request of the relevant Minister, furnish the Minister with such information or records in its possession or control as the Minister may from time to time require...

You have that there; you have put it in the new charter as an obligation on WorkCover to ensure that the CEO furnishes you with the information that you require from time to time. My question is: why do you need to have three goes at that one?

The Hon. J.R. RAU: Well, I suppose you can never be too careful, can you? I think the answer, in short, is that the particular provisions to which you have referred are reactive provisions, in the sense that the minister, having had his or her attention drawn to a matter, might say, 'Please tell me about this; tell me about that.' That is not quite the same as the minister being able to sit down and have a conversation, or be cold-canvassed, if you like, by somebody.

Let us say, hypothetically, that somebody came to know there was something improper going on somewhere inside WorkCover. The minister may have no idea about this, or probably would not have any idea about this. If the only power the minister has is to say, 'Provide me with information about a particular thing,' and the minister does not know there is a thing to ask about, then clearly the minister will not ask.

Mr Williams: The unknown unknowns.

The Hon. J.R. RAU: The unknown unknowns—the Donald Rumsfeld problem.

Mr WILLIAMS: I only raise this, minister—and I may well be wrong here—my concern is actually about clause 11; that is the one that is concerning me. I will explain why I am concerned, and then we can move on. From my experience, once we put into a piece of legislation a particular clause, it sets a precedence, and then there is an expectation that the parliament, having set that precedent, will quite readily agree to doing that time and time again in other legislation. These things have a way of growing like a cancer, and I am just trying to satisfy myself that indeed you need your clause 11, because I believe you have the ability here and in the charter. The reason I say that is that you already have the power to direct the board of WorkCover but in doing so you are obliged to table that direction in this parliament; that is the accountability.

In clause 11 you are going to give yourself (or the minister of the day) a power which I do not believe is common in our statutes; I may be wrong. I suspect this might be unique. As I said, you are establishing a precedent. My concern is that it may well give a vehicle to circumvent that accountability clause which says that if you direct the board, you have to then table that direction in parliament. Suddenly you have given yourself the ability to sit down with the CEO and have a conversation, as you have said. That may result in your not having to issue a directive; you have achieved your end by another vehicle. I am wondering whether the parliament is ready to accept that, particularly as a precedent which will flow on into other boards.

The Hon. J.R. RAU: As to the question about whether this is a common provision elsewhere, I don't know. I gather perhaps not, but then again how many public corporations are there that the government and the taxpayer are in the game for about $1.2 billion? Not that many I suspect. It might be a reason. In New South Wales I understand the chief executive officer of WorkCover is a member of the Safety, Return to Work and Support Board and is subject to ministerial control and direction. The chief executive officer of the Victorian WorkCover Authority is supported by the government as a full-time director of the board.

In South Australia I think the true characterisation of it is that at the present time the chief executive is technically entirely accountable to the board, not to anybody else. Were the chief executive to communicate with the minister of the day—and I am being very black letter law about this—without the explicit approval of the board, it may well be that the chief executive is in fundamental breach of his or her contract of employment to the board. The idea that the chief executive might technically have to formally seek a resolution of the board before the chief executive can speak with the minister about anything, or at least have some standing resolution of the board permitting that conversation to occur, is I guess the point to which that was directed.

Mr WILLIAMS: You have it in the clause by virtue of section 7 of the Public—

The Hon. J.R. RAU: The earlier clause is about the minister being able to ask for information, and I acknowledge that the minister can ask for information. My point is this: if there is something going badly wrong in the corporation and the minister finds out about it, the minister can use that clause 4 thing that you pointed to originally and say, 'Right, give me all the information about this and that,' and ask for it to be given, and it must be given. But if the minister hasn't got a clue—and bear in mind that WorkCover and the minister are not in the same building. They are running their own business. The minister has no day-to-day contact with WorkCover at all.

If the chief executive discovered, for example, that somebody in charge of the investment portfolio has been going to the Casino with WorkCover money—okay, I know that is a bit weird—it might be they can go to the Office of Public Integrity and it might be that they could cloak themselves in whistleblower protection and do various things. Even if it was a chief executive, it is arguable that they couldn't go to the minister and say, 'Look, minister, I am concerned about this because I have discovered X, Y and Z,' because it might be something that the board would shut them down over.

None of these provisions are there for the day-to-day running of this thing. They are not designed to enable the minister basically to run this show. Any minister who wanted to would be nuts. It is so that in extreme or unlikely or really difficult circumstances the minister is not blinded and powerless to deal with trouble within the board; that is the rationale. You and I might disagree about that, but that is why.

Mr WILLIAMS: Minister, I accept everything you say. I accept all of it, but the parliament needs to understand that we are heading down a new path, a path that we have not been on before. I think your advice was that this is unique to this particular bill and will be unique to this piece of legislation in the first instance. That is where my concern lies and it does muddy the area of the path of responsibility from the CEO, through the board to the minister. It allows the minister to go in the back door and talk directly to the CEO in a casual or a formal way, and circumvent the board.

It raises a question about that relationship between the minister, the board, the CEO and the pathway of responsibility and accountability. That is why I raise the concern. I will think more on it. I will muse over your comments over the next few weeks and we might come back to it, but we can move on. My colleague the member for Davenport I thought made a very good comment about the hokey-pokey and the redemptions.

The Hon. J.R. Rau: It was one of his best.

Mr WILLIAMS: Yes, I thought it was good. I see in the charter that you seem to be embracing redemptions again. Can you explain that?

The Hon. J.R. RAU: Certainly. I did like the hokey-pokey thing: you do the hokey-pokey and you turn around; you put the left foot out, you put the right foot in. That was very good. Redemptions are an interesting creature. There is no doubt that, if you set up a scheme which is capable of being characterised as predominantly a pension scheme and you stick a pot of gold at the end of the rainbow, then people hang out for the pot of gold. Indeed, they might even find themselves wandering down the rainbow looking for the pot of gold.

Whilst redeeming people has a short-term positive impact on the unfunded liability—one-off, short-term impact—so the story goes, it creates a very unhealthy psychology within the system, because it acts as a lure for other people to wander down the yellow brick road and get the pot of gold. So, a few years ago we had a management there who decided they were going to clear the books, for whatever reason, and you basically could not go to your letterbox without being offered a redemption. It was like a Christmas sale: get there before 25 January and you will get a redemption. 'Come and get it.' Then all of a sudden there was a change in thinking and redemptions were evil: 'We are going to break the psychology of redemption. We are going to break the psychology of the pot of gold.' So, nobody gets redeemed.

Ms Chapman interjecting:

The Hon. J.R. RAU: Back to the story. You are out of your seat; you shouldn't be interjecting. You are doubly disorderly.

The CHAIR: Order!

The Hon. J.R. RAU: Every person who got back to me in the context of the conversations I have had in the last few months—whether it was unions, self-insured people, anybody in the game—all said, 'Look, this mandatory thing of no redemptions'—it is not quite no redemptions. There have been two in the last year.

Mr Williams: Three.

The Hon. J.R. RAU: Three. That sort of scheme is completely ridiculous for the other reason, because you have people who transparently are not going to return to work, are cluttering up the scheme and need to be removed. It is better for the scheme and it is better for them. Basically, what the charter is trying to say to the board is: 'Don't have this sort of dogmatic no

redemptions, come what may. If it is in the financial interest of the scheme, considered both from the perspective of the individual concerned and the risk that that redemption will start the redemption culture flourishing again—having regard to those things, if you reckon it's worth redeeming them, okay; redeem them.' My expectation is that there will be a modest increase in the number of redemptions, and a few of the absolute—

Mr Williams interjecting:

The Hon. J.R. RAU: No, no. I suspect that the scheme has a number of screamers sitting there now which need to be redeemed, but it is not back to the old, 'Redeem before the end of June or wait for the next sale.' That is not what we are talking about. It is a very, very targeted redemption policy we are hoping that that charter will generate.

Clause passed.

Remaining clauses (5 to 12), schedule and title passed.

Bill reported without amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:01): I move:

That this bill be now read a third time.

I thank everybody for their contribution to the debate.

Bill read a third time and passed.

[Sitting extended beyond 17:00 on motion of Hon. J.R. Rau]

SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT EDUCATION INQUIRY

A message was received from the Legislative Council requesting that the House of Assembly give permission for the Premier (Hon. J. Weatherill), the Minister for Education and Child Development (Hon. J.M. Rankine) and the Minister for Employment, Higher Education and Skills (Hon. G. Portolesi) to attend and give evidence before the Select Committee on Matters Relating to the Independent Education Inquiry, 2012-13.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:03): I move:

That a message be sent informing the Legislative Council that the House of Assembly does not give leave to the Premier, the Minister for Education and Child Development and the Minister for Employment, Higher Education and Skills to attend and give evidence before the Legislative Council Select Committee on Matters Relating to the Independent Education Inquiry 2012-13.

I think the Speaker has already canvassed the constitutional arrangements in relation to this matter, and I do not wish to traverse that territory again. The choice this house theoretically has to make is between two options. One is that this house willingly offers three of its number to decide for themselves whether they wish to submit to what amounts to a judgement before a committee of another place, or whether this house says that it is not consistent with the dignity of this house for members of this house to be permitted, even should they wish to do so, to submit themselves before a committee of the other place which sits, in effect, in judgement upon them. I move this motion for that reason: that this house retain its dignity.

It is a matter for this house, not just for the individual members of the house. It is a matter for this house whether members of this house should be called before, or should appear before, a committee of the other place where they would be, in effect, adjudged by members in another place in circumstances where those members in another place would be able to say what they like, with the benefit of privilege, and there would be no recourse other than complaint by members of this house.

Furthermore, I make the point, and I will make it very briefly, that it is absolutely clear to anybody who has observed the goings-on in parliaments, certainly around this country and certainly this parliament, that the exercise that is going on in the Legislative Council presently is an

exercise which is not motivated by any lofty ideal associated with the protection of children from predatory individuals. It has got absolutely nothing to do with any lofty principle, it has got nothing to do with making children safe and it has got nothing to do with achieving any positive outcome, because the Debelle Inquiry, as we know, has been very thorough. There have been all these recommendations made, all of which the government has accepted, many of which have already been implemented, and many of which are now being implemented through the parliament as we speak.

The exercise going on in the other place is motivated and inspired by base politics. It is designed to create a spectacle which can then be used as a piece of theatre to attract media attention and to smear individuals. In support of that, I only need refer to some of the remarks made, under privilege, by the Hon. Mr Lucas in the other place regarding the Premier and other people, remarks which he or anybody else would not make outside of that forum.

So, it is inconsistent with the dignity of this house for this house to permit members of this house to submit themselves to adjudication in what amounts to a political circus in another place, and if it were the case that there was a request for various bits of information which were pertinent to the question of whether children were at risk in various places, and that request is received, then obviously that is a different matter, but that is not what the message from the Legislative Council is about, and it is for that reason that I have moved the foregoing motion.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:07): Should members be persuaded by the argument just presented by the Attorney-General to oppose this request, then this house will stand condemned by the public for failing to have an open, transparent process of review. That is the reality, and it smacks of hypocrisy. The reason I mention that is this. Let me just go past all of the rhetoric about whether further inquiry is necessary for the protection of children in this state. Let me give the example of where every year ministers are released by their house to present before another house for examination, and for disclosure of public accounts, and that is called the estimates process.

Every year ministers who reside in the Legislative Council are requested to come and appear before a House of Assembly estimates committee to answer questions to the people of South Australia through the forum of a committee of this parliament, of this house, as to the integrity of the allocation of funds and the proposed programs that they are going to initiate in the forthcoming budget year. Not very well do they do it, but I will not go into that today. That is a process which happens every year. Nobody says, 'Well, those ministers, if they are in the other house, should not be coming before this house to answer questions.' No, that is not suggested. The fact that they do come down and most often do not answer any questions is their prerogative.

This is not a motion that says that the two ministers and the Premier of this state are in some way being summonsed, coerced, lassoed, roped and dragged up to the Legislative Council for some sort of Star Chamber. It is a request. The Premier and these two ministers of the Crown are members of this house, yes, but they are also ministers of the Crown. They have a responsibility to the people of South Australia. They are in a position themselves to say, 'I will not attend.'

There is no power in the Legislative Council to demand their attendance, to require it. There is no penalty if they do not accept that invitation to attend the Legislative Council, other than the public review and probably condemnation if they continue to follow the lead of the Premier of the state and now the Attorney and try to describe this request as a summons to a circus.

If they continue to do that, then the public will condemn them anyway, but there is no legal obligation for them to go. What is being presented to us as a matter of courtesy, as a parliament, is a request from the Legislative Council for those members of this house to have permission to attend. They do not need, in the sense that they can decline it themselves, to have the umbrella of protection of this house.

Who is to say that an appearance in a committee of inquiry in the Legislative Council or an estimates committee in this house, which a minister from the other chamber comes to every year, is going to be some kind of tawdry cross-examination and some kind of circus? Who is to say that? Who is to say that there is going to be some kind of witch-hunt in either circumstance? That is a matter for the committee to determine in the other house if and when the Premier and/or the two ministers decide that they will appear.

Mr Speaker, this morning I woke to your dulcet tones espousing the constitutional impediments to such a motion having any carriage in this parliament as though in some way it was

in breach of the South Australian constitution. I respectfully disagree with you, Mr Speaker, but I then heard—not in full; I had to read the transcript later—the Attorney-General leaping to your aid and his support for this apparent constitutional invalidity argument that was being presented.

As I say, I read some of the transcript. Nowhere did I see an indication that the Attorney or you, sir, as former attorney, had called for some crown law advice on this matter. Not one legal opinion was trotted out to support this, and while, sir, I would usually, at first blush, have a high regard for the legal opinion that might be espoused by you as a former attorney or indeed by the current Attorney, I do not recall this being an area of expertise that I have identified in either of you, with respect, or your being constitutional experts.

Probably none of us in this chamber would really be well-equipped to do that. Maybe I have missed something. I do note that in the last couple of years in the dying days of your administration as attorney, legislation was passed that ended up in the High Court under constitutional challenge, so I would not be readily rushing to your views on these matters.

The SPEAKER: The Dyson Heydon dissent is excellent.

Ms CHAPMAN: Yes, that one little voice in the wilderness that was supporting Totani, but I digress. Again, the Attorney-General regularly comes into this house armed with advice from the Crown Solicitor's Office or indeed from senior counsel, such as Martin Hinton QC. These are people who work for the government to provide expert advice. Other senior counsel have been called in from time to time to provide independent advice and their opinions are waved around. Do I see the fabric of even one letter from one barrister from anywhere in the world to support this? None.

That is what makes this whole exercise really, I think, an embarrassing attempt by the government, in this case the Premier, to protect himself and try to frustrate this motion. It is utterly absurd. Admissions have been made in this very parliament this week of another scandalous situation and an allegation of serious sexual assault on a child that was treated as harassment, for goodness sake, and years later identified by the police as being a matter to be considered for prosecution, and that is underway.

What is even worse, to me, is not that there might have been a misunderstanding or misjudgement in relation to the assessment as to whether or not that case was serious (the judges will make determinations on that) but, scandalously, just this week (after months of notice by way of requests and correspondence), on the day the current Minister for Education and Child Development is questioned by the media about why her department has not conducted some investigation into a complaint about a failure, allegedly, to mandatorily report a matter, she instigates an inquiry. And what do we find? It is an inquiry that is, in fact, a request to her chief executive officer. We have current issues. It fills me with despair.

The SPEAKER: Member for Bragg, in your despair, could you be seated for a moment? We are discussing, I gather, a message back to the other place about whether certain members of this house should appear. I rather doubt that what you are now traversing is germane. Member for Bragg.

Ms CHAPMAN: Perhaps if I remind you, Mr Speaker, that the request for the Premier, the Minister for Education and Child Development and the Minister for Higher Education to appear before the committee to assist its deliberations relates to the management, conduct and enforcement of government services for the protection of children. The Premier, as a former minister responsible at the time of an incident, the subject of the Debelle inquiry, and the two ministers who had various roles in picking up the pieces over that exercise, are telling us this week of an example of further allegations of departmental failure.

I do not need to get into the merits of that. I make the point, though, that the fact that we are still hearing in this chamber about cases or incidents or allegations that relate to child protection in relation to which the Debelle inquiry has made a number of recommendations ought to fill everyone with despair for what is happening. Why is it that we are still hearing of cases such as this that are contemporaneous, almost, with the Debelle findings that have been tabled?

We are finding there are more cases. It is imperative that we get this sorted out and that we have some clear structure to how we are going to ensure that the representatives in government and their officers in departments who are vested with a legal obligation to protect our children do so. We have to arm them with every opportunity to do that, and that does not mean just resources: it means them undertaking their responsibilities.

We have had promises from the Premier and ministers that they have learnt from the recommendations of the Debelle inquiry. They have thanked Mr Debelle profusely for his time and consideration of these matters, yet we are still having these cases here right now. It is unacceptable. I cannot understand why the Premier is not in here saying, 'I will be going. I want this issue sorted out.'

He told us today of the last 10 years of Layton reports, of inquiries, and of leading edge commitment to rooting out what he had previously, in about 2003, described as the corrupt practices of cover-up in the then department of families and communities. Right through to today—inquiry after inquiry, recommendations—why is he not in here now saying, 'Look, I don't need the house's protection. As a minister of the Crown I'm going to be up there, first cab off the rank to give information every way I can to support that inquiry.' Clearly, it is still not working. Our children are still at risk. The position is such that it needs to happen.

The government members who have been called to give some support and evidence to the inquiry are not compelled to attend; it is simply a request. They do not need to hide behind the protection of a motion presented by the Attorney-General, which will surely pass because the government has the numbers. In a few minutes this motion will be put and the Premier and these two ministers will hide behind a motion to protect them from going to another place and helping the children of South Australia—and shame on them.

Mr PISONI (Unley) (17:20): I want to make a contribution to this debate and try to articulate why it is important that the Premier, the Minister for Education and the minister for further education (who was the former education minister) do come before the inquiry. I was in the other place listening to the debate in the upper house. I heard what every member in the other place said and what reasons they gave for supporting the establishment of the select committee. Remember that every single non-Labor Party member in the Legislative Council voted for this select committee.

Mr Bernie Finnigan abstained—he was not there for the vote so we do not know what his views are on this issue. He was not there for the vote so there were six votes against and every other vote in that chamber was in favour of this select committee. I did not hear a single member of the Family First Party, the Greens or Dignity for Disabled give reasons for this committee being established because it was a political exercise. They had genuine concerns about child protection; they had genuine concerns about the questions that have been raised subsequently on the delivery of Mr Debelle's report.

I want to refer the house to paragraph 422, for example, page 138, where it refers to the Minister for Education's office being made aware of the rapist at the western suburbs school. I will read into *Hansard* what Mr Debelle found in that instance. He stated:

> In fact, no further information was given to the Minister's Office concerning the matter of X until March 2012, when Minister Portolesi received a briefing with her reply to a letter from Mr Bohm. That briefing failed to give accurate information to Ms Portolesi. Furthermore, it did nothing to alert Ms Portolesi to the question whether sufficient information had been given to the parents of the metropolitan school.

The point that Mr Debelle made in paragraph 422 was that it was not until March 2012 that Minister Portolesi's office was aware of the rapist at the western suburbs school.

I was the recipient of FOI documents that were only handed over to me when the Ombudsman overturned the department's ruling that I could not have them in a six-month period. There was an email that was copied to Kate Baldock on 8 or 9 February—which was a day before the Port Adelaide by-election and the Ramsay by-election—where there was an exchange with media advisers within the education department, and minister Portolesi's own media adviser, about what letter they could produce in case the very brief report on ABC radio, which named the school and named the perpetrator, had been heard more widely and they had to respond.

So, a draft letter was written and circulated amongst about a dozen people, including Keith Bartley, Kate Baldock, other executive members of the department of education and, importantly, the office of the minister for education. If we thought that maybe Kate Baldock did not see that letter, it was a letter being drafted—

The SPEAKER: Member for Unley, would you be seated. This is a debate about whether members of this chamber should respond to an invitation from the other place to go there for a select committee. It is not a reagitation of all the issues before the select committee. So, if you would kindly address yourself to the motion before the house.

Mr PISONI: The public debate, of course, from the Premier has been that all the questions have been answered by Mr Debelle with regard to the case of the rape of the seven year old at the western suburbs school. I am pointing out in my contribution to this debate that questions have arisen out of Mr Debelle's inquiry.

Keith Bartley sent an email in November, 10 months later, after the opposition had exposed this tawdry affair in the parliament, confirming that the minister's office, via Kate Baldock, was aware on 14 February of the rape of the seven year old in the western suburbs school, yet we have an incorrect fact, based on that evidence, in Mr Debelle's report that the minister's office was not aware until March 2012—a full month after.

Keith Bartley has confirmed that the minister's office was aware, and that emails sent to the minister's office were released by freedom of information. Another question that arises out of Mr Debelle's inquiry the Premier was asked today to explain. This question goes to the fact—

The SPEAKER: Member for Unley, I am asking you to address the motion rather than to canvass the entire issue before the select committee. Please address the motion, or I will simply have to withdraw leave for you to continue.

Mr GARDNER: Can I ask a point of clarification?

The SPEAKER: Yes, of course.

Mr GARDNER: It goes directly to the ruling you have just made. The member for Unley is making points which, in my estimation, go directly to the motion in that he is raising points that are arguments as to why the members in question should be allowed by this chamber to appear at the select committee in question. By my reading of the member for Unley's comments, I submit and request that you, sir, reconsider, because I think they do go directly to the need for these members to be allowed to attend at the select committee.

The SPEAKER: The question is whether the members of this chamber be given leave. I ask the member for Unley to join up his remarks to that question.

Mr PISONI: I am arguing that members be given leave. I am demonstrating why other mechanisms that are available to the public, whether that be questions by the media or questions by members of parliament during question time to the Premier, are not giving answers to these questions. Today we heard the Premier asked whether he was advised of a meeting between the manager of his ministerial office, Ms Pat Jarrett, and Ms Jen Emery, who is the Director of the Office of the Chief Executive. Minutes were taken at that meeting, where Pat Jarrett mentioned that the process of monitoring all critical incident reports within the minister's office had dropped off since the election and that she had organised meetings with Lucille Lord to have the name of a ministerial liaison officer, or 'MLO' as it is reported in Mr Debelle's report at paragraph 480.

The Premier was asked whether he was advised of that meeting, and he said, 'Those questions were covered by Mr Debelle,' but they were not. They were not covered by Mr Debelle. There is no mention of Mr Weatherill being advised of that meeting or otherwise in Mr Debelle's paragraph that covers this point. Another interesting factor in this argument is that we were told by the government, by the Premier and by the education minister, that all relevant documents were submitted to Mr Debelle, yet Mr Debelle states in paragraph 480, and I will read this for the benefit of those listening:

> There is further evidence that the Department has from time to time informed Ministers of serious incidents in schools. Towards the end of the Inquiry, the Minister's Office sent me a document that had been discovered in a search of documents in response to a request made pursuant to the Freedom of Information Act.

That was my freedom of information. It was not identified as a document that was relevant for Mr Debelle until it was discovered when the office was looking for FOI documents that used the search words that were in my FOI. So, one has to ask the question: how many more documents that were relevant to the Debelle inquiry did Mr Debelle not receive because incorrect search words were used to find those documents? That is damning evidence as to why these ministers should be presenting themselves and be able to present themselves to the select committee.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (17:31): I will keep my remarks very brief, but the simple fact is that the opposition have had hour upon hour of opportunity to ask questions of the three ministers involved—

Mr Pisoni: Which they don't answer.

The Hon. J.J. SNELLING: —in question time.

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

The Hon. J.J. SNELLING: They have had certainly more opportunity to ask questions of ministers than I recall the Labor Party ever did when we were in opposition. Certainly, the government of the day used question time in such a way as to frustrate the ability—

Mr GARDNER: Point of order: relevance.

The Hon. J.J. SNELLING: —of opposition to ask questions. I remember some question times when the opposition were lucky to get four or five questions up. Today, in question time I would hazard a guess that the opposition would have had 20 or 25 questions. In fact, they were embarrassed because, with about half an hour left of question time to go, they ran out of questions.

Ms CHAPMAN: Point of order, Mr Speaker. Not only is that untrue, but it is clearly outside the relevance to the debate.

The SPEAKER: I accepted the point of order of the member for Morialta, which seems to me to broaden the scope of the debate. The Minister for Health.

The Hon. J.J. SNELLING: The simple fact is that the opposition have had hour upon hour—as is entirely appropriate—to ask questions about this matter of those three ministers involved, and this is the appropriate place for those questions to be asked, not a stacked select committee that has already come to its own conclusions about this matter in another place. That is not the appropriate place—

Mr GARDNER: Sir, point of order. I seek your indulgence and hope that you will accept this as genuine and not frivolous. I will just ask for your guidance on whether what the minister has just said is in fact an inappropriate reflection on a vote to be taken at some stage, presumably in the other place, 'a stacked select committee' that has already drawn its conclusions.

The SPEAKER: I will take advice on that but, whereas it is entirely out of order to impute improper motives or make allegations against members of this house, other than by substantive motion, I have not come across examples where members here have been pulled up for doing the same in respect of members of the other house. One need only read the red *Hansard* to see daily examples of members of the other chamber imputing criminality to members of this chamber. Minister for Health.

The Hon. J.J. SNELLING: Indeed, sir, if the opposition were correct, I think the Hon. Rob Lucas in another place would be left with nothing to say because, on an almost daily basis, he imputes improper motives to members of this chamber. This is nothing but a tawdry attempt by the opposition to play politics with what has been a human tragedy—a human tragedy that this government has been quick and determined to do everything that we can humanly do to rectify.

There is no new material that the opposition has offered. There is nothing new that it has presented that was not available to the royal commission. Not a single shred of evidence has it posited that, in any way, was not available to the royal commission and that Mr Debelle was not able to base his findings on. Is the opposition really suggesting that a stacked select committee of the Legislative Council is going to be any more objective or any more comprehensive than the royal commission of Mr Debelle?

Ms Chapman: Absolutely.

The Hon. J.J. SNELLING: Sorry? I think the deputy leader just said 'Absolutely'. So, it is wonderful for the Deputy Leader of the Opposition to bell the cat. The opposition today is saying that it does not agree and it does not believe that the royal commission has any credibility.

Ms Chapman: I didn't say that. You tell the truth, Jack.

The Hon. J.J. SNELLING: It questions the findings of a royal commission.

Ms Chapman: You tell the truth, Jack.

The Hon. J.J. SNELLING: The deputy leader said, 'Absolutely'. If she did not; if I misheard her, I am happy to withdraw the comment but, when I said that, *Hansard* will record the Deputy Leader of the Opposition saying 'Absolutely'. The opposition did not get the result that it wanted from the royal commission. The Premier was exonerated, and now it is trying to have another go. It is trying to have another ago through a select committee in another place, which has already come to its own conclusions about what its report will be.

We have just seen, obviously the Deputy Leader of the Opposition but the member for Unley as well, calling into question the findings of the royal commission. The royal commission is the ultimate authority, with the most sweeping powers to investigate any matters, and it has come to these conclusions. Not liking the outcome from the royal commission, the opposition is now saying that it needs to have another go with the select committee. It has made it quite clear that it rejects the findings of the royal commission.

On this matter, there has been a royal commission. For weeks on end, ministers of the government have been available for hour upon hour of questions. Tens upon tens, if not hundreds, of questions have been asked of ministers. Ministers have been available to answer questions from any member of this house on this matter. This house should not subject itself to what will be nothing but a tawdry circus of the upper house. We should support this motion and send a very clear message to the other house that we will not be a party to it.

I would be very interested to know, too, if it is also the opposition's position that, should it ever be on the Treasury benches, it will be happy to have ministers who are represented in this chamber subject themselves to select committees of the Legislative Council. I would be very happy for the opposition to put on record that, should it ever come onto the Treasury benches, it will be happy to subject its ministers to questioning by select committees of the other place.

Mr GARDNER (Morialta) (17:39): Ministers, frankly, do not need this motion as protection. If they have the justification of a genuine reason why they should not appear, they should take responsibility for it and argue it themselves. They do not need the protection of this motion to do that. This motion would, in fact, deny them the opportunity to appear, if they want to clear up these matters.

There are some things in the minister's speech that do actually need to be responded to directly. First, his regular and consistent verballing of the deputy opposition leader, and indeed the opposition, about comments on the royal commission. The Minister for Health claims that the opposition did not like the outcomes, and that we rejected the findings of the royal commission; that is absolutely not the case.

Before the government set up the royal commission, it was an inquiry, and the royal commissioner had to ask three times to be given the powers of a royal commissioner—questions raised in this house. The opposition fully supported the royal commission. I think even the Premier agreed that it was the opposition's work that instigated the royal commission.

The Minister for Health repeated this calumny, I think it is fair to say, on the select committee: that it was stacked and had already come to its own conclusions on what the report would be. I remind the Minister for Health that this was in fact a select committee established upon the motion of a crossbench member of parliament, and I am sure that every single one of the crossbenchers in the other place who supported this motion requesting the attendance of the ministers in question would be most disappointed and distressed to hear the minister's words.

The key point, though—and this goes again to the minister's speech—is that this select committee is necessary to answer questions that were not asked by Mr Debelle, were not asked of Mr Debelle to be found, were outside the terms of his terms of reference, or were in fact raised by Mr Debelle for future consideration.

This select committee is also necessary because when we have question time in this house we are unable to ask the member for Hartley questions about matters related to her role as the education minister, because if we were to do so they would be answered by the Minister for Education, who has responsibility for that department, or the Premier if he so chooses—although I suspect that the Minister for Education might be more likely to, as she often answers questions that are put to the Premier.

Indeed, when there are matters that pertain directly to the Premier's knowledge or directly to the minister's knowledge and the other chooses to answer the question in question time, then that is something that the select committee will be able to get to the bottom of. When we ask questions in this chamber, there are certain restrictions on things that are able to be asked, and they are largely dependent on whether or not the minister chooses to answer them.

So far in question time this week there have been some 40 or 50 questions asked on matters relevant to this matter, but there have been very, very few answers. I would urge this house to allow the ministers the freedom to attend the Legislative Council's select committee if they so wish, or otherwise make a case for why they do not. I think it would be a curtailment on those

ministers' liberties for this house to pass a motion denying them the right to attend the select committee as requested.

The house divided on the motion:

AYES (19)

Bedford, F.E.	Bignell, L.W.K.	Breuer, L.R.
Close, S.E.	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Key, S.W.
O'Brien, M.F.	Odenwalder, L.K.	Piccolo, A.
Portolesi, G.	Rankine, J.M.	Sibbons, A.J.
Snelling, J.J. (teller)	Thompson, M.G.	Weatherill, J.W.
Wright, M.J.		

NOES (13)

Chapman, V.A. (teller)	Evans, I.F.	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	McFetridge, D.
Pederick, A.S.	Pisoni, D.G.	Redmond, I.M.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.
Williams, M.R.		

PAIRS (10)

Bettison, Z.L.	Pengilly, M.
Rau, J.R.	Marshall, S.S.
Koutsantonis, A.	Hamilton-Smith, M.L.J.
Kenyon, T.R.	Whetstone, T.J.
Caica, P.	Venning, I.H.

Majority of 6 for the ayes.

Motion thus carried.

SELECT COMMITTEE ON COMMUNITY SAFETY AND EMERGENCY SERVICES IN SOUTH AUSTRALIA

A message was received from the Legislative Council requesting that the House of Assembly give permission for the Minister for Education and Child Development (The Hon. J.M. Rankine) to attend and give evidence before the committee.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

EQUAL OPPORTUNITY (SPORTING COMPETITIONS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed not to insist on its amendments Nos 13 and 19 to 23 to which the House of Assembly had disagreed.

TORRENS UNIVERSITY AUSTRALIA BILL

The Legislative Council agreed to the bill without any amendment.

NOT-FOR-PROFIT SECTOR FREEDOM TO ADVOCATE BILL

Received from the Legislative Council and read a first time.

WATER INDUSTRY REFORMS

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (17:52): I table a copy of a ministerial statement relating to water industry reforms

made earlier today in another place by my colleague the Minister for Sustainability, Environment and Conservation.

TONGERIE, GEORGE

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (17:52): I table a copy of a ministerial statement relating to Mr George Tongerie AM, JP made earlier today in another place by my colleague the Minister for Sustainability, Environment and Conservation.

At 17:53 the house adjourned until Tuesday 15 October 2013 at 11:00.