HOUSE OF ASSEMBLY

Wednesday 30 October 2013

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

SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (11:02): By leave, I move:

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

Motion carried.

PUBLIC WORKS COMMITTEE: SOUTH ROAD UPGRADE TORRENS ROAD TO RIVER TORRENS EARLY AND ASSOCIATED WORKS

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

That the 486th report of the committee, entitled South Road Upgrade Torrens Road to River Torrens Early and Associated Works, be noted.

Delivering a non-stop north-south corridor for South Road from Torrens Road to the River Torrens aims to achieve a network-wide reduction in congestion levels, i.e., reduced network travel times; a reduction in greenhouse gas emissions associated with north-south corridor travel; a reduction in the travel cost for freight and commuter traffic along the north-south corridor; a reduction in road crash frequency on South Road from Torrens Road to Torrens River; and greater travel time reliability for north-south freight and commuters. The total project cost is $10.892 million which is offset by a contribution of $2.607 million from Woolworths as a contribution to the improvement of the intersection at Ashwin Parade feeding its proposed redevelopment at the Brickwork Markets site.

An important element of the project is the upgrading of the intersection at South Road and Ashwin Parade-West Thebarton Road. This intersection will be widened to improve capacity and reduce delays, with a third through lane in each direction added on South Road. The intersection also requires upgrading to cater for the additional traffic generated by the proposed Woolworths development on the Brickworks site. These improvements include modifications to lane layout on both Ashwin Parade and West Thebarton Road, the most notable being a roundabout on Ashwin Parade. This work will be funded by Woolworths.

The total project cost is $10.892 million, which is offset by the contribution of $2.607 million from Woolworths as a contribution to the improvement of the intersection at Ashwin Parade feeding its proposed redevelopment of the Brickworks site. The project delivers an upgrade of 3.7 kilometres of South Road, including:

- a new, lowered road under Port Road and Grange Road that will provide a non-stop route through the area for passing traffic and reduce delays to east-west travel;
- a parallel surface road along the length of the lowered road to connect the majority of local roads and arterial roads to South Road;
- a rail overpass of South Road from the Outer Harbor line, to ensure train services do not interrupt traffic along the new route; and
- a dedicated off-road shared path for cyclists and pedestrians that connects to other local cycling and walking paths.

Early and associated works are required to commence in late 2013 for the following reasons:

- collection of geotechnical data to further inform more detailed design decisions and support the project procurement stage in 2014; and
- coordination of infrastructure work with the development of the Brickworks Markets site in 2014.

The project is part of proposed major works on this section of South Road, which was projected to extend into 2018. Given this and pursuant to section 12C of the Parliamentary Committees

Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr HAMILTON-SMITH (Waite) (11:06): I commend this motion to the house with some qualification, and that is to say that the opposition fully supports any investment along the north-south corridor, and this is such an investment. The report to the house tabled by the Chair makes an observation on page 1 that, 'The South Australian and Australian governments have each allocated $448 million excluding GST (totalling $896 million excluding GST) for the South Road Upgrade (Torrens Road to River Torrens) Project.' Now, of course, that is no longer quite accurate.

The incoming Coalition federal government has made it very clear that their priority is to begin with the Darlington upgrade—that is, the southern sector of the corridor—and to get to the Torrens to Torrens section of the upgrade at a later time. So, already, to an extent, this report we are addressing in the house is at present slightly out of date.

The proposal, in the view of the opposition, had considerable merit, specifically because, although it is preliminary work to the Torrens to Torrens, a very important development by Woolworths was dependent upon it proceeding. The urgency of this intersection upgrade was in fact driven by that proposal for a supermarket at the Brickworks Markets site, which was anticipated for completion in December 2014, and it required an upgrade of the intersection independent of the South Road upgrade project if it was to proceed.

Combining the separate upgrades would minimise disruption to traffic. Service relocations needed to commence as soon as possible to allow for road construction activities to go forward so that the Woolworths proposal could proceed. We considered this most carefully. On this side of the house we are very pro-business indeed, and we would not want to see politics hold up an important bit of work that was going to create jobs and opportunity for the people of the west of Adelaide.

The opposition, the state Liberals, value and support all residents and all small businesses in Adelaide, particularly in the west. It is a vibrant part of the city and we really want to see jobs and opportunities for young people. There are some issues with youth unemployment, and we would not want to see a Woolworths supermarket proposal and the ancillary developments held up because of a political bunfight, if I can put it that way, over whether or not we should proceed with the Torrens to Torrens or the Darlington portion of the road first.

I think the federal government and the state Liberals have made it very clear what their plans are, and I commend to the house the excellent announcements made by state Liberal leader Steven Marshall on that very subject, when he announced the Darlington upgrade some weeks ago, because we believe that South Australians deserve first-class infrastructure and that is infrastructure that keeps traffic moving. We want to see the north-south corridor rebuilt from north to south, from Wingfield right through, ultimately, to the Southern Expressway and even beyond, and further north as well from Wingfield through to the Northern Expressway. We would really love to see the entire project proceed. It is most important, but we are of the view, and so was the state government until recently, that the Darlington portion of the road should be the first sector.

That north-south corridor is important for business. I have spoken to quarry companies that can save a lot of money by being able to move their quarry trucks from quarries in the south through to construction sites in the north swiftly without having to stop at traffic lights, as well as other small businesses, including high-tech companies, that I visited in Lonsdale and other areas that have issues with their employees being able to get to work swiftly and their products and vans being able to get to the north and the west of Adelaide swiftly. They have all cited to me the same problem; that is, the north-south road and congestion upon it is a real issue.

That is why we want to see Darlington completed first: 76,500 vehicles use South Road at Darlington every day and, of course, that number varies along the route. Labor promised Darlington in 2005 and then scrapped it. They said it was a priority at the last election and then they scrapped it. They announced an interchange at Darlington as a seamless connection with a duplication of the Southern Expressway and then they scrapped it, and now all of a sudden all we hear about from the government is the Torrens to Torrens section. Important though that is, we believe that is a part of the work that should be addressed after the Darlington portion of the road has been completed, and that is why we have signalled, and certainly our leader Steven Marshall has signalled, that we will be putting our money into the Darlington section of the road first, along with the Commonwealth, and we will get to the rest of the Torrens project at a later time.

That being the case, in my opinion and that of my colleague and friend the member for Finniss, it was not sufficient reason for the opposition to block this measure in public works—which

we could have done by the way. We could have stopped this project by refusing to agree to it. We could have argued that it was a waste of money and that the project should be brought back to the committee at a later time because the Darlington section of the road was to be completed first, and that this should be put off and delayed for at least a year or two while that was undertaken. That could have been a pathway we could have taken.

I did speak to my friend the member for Bragg, the shadow minister for transport, about this issue. We discussed it, and we decided that the best thing for the state was to agree to this small component of work to go ahead in the Torrens to Torrens section to allow the Woolworths project to proceed, because it was the right thing to do for small business, Woolworths, workers and the residents down in the west. We believe that it is responsible to support the project. That should in no way be taken by anyone in the house, or outside of the house, to argue that we are supporting the Torrens to Torrens section of the work ahead of Darlington. That is not the case and I think our leader has made that crystal clear, but we are in the business of doing what is the right thing for South Australia and that is why we have been happy to support this particular project.

There are some issues with how the money will be managed. The government has created an awful problem for itself with the highest debt the state has ever seen and the worst deficit the state has ever seen. They have decided—even though they know that the Coalition is insisting, along with the state Liberals, that the Darlington project will proceed first—to go ahead with this nearly $11 million investment. Obviously, they feel they have the money for that. That is something for the government to explain and to justify, but we are certainly very happy to support it so that the people of the west (both small businesses and workers) can get on with some developments down near the Brickworks site that would be to their advantage.

What we now look forward to is seeing a project brought to the Public Works Committee that completes the task, and starts with the Torrens to Torrens project. My view—and I think it would be the view of all of us—is that we need to do the entire road. I do not think anyone is living in any doubt that the north-south axis is the principal infrastructure challenge that this state faces. I have heard various costings as to what it might cost to do the whole thing: I have heard $4 billion in four years, and I have heard bigger figures and extended timeframes. But, somehow or other, commonwealth and state governments need to find the money to do the entire upgrade from north to south so that we can move seamlessly through the city.

I note the Victorians have just put forward a request for something like a $14 billion infrastructure road project in Melbourne; $4 billion in South Australia is looking fairly modest by comparison. We need to do it all. Despite the dire financial circumstances the current government has delivered, I hope that some way or another state and federal government (present and future) can find a way to deliver that outcome for South Australians, because they deserve it.

The Hon. R.B. SUCH (Fisher) (11:16): I support this project in a general sense, but I have a few queries. I think it would be useful if it was put in a more extensive context. By that I mean how it all fits in to a wider arterial road upgrade not only for the metropolitan area but also for the rural area as well. When you are looking at a project in isolation it is hard to get a grasp of the relative merits of the project, so in future reports relating to something like this it would be good if there was some background about what the total plan is for upgrading arterial roads.

I am sure what is proposed here has merit, including the improvement for access to the Woolworths' site. I cannot help but note that I think the contribution offered by Woolworths is probably about the same as the AFL offered for Adelaide Oval. I could be wrong about that, but Woolworths are offering over $2 million dollars to upgrade an intersection. I would not call it generous because they are doing it to facilitate their business. However, I think it is probably not much different from what the AFL offered for Adelaide Oval.

I am sure there is merit in this, in terms of reducing, as it says, congestion and so on. I hope we do not get into the silly business of whether Darlington is more or less important than the rest of the South Road upgrade. We need a modern arterial road system that delivers what our economy needs and what the people want. I cannot see in this report a cost-benefit ratio. We have whole life costs of the project, but normally with projects you want to see what the whole cost-benefit ratio is in terms expressed over time. Maybe there is one, but it does not seem to be in the report.

The other point I make, which I think is looming as a very serious issue for South Australia, is the need to have some construction projects in the very near future. The construction of Adelaide Oval is coming to an end, as is the duplication of the Southern Expressway. We have the Royal

Adelaide Hospital underway, but South Australia will be facing a very real challenge in terms of keeping the construction industry employed if we do not have some projects in the very near future. They take a while to design, obviously, and then they take longer to implement, so I do raise that concern.

The other point is that it is good to see some new construction, but the Department of Transport has a serious problem in regard to maintaining the assets for which they are responsible. Someone in the department told me that they have a backlog of at least $400 million in maintenance and that they will no longer be doing the authorised graffiti on the road, marking areas that need to be repaired with white or yellow paint.

The legalised graffiti officer in that department has been told no longer to do that because they do not want road users expecting that those deficiencies are going to be rectified, as they do not have the money to do it. I make that as a passing comment. It is great to have new facilities, but it is also important that the maintenance of what we already have is not overlooked.

The SPEAKER (11:20): My constituent, Eileen Harris, is 83 years of age. When she was a teenager, she went to the cinema on what is now South Road; it may have been Government Road at the time. A widening and upgrade of the road was being canvassed then.

South Road, between the River Torrens and Torrens Road, is sclerotic. Traffic is often halted there for long periods. The road is not wide enough to accommodate the traffic of this era. The camber of the road puts the top edge of semitrailers within centimetres of Stobie poles, and sometimes those semis strike Stobie poles. The road is dangerous; it is ugly.

The whole of the Ridleyton, Brompton, Hindmarsh, Croydon, West Croydon and West Hindmarsh area has been on hold for years, waiting for an upgrade of South Road which Infrastructure Australia says will deliver a 2.4 economic multiplier. The Australian Greens campaigned on only one issue in their leaflet in Croydon at the last state election, and that was to stop the South Road upgrade because, in the opinion of the Australian Greens, the upgrade would only encourage people to drive and that was a bad thing.

It is, of course, disappointing for me, as the member for Croydon, to hear the member for Waite say that the Torrens to Torrens upgrade should occur only at a later time. Eileen Harris will be very interested to hear that. I note the member for Waite said that the opposition's support for this motion should in no way be taken as their supporting the Torrens to Torrens upgrade occurring before Darlington. It is all very well to say we need to do it all, but it has to start somewhere. On behalf of my electorate, I say it starts Torrens to Torrens.

Mr HAMILTON-SMITH: On a point of clarification or order, Mr Speaker, I listened carefully to your contribution and respect it greatly. Previous Speakers have chosen, when making addresses on behalf of their electorates, to do so from the floor rather than from the chair. I just wonder whether that will be your policy forthwith or whether you will make contributions as the member for Croydon from the chair on matters before the house.

The SPEAKER: I could only make a contribution from the floor in committee, and there is no committee stage on this motion. I thought I would speak last—the member for Reynell.

Ms THOMPSON (Reynell) (11:24): I also wish to make a contribution on this matter because I am very pleased to hear the member for Waite committing to the Darlington upgrade first. I hope that his leader puts that in writing and distributes it widely in my electorate because that will mean we can probably halve the amount of expenditure we have to undertake in Reynell, Mawson, Kaurna, Mitchell and Fisher and we can direct our resources towards Dunstan and Adelaide. I have polled a group of citizens in my electorate and they are 2:1 opposed to the notion of a half-baked Darlington interchange, which is what the Liberals are currently proposing. That is what we get from reading what Abbott has had to say and that is what we get from reading what has been said locally.

The residents of the south are currently suffering the results of a half-baked expressway. It is incredibly inconvenient, and has been for two years. The promises of the previous Liberal government were that the bridges would be made wide enough, that the pedestrian overpasses would be long enough and that all that would have to happen to extend the expressway was a digger would come and dig out underneath the bridges. That was the commitment made in the Public Works Committee that I clearly remember, and it was the commitment made to the Lonsdale Business Association and other meetings of residents.

That did not happen, so we got a half-baked expressway and the residents of the south have had to suffer the upgrade. We welcome the upgrade—we want to be able to go in both directions—but the fact that Liberal governments do things in a half-baked manner is not what we welcome. They only wanted half a desal plant and now they want a half—

The SPEAKER: Point of order from the member for Morialta.

Mr GARDNER: Standing order 128. This is completely irrelevant to the motion at hand.

The SPEAKER: The motion is to note a Public Works Committee report on the Torrens to Torrens upgrade. The member for Morialta says it is irrelevant to introduce the Darlington upgrade.

Mr GARDNER: She wasn't talking about that. She was talking about the Southern Expressway.

The SPEAKER: So the member for Morialta says that Darlington is cognate but that the Southern Expressway is not?

Mr GARDNER: I make no comment on Darlington, sir.

The SPEAKER: I will listen carefully to what the member for Reynell has to say.

Ms THOMPSON: Thank you, sir. It just happens that the Southern Expressway intersects with the Darlington interchange, and I am speaking strongly in support of the upgrade of the Torrens to Torrens section and supporting that as the priority when that priority has been contested by a member opposite.

The southern community wants things done properly. We want a train line to Flinders Medical Centre, we want proper grade separation at Darlington and we want integration with the Southern Expressway. We are sick of having to go through roadworks. We are very happy to wait for a while to see the impact of both the upgrades of the expressway and the train line that are happening at the moment (the upgrade of the Tonsley line) and then wait for there to be sufficient funds available from wherever, and sufficient planning, for the Darlington interchange to be done properly.

We also have many residents who travel down Main South Road for their work, either to access work or as part of their work, and my constituents tell me that they recognise that that is a bottleneck and that they would like not to have to take so long getting through it. They would like to not have the risk of crashes and injury associated with that area but, most of all, they want to be looked after properly with a proper interchange.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:30): It is with pleasure that I rise to speak on the Public Works Committee report to provide for the early and associated works of the South Road upgrade. Essentially, this is a project which has been recommended for support to spend some $11 billion for a roundabout and upgrades to facilitate a commercial development, namely, a Woolworths' supermarket, and associated amenity. The Liberal Party understands that this is an important project and that it needs to progress, and we are fully supportive of it.

When one reads the report, to describe it as some necessary preliminary as part of the government's announced Torrens-to-Torrens South Road upgrade is, I think, a stretch. Nevertheless, the content of what is being sought to be approved is fully supported and, for the reasons that other members of the committee on both sides of the house have indicated, we are supporting it. I will say, though, given that the member for Croydon, our illustrious Speaker, has chosen to contribute to the debate and give us some historical perspective, particularly from his constituent Ms Eileen Harris, whom I think he described as—

The SPEAKER: Mrs Eileen Harris.

Ms CHAPMAN: Mrs Eileen Harris, mature in years, has watched, apparently, with some, I suppose, dismay, if I can paraphrase, the position such a long time before there has been any widening or upgrade of this road corridor through the metropolitan area of Adelaide. Well, for Mrs Harris's benefit, let me say that it is very disturbing to our side of the house, as it is, I am sure, to her, that she was promised some seven years ago by the state Labor government a $140 million upgrade to develop the widening and the increase of amenity of the area along South Road which traverses north of the Henley Beach zone across to the Grange Road, Port Road and Torrens Road intersections, all of which is familiar to the house, necessary to deal with—

The SPEAKER: The railway line.

Ms CHAPMAN: I will deal with the railway line in just a moment, in answer to the helpful interjection from the Speaker. These are important and expensive initiatives which now need to be undertaken if the whole of that line is to be developed. We have heard from the Prime Minister, who is committed to that. Mrs Harris, let me say that we are with you in understanding the importance of the upgrade, but beware of what is promised by the government—your government, and the government of all of us—at the time, which said, seven years ago, that you were going to get this upgrade, and then it was abandoned. By the time we got to the election, it was too expensive to do. So, again, continued abandonment—and we now have this promise.

Let me also bring to the attention of the house that other members' residents living in the member of Croydon's area have contacted me—unsurprisingly, because I am the shadow minister for transport and planning—with their views on upgrades of South Road. In fairness, I think that anyone living along South Road is looking keenly to see some upgrade of service, but there are people who are being asked to consider, for example, the compulsory acquisition of their property before the resolution even of the timetable of the advancing of the South Road Torrens-to-Torrens upgrade. There are people who are in the process of having to think, 'Well, do you acquiesce to this demand to allow a valuer to go through my house, because I have lived here for many years?'

These are the sorts of concerns that are raised with me, Mr Speaker. I don't know whether you are still getting them, but these people are very unhappy. One of them, I bring to your attention, Mr Speaker, is someone who contacted me because he is concerned about the proposed rail bridge over South Road, which is necessary if there is going to be a grade separation of the rail transport service to Port Adelaide, to grade separate that from South Road.

I do not know whether people in the member for Croydon's area have read the recent transport plan that was announced by the government. Of course, they are not proposing to have a rail service down to Port Adelaide. They are actually proposing to convert that to light rail which means that we might need to look at a whole new plan as to what is necessary.

As I am sure the member for Croydon would be very familiar with, it is a very different overpass that is necessary for a tram as compared to a train. When he has read that document, which I am sure he has thoroughly, he will have to explain to his local people down there that all of these lovely glossy pamphlets which show a rail line traversing South Road in the government's Torrens to Torrens project is apparently now going to be a tram, so we are going to have a little thing.

Nobody has told the people living around the area who are waiting to either have their property obscured by some view of a rail line overpass or alternatively to have their property acquired if necessary to do a rail overpass which is now to convert to a tram overpass. Nobody has told them that. Some of them have said, 'Look, I am concerned about this. They are not going to buy my house but I am going to have this structure right next to me. I have gone along to some public meetings. I have been approached by people as to what is to be done. I have lived in this area a long time.' This is the theme of the complaints I am receiving.

Some of them are actually offered the opportunity to come onto local consultation groups. Isn't that wonderful! 'We know you are concerned. We invite you to come along and join the community liaison group and you will be able to have thorough input into the development of the planning for the purposes of the detail to go with these projects.' Fantastic! But let me tell you, in my electorate, we have seen what community liaison groups do. We saw what happened when the government insisted on developing the Glenside Hospital campus for mental health services into supermarkets and commercial buildings and private housing. We have seen what they do there.

Anyone who speaks out, anyone who is a dissident, anyone who has an idea different to the government hears, 'Look, we will offer you the opportunity, please come forward. We would like you to come to the community liaison group.' Do you know what they ask them to do? They ask them to sign a document, they are all so prolific. It reminds me of that poor boy who was asked to accept $30,000 to keep quiet when he got his payment for being falsely accused. They get a document of pages and pages presented to them to come onto these liaison groups and to keep quiet.

The SPEAKER: Member for Bragg, I will take the advice of the member for Morialta about this. Does the member for Morialta think this is cognate?

Mr Gardner: Much more cognate, sir.

The SPEAKER: It's cognate?

Mr Gardner: It's in relation to the Torrens to Torrens liaison groups.

The SPEAKER: Thank you to the member for Morialta for that advice.

Ms CHAPMAN: This person who is living in the Speaker's electorate who is going to be affected by the Torrens to Torrens project which has been announced by the government, which this is attached to in this report—and my word it is important because, Mr Speaker, your own constituents are raising real and genuine concerns just like they have in other areas, but what are they being offered?

They are being offered an opportunity to come into a liaison group and keep quiet. This is disgraceful. What should be done is that they should be able to go to you as the local member which I have urged them to do. Some have said, 'We have already been to him. He was useless. He hasn't actually helped us with this. He has just said it is an important program and you will agree that it is an important piece of infrastructure, so he has really dropped us in dealing with it.'

Mrs GERAGHTY: I have a point of order, Mr Speaker. I guess I seek your opinion. I always understood it was improper to reflect on members in this chamber. Certainly I think that the member for Bragg excelled herself in that.

The SPEAKER: I cannot possibly uphold the point of order. No-one will keep Arthur Karidis quiet. Moreover, it is true, I have been unable to promise him the cancellation of the project. Member for Bragg.

Ms CHAPMAN: What needs to be done by the government is, before they progress the other aspects of this project, to be honest with the people in the region about what they are doing, what the time frame will be and in particular what is going to be happening with the fact that the government have now abandoned a future rail service between Adelaide and Port Adelaide and are converting it to a tram service.

The SPEAKER: Outer Harbor and Grange.

Ms CHAPMAN: Well, Outer Harbor and Grange. We are talking about the rail line which runs down, which I think is still in your electorate—the Bowden complex for development—and which is currently the subject of a Torrens grade separation between the freight and passenger train service. Who knows whether that is ever going to happen. It seems that that is equally likely to bite the dust, but the important thing for this project is to understand that the people who are living around South Road who have been told that they are going to have an overpass with a train on it clearly are not going to have that, Mr Speaker, and your people deserve to have a say as much as anyone else.

Mr PEDERICK (Hammond) (11:40): I rise to make a contribution to the motion that the 486th report of the Public Works Committee, entitled South Road Upgrade Torrens Road to River Torrens Early and Associated Works, be noted. I note the angst from across the way on the government benches with regard to things that have or have not happened over time. Let's go back a bit further in time. Let's go back to 1968 and the MATS plan—the Metropolitan Adelaide Transport Study.

Members interjecting:

Mr PEDERICK: Yes, now here they come. Here come the interjections. Here they come. The Metropolitan Adelaide Transport Study—and this is for the sake of Mrs Harris, your constituent, as well, Mr Speaker, who would have been very keen to see this proposal go ahead inaugurated by—

Mr Hamilton-Smith: Even their grandparents got it wrong.

Mr PEDERICK: Even their grandparents got it wrong—absolutely, the member for Waite. We see this contrived outrage still emanating from the government benches, when governments past of a Labor tinge—a red, red Labor tinge—killed off the MATS plan that was put in place by the Hon. Steele Hall and his government.

What we have seen today is all this outrage over things that supposedly Liberals have or have not done but one of the best plans for managing traffic throughout the greater Adelaide area was killed off by Labor governments—absolutely killed stone dead—and that land was since sold and then we end up with these massive billion-dollar issues with connecting traffic on a north-south corridor.

I urge students of history and students of the Labor Party to have a good reflection over history and go back to 1968 and events that followed 1968 with the sale of that land, which destroyed an extremely good plan for traffic throughout this city and this state.

Motion carried.

The SPEAKER: I call the member for Mitchell, who just caused all that trouble.

PUBLIC WORKS COMMITTEE: ETHELTON WASTEWATER PUMP STATION RENEWAL PROJECT

Mr SIBBONS (Mitchell) (11:44): Thank you, sir, and I hope this one is not as controversial as the last one. I move:

That the 487th report of the committee, entitled Ethelton Wastewater Pump Station Renewal Project, be noted.

The primary objective of the project is to maintain the current service standard of the network. In particular, the options developed seek to:

- meet original design life of structure;
- provide security for the existing sewerage network by providing sufficient pumping capacity to match design life of the structure;
- provide sufficient availability/reliability to meet criticality rating of the asset;
- ensure asset complies with current OH&S and EPA regulation; and
- implement an odour control plant.

SA Water proposed that, due to its age, the infrastructure needed the following work:

- a mechanical and electrical upgrade for the existing building;
- construction of a new switchboard building;
- installation of an odour control plant to address odour issues;
- new driveway with new entry and exit point to Bower Road;
- new security fencing; and
- site landscaping using native plants.

The total project cost is $6.915 million. The project will address the key risks associated with the ongoing operation of the pump station. This shall provide security to the existing wastewater network, support future growth and development in the Lefevre Peninsula, meet OH&S compliance and address odour related concerns from local residents. The project will be completed by January 2016. Given this and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr HAMILTON-SMITH (Waite) (11:46): The opposition is delighted to support this motion. As my honourable friend has pointed out, it is critical work for a number of reasons. The existing mechanical and electrical infrastructure within the building is poor and it presents a high risk of network overflow. There is a history of odour concerns from local residents. There are a number of work health and safety-related concerns that exist with the operation of the old pump station, and to support future growth and development across Lefevre in line with the 30-Year Plan for Greater Adelaide, it will be needed.

There is no-one who cares more about the needs of the west and the Port Adelaide area than those on this side of the house. That is why it is very important infrastructure. It is $7 million of the taxpayers' money, but I note that recent clean-out works within the wet well removed 27 tonnes of grit. Basically, this infrastructure is falling apart and it needs to be fixed. It probably should have been fixed sooner. If the state government was not in such a financial mess with the highest deficit we have ever had and extraordinary debt levels perhaps it would have been done sooner, but at least the project is now before us. We can get on with it and keep things flowing, as we say. With that, I support the motion.

Motion carried.

DEPARTMENTAL FINANCES

The Hon. R.B. SUCH (Fisher) (11:48): I move:

That the Economic and Finance Committee inquire into and report on the finances of the Department for Education and Child Development, the Department for Health, the Department of Planning, Transport and Infrastructure and SAPOL, with a particular focus on efficiency and effectiveness.

I realise that we are getting close to the midnight hour with regard to this session, so I am not anticipating that the Economic and Finance Committee would realistically be able to do much in respect of what this motion suggests, but I am raising it because I believe (and I believe other members feel the same) that the Economic and Finance Committee needs to be focused on some of the larger departments. I have not listed them because I am suggesting there is anything untoward in any of those agencies; I just list them because they are some of the large spending departments.

It has struck me for quite a while that it is ironic that we have the Economic and Finance Committee look at issues which, whilst they are important, do not involve anywhere near the sort of expenditure that you get in the millions of dollars in the Department for Education, the Department for Health or the Department of Planning, Transport and Infrastructure. I believe that the Economic and Finance Committee should parallel more the vigorous and rigorous role performed by some of the watchdog committees in the United States Congress and in some of the other parliaments in Australia.

Some members might ask, 'Why doesn't the Auditor-General do this?' Traditionally, auditors-general in South Australia have chosen not to focus on the question of efficiency and effectiveness in the same way that auditors-general have in Victoria and some of the other states. That is not a criticism of the Auditor-General, current or past, but for some reason, even though the act gives them the power to do it, they do not look at what I think is a critical factor, that is, are the citizens of South Australia getting their money spent in the most efficient and effective way?

Part of that, for example, would be how many frontline people we have in the health area, in police or in whatever agency you want to look at. I am not terribly interested in whether the tea fund (and I am being a bit frivolous) balances in a department. Most of what is reported upon is routine accounting. I am putting forward this motion because I think the Economic and Finance Committee could really put these agencies under the spotlight.

I have mentioned in here before that when I was on the Economic and Finance Committee we looked at a whole lot of things, including some pretty big issues, such as the privatisation of electricity and so on. Under the act, we were also required to look at expenditure by the then water catchment boards. A lot of the time we looked at whether they did the wrong thing by having two meetings in one day so they got double payments and so on. That was important, but in the wider context of a budget of billions, they were really quite minor matters.

I think the community and the government could save a lot of money by focusing on the greater efficiency and effectiveness of these agencies, particularly, obviously, the larger ones because that is where the money is being spent: phone usage by these agencies, for example—obviously in this day and age you need communication—but are they getting the best value from the services they engage? Are there electronic services? Similarly, the use of vehicles and those sorts of things, if you put them under the spotlight I am sure that a proper focus could generate savings literally in the millions of dollars without taking away from their core functions.

In another place we have the Budget and Finance Committee, which is doing some useful work; however, this is the principal house in respect of money matters in relation to government. We should have under our umbrella a committee which is really a financial tiger and which looks at issues and money matters in a rigorous and vigorous way. Traditionally, governments have been a bit coy and cautious about having an economic and finance committee that is too active and too much focused on inquiry, but I think and hope that whichever party wins the next election that attitude will change and that the government of the day will see the Economic and Finance Committee as having a much more in-depth role, especially in relation to these larger agencies.

I put this motion forward now, but I realise that between now and the election it is highly unlikely that the Economic and Finance Committee will be looking at these departments; it certainly would not be able to look at all of them. I am flagging what I think in the future should be a focus of the committee—that is, to really be what its name suggests and look in a proper and thorough way at how money is spent by the big spenders in government. I have just listed a few, not because, as I said earlier, I think they are doing anything wrong, but the point is that we do not really know.

Estimates committees, as we have them, do not deliver the goods. The government spends hundreds of thousands of dollars on public servants preparing answers to questions which are never asked. I remember a former chief justice asking why we do not put forward all the information departments collect in preparation for estimates so that MPs can see what they are actually doing.

Well, that is the sort of thing that the Economic and Finance Committee could do in a much more efficient way than what we have in estimates, where member X asks a question, then member Y on the other side. It is, as I described, a near-death experience being on that estimates committee. It does not provide the rigour and the questioning; it is really a show place for the government and opposition to get out a good press release for the day. That is what it is really about, and it should be more than that.

We have the option of putting some higher octane fuel in the tank of the Economic and Finance Committee so they can look at these large government departments that spend billions of dollars and yet are never really subjected to any sort of in-depth financial scrutiny, other than the very good work the Auditor-General does in an accounting sense, of proper spending of money. The current role of the Auditor-General does not encompass what I think is very important; that is, is the money being spent efficiently and effectively in relation to, for example, front-line services?

I guess it is an aspirational motion, but I put it forward in the hope that we, and the next parliament in particular, can energise the good members of the Economic and Finance Committee to undertake this very important role set out in the motion.

Debate adjourned on motion of Mr Gardner.

PUBLIC WORKS COMMITTEE: BOLIVAR WASTEWATER TREATMENT PLANT

Mr SIBBONS (Mitchell) (11:57): I move:

That the 488th report of the committee, entitled Bolivar Waste Water Treatment Plant (Primary Grit, Pre-Aeration and Sedimentation Tanks Concrete Rehabilitation) Project C Number C1467, be noted.

The Bolivar wastewater treatment plant receives and treats approximately 70 per cent of Adelaide's wastewater. The primary grit, pre-aeration and sedimentation concrete tanks provide the primary treatment for the incoming sewerage flows to the plant. These tanks were built in the 1960s, and the committee has been informed that they are now showing signs of significant corrosion. This has begun to affect the structural elements of the tanks.

As part of the upgrade, two new grit vortex units will be installed. This will make grit removal more efficient, and consume considerably less energy than the current process. This will provide a reduction in long-term cost savings of the process. The total cost of the works is estimated to be $34.904 million (GST inclusive), which includes $4.204 million continuously. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr HAMILTON-SMITH (Waite) (11:59): It is important work, it is fully supported by the opposition, and I ask that the motion be put.

Motion carried.

ABORIGINAL LANDS TRUST BILL

Second reading.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (12:01): I move:

That this bill be now read a second time.

I seek leave to insert the second reading speech into *Hansard* without my reading it.

Leave granted.

This Bill represents an important reform for Aboriginal South Australians. It is the result of a review by this Government of the historic *Aboriginal Lands Trust Act 1966*.

Introduced by the then Attorney-General and Minister for Aboriginal Affairs, the Honourable Don Dunstan, the Aboriginal Lands Trust Act was the very first legislation in Australia to recognise the profound connection of Aboriginal people to the land and waters of this country, and to seek to redress in some way the huge losses suffered by them as a result of European settlement. It did this by giving Aboriginal people a collective, legal, right to land. It provided for the transfer of freehold title in Crown lands reserved for Aboriginal people to a statutory

Aboriginal land holding body, the Aboriginal Lands Trust, for the ongoing use and benefit of Aboriginal South Australians.

In his Second Reading Speech in 1966, Don Dunstan set out the history of Aboriginal land rights in South Australia and noted that, despite the original intention of the United Kingdom Government in 1836 to ensure that the rights of Aboriginal people to the occupation and enjoyment of their land would not be affected adversely by the settlement of the new colony, this intention was not realised. Proposed measures to ensure that Aboriginal people's interests in the land would be protected, and recognised under the newly introduced system of English land rights, were never carried out. Instead, a few small areas of Crown land were set aside as 'reserved' for Aboriginal people. These were added to over time, in particular with the addition of Yalata Station on the West Coast and the Gerard Mission on the River Murray. But, as Don Dunstan said in 1966 'no land rights comparable with those granted to many other indigenous peoples were ever ensured for the Aboriginal people of South Australia'. Indeed, this was the case for the entire country.

The *Aboriginal Lands Trust Act 1966* broke new ground in Australia by establishing the Aboriginal Lands Trust, with a wholly Aboriginal membership, and provided for the transfer to this body of all Aboriginal reserve land.

The mechanism of a statutory trust was intended to provide flexibility, and to avoid the difficulties noted to have been experienced in other countries in providing for indigenous land rights, namely 'constitutional difficulties, fragmentation of title, and difficulty of calculation of inheritance'.

The Act anticipated the formal constitution of councils on the reserve lands, and that the membership of the new Trust board would not only be drawn from those councils but that the Trust would also negotiate with them about the development of their respective lands.

The Trust was to be funded by the Government, and as such its performance would be subject to public scrutiny.

The Trust could exercise its discretion in using and developing its lands, but it was required to obtain the consent of the Minister to sell, lease, or mortgage any land – although the Minister must give consent if satisfied that 'the benefits and value of the land being alienated are being preserved to the Aboriginal people so that the purposes of the trust are carried out.' Any sale of Trust land would also require the approval of both Houses of Parliament.

An aspect of the Act highlighted as very significant in 1966 is the provision that the Mining Act and the Petroleum Act do not apply to Trust land. The aim was to give Aboriginal people pre-eminent mineral rights over land held by them, in line with indigenous people under land rights in other parts of the world—to provide Aboriginal communities with a means for economic development; to go some way to compensating Aboriginal people for the loss of their land upon settlement; and to give them some control over, and a say in the use of their land for mineral exploitation. However, the provision was amended during the passage of the original ALT Bill through Parliament to give the Governor power to override this right by making a special proclamation in relation to particular Trust land.

Today, the Aboriginal Lands Trust owns over half a million hectares of land, valued at approximately $60 million, dispersed across various metropolitan, urban, regional and remote areas of the State.

But after 46 years of operation the Act is now in need of fundamental change to reflect the contemporary circumstances and aspirations of Aboriginal South Australians, and to better enable the Trust to deal with the significant challenges of owning and managing this land.

There have been significant changes to both the scope and diversity of Aboriginal land ownership, and the rights and responsibilities of land owners generally, since the Act was introduced.

The competing needs of community residents, Aboriginal people with a historical or traditional connection with land, and native title claimants and holders are not being met by the current legislative scheme. At the same time, Aboriginal community organisations are now facing much higher expectations from their own members and from Government for accountability, stability and good administrative practice.

New legislation is required to guarantee all stakeholders the right to be consulted and involved in decisions regarding development, leasing, licensing or other land dealings.

The current Act lacks the clear objects, structures and administrative mechanisms to enable the Trust to develop its capacity to meet the changing demands of successful land management.

Given the nature of the ALT estate and the importance of it to Aboriginal people of South Australia, particularly those living on ALT land, there is a need for a modern Trust body whose functions and powers are clearly defined, and with the ability and power to identify and develop opportunities for both cost recovery for Trust operations and to improve the economic well-being of Aboriginal communities.

This Bill represents a major reform of the structure and focus of the Trust and its relationship with Government.

The proposed legislation is designed to continue the Aboriginal Lands Trust (the Trust) as a statutory trust holding land for the benefit of Aboriginal South Australians. Its objects are clear—to enable the Trust to acquire, hold and deal with Trust Land for the continuing benefit of Aboriginal South Australians; and to ensure the efficient and effective administration, management and development of Trust Land in a way that involves proper consultation with Aboriginal people with an interest in the land and that increases opportunities for economic development on Trust Land.

The Bill proposes a new, more independent, skills-based Trust body, and supports sound land management, long term planning and decision making, community responsibility and economic development.

The role of the Trust will be the efficient management of its freehold estate, including the setting of relevant policy; the provision of expert advice to communities; leadership in land management projects; and consultation on land management decisions and dealings with all Aboriginal groups with a connection to the relevant land.

The aim is to increase the participation of Aboriginal people with an interest in ALT lands in the management and development of the ALT estate. This will contribute to South Australia's Strategic Plan, which recognises that land and cultural heritage are assets that can be used to improve Aboriginal well-being and to assist in 'closing the gap'.

The structure of the Trust pursuant to current legislation has been representative of some ALT communities and there have been concerns expressed by other communities that they have not been able to speak for their country when decisions have been made about their land. There has also been no requirement for the Trust board to possess a skills or knowledge base which would enable it to assist communities with the technical aspects of land management such as preparation of funding applications, commercial negotiations, contract administration and insurance.

The proposed new Trust will comprise eight (8) members, being Aboriginal persons who collectively have, in the opinion of the Minister, knowledge, skills and experience in, among other capabilities, corporate governance, property management and development, commercial enterprise development, natural resource management and Aboriginal community life and culture. A newly constituted Trust will be supported by a Commercial Development Advisory Committee (CDAC) nominated by the Trust and appointed by the Minister.

The proposed structure will require the Trust to ensure that all Aboriginal groups, commensurate with their interest in the land, will have input into decisions about the use and management of the land.

The new Trust will have clear functions, providing it with a mandate for leadership and responsibility for all primary decisions about the use and management of Trust land. The Trust's decision-making will be informed by guiding principles set out in the Act and supported, where required, by advice from the CDAC. The Minister will be able to direct the Trust only in limited circumstances, but where it is warranted in the interests of the State and the beneficiaries of the Trust, namely Aboriginal South Australians, i.e. where there is a clear risk of the Trust becoming insolvent or there has been a failure by the Trust to comply with the requirements of the Act. Any such direction must be the subject of a report to Parliament.

A consequence of the current legislative and administrative arrangements is that there is considerable inaccuracy in the land holding and uncertainty about current rights and interests in land. The Bill requires that all ALT lands be subjected to a 'good order audit' so that the Trust and all Aboriginal people have a clear and accurate record of its landholdings and all legal interests in them, and can work more effectively to manage them. The Bill also requires the Trust to keep an up-to-date land Register.

These measures, together with the CDAC and the various statutory obligations for good financial management, are intended to ensure more efficient, productive and beneficial use of ALT land.

Significantly, the current requirement for ministerial consent to dealings in land will be removed. This requirement has proven to be administratively cumbersome and inefficient, but has also inhibited the ability of the Trust board to develop its capacity and skills in both policy and operational matters as fully as it might if given more scope. Under the new legislation, the Trust will have full control over the use and management of land vested in it through its ability to deal with the land generally and, in particular, its power to grant leases and licences for any purpose and on any conditions that the Trust deems appropriate. It is expected that this will include long term residential and community leases and shorter term commercial leases. This will be subject only to the usual checks and balances applying to a Government funded statutory authority.

An example of the way that the Trust is already working to maximise the commercial value of ALT land in a way that also protects and enhances its cultural values is the Head of the Bight Whale Watch Centre. The site is located within the ALT's most substantial tract of land of the Far West Coast, which also includes the community of Yalata. The Whale Watch Centre is operated as a cultural and eco tourism business under agreement between the ALT, the Indigenous Land Corporation, and management company Maralinga Tjarutja Services Pty Ltd. After investing in significant infrastructure upgrades and innovations in the past couple of years, the business is now making a good profit, and upwards of 30,000 tourists visited the site last year to see whales, other unique and rare flora and fauna and to experience a part of the country rich in Aboriginal dreaming stories. The Bill is aimed at paving the way for more investment activities and commercial ventures that will make the most of ALT land for the ultimate, long-term benefit of Aboriginal South Australians.

A clear and important change in the social, political and legal landscape in Australia since the enactment of the ALT Act is the advent of native title law. Importantly, the proposed new ALT legislation does not diminish the rights of Aboriginal interests in the land under the *Native Title Act 1993*. The ALT Act has special status under that Act. Land vested in the Trust under the ALT Act is 'Aboriginal land and Torres Strait Islander land' in that it is held by and for the benefit of Aboriginal people. This means that the usual 'future act' processes under the Native Title Act do not apply to acts done in relation to this land. In effect, native title is not extinguished but is 'suppressed' so long as the land remains held by the Trust. However, should any land be transferred out of that holding, native title will revive, and the associated effects of that transfer on native title rights and interests will need to be addressed. The Bill contemplates this by requiring that any such transfer must be in accordance with any relevant requirement under the Native Title Act.

It is worthy of note that South Australia is the only State in Australia whose land rights legislation—the *Aboriginal Lands Trust Act 1966*, the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, and the *Maralinga Tjarutja Land Rights Act 1984*—create statutory land holdings with the designation of 'Aboriginal and Torres Strait Islander land', because it means that there are legal implications in dealing with such land that do not necessarily

apply in other states. This places the Trust in a special position of custodianship and responsibility for all the various cultural, historical and economic interests of Aboriginal people in ALT land, and the Bill is intended to better equip it and support it in this role.

This role of custodianship leads back to the important issue of mining. As mentioned, giving the Trust some responsibility and control over access to its land for mining purposes was a very significant element of the ALT Bill as originally introduced to the Parliament in 1966. Ultimately this right was diluted to some extent in the resulting Act, which is also silent as to the need for consultation by the Trust with ALT communities about access or conditions on mining on ALT land.

This Bill proposes a clear process for decisions about mining activity, based on the principle that the Trust as legal owner, and those Aboriginal people with interests in the relevant land as beneficiaries, should, as far as possible, be in the same position as landowners and people holding interests in the APY and MT lands. Hence the Bill provides that any proposals for mining must not only comply with the processes required by relevant Mining Acts but that permission for access must be sought from the Trust. The Trust is obliged to consult with the relevant Aboriginal people before determining an application for permission, and give notice of its response to the applicant and the Minister. The Trust may also make submissions as to conditions on which the mining authority should be granted. In the case of any dispute, the Minister must appoint an arbitrator to hear and decide the matter. Any separate native title rights to negotiate are not displaced by these provisions.

The Bill further provides that wherever royalties in relation to mining operations on ALT land are paid to the Crown, one third will be retained by the Crown while the Treasurer is to pay an amount to the Trust equal to two thirds of the total royalty, subject to a cap being prescribed to ensure the scheme is adaptable to different possible mining outcomes in the State. The Trust must apply half of the amount it receives towards improving the ALT land to which the payment relates or for the benefit of the community living there. It may use the other half to assist with the resourcing of ALT operations generally.

In conclusion, this Bill represents an important and very practical step forward for this State in its journey towards reconciliation and capacity building for Aboriginal South Australians. The Aboriginal Lands Trust is not just a historic relic of our earlier attempts to repair the damaging results of colonialism and racism. If properly modernised and revitalised in the way this Bill provides, it will be a potentially useful and increasingly valuable asset for our Aboriginal population—a means to better empower Aboriginal people to protect and improve their own cultural well-being and economic security.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in this measure.

4—Interaction between this Act and certain other Acts and laws

This clause clarifies the relationship between this measure and other Acts or laws, and, in particular, that—

(a) this measure prevails in terms of any inconsistency with the *Real Property Act 1886*; and

(b) Trust Land will, despite restrictions on entry, be taken to be a public place; and

(c) the *Road Traffic Act 1961*, the *Motor Vehicles Act 1959* and the *Australian Road Rules* apply to roads on Trust Land.

5—Objects

This clause sets out the objects of the measure.

6—Principles

This clause sets out principles to be applied in relation to the operation and administration of the measure.

7—Power of delegation

This clause enables the Minister to delegate a function or power under the measure in accordance with the clause.

8—Consultation

This clause sets out how consultation is to be conducted if the consultation is to be conducted in accordance with this proposed section.

Part 2—The Aboriginal Lands Trust

Division 1—The Trust

9—Continuation of Trust

This clause continues the Trust in existence on commencement of the measure.

10—Expressions of interest

This clause requires the Minister to call for expressions in respect of appointments to the Trust, and requires the Minister to determine and publish a scheme for that purpose.

11—Selection panel

This clause allows the Minister to set up a selection panel to recommend Aboriginal persons for appointment to the Trust. The clause sets out procedural matters in respect of the panel.

12—Composition of Trust

This clause sets out the composition of the Trust, which will set the number of members at 8 (it is an indeterminate number under the repealed Act). The clause requires all members to be Aboriginal, and sets out the qualities that, collectively, the Trust members must possess.

13—Presiding member and deputy presiding member

This clause requires the Minister to appoint a presiding and deputy presiding member,

14—Conditions of membership

This clause sets out the conditions of membership for the Trust members. In particular, a member cannot hold office for more than 9 consecutive years.

15—Allowances and expenses

This clause provides that members of the Trust are entitled to fees, allowances and expenses approved by the Governor.

16—Validity of acts

This clause provides that an act or proceeding of the Trust is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

17—Functions of Trust

This clause sets out the functions of the Trust.

18—Committees

This clause enables the Trust to establish committees, and sets out procedural provisions for same.

19—Power of delegation

This clause enables the Trust to delegate a function or power under the measure in accordance with the clause.

20—Trust's procedures

This clause sets out procedures to be followed by the Trust in respect of its business.

21—Trust Fund and Trust monies

This clause requires the Trust to deposit all moneys received into a specified bank account. The clause also sets out how monies held by the Trust can be applied (including by requiring certain amounts to be spent on Trust land to which the moneys relate).

22—Accounts and audit

This clause requires the Trust to keep proper accounting records and be audited annually by the Auditor-General.

23—Annual report

This clause requires the Trust to prepare and deliver an annual report, and sets out what the report must contain.

24—Minister may require Trust to provide report

This clause enables the Minister to require the Trust to prepare and provide him or her with a report in relation to certain matters.

Division 2—Chief Executive and other staff

25—Chief Executive

This clause creates the position of Chief Executive of the Trust, to be appointed by the Trust. The clause also allows Aboriginal people to be preferred for the position, despite the provisions of the *Equal Opportunity Act 1984*.

26—Functions of Chief Executive

This clause sets out the functions of the Chief Executive.

27—Staff of Trust

This clause provides that the Trust will employ its own staff.

28—Use of facilities

This clause provides the Trust may make use of the services or staff of an administrative unit with the agreement of the relevant Minister.

Division 3—Direction and suspension of Trust

29—Minister may direct Trust to take certain action etc

This clause enables the Minister to direct the Trust to take particular action in the circumstances set out in the clause. The clause sets out procedural matters in relation to the giving of such directions.

30—Minister may suspend Trust in certain circumstances

This clause enables the Minister to suspend the Trust for a specified period in the face of non-compliance with requirements under section 24 or 29 of the measure, and following the conditions precedent set out in subclause (2). The clause also enables the Minister to appoint an administrator to administer the Trust during any period of the Trust's suspension.

31—Use of facilities

This clause provides that an administrator appointed under clause 30 may make use of the services or staff of an administrative unit with the agreement of the relevant Minister.

32—Offence

This clause creates an offence for a person to hinder etc an administrator, or to falsely that he or she is assisting an administrator in the exercise of powers or functions under this measure.

Part 3—Commercial Development Advisory Committee

33—Commercial Development Advisory Committee

This clause enables the Minister to establish the Commercial Development Advisory Committee.

34—Presiding member

This clause requires the Minister to appoint a presiding member of the Commercial Development Advisory Committee.

35—Conditions of membership

This clause sets out the conditions of membership for the members of the Commercial Development Advisory Committee. In particular, a member cannot hold office for more than 9 consecutive years.

36—Allowances and expenses

This clause provides that members of the Commercial Development Advisory Committee are entitled to fees, allowances and expenses approved by the Minister.

37—Validity of acts

This clause provides that an act or proceeding of the Commercial Development Advisory Committee is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

38—Functions of Commercial Development Advisory Committee

This clause sets out the functions of the Commercial Development Advisory Committee.

39—Procedures of Commercial Development Advisory Committee

This clause sets out procedures to be followed by the Commercial Development Advisory Committee in respect of its business.

40—Use of facilities

This clause provides that the Commercial Development Advisory Committee may make use of the services or staff of an administrative unit with the agreement of the relevant Minister.

Part 4—Trust Land

Division 1—Acquiring Trust Land

41—Transfer of certain land to Trust

This clause provides that unalienated Crown land, and land owned by a Minister, may be transferred to the Trust in accordance with a resolution of both Houses of Parliament.

42—Register of Trust Land

This clause requires the Trust to keep and maintain a register of all Trust Land containing the information required by the regulations.

Division 2—Dealing with Trust Land

43—Inalienability of Trust Land

This clause provides that Trust Land is inalienable.

44—Dealing with Trust Land

This clause sets out how and when the Trust may deal with Trust Land, including when and how the Trust can dispose of Trust Land. The clause further prevents sub-interests in Trust Land from being created except with the consent of the Trust.

Division 3—Trust may appoint person to manage Trust Land

45—Trust may appoint person or body to manage Trust Land

This clause enables the Trust to appoint a manager of particular Trust land (being leased land where the lease is granted for the benefit of a particular Aboriginal community), who will stand in the shoes of the lessee in respect of the management of the relevant land. The clause also makes procedural provision for same.

46—Manager may direct lessee

This clause provides that a manager appointed under clause 45 may direct the lessee of the relevant Trust Land and other persons to report to the manager in respect of matters relating to the management of the land.

47—Offences

This clause creates an offence for a person to hinder etc a manager of Trust Land, or to falsely that he or she is assisting a manager in the exercise of powers or functions under this measure.

Part 5—Commercial and other activities of Trust

48—Trust may enter into commercial transactions etc as it thinks fit

This clause provides that the Trust may enter into such commercial or other transactions as it thinks fit (not being transactions involving Trust Land as contemplated by Part 4), however the Trust will need the approval of the Minister to enter a transaction with a value exceeding an amount to be prescribed by regulation.

Part 6—Regulation of liquor and other substances on Trust Land

49—Regulations may prohibit consumption etc of regulated substances on Trust Land

This clause confers a regulation making power on the Governor, who may make regulations in relation to the use and possession of substances including petrol and liquor on Trust Land. The clause preserves the existing powers of police officers in the repealed Act, and provides a higher penalty for a contravention of certain regulations relating to the sale or supply of regulated substances on Trust Land.

50—Application of the Public Intoxication Act 1984 to certain Trust Land

This clause extends the operation of the *Public Intoxication Act 1984* to certain Trust Land specified by proclamation under the clause.

Part 7—Mining operations etc on Trust Land

51—Interpretation

This clause defines key terms used in Part 7.

52—Interaction between this Act and mining Acts

This clause clarifies the relationship between the Mining Acts (as defined in clause 51) and the measure. In particular, mining authorities may only be granted to a person who has obtained permission under proposed section 53 to carry out the relevant activities on the relevant Trust Land.

53—Permission required to carrying out mining operations etc on Trust Land

This clause establishes an offence for a person to carry out mining activities on Trust Land, or entering Trust Land for that purpose, without the permission of the Trust. The maximum penalty is a fine of $120,000.

The clause sets out how permission is to be obtained from the Trust, and makes procedural provision in respect of applications for such permission.

54—Arbitration

This clause provides for arbitration of certain applications under proposed section 53.

55—Royalty

This clause requires the Treasurer to pay to the Trust an amount (not exceeding a prescribed limit) equal to two thirds of the total royalty paid under a mining Act that relates to mining operations or regulated activities on Trust Land.

56—Certain payments or other consideration to Trust must represent fair compensation

This clause requires certain payments made or consideration given to the Trust in respect of mining operations or regulated activities on Trust Land to be proportionate to the disturbance the operations or activities cause to the land, and its occupants. A person who makes such a payment or gives such consideration is required to notify the Minister of the quantum of the payment or consideration, and the terms of any relevant agreement.

Part 8—Delivery of services under *Local Government Act 1999* and *Outback Communities (Administration and Management) Act 2009*

57—Trust to liaise with councils etc

This clause requires the Trust to liaise with local councils, or the Outback Communities Authority, (as the case requires) in respect of the provision of services etc on Trust Land, and requires leases granted under the measure contain provisions granting access to those bodies.

Part 9—Dispute resolution

58—Conciliator

This clause creates the position of conciliator for the purposes of the measure.

59—Dispute resolution by conciliator

This clause establishes a dispute resolution process for Aboriginal persons aggrieved by a decision of the Trust relating to Trust land on which the person lives, or has responsibility for.

60—Order compelling compliance with direction of conciliator

This clause enables a party to a conciliation process under proposed section 59 to seek an order from the District Court compelling a person or body to comply with a direction of the conciliator.

Part 10—Miscellaneous

61—Exemption from stamp duty

This clause provides that stamp duty is not payable in respect of an instrument comprising, or relating to the conveyance or transfer of, or the creation of any other interest in or over, Trust Land.

62—Liability of directors

This clause provides that where a body corporate is guilty of an offence against proposed section 53 (ie, mining etc without permission) then each member of the governing body of the body corporate is guilty of the offence unless the member proves that he or she could not by the exercise of due diligence have prevented the commission of the offence.

63—General defence

This clause confers a general defence on a person charged with an offence under the measure, other than an offence under section 53 (ie, mining etc without permission).

64—Confidentiality

This clause creates an offence for a person to divulge or communicate certain confidential information, except as permitted under the clause.

65—Service

This clause sets out how notices or documents under the measure are to be served on a person or body.

66—Evidentiary provision

This clause sets out evidentiary provisions as to how the matters identified in the clause may be proved in legal proceedings.

67—Review of Trust Land

This clause requires the Minister to conduct a review of Trust land for the purposes of identifying and recording all Trust Land, and any easements and encumbrances on the those lands.

68—Review of Act by Aboriginal Lands Parliamentary Standing Committee

This clause requires the operation of the Act to be reviewed by the Aboriginal Lands Parliamentary Standing Committee and a report presented to both Houses of Parliament.

69—Regulations

This clause is a standard regulation-making power.

Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Aboriginal Heritage Act 1988*

2—Amendment of section 45—Commencement of prosecutions

This clause makes a related amendment to a reference in the principal Act.

Part 3—Amendment of *Aboriginal Lands Parliamentary Standing Committee Act 2003*

3—Amendment of section 3—Interpretation

4—Amendment of section 6—Functions of Committee

These clauses make related amendments to references in the principal Act.

Part 4—Amendment of *Real Property Act 1886*

5—Substitution of section 6

This clause updates and clarifies the wording of section 6 of the principal Act.

Part 5—Repeal of *Aboriginal Lands Trust Act 1966*

6—Repeal of Act

This clause repeals the *Aboriginal Lands Trust Act 1966*.

Part 6—Transitional provisions

7—Offices of Trust vacated on commencement of Act

This clause vacates the offices of members of the Trust, allowing new appointments to reflect the changes made to numbers and skills etc of members under the measure.

8—Transfer of employment of Trust staff

This clause transitions staff employed by the employing authority under the repealed Act into the employment of the Trust.

9—Appointment of managers of Trust Land under repealed Act to continue

This clause continues the appointment of managers appointed under section 16AA of the repealed Act as if they were appointed under the measure.

10—Continuation of leases and licences

This clause continues leases or licences granted under the repealed Act in accordance with their terms.

11—Transitional provision for purposes of section 49

A requirement of recommendation or consultation under proposed section 49 does not apply in relation to the first regulations made under that section to the extent that the regulations are substantially the same as the *Aboriginal Lands Trust (Umoona Community) Regulations 2007* or the *Aboriginal Lands Trust (Yalata Reserve) Regulations 2005*.

12—Transitional provisions for purposes of section 50

This clause continues the appointments of authorised officers (in respect of the *Public Intoxication Act 1984*) under the repealed Act as if they were appointments under this measure. It similarly continues proclamations prescribing certain Trust land for the purposes of that Act.

13—Transitional provision—mining

This clause continues existing or purported mining authorities granted over Trust Land and in force on the commencement of the proposed clause, and modifies the permission requirements in respect of those mining authorities until they are renewed under the relevant mining Act.

Debate adjourned on motion of Dr McFetridge.

CHILDREN'S PROTECTION (NOTIFICATION) AMENDMENT BILL

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (12:03): Obtained leave and introduced a bill for an act to amend the Children's Protection Act 1993. Read a first time.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (12:03): I move:

That this bill be now read a second time.

The bill I present to the house today seeks to meet the government's stated intention to work expediently to enact the recommended legislative amendments which were set out in the Royal

Commission 2012-13 Report of the Independent Education Inquiry prepared by the Hon. Bruce Debelle AO, QC.

The amendments proposed in this bill address recommendations 26 and 27 of Justice Debelle's report and will enhance the current mandatory notification provisions in section 11 of the Children's Protection Act 1993. This section currently requires a mandated notifier who forms the view that a child has been or is being abused or neglected to report this suspicion to the Child Abuse Report Line.

The amendments in the bill before you will create defence provisions for mandated notifiers in relation to their obligation to make a report in particular circumstances. In line with the royal commission recommendations, a defence will be established when a mandated notifier has failed to notify a reasonable suspicion of neglect or abuse of a child because:

- the person became aware of such circumstances as a result of information imparted to them by a police officer (recommendation 26); or
- the mandated notifier became aware of the child's situation from another mandated notifier who has already made a report in respect of the situation (recommendation 27).

In the context of setting out recommendation 26, Justice Debelle expressed the view that the very fact that police are investigating an allegation of child abuse or neglect demonstrated that a child had been identified as being at risk, which was the purpose of the police investigation. Justice Debelle stated that, 'there is an element of circularity, if not absurdity' to require a mandated notifier to make a report to CARL in circumstances where they learn of the allegations of abuse or neglect from the police in the course of the conduct of such an investigation.

The circumstances considered by Justice Debelle in making recommendation 27 related to the responsibilities of teachers as mandated notifiers and, accordingly, it was framed to relate only to teachers in an educational institution. However, in Justice Debelle's report, he raised the question as to whether teachers should be the only class of mandated notifiers considered in implementation of his recommended exemption from notifying CARL in circumstances where a fellow employee passes on information about the abuse or neglect of a child.

The proposed amendment addresses this point by extending a defence to all mandated notifiers prescribed in section 11 of the Children's Protection Act 1993. By expressing the amendment as a defence provision rather than an exemption, the requirement to report child abuse remains the default position, and does not prevent a number of notifications being made in respect of the same child.

I implore members from all sides of politics to support this bill—for the sake of police officers, doctors, nurses, teachers, social workers and other mandated notifiers. This bill, enacting recommendations made by Justice Debelle, will make the jobs of these essential workers much easier so that they can get on with their important work of the protection of children in this state. I commend the bill to members.

Debate adjourned on motion of Mr Gardner.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (PROTECTION OF TITLE—PARAMEDICS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2013.)

Dr McFETRIDGE (Morphett) (12:08): I indicate that I am the lead speaker for the opposition and I can tell the house the opposition is supporting this bill and we will be moving through all stages without any amendments. We dealt with the Health Practitioner Regulation National Law (South Australia) Bill on 25 May 2010 and at that stage there were a number of health professions that were included in the national law but one of those not included at that particular time was that of the paramedic profession in Australia.

Paramedics Australasia, back in 2010, sent me some information about their wishes and hopes for the future of paramedics and the recognition of them as true health professionals and a separate health professional, and they indicated to me at that stage that the Australian Health Ministers' Conference had given in-principle support for the national registration of paramedics, and this legislation is all about getting that national registration. It was pointed out back in 2010 that

things do move slowly, and we know that. The lead agency was Western Australia at that time, with the objective of potentially including paramedics within the national registration scheme by 2014.

So, we are a little bit ahead of schedule there, but I would think that, in a lot of cases, we are a long way behind what could possibly have been achieved in the eyes of some members of this particular profession. In fact, Paramedics Australasia sent me a brochure of some six or seven pages entitled 'The Forgotten Health Profession', and in that brochure it talks about some of the things paramedics do. It states:

> Today's paramedics deal with life and death issues and make routine clinical decisions on a daily basis, administer life-saving medications, and perform other clinical interventions such as CPR, defibrillation, intubation, cannulation, thoracentesis, etc. often without...[knowing] a patient's medical or social history. Paramedics regularly triage, assess and clinically manage unconscious, incoherent or combative patients, sometimes in multi-casualty situations.

I know that when I have been to road accidents with the CFS, the ambulances turn up and the paramedics are there. They are able to undertake many interventions now that do save the life of those victims of the car crashes, and that is just one small part of their role—and it is an absolutely vital role. The number of roles paramedics can undertake is quite large, and I will read some of the paramedic role descriptions from Paramedics Australasia. I should say that it is a highly qualified profession, and paramedics have to undergo extensive training to be recognised as a paramedic for, say, the South Australian Ambulance Service.

Part of the point of this legislation, I should point out, is that currently anybody can call themselves a paramedic; you do not have to have all of the qualifications one would think would be mandatory. Fortunately, the legislation that is now being put in place can not only protect the profession but also protect the patients of paramedics. We now know that a degree in paramedics or health sciences or its equivalent is a basic prerequisite.

The Australian Defence Force, we should point out, employs paramedics. They train their own medics in the Diploma of Paramedic Science (Ambulance) and the Diploma of Nursing, which is a required registration for a division 2 nurse with the Australian Health Practitioners Regulation Authority. The ADF also trains its medics in the usual areas of military training in combat because they are going to have to be out there in all sorts of areas of combat.

So, it is not just paramedics out on the roads providing, as we think, early lifesaving intervention for road accident victims, which is the most easily recognised one, or perhaps it could be at the footy, treating people collapsing with a heart attack and things like that, but there is this other area in the ADF—and we salute them for their bravery going out into places such as Afghanistan, Iraq and all the other places where they serve. They are supporting our troops there, and they are highly skilled and highly trained, and they are able to undertake many interventions that a first aider could not undertake, and certainly we mere mortals who are untrained in this area would not be able to do.

I should say that, Sunday a week ago, I did do my first aid refresher with St John's doing the training there. The chap who undertook the training is a former paramedic with the British Navy, and he had a lot of experience. Some of the war stories he was able to tell us about from the Falklands were really quite alarming to say the least. Without the training they had as paramedics, many soldiers would have died on the ships that were hit by Exocet missiles during the Falklands war. I have digressed slightly, but the scope of practice of paramedics is in the military, but the one we recognise most is in the civilian fields, and the one that springs to mind for everybody would be in the road crash area—but it is broader than that.

When there is an incident, an accident, an episode of illness, the paramedics are able to apply their skills, and I will go through some of these skills again. Life saving and life supporting skills such as the use of a range of medications both S4s and S8s. The S4s are prescription only drugs and the S8s are the controlled drugs like morphine and pethidine, the other opiate drugs and some of the anaesthetic drugs. They are drugs you need to know; you need to have studied pharmacology to understand how the drugs work so that you can use them without harming the patient.

Paramedics also undertake not only the monitoring and use of ECGs but also the interpretation of an ECG. An ECG is not just a squiggle on a line, you have to know which of the patterns the ECG leads are giving the readout on and then interpret that particular pattern. It is not simple, for example to say that if it is going up and down the right way and is doing it every couple

of seconds that the patient is okay. There may be serious issues going on with the heart function. If you do not know how to read an ECG, it seems no more than a squiggle on a line.

The other area that we see a lot of is mental health crisis intervention. One paramedic said to me that we are trying to get beyond the capsicum and cargo nets, and I think that the minister actually went out with ambulance drivers and witnessed first-hand mental health patients having to be restrained. It is great that we have people with high levels of training so that they can intervene in an acceptable way with people who are very ill—in this case, mentally ill.

Management of patients across their life span including obstetrical emergencies: obviously we went through legislation in this place recently to regulate the role of midwives to make sure that the people who are calling themselves midwives are trained adequately and the services they are delivering are not going beyond the scope of their training. We all have expertise in various areas but you need to know the consequences of your actions, and this is what paramedics are being trained to do.

The use of stretchers and other patient movement devices is something that you do not really think about too much, but I can tell you first-hand that when a horse landed on top of me and broke my leg, I was in the middle of a paddock. When the ambulance officers were carrying me out, one of them tripped and nearly dropped me on a barbed wire fence, and that is why I gave up horse work. Not really. Anyway, they have to carry patients and some of those patients are now are getting larger. You see the bariatric ambulance service out there having to carry very large patients.

I read a story where a very large patient in Victoria was taken to the veterinary school there because the equipment in the human hospital was not large enough or robust enough to allow that patient to be put through a CT scanner, so they used the horse one at Werribee Veterinary School. Having to carry heavy patients is another occupational hazard for paramedics, and I assume they are doing it all with the professional expertise and consideration of the patients that we would expect.

Emergency driving, emergency management, triage, extrication, and basic rescue are all parts of the other roles that paramedics are involved in. I was first on the scene of a very serious road accident between Meadows and Kangarilla a couple of months ago. I assisted the CFS. We cut the top off the car. The patient had a broken leg, a fractured femur, and was in quite a bad way. We had to get in behind the patient. The paramedics and the doctors who arrived through the MAC helicopter stabilised this patient, they were able to get him out of the car and then airlift him to the hospital. It was pretty good to see the way they coordinated themselves, the way they treated the patient and were able to deliver him to Flinders Medical Centre for further treatment. I understand that he did have several weeks of quite intensive treatment.

Intensive care paramedics is another area that paramedics can continue with and do postgraduate training on. Other areas are retrieval paramedics, first responder paramedics and a number of other areas that paramedics can branch out to, so there are areas of speciality and expertise within the whole of this particular profession. Let's hope that it is not a forgotten profession now and not the forgotten profession that was put to me back in 2010.

It has taken a little while to get to this stage. It is a good thing that we are not only giving the paramedics the recognition they deserve but also protecting the patients who are being treated by paramedics. They are not only working for government ambulance services; we have a number of private ambulance services appearing around Australia. Certainly, the privately-employed paramedics also need to have the same levels of skill, expertise and training and, in this case, registration that we would expect of any government employee.

I support the legislation. A number of my colleagues want to contribute. I think that they also appreciate the role of all the employees of the South Australian Ambulance Service and particularly the highly-qualified, highly-trained and expert paramedics we have in our ambulance service. I should say that my nephew James, who is in the MFS but also works in the ambulance service, has told me firsthand some of the things they have to undergo, and it just reinforces the degree of respect I have for our paramedics and the ambulance service in South Australia. With that, I support the bill.

Mr VAN HOLST PELLEKAAN (Stuart) (12:21): I will make a fairly brief contribution following the member for Morphett, our spokesperson on health issues in this house. First of all, let me just say that, if somebody is in an emergency situation, they are grateful to get whatever medical and other support they can get, whether it is from a highly-trained doctor who happens to

be there or from just a private person who might happen to have the skills. Of course, in that situation, you are very pleased to get whatever capable medical help is available at the time.

What this bill is really about, though, is far more to do with government services and services to industry. I think it is actually very important that we are able to clearly define and establish in our state exactly what a paramedic is. I am pleased to note that the Council of Ambulance Authorities, St John Ambulance, the Ambulance Employees Association and Paramedics Australasia all support this move as well, so good on the government for bringing it forward.

Where this really comes into play is in regard to employment and/or correct classification of volunteers. The reason that is very important is obviously that you need to know who you are bringing on board to deliver if necessary particular skills and particular support. I think this will become increasingly important as, hopefully, mining, oil and gas industries continue to grow throughout our state.

I know a little bit about this purely by association with my brother who is a paramedic. He lives in Bathurst in New South Wales, but he works primarily in the north-west of Western Australia. He went through great difficulty, in fact, getting an interstate transfer. Before Bathurst, he was living in Broken Hill and he was a professional ambulance officer in Broken Hill. He moved to Western Australia to be with his then fiancée, now wife, and had an awkward time transferring from state to state as an ambulance officer.

Then within Western Australia he stepped up to become a paramedic. He still works on even time on and off in Western Australia as a paramedic but, given that he is often two weeks on and two weeks off, or three weeks on and three weeks off, even now as a qualified paramedic in Western Australia, he is not entitled to work as an ambulance officer on his days off in Bathurst and that district where there is a shortage. They are crying out for people exactly like him, and he is at home with his family with free time.

The reason I mention that is that, clearly, if we could get these descriptions, definitions, qualifications and certifications really well established within states, then states would far more easily be able to draw on skills that exist interstate. Let's hope that as mining, oil and gas grow, particularly in the more remote parts of South Australia, we will be able to encourage people from other states to come and live here and work here, but it will not be possible to do that if we do not have our act together really well and really clearly about exactly who it is we are trying to employ.

For example, the type of work my brother does is very often offshore. I remember one job he did on a pipe-laying vessel, where there had to be medical support available 24 hours a day. One GP and one paramedic were required to be on that vessel, and one of them had to be on duty with the other as backup support 24 hours a day, typically for a month at a time. If you cannot identify within your own state exactly what a paramedic is and who is entitled to perform that function, the company struggles to know exactly who they are required to employ.

That is just one example of why it is really important that we get this sorted out within South Australia—because, as I said before, we will not be able to draw upon the resources that exist outside our state and, ideally, bring them into our state to contribute to the growth of our state and its economy if we do not have this really well sorted out.

We support this for many reasons, not the least of which, of course, is to ensure that a volunteer, a government employee or an industry employee is in situ and ready to provide support so that you know you are getting the support you deserve at the time, and also, of course, to provide the ability for people to move interstate. If you cannot do those things because you do not have not the right definition, we are really just holding ourselves back. So, for that and many other reasons I support the member for Morphett and the opposition's position to support the government on this matter.

Mr WHETSTONE (Chaffey) (12:26): I, too, rise to support this bill to protect the title of our paramedics here in South Australia. As the member for Morphett and the member for Stuart have said, the paramedic profession in Australia is currently not regulated, despite consistent calls for it to be included as part of our national registration and accreditation scheme for health professions. As it stands, with no regulation, essentially any person may call themselves a paramedic and undertake duties and responsibilities generally associated with paramedic practice. Even without the necessary education or training, people can call themselves a paramedic, and this is certainly concerning.

That said, our ambulance service is comprised of both career and volunteer paramedics, and it is paramount that those people, who are providing a vital service, whether it be in a professional or volunteer capacity, be supported and protected under this bill. It will be an offence for any person to take or use the title of paramedic unless they hold the appropriate qualification.

Over my quite long career in sport, particularly in competitive waterskiing, I had to gain certain certificates to perform CPR and also support assistants if there were falls during the waterskiing; obviously, the disciplines can be quite different in some cases. Particularly in lake racing, there is very rough water; there are always many laps, and skiers can fall off many times during a race, particularly in some of the waterways in Europe, where they are basically concrete channels and the water becomes very rough and very peaky.

I have very vivid memories particularly of river racing and of when a skier has fallen—and at high speeds it is usually not a good outcome. I have had to support skiers, perform CPR on skiers, and nurture skiers who have fallen and hurt themselves extremely badly. I would not call myself a paramedic, but I would say that it is a volunteer support that is there to help until the professional medical help does get there. It has been of huge concern that people be there to assist. They do not have to be a recognised paramedic but they have to be there to basically fill the gap until the professional gets there.

I would like to touch on paramedics in Chaffey, and particularly in Riverland towns, which are largely serviced by career paramedics. Regional communities like Morgan, which falls in Stuart, and Swan Reach, Pinnaroo and Lameroo are supported by volunteers, and there have been many calls for volunteers from South Australian ambulance services due to shortages.

Some of those services have tried to incentivise volunteers to provide benefits by way of free training in lifesaving treatments and general medical support but, sadly, in 2007 the South Australian Ambulance Service said volunteer numbers were down to such an extent that some ambulance cars even had to be left unstaffed, and this is not the kind of situation we want to see.

Ambulances sometimes have to be called in from other areas during an emergency and, while there are shortages, we must not use volunteers without necessary education and training to provide the level of care expected. Without the generous people who volunteer their time in small country communities to be a part of their local ambulance services, many country towns would not have this service.

Again, the South Australian Ambulance Service volunteers recruitment activity supports South Australia's Strategic Plan, Target 24, to maintain the level of volunteering in South Australia at about a 70 per cent participation or higher. The bill is supported by the Council of Ambulance Authorities and St John's Ambulance SA.

I would also like to touch on what is happening in my electorate of Chaffey when we are talking about looking at providing services within hospitals, particularly when we look at some of the HAC funds that have been held up, or have had criteria put on them. There are a lot of individuals who put countless hours into providing services in the regions, but in that volunteer capacity.

We are looking at providing better services at hospitals, and we see that the current government's health budget is depleted and cash-strapped and we have community fund raising. We have HAC funds sitting in an account that the government has put a clamp on, and that is a real concern. It needs to be recognised that paramedics in South Australia are of significant importance. They need to be recognised for the duty they do, but also the volunteers in their capacity to be a part of that. In saying that, I support the bill.

Mr PEGLER (Mount Gambier) (12:33): I rise to support this bill. Everybody I have spoken to in this industry certainly supports the bill and, basically, this bill will protect the title of paramedic. I was quite surprised that this was not even regulated at this stage, and I always assumed that the title of paramedic would have carried some registration and accreditation rules, so I certainly support that.

Paramedics, particularly in the country regions, perform a vital service, and more and more has been put on them as first responders. In my electorate, we have a first responder ambulance service at Port MacDonnell which does a tremendous job, and it means that those people who are injured or sick can receive attention straightaway rather than having to drive the half hour to Mount Gambier in the first place.

There is also a shift, particularly in Australia, where more and more paramedics are working in private industry. We will see much more of that within mining, etc., so I think this is a

move in the right direction. There is no doubt there will be a national scheme that will address the registration and accreditation standards for paramedics, but that probably will not come about for at least a couple of years.

In passing this bill, we will make sure that the title of paramedic is protected, and I believe it will then protect our people in South Australia a lot more. Also, it gives those people who are paramedics a lot more kudos in what they actually do; they do such a vital service in our region.

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) (12:35): I would like to thank members for their contributions on this bill. The paramedic profession has highlighted that the two biggest risks related to paramedic practice are the lack of protection of the paramedic title and the lack of minimum education standards for paramedics. I am pleased to advise that this bill will address these two risks.

While discussions are still continuing at the national level on whether paramedicine should be regulated under the National Registration and Accreditation Scheme, the parliament can protect the public of South Australia by passing this legislation. Under the legislation, it will be an offence for a person to take the title 'paramedic' unless they hold a prescribed qualification that provides them with the necessary knowledge and skills to make complex and critical clinical judgment.

Since the introduction of the bill into the house, my department has provided detailed briefings to the following groups: the SA Ambulance Service; the IMS Ambulance Service; the defence, mining and events sectors; Paramedics Australasia; the Ambulance Employers Association; the Council of Ambulance Authorities; and the Royal Flying Doctors Service South Eastern Section. I am pleased to advise the house these groups are supportive of the government's policy intent behind the legislation. I note that Paramedics Australasia released an update to its members on 29 October that stated:

> Paramedics Australasia is pleased to see the acknowledgement of the professional role of today's paramedics and the risks involved in health care performed by paramedics. It agrees that the protection of title is a vital step in protecting the public from the possibility of being treated by untrained or under-trained persons...
>
> Paramedics Australasia recognises the SA move as an overall positive transitionary measure and has provided in-principle support for the proposed legislation. At the same time, Paramedics Australasia believes that the long term need is for a national scheme to regulate the paramedic workforce—given that paramedics work in many settings across the nation, offshore and in the public, private & defence sectors.

I thank Paramedics Australasia for their support of the legislation. The government will continue to support the profession's inclusion in the national scheme, but this decision will ultimately be for the Standing Council on Health to take.

As Paramedics Australasia has noted, paramedics may work across a number of sectors (health, defence, mining and events). One of the matters raised by the shadow minister for health is the discrepancy in paramedic workforce numbers reported by Paramedics Australasia and the Council of Ambulance Authorities.

In my second reading speech, I referred to the data published by Paramedics Australasia which indicated that 36 per cent of paramedics were employed outside of state and territory government authorities. The Council of Ambulance Authorities, in their submission on the regulation of paramedics, indicated that the non-government sector only accounted for 1 or 2 per cent of total paramedic employment.

I understand that the shadow minister has since received a comprehensive briefing on the workforce numbers from Paramedics Australasia. For the benefit of other members: part of the problem is that there is no definitive source on the number of paramedics. Some labour force surveys will group ambulance officers with paramedics, while other surveys will record a person as a paramedic because that is how they describe their occupation, rather than whether they hold qualifications to be employed as a paramedic.

Health Workforce Australia is currently undertaking an ambulance and paramedic workforce study, which will provide the first true indication of Australia's ambulance officer and paramedic workforce. Data from this study is likely to be released some time in 2014. In the absence of this study, I am told that the Paramedics Australasia data is more likely to reflect the employment profile of paramedics than that published by the Council of Ambulance Authorities.

The Paramedics Australasia data has been extrapolated from a number of sources. They acknowledge that these estimates are therefore subject to some error, but, given that the defence

sector is the second largest employer of paramedics in Australia, it is clear that the figure of 1 or 2 per cent reported by the council is far too low. While industry groups have given in-principle support to the legislation before the house, there have been two issues of concern. The first is the definition of a paramedic. I would like to take the opportunity to advise the house that I intend to move an amendment to revise the definition.

With paramedics working across a number of sectors, the description of a paramedic varies slightly. While the definition in the tabled bill adequately described a paramedic employed by SA Ambulance Service, it does not necessarily translate to the role of a paramedic in the mining industry. My department has worked with the SA Ambulance Service and Paramedics Australasia to develop a definition that can apply across all sectors. I have been told that the negotiation of this definition was one of the key requirements for the opposition's support for the bill. I am pleased to inform the house that this definition has been accepted by Paramedics Australasia and the Ambulance Employees Association.

I would like to outline the policy intent behind the definition. The definition describes a paramedic as 'a health professional who provides emergency medical assessment, treatment and care in the pre-hospital, or out-of-hospital, environment'. I note that the paramedic profession would have preferred the term 'health practitioner' to be used. Under the Health Practitioner Regulation National Law, the term 'health practitioner' has a particular reference that limits its use to the 14 health professions that are regulated under the national registration and accreditation scheme. As paramedicine is not currently regulated under the national scheme, the term 'health practitioner' cannot be used in the definition.

As an alternate description, the term 'health professional' is used. The reference to 'health professional' is used to denote that a paramedic is governed by professional standards, and with this comes a high level of individual, community and practice accountability. This is to distinguish a paramedic from any other person who may provide assistance in an emergency. It is not intended for the use of 'health professional' in this context to link with any of the definitions in the Health Practitioner Regulation National Law, including 'health practitioner' or 'health profession'. The second issue of concern to interested parties is the content of the regulations which will prescribe the qualifications a person must hold to use the title of 'paramedic'. I am told there is some concern about what this list of qualifications may mean for some persons currently employed as paramedics.

The first point I would like to put on the public record is that it is not the intention of this legislation to result in any person currently employed as a paramedic to become ineligible when it is brought into effect. While public safety is paramount, I have confidence that the current employers of paramedics in this state have appropriate governance arrangements in place to ensure that they only employ those persons who have the necessary qualifications and training to provide the clinical interventions that may be required of them. My department will bring together the industry groups to identify those qualifications that the paramedic workforce in this state currently hold, and these groups will jointly consider which of these qualifications should be prescribed by regulation or whether it is more appropriate for an exemption to be provided.

I am aware that there has been some concern that regulations may prescribe only the undergraduate degree qualifications currently accredited by the Council of Ambulance Authorities. These courses were only ever considered to be a starting point. I acknowledge that there are many persons currently employed as paramedics who hold other qualifications, and that these persons are more than competent to provide paramedic services to the public.

I would like to thank all those persons from the industry groups for the time they have given to consider this legislation and support the government's position. In particular, I would like to acknowledge the work of Robert Morton and Karen Braunack from SA Ambulance Service, Richard Larsen from Paramedics Australasia, and Phil Palmer from the Ambulance Employees Association. Their advice on the legislation at various stages has been greatly appreciated.

I would like to also thank all the officers who have assisted in the development of this legislation: parliamentary counsel, Simon Gill, Sharon Norton and Richard Dennis, and from the department, Kathy Ahwan, who is in the chamber today to assist me. With that, I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. J.J. SNELLING: I move:

Amendment No 1 [HealthAge–1]—

Page 3, lines 1 to 4 [clause 4, inserted section 120A(2)]—Delete subsection (2) and substitute:

(2) For the purposes of subsection (1)(b), a paramedic is a health professional who provides emergency medical assessment, treatment and care in the pre-hospital, or out-of-hospital, environment.

I have already outlined the reasons for moving the amendment in my second reading reply speech.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

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) (12:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HEALTH CARE (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2013.)

Dr McFETRIDGE (Morphett) (12:45): I can indicate I am the lead speaker for the opposition on this bill and I will not hold up the house for long. I can say that the opposition has considered the bill. Because it was brought forward for debate and I thought it was coming on a bit later today, there are some areas where there are still some concerns, and I assume the Hon. Rob Lucas, in the other place, is sorting out those queries. At this stage, I can say that the Liberal Party is more than likely to support the bill as is.

The bill seeks to make a number of amendments to the Health Care Act which came into effect on 1 July 2008 and covers seven areas of amendment, the most notable of which are:

- the fees for services provided by the South Australian Ambulance Service that do not involve ambulance transport;
- the employment of clinicians in the Department for Health central office; and
- proclamations to dissolve three now non-operational incorporated associations and transfer their assets to the appropriate incorporated health advisory council.

The bill also seeks to improve the functioning of the act and clarify the intention of certain provisions by rearranging the wording of section 29(1)(b) of the act to clarify that a body under the act does not need to be providing services and facilities specifically to an incorporated hospital for the undertaking of that body, or part thereof, to be transferred to the incorporated hospital.

It also inserts a provision into part 5 of the act to allow the Governor, on application from the minister, to make proclamations to transfer functions, assets, rights and liabilities from one incorporated hospital to another without the incorporated hospital to which these first belonged being dissolved. It also goes on to remove section 49(5) of the act, which allows the minister to determine the constitution of the South Australian Ambulance Service. The functions and powers of the SAAS are clearly set out in the act. The bill also amends section 93(3) of the act to align the terminology used with other legislation. The bill is supported by key stakeholders such as the South Australian Salaried Medical Officers Association and the Australian Medical Association.

The bill is a relatively short piece of legislation. The employment of clinical staff in the central office of the Department for Health is obviously something that is necessary. You do need to have expertise there, but the numbers of clinical staff who are being taken away from clinical duties is something that I certainly would have concerns about. I understand there are 30 nurses who are clinically trained working in central office. I do not know how many other consultants or

doctors are involved in central office, but I would hope they are still able to provide the services they are trained for to patients in our public health service.

The ability of SAAS to charge patients other than those transported by ambulance is understandable, certainly at sporting events, and there may be other areas where the ambulance service is being called upon. Clause 7, which amends section 59, talks about incidental services and states in new section 59(6)(a):

> (i) attends at a place in response to a request for medical assistance (whether made by 000 emergency telephone call or other means) for a person who may have an injury or illness requiring immediate medical attention in order to maintain life or alleviate suffering;

The member of SAAS then assesses or treats the person, but the person is not transported by an ambulance. Certainly, at sporting events and many other functions that we see, such as WOMAD, and all the other wonderful things going on in South Australia, SAAS is there and doing a terrific job.

The only area of concern I have in this piece of legislation, though, is in clause 9, amending section 92—Conflict of interest. In the act, under conflict of interest, it provides:

> (1) If a possible conflict of interest arises between a health employee's private interests and the duties of his or her employment, the health employee—
>
> (a) must, as soon as practical after becoming aware of the conflict, report the matter to the appropriate authority.

I would like the minister to tell us, if he can, how many health employees, particularly in the South Australian Ambulance Service, work for the private ambulance provider service IMS, particularly any senior staff, because it has been raised with me that a conflict of interest may arise when the IMS service is competing with the SA Ambulance Service for a tender, say, for providing services at the races, for example. It has been put to me that there could be conflicts of interest there. Can the minister tell the chamber what the situation is and how those conflicts of interest are being managed, so that when people come to me with these concerns I can alleviate those concerns. Other than that, the bill is pretty straightforward, and I look forward to other members' contributions.

Mr WHETSTONE (Chaffey) (12:52): I rise to follow on from the member for Morphett. I have some real concerns when it comes to individuals who put in countless hours in providing health care and services, particularly in the regions. Of course, I rise to speak about what I am experiencing in the electorate of Chaffey—the Riverland and the Mallee.

One of the examples is the local health advisory councils (known as HACs). Regional communities, over many years, have expended significant time and effort, particularly fundraising for local hospitals and maintenance upgrades. What we have seen over a number of years is great infrastructure upgrades in those hospitals which have been achieved by the community, where they have gone out fundraising.

A lot of money has been bequeathed to those hospitals not only for the benefit of the hospital but also, inevitably, for the benefit of the community. It is for the benefit of incoming patients to have hospitals with those extra services that have been provided by what I guess you would call auxiliary groups which fundraise for the hospital.

Of course, we cannot forget the service clubs, because they are invaluable, with their contribution particularly to the local hospitals in my electorate. As we speak, they are out there doing their bit. Whether it is a sausage sizzle or a raffle or producing calendars to raise money, it really does have a significant impact on what can be achieved for the hospital.

Unfortunately, in what is more than the last few months, we have seen the unfortunate move by this current Weatherill government to place restrictions on HACs being able to access the millions of dollars that have been fundraised, hard earned or bequeathed to put towards assets within a hospital. I understand that, in some cases, people's priorities are perhaps not a preferred priority on what needs to be upgraded at a hospital or what money needs to be put forward.

Recently, I had the Hon. Rob Lucas from another place up in my electorate having a look around. We went to several hospitals and looked at what had been achieved with those funds. It is an outstanding achievement to see that we have, in some cases, almost a new wing on hospitals which has been supplied by the money that has come out of the community's pocket.

Again, what we are seeing is that these restrictions are now putting on hold those hard-earned fundraising dollars. The local HACs have been told that only new money raised, particularly

in the 2012-13 financial year, can be spent and previous money remains in the government coffers. As I understand it, that money that has been raised in the 2012-13 financial year is not something for when we do upgrades in a hospital like it was just decided today to spend the money and tomorrow it is achieved. It takes a lot of planning, it takes the regulation that it has to go through, and it just cannot be achieved overnight. That money that is sitting there is sitting there to stump up this current government's budget.

I noted during estimates this year that minister Snelling admitted that the HAC money is being used to prop up a cash strapped Labor government budget. That is sending a message to the communities, it is sending a message to the people who are there in a position who want to be part of putting money aside to upgrade hospitals. It is sending a message to them to the effect of, 'Don't do it.' It is sending a message to the community, why fundraise? The government is going to just hold that money back to make themselves look better at the budget bottom line but we are not getting any benefit.

I have talked to the community volunteers, the HACs and people who have spent a lot of their latter stage of life in hospital, and they are saying, 'We are not prepared to put the money towards the hospital because we don't even know whether that money will end up benefitting the hospital or whether it might end up benefitting my children or my grandchildren or further on.' It really is sending out a bad message that the community is being disengaged, if you like, from helping that hospital. Particularly the elderly I have visited in the hospitals say that they have considered leaving money to the hospital but that they have decided not to because there is no certainty that money will be of benefit.

Again, communities feel as though they are losing their sense of ownership over local country hospitals due to poor decisions from this current government. It is a sad indictment that this money is sitting there in a budget bottom line for the government and it is not there for the benefit of the hospital. We see hospital upgrades that are needed all the time. We see centralisation of country hospitals due to the numbers dwindling away in our country communities, and yet there is money there to benefit the hospitals, there is money there for the ongoing benefit of the communities, but that money is being held in a budget bottom line by the current government.

It is a sad indictment, it is a sad indication, and it is a disincentive for people to engage and be part of making our community and our regional hospitals better places to visit, to have medical treatment and better places to be ready for the incoming sick and vulnerable who need the hospital.

In closing, I have said on a number of occasions that I have been a part of fundraising to put chairs in a chemotherapy unit. I have looked at some of the forward planning with the upgrade of the regional hospital in the Riverland and there was a chemotherapy unit there ready to go, but we have had a budget cutback on that upgrade of the hospital from $41 million to $36 million and suddenly we find that the chemotherapy unit does not have any chairs. It does not have the equipment that completes a chemotherapy unit. I think that is an example of what we are seeing at the moment. We are seeing funds being directed away from services that are needed in a hospital and the government is leaning on the volunteers and the community spirit to help progress the development of their hospitals and to help progress services that we all expect to have in our hospitals. With that, I conclude my contribution.

Mr VAN HOLST PELLEKAAN (Stuart) (13:00): As the member for Morphett has said in his capacity as our spokesperson in this house on health matters, we have a few concerns. At this stage we are likely to support this bill but that will be finally determined between the houses. The contribution that I would like to make is very much with regard to the impact and the capacity that this bill gives the government with regard to its handling of what are essentially community health assets. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 13:01 to 14:00]

PAPERS

The following papers were laid on the table:

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

Whyalla Steel Works Act 1958 Variation Agreement between the State of South Australia and OneSteel Manufacturing Pty Ltd—Variation of the Indenture

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

Flinders Ranges National Park Co-management Board—Annual Report 2012-13
Native Vegetation Council—Annual Report 2012-13
Premier's Climate Change Council—Annual Report 2012-13
Ministerial Response to advice received from the Premier's Climate Change Council to the Climate Change and Greenhouse Emissions Reduction Act 2007—Sea Level Rise
River Murray Act 2003—Annual Report 2012-13
Wilderness Advisory Committee and Wilderness Protection Act 1992—Annual Report 2012-13

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:01): I bring up the 36th report of the committee entitled Subordinate Legislation.

Report received.

QUESTION TIME

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:02): My question is to the Premier. Is the Premier concerned that, in its latest report, Deloitte Access Economics forecasts that over the next four years the state economy will grow at half the rate forecast by the state budget?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:02): What I am very pleased about is that, in Deloitte's analysis about the big trends that are going to affect the future economic growth of this country, South Australia is incredibly well placed to take advantage of them. Consider each of the matters they identified: education services, incredibly well placed; the oil and gas sector, incredibly well placed; the agribusiness sector, incredibly well placed; the tourism sector, incredibly well placed.

The wealth generation businesses is an area where we are not as heavily engaged as some of the Eastern States. Nevertheless, in four of the five areas in the top series of those parts of the economy that Deloitte estimates will be the strongest growing areas of the national economy over the coming decade, South Australia has a special and important place in those particular areas.

It vindicates the decisions that we took in our economic statement released in March, to focus on the areas of endeavour that we chose—a vibrant city; making sure that we share the benefits of the mining boom with the whole of the South Australian community; our clean, green food taken from a healthy and clean environment; and, of course, our advanced manufacturing push. All of these are absolutely crucial sectors of our economy for growth in the future. They are the same areas of endeavour that Deloitte believes are going to be the strongest areas of our economy, so we are very pleased to rely upon the analysis that Deloitte puts out there in the public sphere about the strength of economies in this country.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: A supplementary, but before it is asked, I call the member for—

An honourable member: Heysen.

The SPEAKER: Thank you for that—to order.

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:04): Given that the Treasurer has outlined to the house that South Australia is in a unique and wonderful position to capitalise on the growth opportunities that were outlined in the Deloitte Access Economics report, can he explain to the house why Deloitte Access Economics predicts a 5.7 per cent cumulative growth rate over the next four years, whereas the state budget actually provides for 11.2 per cent?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:05): We rely upon the conservative estimates of future growth from our Treasury officials. We see a range of different estimates that are made about the growth of the South Australian economy across a range of commentators. I must say that the preponderance of them are that we have grown in the last financial year and that we will continue to grow in each of the other financial years.

I would like to know from the Leader of the Opposition: has he now abandoned his outrageous talking down of the South Australian economy where he said we were in recession last year? Deloitte does not share that analysis about the effect of what occurred in 2012-13. So, if he is to be consistent there—I know he is very keen on cherrypicking any shred of data which allows him to talk down the South Australian economy, but we take the view, consistent with Deloitte, that we have a positive and bright economic future in this country and in this state.

We have made the right choices to grow this state. We have made the infrastructure decisions which are transforming this state, and the momentum is building, and they hate it. They hate it. They hate the idea that there is a growing sense of confidence in this state about our economic future. Every time there is a piece of data that comes out, they seek to find some alternative shred of data to talk down the South Australian economy.

Mr MARSHALL: A supplementary, sir.

The SPEAKER: Before you do that, I call the members for Morialta and Stuart, the deputy leader and the member for Finniss to order, and I warn the member for Heysen for the first time. Supplementary, leader?

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): Yes; thank you, sir. Can the Treasurer update the house on the latest Treasury estimates of state economic growth since the budget was handed down in May?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:06): That is presently being compiled and will be revealed in the Mid-Year Budget Review. That will be the latest estimate of our projections for the growth of the South Australian economy, and that is the proper time for this data to be revealed.

The SPEAKER: A third supplementary from the leader.

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:07): Does the Treasurer at least accept that, for economic growth to occur, the business sector in South Australia needs to prosper?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:07): Yes, I do accept that proposition.

Mr MARSHALL: Well, does the Premier—

The SPEAKER: I think three supplementaries are enough. Let's start another line. Would the leader start another question?

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:07): I would like to ask, sir: does the Premier accept that high state taxes inhibit business from prospering here in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:07): KPMG tells us that, of the four cities that have been analysed across Australia, we have the lowest business costs in the nation of those four cities.

Members interjecting:

The Hon. J.W. WEATHERILL: So, when all of the business costs are taken into account, we have the lowest costs of doing business in the nation. I know those opposite do not like to hear

that. I know that they seek to cast doubt on the credibility of KPMG as an organisation that can put together data which is reliable and which can be relied upon by the community, but why don't you just take that data as read and actually promote it? Why don't you actually promote the fact that we are a great place to do business?

The SPEAKER: Premier, it is not my function to promote the state. I think the Premier is—

The Hon. J.W. WEATHERILL: I'm sorry, sir.

Members interjecting:

The SPEAKER: Has the Premier finished? Before we go to the supplementary, I call the member for Adelaide to order, I warn the member for Heysen for the second time, I warn the member for Stuart for the first time and I call the member for Hammond to order.

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:09): Given that the Premier has outlined to the house this wonderful cost environment that we are all operating under here in South Australia, can he outline to the house why insolvencies have increased by a staggering 22 per cent since the beginning of this year, the worst of any state in Australia? In fact, the rest of Australia is in positive territory.

The SPEAKER: There is no need to comment on the asserted fact; the fact will stand alone if, indeed, it is a fact. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:09): I am so glad the Leader of the Opposition has asked this question although a little surprised that he has wandered back into the realms of insolvency after the faux pas he made on the last occasion when he used data in a misleading way to seek to make a public point about the South Australian economy.

ASIC releases data about companies entering into administration on a quarterly basis, and on 15 October it released the latest quarterly data for the year ending June 2013. What we have seen from the Leader of the Opposition is the selective use of data to create a misleading impression about the South Australian economy. I will take you through it, as to why I make that point.

Over the 12 months from June 2012 to June 2013 there has been an increase of eight companies from 430 to 438 of companies entering external administration, an increase of 2 per cent, not the 22 per cent that is referred to in your announcement earlier today. He chooses the six month period so that he can make his better point—

Members interjecting:

The Hon. J.W. WEATHERILL: It is important to listen to the Leader of the Opposition; he is saying, 'That's what's happening right now.' Over the last quarter, the only new piece of information is there has been is a decrease of 15 companies entering into external administration, that is, there has been a fall of 11.7 per cent in the companies entering into administration. Indeed, this is the very point—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: No, you are going to have to listen to this. Indeed, this is the very point that ASIC made in its own summary of the data which it released. That summary makes the point that while the larger states all experienced an increase in appointments, and a substantial increase at that, South Australia's decreased by 11.7 per cent. I take you to the aggregate data just to look at the big picture, to make it absolutely clear how this was simply trawling through the data to find one shred of data to be able to talk down the South Australian economy, and it is this: in the desperation, he overlooked the fact that of the percentage of all companies in Australia entering into administration, South Australia was around 4 per cent, substantially less than our national share of companies which stands at 6.9 per cent. So, not only has he chosen a particular period so as to make a—

Mr Marshall: The last six months.

The Hon. J.W. WEATHERILL: Not the last six months, the last quarter.

Members interjecting:

The SPEAKER: Would the Premier be seated? I call the Leader of the Opposition to order. I also call to order the ministers for health, transport, and education—and that is no mistake—and I warn the member for Adelaide and the deputy leader for the first time. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. The most recent data for the last quarter in 2013—11.7 per cent reduction—completely undermining the selective use of data that was made by the Leader of the Opposition to attack me and to talk down the South Australian economy. At the moment every serious economist is saying that one of the great challenges for all of the Australian economy, the South Australian economy included, is the question of confidence. What we have seen recently in the greater preponderance of the business data is that we are showing an increase in business confidence in this state. What we see, though, from those opposite, is an attempt to grab onto any piece of data, as misleading as it is, and as out of context as it is, to talk down the South Australian economy.

Ms CHAPMAN: Point of order.

The SPEAKER: Point of order.

Ms CHAPMAN: Apart from the allegation that the information that is—

The SPEAKER: No, I want a point of order not an impromptu speech. One can allege in the chamber that a member of the house has misled the public outside the chamber. What one cannot allege, without moving a substantive motion, is that a member has misled the house.

Ms CHAPMAN: Indeed, and—

The SPEAKER: Now, is there any point of order left over after that?

Ms CHAPMAN: And the Premier's statement that the data that is being referred to, which can only be relating to the question of the data provided by the leader in his question, is an attempt to mislead the house. So the reference to misleading can only be in relation to data that was presented here today—

The SPEAKER: No, I—

Ms CHAPMAN: That is the first point—

The SPEAKER: I do not accept that point of order.

Ms CHAPMAN: The second point of order is that it is debate.

The SPEAKER: Well, I uphold that point of order.

The Hon. J.W. WEATHERILL: Thank you, sir. I will return to the factual material. The real story coming out of the data is that South Australia performs much better than the national average. It has substantially fewer insolvencies as a proportion of the national share of insolvency; so, quite the opposite of the impression that was created through the public release of information and the commentary on it. We actually have the complete opposite position in reality. This is the second time you have made a mistake on the use of insolvency data—

The SPEAKER: No, I haven't made any mistake, Premier.

Mr VAN HOLST PELLEKAAN: Point of order, Mr Speaker: taking into consideration the time that you asked him to sit down, the Premier has exceeded his four minutes.

The SPEAKER: And you're right; I uphold the point of order. The Premier's time has expired.

INNER CITY REVITALISATION

Ms BEDFORD (Florey) (14:15): My question is to the Minister for Planning. Can the minister inform the house about how the government's Housing in the City policy is boosting optimism in the construction sector, and other benefits of the policy?

Mr VAN HOLST PELLEKAAN: Point of order, sir: standing order 97. I believe the question contains argument—'boosting optimism'.

The SPEAKER: I will hear it again.

Ms BEDFORD: Can the minister inform the house about how the government's Housing in the City policy is progressing—

Members interjecting:

Ms BEDFORD: —or otherwise, yes—and any other information of benefits of this policy in the construction sector?

Mr Pederick: You need a better question writer!

The SPEAKER: Yes; memo to ministerial assistants. Also, I should have warned the member for Morialta for the first time and the member for Stuart for the second and final time, arising out of repeated interjections during the Premier's answer. Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:16): Thank you very much, Mr Speaker, and I thank the honourable member for her question. Look, the good news, Mr Speaker, is that things are progressing; in fact, they are progressing very, very quickly. Yesterday I was at a very important launch with the Premier in The Hub, which is that very interesting space in Peel Street. We revealed the new zoning rules for the inner metropolitan area, and indeed stamp duty concessions; the creation of a design centre for Adelaide; and the establishment of a new model of the inner city of Adelaide for people to be able to examine and understand what's going on.

The exciting news is that, less than 24 hours after that, I was delighted to discover that I was able to go into the Parklands adjacent to where the Fringe is normally held, near Kent Town, and there is already a decision by one of the adjoining property owners (that is, directly across the road there), that they are going to seek development approval for a substantial building in the order of $50 million worth to be constructed in that spot.

The company that is doing that is Palumbo Building. They are a young, vital sort of building company looking at doing interesting things in the city. The architect who designed the property, Mr Pruszinski, was there, and he was very complimentary of the capacity for unlocking value and opportunity presented by the plans that were revealed yesterday. Indeed, Mr Troughton, who is the Real Estate Institute chief executive, was present, and he was commenting on how there has been a palpable change in the mood in Adelaide about the real estate market, how they are getting greater clearances, how people are achieving better prices for their properties, and how the stamp duty concessions that were announced yesterday would really amplify the opportunities for development.

So, we are really standing at a very exciting point in the change of Adelaide from being a city that simply grows out endlessly to a city that begins to grow up, and it is going to grow up from the centre out. We had the centre of the city rezoned last year; we now have the inner metropolitan area starting to be rezoned, and it is fantastic to see that, within 24 hours, entrepreneurs in the city are responding by embracing the new development zone opportunities and the stamp duty concession opportunities and, importantly, embracing design review for their projects, which they all acknowledge is a process which has worked brilliantly within the city, to get better quality product.

They all acknowledge—even Mr Pruszinski, who is obviously an architect of some note in Adelaide, said he had noticed—that it was making good architects do even better work because of the peer review aspect of the design review process. So, this is a very exciting opportunity for the City of Adelaide. It verifies the confidence that we on this side have had that not only is the investment the government is putting in in dollars in the Riverbank and other places good for our city, but the changes we are making to the investment structure and to the planning regime are helping all of us build a stronger South Australia.

The SPEAKER: I call the member for Florey to order for repeatedly interjecting during the minister's answer.

An honourable member: It was her question.

The SPEAKER: Just because it's one's question doesn't allow one to barrack throughout the answer. The leader.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): My question is to the Premier. Can the Premier outline to the house why he didn't get around to signing the deal with Holden which would have guaranteed the production of two new models through to 2022?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:20): We are not going to permit those opposite seeking to shift the blame for the closure of Holden's from their decision to back in behind a $500 million cut to automotive assistance for this industry in this country. We are not going to allow them to shift the responsibility for not standing up and calling for the federal government to respond immediately to the proposition that has been put on the table by Holden's, which was accepted by the previous federal government and now is the subject of a lengthy delay by the current federal government.

Try as he may, he is going to take the responsibility. Should this car company make the decision to close, he will bear the responsibility of this and his party will bear the responsibility of this from this day forward. Let's be absolutely clear what's at stake here. If you had any shred of interest in the citizens of this state, you would raise your voice—you would produce your voice.

The Hon. I.F. EVANS: Point of order: I ask you to draw the Premier back to the substance of the question, which was why the Premier didn't sign the agreement with Holden when he had the opportunity.

The SPEAKER: I accept the point of order, and I call the Premier to order for ostensibly accusing me of a whole range of things.

The Hon. J.W. WEATHERILL: Sir, I make it clear that my remarks were directed at those opposite. Can I say this: we have, in good faith, entered into negotiations with Holden and we have, indeed, reached an agreement. It is Holden's that have decided, because of the change in international circumstances, to approach the previous federal government.

The federal government acknowledged that and they sought to augment the proposition they put on the table to allow Holden's to stay in this nation. They weren't asking an additional contribution of the South Australian government, and that was the status quo prior to the federal election. Holden's then decided to await the outcome of the federal election because there was so much conjecture about change in policy, in particular the $500 million that was being pulled out of automotive assistance by the then opposition, now the present federal government.

I have decided, in the weeks that have passed since the federal election, to give the federal government an appropriate amount of room to allow them to get the briefings they needed to inform themselves so that they could change their position. This is what I warned the South Australian community about before the election. I said that, unless the federal government changed its position, Holden's would close.

I have given, I think quite fairly and generously, plenty of opportunity to the federal Minister for Industry—who, I think, does want to have a secure future for Holden's—to win that argument within the federal Coalition. His arm would be strengthened if we could hear one audible sound out of the Leader of the Opposition in favour of actually supporting Holden's, stepping away from the $500 million cuts and matching the contribution that the previous federal government was prepared to make to secure a future for Holden's.

It would also assist him and me if he were prepared to say that it is simply unacceptable, with the time line that's been laid out by the federal government, to wait six months before they make a decision. We don't have six months, in my assessment.

Members interjecting:

The Hon. J.W. WEATHERILL: I think that every day we wait increases the risk of Holden's closing. This is too big a risk to take. They should get on with it, reach the agreement with Holden's and secure a long-term future for this most important manufacturing business.

The SPEAKER: Before we go to the supplementaries, I warn the member for Hammond for the first time, I call the members for Flinders and Chaffey to order and I warn the member for Morialta for the second and final time. Leader.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:24): My question is to the Premier. Did the Premier mislead the people of South Australia when he suggested that he had negotiated a deal that guaranteed the production of two new models through to 2022?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:24): No, and the simple proof of that is that Holden's were saying the same thing.

The SPEAKER: A further supplementary from the leader.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:25): Whose responsibility was it, therefore, to contract that agreement that was made and confirm to the people of South Australia in March 2012?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:25): As I said, an agreement was reached. It was an agreement that was announced by Holden's, and then Holden's decided to shift their position and approached the previous federal government and put in front of them a changed business case because of changed international circumstances that the previous federal government acknowledged.

All of the same officials that are advising the current federal government advised the previous federal government and they reached the conclusion that it was necessary to augment the amount that they provided to secure the future of Holden's. That is the simple truth of the matter and now the ball is in the court of the federal government and they need to act quickly, and I am very disturbed about the delay that they have announced today.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:25): A question of clarification. Can the Premier outline to the house whose responsibility it was to execute that deal that the Premier told the people of South Australia was done in March 2012, and who failed to sign that contract?

The SPEAKER: Well, if failure it be. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:26): I do not accept the premise of the question. We outlined to the house—indeed, we had a debate where we produced a document that documented precisely the nature of the agreement that was reached with Holden's. It was a document that was authorised by Holden's. It was presented to this very house. It set out the fact of the South Australian government's contribution and the commonwealth's contribution and it set out the fact that there would be two new models built here. It secured the future of Holden's until 2022.

Ms Chapman interjecting:

The SPEAKER: I warn the deputy leader for the second and final time. The member for Frome.

NYRSTAR

Mr BROCK (Frome) (14:26): My question is to the Premier. Can the Premier advise on any progress of the proposed transformation of the Port Pirie Nyrstar smelter and any news on that?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:27): I thank the honourable member for his question. Of course, the honourable member was a worker in the smelters at Port Pirie, he has been a mayor and a long-time resident of Port Pirie, and now he represents the seat that comprises Port Pirie. I do not think there is a more vital question that he could ask on behalf of his community.

We know that Nyrstar is really the economic heartbeat of Port Pirie. The commonwealth and state governments reached a historic in-principle agreement with Nyrstar in December 2012 to assist the company to undertake a $350 million transformation of its 120-year-old smelter to a cleaner, state-of-the-art polymetallic processing and recovery facility. The state government announced on 24 April this year that we would contribute $5 million towards a $15 million pre-feasibility study for the Port Pirie transformation project.

Nyrstar, I am pleased to announce, announced yesterday that the pre-feasibility of the proposed Port Pirie redevelopment study has been completed. Importantly, the pre-feasibility study has identified that the proposed redevelopment provides a unique and compelling business case that will transform the Port Pirie primary lead smelter into an advanced metals recovery and refining facility. This is great news. It is the next step required for Nyrstar to make a final decision on the transformation of their Port Pirie smelter.

Nyrstar advises that they are now proceeding with a final feasibility study which will contribute to a final investment case for consideration by the Nyrstar board early in 2014. Subject to an investment decision, construction is expected to commence during 2014, with the commissioning of a new, cleaner processing facility expected in early 2016.

The transformation of Nyrstar will also lead to better environmental and health outcomes for Port Pirie. It will also serve, I think (and I know the honourable member believes this, too), to completely revitalise how that section of the Southern Flinders Ranges is seen. It is some of the most beautiful country in our state, yet there has always been, if you like, the shadow hanging over it with the lead emissions. I think this allows people to imagine a different future in such a beautiful part of our state.

Of course, there is work to be done. A targeted lead abatement program is being developed to further reduce exposure of the community and to ensure that children's blood lead levels are as low as possible. This will secure a long-term future for not only those children but the city. Currently, Nyrstar employs more than 850 employees and contractors at Port Pirie. Importantly, Nyrstar supports the jobs of more than 2,500 people who rely upon it for their livelihoods. The Nyrstar smelter is also directly linked to more than $800 million in exports per year. And the site produces more than lead; it produces significant quantities of zinc, copper, silver and gold.

The state government is working very closely with Nyrstar. I know that the member for Frome has strongly advocated on behalf of the people of Pirie for their city's future and the future of Nyrstar. The state government has made a commitment to the people of Port Pirie: they will not be forgotten. We will work with them every step along the way to ensure that we protect not only their jobs but the health of themselves and their families. The final decision will be made by Nyrstar, and we will continue to work with what is a unique financing and legislative arrangement to unlock this investment that could very well transform this beautiful city.

VISITORS

The SPEAKER: I welcome to parliament the Prospect Centre, who are guests of the member for Adelaide, the Carnegie Mellon University, who are guests of the member for Hartley, Woodville High School students, who are guests of the Premier, Pathways Training, who are guests of the member for Adelaide, and the Thebarton Senior College, who are guests of the member for West Torrens. The member for Stuart.

QUESTION TIME

SOUTH AUSTRALIA POLICE

Mr VAN HOLST PELLEKAAN (Stuart) (14:31): My question is for the Premier. In light of the Premier's comment on 10 February, and I quote, 'There will be no cut to police numbers; in fact, police numbers will grow,' can the Premier explain why the SA Police annual report released yesterday shows that, compared to the previous year, there are 43 fewer sworn police officers on the beat, 54 fewer sworn and unsworn full-time equivalents, 178 fewer sworn police officers recruited, and 240 fewer sworn and unsworn FTEs recruited?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:32): I have been asked that question before, and I was given an explanation for what the answer is, and it is a good answer. It is a good answer, because I think it has been raised with me before. I think it is about when the snapshot is taken of police numbers. But the truth is that, over the period that we have given commitments to, police numbers will continue to grow. So not only do we have the highest number of police per capita, we will continue to recruit against attrition.

There are, of course, periods when there are intakes that go into the academies and certain officers come out, so numbers fluctuate around those needs, but police numbers on average are increasing throughout the course of this period. They are, I think, 850 higher than

when we came into office. They are the largest number of police per capita. We are always happy to have a discussion about police numbers, because on this it has been one of the great achievements of this state Labor government, crime rates having fallen by 40 per cent or so over the last 10 years. These are the sorts of services that would be in jeopardy if they came to office, those opposite, and implemented their 25,000 job cuts in the public sector.

Members interjecting:

The SPEAKER: Before a supplementary from the member for Stuart, I warn the member of the Chaffey for the first time and I call the member for Schubert to order. Member for Stuart.

SOUTH AUSTRALIA POLICE

Mr VAN HOLST PELLEKAAN (Stuart) (14:34): Given that the Premier stressed in his answer the value of police numbers per capita population in our state, can he please explain why then commissioner Burns advised the Budget and Finance Committee in May this year that police staffing numbers per capita data between states is:

> ...not comparable, and as such is not reported publicly at a state or national level. This data does not represent a comparable level of police services across jurisdictions.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:34): I am sure that is true, but when you are number one it does say something. One thing we do know is that if you have more police per capita then certainly you are in better shape than people that have less police per capita. I fully accept that Northern Territory, for instance, which maybe has even higher numbers of police per capita than us, has particular challenges and so you would need to make the appropriate adjustments for that jurisdiction.

But look at the evidence. The evidence is that there has been an almost 40 per cent reduction in victim reported crime over the period since we came into office, and that is because we didn't do what those opposite did in the decade before, which was in the lead-up to an election just to have a quick surge of recruitment. We actually recruited over a consistent period against attrition, so as police officers left we replaced them and then in addition to that we added additional officers to allow us to provide that first-class service that we provide to the South Australian community.

Just recently we launched a safer policing, safer communities plan which is one of six policies that have been released over the last six or so weeks which are about building a stronger South Australia, because we believe an essential part of a strong South Australia is a safe community.

SOUTH AUSTRALIA POLICE

Mr VAN HOLST PELLEKAAN (Stuart) (14:36): Supplementary question: given that in the Premier's answer he started by saying, 'I'm not sure that's true,' is he telling this house that the written advice from the police commissioner to the Budget and Finance Committee is wrong?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:36): Well, I think the honourable member might want to read *Hansard*. I think the first thing I said was, 'I am sure that is true.' The first thing I said is, 'I am sure that is true.'

The SPEAKER: I warn the member for Hammond for the second and final time, and I warn the member for Schubert for the first time.

GRAIN HANDLING

Mr BROCK (Frome) (14:36): My question is to the minister representing the Minister for Agriculture, Food and Fisheries. Can the minister advise the house on the progress of the Select Committee on the Grain Handling Industry, passed in this house with bipartisan support? Where is that at the moment, in particular regarding recommendation number seven which was that the state government, in consultation with local councils, transport operators and appropriate grain industry representatives, would establish a project group?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:37): Thank you for that very detailed question.

The SPEAKER: The Minister for Transport.

The Hon. A. KOUTSANTONIS: My apologies, sir. The Minister for Manufacturing, Innovation and Trade is slated to represent the Minister for Agriculture, Food and Fisheries. He, unfortunately, is absent today. My apologies to the member for Frome. I will get a detailed answer for you.

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

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:37): My question is to the Minister for Health and Ageing. Can the minister confirm that the total rollout of the Enterprise Patient Administration System (EPAS) will not occur until late 2015, about 18 months after the initially promised rollout date of June 2014?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:38): I answered this question yesterday during the questions on the Auditor-General. My recollection is the rollout time frame is about two years away before the initial scope is completed. I don't know what indications have been given by my predecessor about when it would finish. I would have to check what comments he made to determine whether that statement is correct or not, but what I can inform the house is that we have rolled out EPAS to the first site (the Noarlunga site). My advice from my department is that that has gone extraordinarily well.

The rollout of any infrastructure, any IT project, is notoriously difficult. It is not only governments that have difficulties often with IT projects; the private sector, any of the large banks that have had to roll out new IT infrastructure have often encountered difficulties. I am happy to report to the house that so far the rollout of EPAS at the first site at Noarlunga has gone very well. We are undertaking a gateway review by external consultants who are looking at the Noarlunga rollout to determine how that has gone and what lessons can be learnt before we proceed with the next site. However, I expect that the rollout for the next site, which will be the Repatriation General Hospital, will begin before the completion of the year.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:39): Supplementary question: can the minister outline to us whether he will keep the commitment that he made on 27 August this year to roll out EPAS to the Port Augusta Hospital before the end of this year?

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) (14:39): I will first check that commitment and what I said at the time, but at the moment there is no indication that we are having to reschedule any of the rollouts from what I have last advised the parliament. I am not advised of any delays. Having said that, the rollout of IT infrastructure can often encounter problems and there can sometimes be delays.

We are undertaking a gateway review of the rollout at Noarlunga to determine how that has gone and double-check that what I have been advised informally by my department about how well it has gone is in fact correct before we begin the rollout to other sites. But at the moment, it is certainly the case that we are not envisaging any delays from what I have previously advised the house.

The SPEAKER: A further supplementary? Leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:40): Can the minister confirm that he has already committed virtually all of the $49 million contingency budget for EPAS even though EPAS has only been rolled out to one hospital?

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) (14:40): If the Leader of the Opposition is trying to suggest that we have expended the full budget of $400-odd million dollars on the rollout at one site—

Members interjecting:

The Hon. J.J. SNELLING: Well, the contingency forms part of the full $400 million budget, so if the contingency has all been used on the one site, then I think the Leader of the Opposition is trying to suggest that the $400 million budget has been expended on the one site and, of course, no, that is not correct.

The SPEAKER: Before the leader asks the third and final supplementary, I warn the member for Schubert for the second and final time for repeated interjections during the two previous answers. Leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:41): My supplementary is to the Minister for Health and Ageing. My understanding is that there is a contingency of $49 million budgeted for the entire $408 million EPAS project and I am asking the minister whether he can tell us how much of that $49 million contingency has already been expended, given the fact that only one of the sites has now been rolled out.

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) (14:41): I am more than happy to give a report back to the Leader of the Opposition.

MINERAL AND ENERGY RESOURCES

Mr SIBBONS (Mitchell) (14:42): My question is to the Minister for Mineral Resources and Energy. Will the minister inform the house how innovation and certainty have fostered investment across the state's resources sector?

The SPEAKER: If, indeed, they have. The minister for minerals.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:42): Since coming to office, this Labor government has sought to proactively partner with industry and the community to fundamentally transform the state's resources sector. We have reached some important milestones but there is still much more to be done. Already South Australia is regarded as a globally significant producer of gas, copper, uranium, zircon and heavy mineral concentrates.

We also have a strong pipeline of projects under development across a range of commodities, and mineral resources are only part of the picture. Right across the state, an energy revolution is occurring, and it is happening here in South Australia. It promises a renaissance within the oil and gas sector that assures Australia's energy security for decades to come. A year ago the Premier turned the tap on Santos's Moomba-191 shale gas well, a national first. A historic moment, but in a sense we have only just begun to scratch the surface of our state's deep unconventional gas potential.

Meanwhile, we continue to see record investment and production in oil. The South Australian portion of the Cooper Basin now produces more oil than any other onshore Australian basin area and it only trails the commonwealth offshore areas in relation to current oil production—something, I am sure, that all members of the house are exceptionally proud of.

Across South Australia, Santos, Beach Energy, Senex, Chevron, BP, Statoil, Northern Petroleum and others are lining up to expand their business commitments in both onshore and offshore South Australia. Just last week, more than half a billion dollars was committed to offshore exploration as Chevron, Santos and Murphy Australia Oil take up opportunities in our offshore basin. Billions of dollars are being invested in the hunt for oil and gas from Moomba to the Great Australian Bight.

Investment and production both continue to grow throughout the resources and energy sector and this growth has not happened by chance. The development of our state's rich resources sector is the result of hard work—hard work from our department, hard work from our public servants, the hard work of our industry and, most importantly, the hard work of our community. It is one thing to have the resources in the ground, but to develop a strong and robust sector, we must also provide the confidence to invest.

On that score, South Australia was again rated number one by the Mineral Council of Australia's Scorecard of Mining Approval Processes, something we should all be very proud of. In October 2013 the edition of the *RESOURCESTOCKS* magazine bills us as the number one

Australian state for the fourth consecutive year. We also remain a trailblazing state, achieving first on many initiatives. So, we continue to build on that record of innovation.

It was a great pleasure last night to launch the South Australian mining app, a go-to guide for resources in the palms of people's hands. The South Australian mining app builds on our one-stop-shop approach to those looking to invest in our state. It is the first government app of its kind and builds on the innovation and proactive culture within DMITRE. It is yet another great example of making government data freely available through our PACE 2020 initiative, another example of our fine, hard-working public servants who continue to create and innovate as they seek to foster investment and grow the prosperity of our state.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:45): My question is to the Minister for Health and Ageing. Can the minister confirm that the government has lodged a multimillion dollar damages claim against Allscripts corporation for delays in the EPAS implementation?

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) (14:46): There has been some discussion with Allscripts. I do not know where that is at, but I am happy to get a report back to the Leader of the Opposition.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:46): A supplementary, sir.

The SPEAKER: Supplementary.

Mr MARSHALL: Has Allscripts threatened or lodged a multimillion dollar counterclaim against the South Australian government?

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) (14:46): I will double check, but not that I have been advised.

The Hon. A. Koutsantonis interjecting:

The Hon. J.J. SNELLING: There certainly were issues with the billing module for the Allscripts program, which resulted in delays to the rollout. We have been in discussions with Allscripts. I will double check, but I do not think that those discussions have got to the stage where any legal claims have been made by either party, but I will double check that and get back to the Leader of the Opposition.

The SPEAKER: The Minister for Transport should not assist the Minister for Health in his answers and I warn him for the first time. Supplementary from the leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:47): A further supplementary for the Minister for Health and Ageing: can the minister advise the house whether he was warned by his department about the possible implications of instituting a multimillion dollar damages claim against Allscripts, and was he warned that Allscripts might lodge and be successful with a much larger counterclaim?

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) (14:47): I certainly have no recollection of any such advice, but I will double check my records and get back to the house.

NEW SOUTH WALES BUSHFIRES

Mr ODENWALDER (Little Para) (14:47): My question is to the Minister for Emergency Services. Can the minister inform the house about the South Australian contribution to combating the bushfires in New South Wales?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:47): I thank the member for Little Para for the question. The New South Wales fires have been described by authorities as the state's worst in 45 years. They destroyed over 200 homes and

claimed two lives. When the New South Wales fires began to intensify on Thursday 17 October, the South Australian Country Fire Service began considering what support it could provide New South Wales through its interstate support plan in anticipation of a request from the New South Wales authorities.

On the morning of Friday 18 October, a request for assistance from New South Wales did arrive from the New South Wales Rural Fire Service, and men and women of the Country Fire Service were ready. Crews were assembled at Adelaide Airport by 3pm that afternoon for a 4.15pm departure to Sydney. The first deployment involved 52 personnel, comprising mostly volunteer CFS firefighters, incident management personnel and a liaison officer. The CFS was ably supported by personnel from the MFS, State Emergency Service and the Department of Environment, Water and Natural Resources, and I was at the airport to send them off.

Additional requests for four strike teams were received at approximately 2pm on Monday 21 October. Each of these strike teams comprised five appliances, one bulk water carrier, one logistics vehicle and one command vehicle accompanied by one mechanical service truck (which was provided by the SAMFS) and an incident control vehicle. This is a very significant commitment of resources.

Thirty-three CFS vehicles and 44 personnel departed for New South Wales that day. Crews departed for Sydney the following day at 2.15pm. Trucks and crews had all arrived at the Penrith staging area by 7pm on Tuesday 22 October. South Australian crews were available for tasking at first light on Wednesday 23 October, as planned. In total, our combined emergency services contributed 353 personnel and over 30 vehicles to the firefighting effort. This was a significant logistical operation and a demonstration of the speed and professionalism of the South Australian emergency services.

It is my pleasure to advise the house today that all firefighters have now returned safely. Theirs has been a job well done. Although the worst is over, many fires in New South Wales continue to burn, and I wish the New South Wales authorities and the community all the best with their ongoing efforts. I take this opportunity to note that Bushfire Awareness Week commenced in South Australia on Sunday 27 October. Now is the time for families in, or near, bushfire prone areas to ensure they have a bushfire survival plan. Bushfire planning does not belong to the CFS alone; it is a shared responsibility across all levels of government, industry and the community, and I urge everyone to consider their responsibilities.

INTEGRITY IN SPORT

The Hon. P. CAICA (Colton) (14:51): My question is to the Minister for Recreation and Sport. What is the government doing to protect the integrity of sport in South Australia, especially at the sub-elite level?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:52): I thank the member for Colton for the question. In February this year, the Australian Crime Commission released a report that identified widespread use of peptides in certain clubs at the elite level in the NRL and AFL. In the AFL's instance, it was mainly at one club and plenty has happened this year, and we know what happened there. What the AFL has done—and I sat down with them earlier in the year—is employ an integrity officer, and it has an integrity team.

Many of the AFL clubs have also now put integrity officers on their staff. The first club to do that was the West Coast Eagles, and they employed a former police officer who travels everywhere with the team. They said that one of the problems you can have is with a sponsor who might have a legitimate business at the front but an illegitimate business at the back peddling drugs and doing other things who wants to associate themselves closely with the club.

It has worked very well at West Coast and with the clubs here in Adelaide. Port Adelaide in particular has now assigned the role of integrity officer to one of its staff members to keep an eye on people. When the West Coast team is at the airport, for example, mixing with people who might come up and try and influence these players and befriend them, they have an integrity officer keeping an eye on things like that.

One thing that was highlighted was that at the sub-elite level—so before players get through to the NRL or the AFL, the top level of sport in Australia—there is also a danger that people could be approached by bad influences such as people who might want to get players involved in drugs or gambling and other things.

South Australia is the first state in Australia to appoint two integrity officers to work with the sub-elite groups such as SANFL and other levels of sport: to educate players and officials about the integrity and governance issues; to help clubs with probity checking processes; to assist with risk assessments; to advise on investigations; and to help develop the codes of conduct around match fixing and sports betting.

Our government recognises the dangers that are there, and the Executive Director of the Office for Recreation and Sport, Paul Anderson, is chairing the national working group of officials looking into matters of integrity and advising on strategies to protect sport and athletes at that sub-elite level.

South Australia has done pretty well in this space. The government has been proactive in implementing legislation to protect the integrity of sport. Earlier this year, thanks to the Attorney-General, the gambling reform bill was passed, which means people involved in match fixing face a penalty of up to 10 years' imprisonment. I am proud South Australia is taking the lead nationally in this area. Sport plays an important role in the community. Confidence in the integrity of sport must be maintained to ensure players, clubs, spectators and everyone involved with sport can continue to enjoy the enormous benefits it brings to our society.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Dr McFETRIDGE (Morphett) (14:55): My question is to the Minister for Health and Ageing. Has the minister approved the appointment of Mr Michael Long, at $3,000 a day, to help tackle the problems with EPAS?

Members interjecting:

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) (14:55): No, not the footballer. No, I don't think the appointment required my specific authorisation; I will double-check that. When I took on the portfolio, one of the first things I did was ask that a review be done of the governance arrangements over all the IT projects in the Department for Health. That review was undertaken by Ernst & Young.

Ernst & Young's very strong advice to me as minister was to appoint someone with strong systems integration knowledge and experience to oversee all the ICT projects in the Department for Health. As a result of that, the department undertook a process to recruit someone. We recruited Mr Long from Canada to undertake this position. It is not a permanent public sector position. There is no doubt that the costs and salary associated with someone with these sorts of skills are significant; however, when you are talking about projects in the hundreds of millions of dollars, and given the difficulties that any entity undertaking a major IT rollout has and the risks associated with them, I think it is money well spent.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Dr McFETRIDGE (Morphett) (14:56): My question is again to the Minister for Health and Ageing. Is the government delaying the EPAS rollout to major hospitals, like the Lyell McEwin Hospital, because of concerns at the potential embarrassment to the government if there are significant problems prior to the election?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:57): No.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Dr McFETRIDGE (Morphett) (14:57): A supplementary to that one, sir: Minister, is it correct that each month's delay costs more than $3 million?

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) (14:57): I would need to check that. Certainly, if we have to maintain legacy systems longer than we originally anticipated, yes, there would be costs associated with that; however, we can reprofile the rollout of individual sites without necessarily delaying the switch-off of those legacy systems. So, it really depends on a number of factors.

What I am not going to do is be rushed into rolling out EPAS to different sites unless I am confident that that is going to be done successfully. I am certainly not going to put patients at risk through an unseemly rush to roll this out. We will make sure that we do it properly.

An honourable member interjecting:

The Hon. J.J. SNELLING: We will make sure that we do it properly; that is why we are undertaking this gateway review of the Noarlunga rollout. Obviously, when we roll out EPAS to larger sites, like the Flinders Medical Centre and the Lyell McEwin Hospital, the complexities of rolling out to those larger sites particularly is exponentially greater than a relatively small site like Noarlunga; it is important that we get it right.

The SPEAKER: Was the member for Goyder interjecting?

Members interjecting:

The SPEAKER: Well, I call him to order. The leader.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:58): Thank you, Mr Speaker. My question is to the Premier. Given the urgency of the negotiation with Holden, has the government offered to increase its $50 million coinvestment to Holden to secure the two new models through to 2022?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:59): Well, we have not been asked to. All I am asking for the federal government to do is to respond to Holden's offer—to respond to the offer that the previous federal government managed to find itself in a position to say yes to.

We would have had the future of Holden secured, and thousands and thousands of workers here in this state, in Victoria and in New South Wales would know that they have a secure future for themselves and their families. That is the proposition that's on the table at the moment and that is the proposition that we are calling on the federal government to respond to as a matter of urgency. Each day that we delay is a day closer to increasing the risk of the closure of Holden's.

I must say, if the Leader of the Opposition wanted to make a positive contribution, he could raise his voice here today in this parliament. I'll be happy to send a copy of the *Hansard* through to the federal minister. I'm sure the ladies and gentlemen of the media would be more than happy to carry this. If he could just raise his voice—an audible sound—in support of Holden's proposition—

Mrs REDMOND: Point of order.

The SPEAKER: Is the point of order that the Premier is debating the question?

Mrs REDMOND: Yes, sir.

The SPEAKER: I uphold the point of order. Is this a supplementary from the leader?

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (15:00): Yes. Does the Premier rule out any increase in the state government's $50 million coinvestment to secure Holden's operation through to 2022?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:00): Could those opposite just put themselves in a position where they could stand up for South Australia? Rather than them being so desperate to give away taxpayers' dollars—

Members interjecting:

The Hon. J.W. WEATHERILL: Rather than being so desperate to give away South Australian taxpayers' dollars, if they could just simply reply—

The SPEAKER: Premier. Member for Morphett.

HEALTH BUDGET

Dr McFETRIDGE (Morphett) (15:01): My question is to the Minister for Health and Ageing. Can the minister confirm that one of his first—

Mr Whetstone interjecting:

Dr McFETRIDGE: I will just repeat that.

The SPEAKER: Was that the member for Chaffey interjecting?

Dr McFETRIDGE: No, he was assisting, sir. I will just start again.

The SPEAKER: I warn him for the second time.

Dr McFETRIDGE: He was provoked, I am sure, by the other side, sir. Can the minister confirm that one of his first directives as minister was to order the end of the medical imaging IT project ESMI without receiving advice from his department, and did the minister have to reverse his decision when the department advised him it would cost $16 million if he proceeded with his directive?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:01): I will need to check my records but, certainly, when I took over the portfolio of Health, I had concerns about the scope of the IT projects which the Department for Health was undertaking. We've had significant investments: Oracle, of course, and EPAS. These are enormous reform tasks. The department also has IT projects with EPLIS and ESMI, and I had concerns about how much the department was biting off and whether it was a good idea for us to continue to pursue all those IT projects.

Certainly, I sought advice from my department about rescoping those projects and the potential to do so. My recollection is that the department's advice was that, because there had been certain recommendations from the Coroner about the Women's and Children's Hospital and their digital imagery or lack thereof, it would not be a good idea for us not to proceed with that—that was the advice I got. I don't recall making any directive not to proceed with any IT projects but, certainly, I did seek information from the department and queried the scope of the IT projects we were undertaking, which I think was only prudent.

GRIEVANCE DEBATE

GOVERNMENT PERFORMANCE

The Hon. I.F. EVANS (Davenport) (15:03): What a divided and tired government we have! You only have to look at the behaviour of the government over the last six months to see that this government is becoming more divided by the day. It started, Mr Speaker, you might recall, with the police minister and the Premier having public feuds about the level of police cuts and whether police numbers would hold—there were public disputes about that. There was a whole series of leaks leading up to the budget about cabinet meetings, or cabinet subcommittee meetings, that went public, then we had probably the king hit of leaks, which was the Premier's forward schedule of all the policy announcements between the date of the leak and Christmas.

If you want an example of how a government is getting divided and tired, how they are losing confidence in their leader and how the right wing of the party is undermining this leader every step of the way, you only have to look at the very simple question of whether The Rolling Stones will open Adelaide Oval at the state election. The reason this has become an issue, internally, for the government is that they are starting to lose confidence in a premier who is, every day, flying more solo and, every day, relying more on his staff than the cabinet to make a decision.

The matter of The Rolling Stones went back to cabinet two weeks ago, there was a huge brawl in cabinet about the Premier making certain commitments and statements without cabinet sign-off and then it went back to cabinet again this week because cabinet wanted to have a say on the matter and not just rely on the Premier. This is another signal that this cabinet does not simply trust the Premier. This cabinet wants to control the Premier. This cabinet is trying to herd the Premier into a corner so that they can control it.

We all remember that it was the backbench of the Labor Party that moved motions trying to control the expenditure of Adelaide Oval. It was the backbench that had its say. This government has started to lose, and is continuing to lose, confidence in its leadership. This is a premier who is continually flying more and more solo. He came out after the last election challenging Kevin Foley (the then deputy premier and treasurer) saying that we needed a new style and new policies. What has the Premier done? He has not brought back Kevin. What he has done is brought back all Kevin's entourage.

He has brought back the key policy man, Mr Mullighan. He says he wanted to get rid of Kevin Foley because he did not like Mr Foley's policies. Mr Mullighan is now back driving that exact process on behalf of the Treasury function of the Premier's portfolio. He says he did not like Mr Foley's and Mr Rann's message. What does he do? He brings back Mr Morris to deal with communication. Why is he doing that? Why is he bringing back right wing players into his office? He is doing that because the right wing faction is telling him he must do so.

Slowly but surely, the divisions in this government are hamstringing the Premier and driving him into the corner and giving him less and less discretion. What does the Premier do? The Premier has decided he will make certain decisions and only advise cabinet about that (The Rolling Stones being a prime example) rather than seek cabinet sign-off. What does cabinet do? They retaliate, ask for the matter to come back into cabinet and then ask for a formal cabinet sign-off.

The Rolling Stones may be a minor matter in the scheme of things but it is a symbol that at the cabinet level this government is divided. You only have to go to the question of how it is that all of the Premier's diary gets leaked and then, mysteriously, a name is given to the media. Who leaked that? You have to point the finger at somewhere in the Premier's office: someone leaked it. At the end of the day, I think all the evidence points to a government that is divided and a government that is tired.

VETERANS' HEALTH WEEK

Mr SIBBONS (Mitchell) (15:08): I just say to the member for Davenport: you can't always get what you want. I rise to speak today about a truly inspiring event I attended just over a week ago. The YMCA, which manages the South Australian Aquatic and Leisure Centre at Oaklands Park in my electorate of Mitchell, hosted a veterans' health seminar at the centre as part of national Veterans' Health Week. Veterans of Korea, Borneo and Vietnam attended on the day, some with their families, and it was wonderful to see the joy on the faces of those who served our country with courage and dignity and often to the detriment of their own long-term health. It was great to see them being given the VIP treatment they so truly deserve.

Run by the Aquatic Centre health and wellness team, the event was backed by the Vietnam Veterans Federation based at Warradale. The day's events included morning tea, aqua aerobics, exercise physiology, an entitlement to use the facility (with the veterans' gold or white cards), and stories of how veterans need exercise to stay young and fit, and to deal with issues of war injury and wounds. The next day, the veterans had the opportunity to take their grandchildren to the centre's leisure area, on the slides and inflatables of the exciting aquatic's flash equipment. The YMCA's aim, through these special events, was to introduce veterans to the range of physical activity available at the centre, as well as to showcase the health benefits of those activities.

Importantly, the centre's work with the local veteran community is ongoing, with the goal of improving the health of our veterans, especially through the use of exercise physiology and massage. Veterans are able to continue to use this magnificent complex, with their gold or white card, to keep them fit and active. The aquatic centre also supports their spouses via the outstanding open doors program through which it raises funds through the use of the facility. This is a crucial element of the centre's work with veterans, as sometimes it is the partners who can suffer most during their loved one's rehabilitation.

Of course, this type of community engagement and assistance is nothing new for the YMCA. It has a long history of assisting the armed forces. YMCA programs can be tracked back to the Boar War, Gallipoli and the Somme, the Middle East and New Guinea. The latest program at the SA Aquatic and Leisure Centre is just one of the ways in which the YMCA and the centre support our community. The SA Aquatic and Leisure Centre is a great example of South Australian government-built infrastructure spreading benefits way beyond its basic purpose, providing additional, ongoing added value and investment in the broader community.

We already know that it is a world-class facility, acclaimed by elite Australian and international swimmers and water sport athletes, as well as being a place of fun and fitness for many pool and gym users of all ages. However, it also provides the added flow-on benefits in health, welfare, social outreach, community networking, early learning, education, family support services, and more. The SA Aquatic and Leisure Centre story is a tribute to the way in which government, in partnership with fantastic organisations, such as the YMCA, can deliver amazing outcomes for our community.

It was truly an enjoyable time spent with the veterans. While I have time, I must mention one of the great characters at the Vietnam vets, Doc Ballantyne, and acknowledge his wonderful

sense of humour. I would like to congratulate General Manager Adam Luscombe and his health and wellness team for staging the veterans' health day and for the ongoing work they do with our veterans.

CHILD PROTECTION

Mr PISONI (Unley) (15:12): Today I would like to draw to the attention of the house that it is the one year anniversary of when this house learnt about the way the government mishandled the rape of a seven year old in a western suburbs school. If you recall, when questions were asked of the education minister, the education minister said that the police had told the education department not to tell anybody about what had happened.

Of course, within about 20 minutes of the minister's statement in parliament, the police put out their own media release saying that that, in fact, was wrong, and that the police had given the contrary advice, and that was to tell the parents. Of course, the police commissioner, in subsequent media, went on to say that it was important that parents be told in such situations because it could actually help the investigation.

The Premier was asked questions, and he made the claim in parliament that neither he nor his office were told about the rape of the seven year-old; but then he had to come back a very short time later and correct that claim because his office had in fact been told in an email that was sent to his chief of staff Simon Blewett and his chief adviser on child protection matters Jadynne Harvey. Yet, Mr Blewett went on to confirm that he had sent that email on to somebody else—could not remember who that somebody else was—but was absolutely sure that it was not Premier Weatherill.

Once the Liberal Party raised this in parliament and media followed, other parents contacted the Liberal Party to tell their stories of how the department had mishandled sex abuse of their children. Remember there was the boy who was raped at a regional school by an older student. It was ignored by the minister's office (the then education minister, the now Premier) and the department with her request for support for her son. The family of an 11 year-old who was sexually assaulted by another student was told by the department that it was the victim who should avoid the perpetrator in the school grounds in the future. Again, there was no support from the department or the Premier's office when he was the education minister.

In order to avoid further questions on this matter in the parliament and the media, the education minister then immediately set up the inquiry, known as the Debelle inquiry. Of course, that was designed by the government to be a shield from questions in the parliament and a shield from questions of the media about what happened in that western suburbs school on 2 December 2010.

We soon learnt that Mr Debelle had no powers to conduct a proper investigation. Mr Debelle wrote in his report that it took him three requests (two verbal requests and a written request) to ministers of the crown, ministers of the government, to have royal commission powers. I understand that that led to a very hostile and animated debate in cabinet and finally those powers were granted.

Mr Debelle's report was damning of the Premier's advisers and the Premier's defence of their actions. The parents from the western suburbs school had previously written to minister Portolesi only to be told a lie that they had prevented her from telling them what had happened. FOI documents that have come out since this inquiry and there are half a dozen parents who wrote to—

The SPEAKER: I am sorry, member for Unley. What was the lie?

Mr PISONI: The lie was established by Mr Debelle and that was that parents could be told about the rape of the seven year old and yet the department kept telling parents, and the minister for education kept telling parents, that the court wouldn't allow them to be told. That was the lie, Mr Speaker.

We discovered that the department's head of legal services was not a lawyer. The report was also scathing of the processes in the department that led to unanswered questions. So concerned about the government's refusal to answer these questions were members that all non-government members of the Legislative Council (except for the Hon. Mr Finnigan who was not in the chamber when the vote was conducted) voted to set up a select committee. We have since heard the Premier's chief of staff concede to the committee that he didn't believe an email marked 'urgent' alerting him to a staff member in a school involved in sexual behaviour with children was

urgent—an extraordinary admission by the Premier's own chief of staff. 'Not an urgent matter' I think was the term he used in that committee.

Time expired.

GARDEN ISLAND YACHT CLUB

Dr CLOSE (Port Adelaide) (15:18): Today I wish to inform the chamber about the merits of the Garden Island Yacht Club which on Saturday last had its season open day. For me, the day started with a fantastic giant garage sale at the Le Fevre Community Centre oval arranged by the Rotary Club of Largs Bay and then, for me, a pretty exciting photo with some legends of the Port Adelaide Footy Club with David Koch, Keith Thomas, Gavin Wanganeen, Russell Ebert and Tim Ginever. That was a photo of proud Port Adelaide people.

For Saturday afternoon I was with the Garden Island Yacht Club enjoying one of Adelaide's hidden treasures, the channel between Garden and Torrens Islands. From the vantage point of the boat hosting the official party, I had the privilege of watching not only the sailpast of the variety of yachts in the club but also the small groups of people, often families, out on kayaks pottering around the Angus Inlet and up into the mangroves of Torrens Island. It reminded me that I really must go out with my family and explore the Port from yet another perspective, and I encourage everyone here to have another look at this amazing part of Adelaide.

The sailpast was typical of Garden Island and represented the qualities I wish to praise today in this place. There is such a variety of boats in the club, from large ocean-going yachts, not only capable of going around the world but that have been and still are being used to do just that, to the much smaller and more simple boats that give their owners huge pleasure in pottering around to Port Adelaide on occasion. Some of the boats had Australian Navy Cadets on board, as they are hosted by the club, and it was a pleasure to see them there.

Another boat had two penguins sailing it—well, probably people in costume, but convincing ones and well deserved winners of best dressed boat. The sight of two solemn penguins standing on a boat against a backdrop of lush mangroves and, further back, the Adelaide Hills prompted me to think that if ever there was a competition for most fun electorate, I would be in with a real shot.

This is a club that does not take itself too seriously, while being completely serious about sailing. It is a club that welcomes people from all backgrounds and is deliberately down-to-earth and practical. The original clubhouse, while still looking pretty good, is, I understand, slumping slightly, so they have built what they call the 'life-raft', which is an extension to the original rooms—a practical solution by the membership. People who belong to this club have their roots deep in Port Adelaide, and I feel very welcome and very at home with them.

I am pleased to inform the house that, as part of the Port Adelaide renewal, we have been able to open up the pontoons on Dock 1 in the inner harbour for the use of the Garden Island Yacht Club, so that they are able to bring groups round into the inner harbour for the night or just a quick visit, and I look forward to taking them up on their recent offer to take me to the Port on one of their boats.

This is all part of getting boat life back into the inner harbour, as is the sand at Cruickshank's Corner to get rowing regattas back, and the move of the *One and All* back in after her sojourn in the Royal SA Yacht Squadron at the top of the peninsula. One of the qualities of Port Adelaide is that it has not just a proud maritime history but a lively maritime present, and I will make sure that it has a long maritime future.

SPEED LIMITS

Mr VAN HOLST PELLEKAAN (Stuart) (15:20): I rise today to speak on behalf of the people of Stuart about an issue that has concerned us for a long time. I have spoken about it here before and I will do so again today. It is the government's continued desire to downgrade country road speed limits. Let me be very clear: in the opposition, we take road safety extremely seriously and we genuinely mourn, as does the government, every fatality or serious injury on our roads, but the simple truth is that it is not necessarily the speed limits that contribute to each one.

The reality is that, if you slow down speed limits from 110 to 100 km/h, typically you will penalise the wrong people. The people who are currently driving at 110 km/h who will then drive at 100 km/h are not the ones at risk: it is the people who are consuming alcohol, consuming drugs, being foolish and driving at speeds well in excess of the speed limit. If you drop the speed limit

from 110 to 100 and the person who is driving at 150 drops down to 140, that speed limit change is actually not the thing that is going to make the difference.

Councils hold this view, other organisations hold this view and, very importantly, police officers share this view. I have been told by highway patrol police officers—the very same people whose full-time job is to look after safety on the roads—that they do not actually think this is going to do the job. The government is currently considering well in excess of 150 new stretches of road to have these speed limits downgraded, and let me tell you that 73 of those stretches of road in the last five years have had no fatalities or serious injuries on them.

Let me just go through a few of these roads that are in or close to the electorate of Stuart: the road between Hawker and Quorn; the road between Quorn and Wilmington; the road between Burra and Morgan; the road between Wilmington and Orroroo; the road between Black Rock and Jamestown; Carrieton and Orroroo; Pimba and Roxby Downs; the Barrier Highway between Cockburn and Olary; Olary and Mannahill; Mannahill and Yunta; Marree and Hawker; Yunta and Oodla Wirra; and the Eyre Highway.

These are the sorts of roads that the government is seriously considering dropping the speed limits on. Those roads I have mentioned just as examples are ones I am very familiar with. They are typically good roads in good condition with big, broad visibility in country or outback areas. They are not the sorts of roads where the speed limit is responsible for deaths and serious injuries on our roads. There are roads that are not in good condition; there are certainly plenty of them.

Mr Deputy Speaker, if you have the opportunity, I recommend that you look at DPTI's own recommendations for the quality of roads that have 110 km/h speed limits on them. In that area the government is sorely lacking, and part of this plan is to make up for its own lack of road maintenance on some of those roads. But the roads that I have specifically mentioned—and there are many others which, if I had more time, I would mention—are good roads with great visibility, and they are extended distance roads, too. These are not places where dropping the speed limit is going to make a significant difference. Other things will make a significant difference, and I give one example of the Worlds End Highway, between Point Pass and Eudunda. A couple of years ago, there was a tragic accident: two deaths on that road.

It was very sad for the whole community, but they were unfortunately the result of one person bonnet surfing who fell off, had an accident, and then when other people came around to help at the accident, another person was run over. This is terrible stuff, but it was not about the speed limit but, because of that, if this government has its way, every single other person who travels on that road is going to be penalised because of that terribly unfortunate accident.

It is an overreaction, and it is completely inappropriate. It really is akin to trying to deal with the problem of obesity by forcing everybody in the state to go onto a diet. It is akin to trying to deal with tragic drownings by forcing everybody in the state to swim in a swimming pool or some sort of controlled environment. It is an inappropriate response. These deaths and injuries are tragic—they are very sad—but, as I said, 73 of the roads that are considered for having their speed limits downgraded have had no deaths and no serious injuries in the last five years.

POSITIVE AGEING

Mrs VLAHOS (Taylor) (15:26): I wish to speak today about an area I have been working in since February at the request of the Premier. I am talking about positive and active ageing in our state and the ageing portfolio. In February, I was pleased that the Premier asked me to work in this area, because in South Australia we have an active older population that makes a significant contribution to our economy, with more than 570,000 people who live in our state over the age of 50.

There is 17.9 per cent of our workforce comprising people aged between 59 and 69 years of age. This figure takes into account only full-time and part-time paid employment, but we should also recognise the amount of volunteering services provided by these people and the unpaid care for other older people in their households and families.

Recently, I have had the good opportunity to visit the City of Tea Tree Gully and the City of Salisbury to attend IDOP events. IDOP is the International Day of Older Persons. It is a worldwide day to celebrate the contributions of the senior people in our society, but in our state we celebrate it for a whole month in October, which is a truly wonderful event. This year, when I went out to the

City of Tea Tree Gully, Councillor Denholm and also in the City of Salisbury, Mayor Gillian Aldridge, were kind enough to host IDOP events in their facilities in conjunction with the Office of the Ageing.

South Australia has a thriving ageing population, as I have previously mentioned, and we have the largest percentage of people over 65 of all the mainland states. This makes South Australia great and a cause for celebration. Many of the seniors today are actively ageing. They are studying at TAFE or university, attending art and music programs, keeping fit through walking groups or keeping in touch with mates through Men's Sheds. They are making a difference to their communities as grandparents, neighbours, citizens and consumers.

The theme for this year's International Day of Older Persons is 'The future we want: what older persons are saying'. We are addressing this theme by engaging the South Australian community. Just 10 days ago, the Minister for Health and Ageing launched South Australia's new ageing vision, Prosperity Through Longevity. The ageing vision has been shaped through consultation with over 3,500 older people and with the advice of COTA, other peak bodies and aged care service providers.

In addition to reflecting the priorities of older people across the state, the ageing vision has also been informed by the recommendations contained within 'The Longevity Revolution', which is a report by Dr Alexandre Kalache, the recent Adelaide Thinker in Residence, which I had the pleasure of launching in May at COTA. Prosperity Through Longevity is our vision for ageing in South Australia, a vision that will bring the community together to create an all-ages friendly state. The vision outlines three areas which will be targeted over the next five years: health, wellbeing and security; social and economic productivity; and all-ages friendly communities.

Prosperity Through Longevity is a whole-of-community plan for everyone in South Australia. Today's young people are tomorrow's mature citizens. Today's busy, active gen Xs will be tomorrow's busy, active seniors. It recognises our state's remarkable diversity that every older person has a unique set of life experiences that can be vital resources for our communities and our state. It strives to grow active and healthy communities where older people enjoy wellbeing and are respected and younger people look forward to being older one day.

Prosperity Through Longevity is an innovative vision for the future and I encourage everyone to embrace it. It will drive other important work in this state. It also picks up on the work done to develop the Draft Strategy for South Australia, Safeguarding Older People 2014-21, which was released in June this year at the National World Elder Abuse Awareness Conference in Adelaide.

In conclusion, I would like to talk about some of the IDOP events that were recently held. These events through the Office of the Ageing could not have been successful if it wasn't for the Office of Ageing staff who coordinated them. I would particularly like to lay on the record my thanks to Jeanette Walters who has walked into this area and done a sterling job in creating these events with the help of Carla Politis and the rest of the team at the Office of the Ageing. It was wonderful to see them walking around these events in their green T-shirts as a great cohesive team, providing information to some of the people who attended the event—and the events I attended were well attended.

My thanks also go to the Tea Tree Gully, Salisbury and Onkaparinga councils and the good member for Frome's Port Pirie council. There were fantastic musicians, guest speakers and organisations that helped make this community event such a success and I look forward to making sure these events stay in the community in the future. Whilst a city event is wonderful, it is wonderful to take it back to the people who truly make our state great.

STAMP DUTIES (OFF-THE-PLAN APARTMENTS) AMENDMENT BILL

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:31): Obtained leave and introduced a bill for an act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:31): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill introduces legislative amendments to extend the stamp duty concession for apartments bought off-the-plan to include the inner metropolitan area.

The inner metropolitan area includes apartments in developments within the area of Regency Road, Hampstead Road, Portrush Road, Cross Road, Marion Road Holbrooks Road, East Avenue and Kilkenny Road. The extended area also includes sites that are contiguous to the boundary of that area (i.e. will include sites on both sides of the bordering roads).

The Government has recently announced that it will rezone some inner metropolitan areas to allow for greater residential growth. The new zones will allow new mixed commercial and residential developments in targeted inner metropolitan areas.

The overhaul of planning laws and rezoning of areas within the inner metropolitan area will allow more people to enjoy the benefits of an inner city lifestyle in well-designed housing with access to public spaces and the vibrant lifestyle for which Adelaide is becoming renowned.

In the 2012-13 Budget, the Government announced a stamp duty concession for purchases of eligible off-the-plan apartments, with the aim of encouraging higher density inner-city living in line with the Government's 30-year plan. The concession provides a full stamp duty concession for off the plan contracts entered into up to 30 June 2014 (inclusive), capped at stamp duty payable on a $500,000 apartment and a partial concession for the next two years.

The Government wants to encourage multi-storey living in the inner metropolitan area and therefore proposes to extend the off-the-plan stamp duty concession to multi-storey developments within the defined inner metropolitan area.

The off-the-plan stamp duty concession will be available for buyers of apartments within the inner metropolitan region who enter into an eligible off-the-plan contract from 28 October 2013. All other eligibility criteria remain the same.

The total impact to the budget of this measure over the forward estimates is estimated to be $5.9 million.

Together with the planning reforms and the Government's investment in public transport, these reforms are intended to support the Government's objective of building a more vibrant city that offers an increased choice of housing and the opportunity for more people to live centrally.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides for the short title of the measure.

2—Commencement

The measure will be taken to have come into operation on 28 October 2013.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Stamp Duties Act 1923*

4—Amendment of section 71DB—Concessional duty on purchases of off-the-plan apartments

This clause sets out a series of amendments that will extend the operation of section 71DB of the Act to the purchase of apartments under an off-the-plan contract with respect to an area to be designated as *Area B* under these amendments (being a contract entered into on or after 28 October 2013).

5—Insertion of Schedule 3

This Schedule sets out the plan to be used for the purposes of identifying Area B under section 71DB of the Act (as amended by this Act).

Debate adjourned on motion of Mr Gardner.

HEALTH CARE (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr VAN HOLST PELLEKAAN (Stuart) (15:32): I resume where I left off just before the lunch break, and I was talking about the community's concern about their reduced access and reduced control over their community assets. Let me be really clear, the community—and in my mind, quite fairly—considers almost everything to do with their country hospitals and country health services to be community assets.

By that I do not say that they think they own them individually, but the community does feel that is has ownership and responsibility for land and buildings, for equipment, for the services even,

and for the people who work in these hospitals—the whole range of people who provide services from the cleaner all the way through to the surgeon. They are typically local people, often there are visiting surgeons, and often there are GPs based in the area who do surgery, but they really feel that the whole service there is theirs.

The other very important community asset that they feel belongs to them is money that has been saved, and money that they are going to save, and they really have every right to believe that because, typically, the community has raised that money itself, and even in cases where government money—state and federal money—has come into that area to provide medical support, it was all taxpayers' money to begin with, anyway, so they really have every right to feel that they should have some say over this.

Over the last few years, an enormous amount of that say and that control has been taken away. They do not want to make every single decision. They certainly do not want to interfere with medical decisions, but they do want to participate and they do want to feel that their involvement means something.

With regard to fundraising, there is no denying that an enormous amount of the ability for people to control the way that money is spent—money which they actually raised themselves—has been taken away. I remind members here of the member for Morphett's speech, in which he talked about that in detail. Numerous people have come to me with this concern. I really do think that the Minister for Health does understand this. Having participated in a radio interview with him many, many months ago, I really think he does get this situation, but I believe he is being forced into this by the financial state in which we find South Australia at the moment.

Mr Deputy Speaker, I give you a really cutting example: volunteer ambulance officers. Certainly, with the support of the state government for their station, their ambulance itself or their equipment, but volunteers—people who give of their own free time, ability and skill to support their communities—have actually had taken away from them the ability for a community, in return for the delivery of a free service at a community event, to offer a donation or contribution for that service, and for them to control where the money goes.

SA Ambulance Service is now saying to the community, 'If you want our volunteers to turn up at your community event, whether it be a rodeo or a show, or some community event like that, we will need a $500 payment from you, thank you very much, event organising committee.' What used to happen in the past was the ambulance officers would effectively turn up for free, and they would get that same $500 donation from the community from the events—exactly the same amount of money—but it would go into the local kitty so that the local ambulance volunteers could decide what piece of equipment they thought they needed, or how best to spend that money.

Now what is happening is they are actually being told, 'No, there is a fee for service for your local volunteers to turn up to your local community event; the government is going to charge you for those volunteers to turn up, and they are going to take the money away and spend it where they want.' It may well be that occasionally the money gets spent on exactly the same thing, but what is really important is that the community wants to know 100 per cent for sure that the money is going to stay in their area. They want to know that their donation, in return for their volunteers, is going to stay in their community, and that is exactly the sort of thing that is being taken away at the moment.

There has been a two-year delay on communities being able to even access, let alone decide how to spend, a lot of community money that has been raised. There has been a downturn in people's desire to contribute donations. It might be very, very small in terms of the amount of money—significant with regard to community involvement and desire, but small with regard to amounts of money. It might be bake sales, as the Port Augusta Auxiliary was doing this morning on the front steps of the Port Augusta Hospital. They do that very, very regularly out of the goodness of their hearts, and they raise amounts of money that make a difference.

It might be very significant bequests. It might be something in somebody's will. It might be potentially hundreds of thousands of dollars, or even, in rare situations, more than that. The community is really baulking at this sort of thing, and they are setting up safety nets for themselves, such as trusts and other organisations. So, instead of donating the money to exactly where they want the money to go and for the community to have a say in how that is spent in that area, they are setting up legal protections so that they can do that.

You can imagine, Mr Deputy Speaker, that if you have got to do that, it just blunts the desire of a community, or perhaps an individual who may be well off, to make a really significant

contribution. It just takes the good taste out of their mouth if they think that they have to go to that much effort to really, really protect it.

There is also another very concerning financial situation which has been sneaking into the system in the last little while; that is that DPTI (Department of Planning, Transport and Infrastructure) is now the only organisation through which HACs, and hospitals as well, can actually ask for work to be done, and it is charging a 12 per cent service fee on the work that gets done. So, if some money that has been released from the government to the HAC to spend on a piece of equipment is going to be spent, the director of nursing, for example, must go through DPTI to actually procure whatever it is that they want to procure, and DPTI are now going to charge them a 12 per cent service fee for the privilege.

It is just not right. If DPTI could show, in the way that would be required in the real world in a commercial environment, that if you give us all your business, we will derive such significant savings for you through our efficient operations that when we put our service fee on top you will still be better off than if you did it yourself, well sure, that would be fair enough, but that is not the case. There is no opportunity to even test the market. There is no opportunity to even find out whether that 12 per cent service fee is money well spent or not.

It is just a charge. It is a tax, it is a levy, it is a government charge right on top. So, all of a sudden, either the piece of equipment has just gone up by 12 per cent—if you want to look at it that way—or perhaps the value of the money and the outcome of the funds that are available have just decreased by 12 per cent, whichever way you choose to look at it.

It is, of course, particularly alarming, given the complete failure over the last few years of the Shared Services organisation, which has really hit the health sector in our state particularly hard. It certainly has not done anyone any favours in really any part of the state, as far as I can tell—in fact, not even Treasury.

I apologise for forgetting the numbers from a few years ago, but there was going to be a necessary investment to set Shared Services up but, once that was done, savings were going to accrue over the next three or four years that would more than offset that up-front payment. Well, that has not happened, so not even Treasury is benefiting out of this.

It has cut a lot of jobs out of community regional centres where, typically, government agencies had employees doing this sort of work. It has created havoc all the way through from procurement to even just bill paying. It has hurt the business community because they are not getting bills paid on time and, in some cases, service providers in communities have actually stopped serving the organisations because they were not getting their bills paid. It just has not helped anybody, and it has hit the health sector hardest.

I will leave it there. I have spoken on this issue before. Communities deserve to have full recognition for the contribution that they make to their community medical services. They really do value what the government contributes. We all understand it is taxpayer money, whether it is a state or federally provided service. They are very glad when a government decides to put a service into their community, but they have been terribly hurt by the fact that they cannot access money they have already raised, or that they are going to have reduced access to money that they will raise in the future.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:43): I thank members for their support of the legislation. The legislation before the house remedies a number of issues and will assist in ensuring the effective delivery of health care in the state. These changes are administrative in nature and ensure the effective operation of health services and remedy some outstanding issues that have arisen due to administrative oversights and past and proposed changes in legislation.

The legislation will enable the transfer of the whole or part of an undertaking from a specified person or body to an incorporated hospital through proclamation by the Governor. The current wording in the act—that is, 'transfer the whole or a part of the undertaking of a body providing services or facilities to an incorporated hospital under this Act'—implied that the body must be providing services or facilities to an incorporated hospital for this to occur. It has not been sufficiently clear that the body does not need to be providing services or facilities to an incorporated hospital for the undertaking to be transferred, although this was the original intent of the provision at the time of drafting the act.

The legislation will now also permit, through proclamation by the Governor, the transfer of all or some of the functions, assets, rights and liabilities from one incorporated hospital to another without the incorporated hospital to which these first related being dissolved. At present, the act only allows for such transfers in the event that an incorporated hospital is dissolved. This new provision will provide greater flexibility for the transfer of functions, assets, rights and liabilities from one incorporated hospital to another.

The current requirement in the Health Care Act 2008 for the South Australian Ambulance Service to have a constitution determined by me as the minister is no longer considered necessary since its functions and powers are already set out in the act. To date, the legislation has not been used to determine a constitution and a constitution is not required for the effective functioning of the South Australian Ambulance Service.

The legislation will give greater flexibility to set fees for the provision of incidental services provided by the SA Ambulance Service and other matters as prescribed by regulation by notice in the *Government Gazette*. Fees for these services are currently set in the Fees Regulation (Incidental SAAS Services) Regulations 2009 under the Fees Regulation Act 1927. This is an anomaly, as all other fees for health services are provided for under the Health Care Act 2008. This legislation will now align the arrangements for setting fees for all health services.

These incidental fees are defined and are for health services provided by the SA Ambulance Service that do not involve transportation in an ambulance. These types of services are provided when a member of the SA Ambulance Service responds to a request for emergency medical assistance and attends a person's home or some other place to provide any emergency assistance that might be required and the person is then assessed and/or treated at that place and is not transported by ambulance.

The legislation will allow the employing authority to appoint medical officers, nurses or midwives who have skills or experience in connection with the provision of health services, to assist in the performance of the health chief executive's or the department's functions under their professional awards while they are working in the Department for Health and Ageing central office. Persons employed under this provision will be taken to be employed by or on behalf of the crown but will not be taken to be employed in the Public Service. These provisions are consistent with those contained in the Education Act 1972 that allow teachers to be employed to work in the Department for Education and Child Development pursuant to their professional award.

The employing authority will be subject to direction of the minister. However, the minister may not give a direction relating to the appointment, transfer, remuneration, discipline or termination of employment of a particular person. The South Australian Salaried Medical Officers Association and the Australian Nursing and Midwifery Federation (SA Branch) were consulted about these changes and were reassured that the employment, conditions of employment and all entitlements would be continuing for these employees. The legislation assures this continuity through the transitional provisions under schedule 1.

Because of the separate employment arrangements for medical practitioners, nurses and midwives under their awards, the legislation also needs to recognise these employees so that they are covered by the conflict of interest provisions, and they are required to comply with this provision. The legislation will ensure alignment with the confidentiality provisions of the draft information privacy bill by using the same wording used within that bill.

I note that intent is to permit disclosures of personal information 'as required by law or authorised by or under law', thereby providing indication on the scope of the law. I have sought through an amendment the reinsertion of the words 'or as required for the administration of this Act or a law of another State or a Territory of the Commonwealth', since the exclusion of these words would have caused difficulties in enabling appropriate releases of information to be made.

The legislation also adds the term 'substitute decision maker' to the list of persons who may request or provide consent for information about a person to be released, so that it aligns with the provisions of the Advance Care Directives Act 2013 once that act comes into operation.

Lastly, the legislation will correct an anomaly under a previous act in which functions of three incorporated associations were taken over but the incorporation of their association was not cancelled at the time. The functions of three incorporated associations—namely, Lumeah Homes Incorporated, Miroma Place Hostel Incorporated and Peterborough Aged and Disabled Accommodation Incorporated—were taken over under the South Australian Health Commission Act 1976.

At the time of the transfer, the incorporation of these associations was not cancelled and certain assets were not transferred. This provision will enable the Governor, by proclamation, to cancel the incorporation of these associations, transfer their assets to a health advisory council established under the Health Care Act, and make other provisions as seen fit.

I would like to thank all the officers who assisted in the development of the legislation: parliamentary counsel, Mark Herbst and Richard Dennis, and from the department, Kay Anastassiadis, who is in the chamber today to assist me. I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 9 passed.

Clause 10.

The Hon. J.J. SNELLING: I move:

Amendment No 1 [HealthAge–1]—

Page 4, lines 35 and 36 [clause 10(1)]—Delete 'or as required for the administration of this Act or a law of another State or a Territory of the Commonwealth'

The intent of this clause is to ensure the words 'or as required for the administration of this act or a law of another state or a territory of the commonwealth' remain in clause 93. The second reading speech may have been misleading, since it indicates the first amendment to section 93(3) of the act would 'limit the disclosures of information required to those that are "required to authorise under law" '. The statement arose from a misinterpretation. The original amendment was simply to ensure alignment with the draft Information Privacy Bill and to continue to provide for disclosure of personal information required by law as reflected in the wording of this amendment. The reinsertion of these words will ensure that this section of the act remains robust and practical.

Amendment carried; clause as amended passed;

Schedule and title passed.

Bill reported with amendment.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ASSESSMENT OF RELEVANT HISTORY) BILL

Adjourned debate on second reading.

(Continued from 29 October 2013.)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:55): It gives me great pleasure to thank everybody who participated in the debate.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr PISONI: This is a fairly general clause that relates to the changes as specified, so I want to ask a fairly general question. If a teacher has been accused of child sex abuse and viewing child pornography during a child court proceeding, would this appear on the records for the purpose of this act if there was no finding of fact or conviction or charge?

The Hon. J.R. RAU: I thank the honourable member for that question. I make this point: any of these questions I cannot answer properly now I am happy to deal with between the houses. I am not trying to dodge answering them, it is just that given our timelines I do not want to hold the

thing up here. My understanding is that if a matter has gone to court, for example, and it has been dismissed or the individual has been acquitted—

Mr PISONI: This relates to the fact of allegations raised in the Family Court. That is what this refers to.

The Hon. J.R. RAU: The Family Court is a bit more complicated, I think, for reasons that possibly the member for Bragg knows far better than me. We are dealing with a federal court and we are dealing with certain rules about what may or may not be disclosed, so I would have to take advice about that particular matter. If you are talking about any of the state courts, then my understanding of the provisions—and this is subject to correction between the houses—is that the fact of the matter having been in the court would itself be a matter that would attract some interest.

Mr PISONI: Would the teacher be required to inform their school or the department of these allegations?

The Hon. J.R. RAU: Again, I will seek to clarify this: I believe that is not a matter that is answered fully within this legislation because a member of the teaching service does have certain responsibilities to their employer under the Public Service arrangements. I am not seeking to answer this question from that perspective; that is a separate matter. They may or may not have—because I am not an expert on that—an obligation pursuant to the fact of them being an officer of the teaching service. So far as I understand it, I do not understand there to be an obligation cast upon them by this, but I will check.

Mr PISONI: Would there be any mandatory reporting obligations if these accusations were raised in the Family Court?

The Hon. J.R. RAU: Again, there is mandatory reporting. That is an established regime. The complexity of the question and the reason I hesitate to give a complete answer is that, as I mentioned before, the Family Court is a very particular federal court. It has certain rules attached to it and the state does not have legislative competence to, in effect, interfere with rules made by the federal parliament about one of its courts. I am in a position where, because of that, I will just have to take advice.

Progress reported; committee to sit again.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 29 October 2013.)

The CHAIR: We have the Minister for Transport and Infrastructure, the Minister for Mineral Resources and Energy and the Minister for Housing and Urban Development for the next 30 minutes. The Deputy Leader of the Opposition.

Ms CHAPMAN: The Department of Planning, Transport and Infrastructure is reported on in the Auditor-General's Report commencing on page 1114. I propose to start with questions, minister, in respect of page 1164 under the heading 'State Aquatic Centre (SAC) and GP Plus Health', which actually commences on the preceding page, but the findings that I am going to refer to relate to about point 6 on page 1164. In regard to the failure to supply appropriate documentation to support the decision to choose the highest risk bidder, the Auditor states:

> ...the documentation did not adequately explain the decision to select the bidder which [represented] the lowest cost bid but was assessed as involving the highest risk having regard to demonstrated capacity to deliver projects of the size and complexity of the contracted works.

My question, minister, is: what documentation does exist to justify the decision to choose Candetti Constructions, and will the minister release that documentation?

The Hon. A. KOUTSANTONIS: The Auditor's comments on the Aquatic Centre are fair and balanced. The department has never tried to hide that the process for the delivery of the aquatic centre and associated GP Plus facility at Marion was less than perfect. However, the department has noted that, after the collapse of the previous PPP model for the project, the procurement process was implemented in the context of tight deadlines to complete the development for planned events.

The department worked effectively to manage and mitigate risks associated with construction, namely the development of a pool to meet FINA requirements, which were at time

difficult to clarify. The impact of the builder going into administration—at all times, the department acted to protect the interests of the government and to get the best outcome for the state and its taxpayers. The project was completed on time to enable it to conduct the scheduled FINA events, and has been acknowledged by users as being an outstanding facility. In terms of the documentation, this is the general cabinet submissions and processes of government and, no, I will not be releasing them.

Ms CHAPMAN: Thank you for that response, minister, which sounded more like a submission and a guilty plea. What my question was, though, is what documentation actually does exist to justify that decision that I referred to?

The Hon. A. KOUTSANTONIS: I am advised it was a cabinet decision, and those documents are held within the cabinet office and they will not be released.

Ms CHAPMAN: So, is the minister saying that when the Auditor-General says the documentation, which clearly he has viewed, that didn't adequately explain, and that documentation has been viewed and he has made this assessment that it was not adequate? So, what I am asking is, aside from that documentation, are you suggesting that there is other documentation in existence which is under the protection of cabinet confidentiality, which actually exists, that the Auditor-General has not seen, which justifies the position that you have just put?

The Hon. A. KOUTSANTONIS: No, that is not what I said. I am advised—

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: I know, but I am advised that the submission that cabinet considered is what the Auditor-General has seen. I am not going to release cabinet documents, pure and simple.

Ms CHAPMAN: So, if that is the documentation—I understand, obviously, you say for that reason you are not going to release it. You say that that documentation still, notwithstanding that you just told us that you consider the assessment to be fair and balanced by the Auditor-General—that his assessment of this says that it did not justify it. You are saying that the same documentation, protected under the cabinet confidentiality, does justify it, because that was my question. Where is the documentation that you say does exist, or doesn't it?

The Hon. A. KOUTSANTONIS: I am saying, on advice, that the cabinet considered all these matters and made deliberations and decided, and the Auditor-General has made comments about those decisions, as he is entitled to. He is relying on that documentation, and I will not be releasing cabinet documents. No government would.

Ms CHAPMAN: Does any other documentation exist that you say the cabinet relied on for the purposes of making that decision, that actually exists, that was not provided to the Auditor-General?

The Hon. A. KOUTSANTONIS: It is not surprising, I think, given that the cabinet of the day chose the lowest price. The documentation that was submitted to the cabinet was seen by the Auditor and the Auditor's remarks are based on that he thought the cabinet could have been given more information on the risks associated with it. He details that in his report, but as far as I am advised, there are no documents that the cabinet considered that have not been made available to the Auditor. If there are documents that the cabinet considered that the Auditor has not had a change to look at and I discover them, I will immediately inform the house and I will immediately forward them to the Auditor for comment.

Ms CHAPMAN: To the best of your knowledge, minister, the documentation that was relied on has all been provided to the Auditor, so there is no other documentation that exists to justify it. The decision of cabinet, clearly, was based on only that information, as best to your knowledge.

The Hon. A. KOUTSANTONIS: I am advised that the Auditor made his assessment based on the documentation, but the Auditor cannot make an assessment on the deliberations of cabinet, because he was not there, and he does not know what is said and who argued what and, quite frankly, in our system of government, no-one should, because you want to have the free flow of ideas and debate in a good cabinet. I do not think it is surprising that the cabinet made the decision it did, and the Auditor is simply stating that the lowest price option was also the highest risk. I also remind the honourable member that the outcome is beneficial to the taxpayers.

Ms CHAPMAN: This is the second time, minister, in recent years that the Department for Transport has chosen a bidder which posed the highest risk to deliver, in this case, a very expensive contract. Transfield, of course, in the bus contracts, is another one that immediately springs to mind. Apart from the statement that you made from this report, that you are satisfied that the department acted to protect the government, my question is: have guidelines or a framework since been introduced to ensure that better weighting is given to experience and ability to deliver contractual services?

The Hon. A. KOUTSANTONIS: As I said earlier, I accept the Auditor's comment on the aquatic centre, and I accept that the comment he has made is fair and balanced. I am also advised that we follow all the protocols required by Treasury and cabinet in terms of all tenders. There are lessons to be learned from this, but it is a unique situation. I remind the honourable member that the outcome was actually quite good for the taxpayer and the state.

Ms CHAPMAN: Are you saying that, notwithstanding that you have taken heed of what the Auditor-General has said, you have not ensured that there are guidelines in place now to cover this situation in the future?

The Hon. A. KOUTSANTONIS: That is not what I said. I refer to my—

Ms CHAPMAN: What guidelines or protocols have you developed or introduced to ensure that this does not happen again?

The Hon. A. KOUTSANTONIS: Like I said, the department follows all the appropriate procurement guidelines that are in place, but cabinet is the master of its own destiny, and if cabinet decides to choose a bidder on the basis of it being the lower price, regardless of the weightings or risk advice given to it by the department or any other body outside of the cabinet, the cabinet is entitled to make that decision. I think the member is contemplating somehow muting the cabinet to the point where it can only make a decision based on recommendation from the department rather than using its own ability to decide what it thinks is the best option for procurement.

Now the department goes about its work and does it exceptionally well, and I note the procurement ability within the department and, if you look around the state, the infrastructure that the department is delivering for the people of South Australia is immense—it is generational change and it is being delivered on time and on budget, in the main. If a cabinet wishes to dictate to a department that it will take a bid based on price, then the cabinet must accept the risks. In this case it did, and what happened is that we have a developer who is now bankrupt, but the state has its aquatic centre.

Ms CHAPMAN: No-one is suggesting, minister, that cabinet does not make the decision, but the Auditor-General is critical of the fact that the documentation that was presented to the cabinet did not identify what it could rely on to take that decision, and to accept that it was going to take a cheaper price and a higher risk. No-one is denying the cabinet's lawful authority to do that, but you have just told us that you accept what the Auditor-General said, so I am asking you about his comments, which say that, 'This documentation that I have been presented with which apparently was put to cabinet does not actually disclose the basis upon which it can then be safely relied on.' So, he is giving that advice.

It may be that one of the guidelines your department could have then initiated is to say, 'Well, we will make sure that there is a full documentary trail of the information that is necessary to support that, or change the process upon which we rely.' Now, you are saying you are clearly not going to change that discretion to be able to do as you have.

The Auditor-General is simply saying, 'Let's ensure that documentation is there.' I can only assume, minister (correct me if I am wrong) that there are no new formal requirements in the department that have been prepared as a result of this finding to ensure that adequate documentation is retained when you are contracting services of the order of the $130 million of this project.

The Hon. A. KOUTSANTONIS: What the Auditor cannot do is take into account the discussions that are taken outside cabinet before cabinet deliberates, briefings from Treasury, and briefings from other departments about risks. The Auditor is unable to assess the impact of what is quite normal (that is, discussions between ministers, discussions between departments, and discussions between bureaucrats) about the associated risks.

What he is saying is the documentation that cabinet considered did not completely detail all the risks. My point is: well, that is the cabinet's prerogative. That is not to say that Treasury did not

know of the risks and that Treasury was not happy just to take the lowest bid. You would be surprised to know that the good people of Her Majesty's Treasury like to take the lowest bid—not always, but generally you will find one day that they like the cheapest bid. The final outcome of this is that we have a world-class aquatic centre.

Ms Chapman: We also have legal proceedings, minister.

The Hon. A. KOUTSANTONIS: I am sure we do, and we often have legal proceedings. There are legal proceedings when procurements are done within scope that the Auditor-General has no complaints about. In the commercial world, people are entitled to exercise their rights; it is just the way of things.

Ms CHAPMAN: In respect of this aspect, he goes on to say:

...that documentation did not necessarily reflect the informal input of Ministers and other agencies who were consulted as part of the normal process of preparing proposals for Cabinet consideration and approval—

This is consistent with what you have said; there is other material that comes to influence here. My question is: what other ministers and agencies did this statement refer to?

The Hon. A. KOUTSANTONIS: I imagine it was the Premier and DPC, I imagine it was the Treasurer and Treasury, I imagine it was the Planning minister and AGD, I imagine it was the Minister for Rec and Sport and DPTI, and I imagine it was the chief executives of the relevant departments—the day-to-day running of government.

Ms CHAPMAN: Given that you are saying 'I imagine', I think you are not sure, minister. Would you agree to inquire as to who that was and what agencies they were, and confirm back to the committee if there are any in addition, or if any of those are not correct?

The Hon. A. KOUTSANTONIS: I am advised there is no further information. I am advised that the Auditor has had access to all the documentation. If you are asking me, 'Were those conversations transcribed and handed to the Auditor?' no, they were not. If you are asking if there are minutes to those meetings, anything in relation to the aquatic centre, in terms of documentation, has been given to the Auditor. He has made comments. I accept those comments; I think they are fair and balanced. I am not sure what it is you are looking for.

Ms CHAPMAN: My question was not as to whether there was any other documentation. I think, in the first 10 minutes, we established there was no other documentation, to your knowledge, that was not available to the Auditor-General and considered for deliberation. But the Auditor is saying there were other factors, and I am simply asking what other ministers and agencies are involved. You have just given us a list of who you think probably would have been involved.

The Hon. A. Koutsantonis: On advice.

Ms CHAPMAN: On advice. In any event, I am simply asking you, minister: would you be prepared to inform the committee and come back to it with information if in fact that list is not complete or is different?

The Hon. A. KOUTSANTONIS: I am not sure how that would serve the committee because the Auditor has not expressed any frustration about any lack of documentation or any lack of advice. What he has said quite clearly is that he thinks that the cabinet was not informed appropriately of the risks, and we accept that. So, I am not sure how your request, or me coming back, assists the committee in any way. I am not trying to be difficult about it. This Auditor-General has extraordinary powers to speak to people and audit books. He can speak to anyone he chooses. So, I do not know how this assists the committee at all.

Ms CHAPMAN: I will take that as a no. The Auditor-General goes on to say, at page 1165:

The impact of the scope changes for the mental health facility was not adequately documented and agreed with the builder.

My question is: is this the reason, or at least one of the reasons, the builder has taken legal action against the government?

The Hon. A. KOUTSANTONIS: Ultimately, the court will decide who is right or who is wrong in this matter. The advice I have just received is that there was a variation to the initial build in the GP to allow a mental health facility within the GP Plus clinic. I am advised that there are cost issues around whether that was factored in in terms of any delays that may have been available or otherwise, in terms of construction times.

Those arguments are being held before the court. I am not sure how much more detail I can go into while they are being considered. I do not wish to in any way impede those actions or impede the contractor's ability to seek legal remedy through the courts from the government, so I will not be making any further comment on that.

I cannot tell you why he himself has lodged action. I am guessing he feels he has been wronged and is attempting to seek remedy, but these are all matters that are before a court. I am not sure I can add to them or should add to them.

Mr HAMILTON-SMITH: Minister, I am addressing the issue of regulatory arrangements for electricity use covered by the Auditor-General: ESCOSA, its role, and changes to legislation that were passed around the end of 2012-13. The government announced, on 18 December 2012, that it had reached a deal with AGL and Origin in respect to certain matters, and that it would introduce legislation to change regulatory arrangements. There were regulations introduced to set up ESCOSA as a watchdog, if you like. My question specifically is: what powers, if any, were taken away from ESCOSA as a consequence of those new arrangements, and why?

The Hon. A. KOUTSANTONIS: Point of order: there is no remit within the Auditor-General's scope of this questioning at all. I would ask the member, if he wants to ask me these questions, to do so in question time.

The CHAIR: The member for Waite should know that he has to reference any question to the Auditor-General's Report, so if I could ask him to do that, please.

Mr HAMILTON-SMITH: The Auditor-General's Report covers the whole of the energy portfolio. It is a very large amount of money. The regulatory arrangements that govern that money are included in the scope of the Auditor-General's Report, in my opinion. The practice of this place has been that questioning on the Auditor-General's Report is fairly broad. I am questioning arrangements that the minister says the government has put in place to protect the taxpayers' financial interest in the energy portfolio. That is what I am asking about.

The CHAIR: You still need a reference to the Auditor-General's Report.

Mr HAMILTON-SMITH: Where would you like to start, Mr Chairman? Let us try Statement of Comprehensive Income at page 1015? We can talk about pages 1013 or 1012, because all of the expenses in this Auditor-General's Report, in respect of energy, are to be monitored to some extent by ESCOSA. I do not know why the minister is trying to dodge the line of questioning. I do not know why he just does not answer the questions.

The Hon. A. KOUTSANTONIS: The member just referred to page 1014, which says, 'Statement of Cash Flows. The following table summarises the net cash flows' and it lists net cash flows, investing, change in cash and cash at 30 June. I am happy to answer any questions about any auditing matter whatsoever but he is asking me questions about policy. Question time is the place for this, not the Auditor-General's Report. The Auditor-General has made no adverse finding whatsoever here so, if you want to ask me a question about auditing, go ahead: do not ask me policy questions.

Mr HAMILTON-SMITH: I would like to know, on page 1018, whether receipts from technical regulation have anything to do with ESCOSA's role in electricity—receipts from the sale of electricity. The bottom line is that if the minister wants to argue that regulatory matters are not part of the purview of the department, I do not know why he just does not want to answer the question and I wonder whether I have struck a raw chord here. I have asked a simple question. Why do you not just answer it? What are you hiding? Answer the question.

The Hon. A. KOUTSANTONIS: Someone has not done their homework. Someone has not done any research. Someone has not read the Auditor-General's Report. Someone does not know what the Auditor-General's job is. It is not policy: it is auditing finances. Quite seriously, he has come in here and is asking me question time questions. Do your job and do some research.

Members interjecting:

The CHAIR: Order!

Mr HAMILTON-SMITH: I cannot see why the minister cannot answer some questions—

The Hon. A. Koutsantonis interjecting:

The CHAIR: Order!

Mr HAMILTON-SMITH: —about arrangements within his department that are governed by this budget line during this period. This has always been pretty free. This is the first time I can recall, in 17 years, that a minister has refused to answer questions during the Auditor-General's Report about any matter within his portfolio. He seems to be hiding something, Mr Chairman. Why does he not just answer the question?

I think I know the reason why he is not answering the question, but I ask him again: will he tell us why did he change the regulatory regime? Why did he use his employees—who probably wrote those regulations and who are covered by this Auditor-General's Report? He has employees who are salaried to do certain functions in respect of ESCOSA within his department. They are all mentioned in the report. These are fair questions. I just want him to tell us what those employees are doing and, if he tasked them to remove certain powers from ESCOSA, why did he do that?

The Hon. A. KOUTSANTONIS: Last time I checked, this is not estimates. Last time I checked, this is not question time. This is the—

Ms Chapman: Last time you checked you're still the minister.

The CHAIR: Order! The minister has the call.

The Hon. A. KOUTSANTONIS: Yes, I am.

Mr HAMILTON-SMITH: Let me ask a third question—

The CHAIR: Hang on, the minister is still on his feet.

The Hon. A. KOUTSANTONIS: It is not my fault that the honourable member has come into the Auditor-General's question time to ask me questions that should have been asked in question time today, or in estimates. He has found no adverse findings within the Auditor-General's Report. I understand the Auditor-General has made unqualified reports of all the accounts within DMITRE. He does not have a single question to ask me so what he is asking me now is policy questions.

Quite frankly, it is unacceptable for a member of parliament of 17 years' experience to walk in here and start asking me policy questions and then pretending some mock outrage that I am not answering questions that are not based on the Auditor-General's Report. I have every bureaucrat here who is responsible for the financial auditing of the departments and you cannot ask me a single question on the audit of the books that the Auditor-General has conducted. What you want to ask me questions about is: why did you deregulate electricity? Who did that? What are ESCOSA's functions and powers? This information is all publicly available. Ask me questions about the Auditor-General and do your job.

Mr HAMILTON-SMITH: I think we have established that the minister does not want to answer any questions whatsoever about how effectively the resources in his department are being used to protect the electricity bill payers in this state from excessive increases; but we will move on.

The CHAIR: Does the member have a question?

Mr HAMILTON-SMITH: We will move on. We can see the minister is avoiding questions. I do not know why he is so afraid of answering the questions. Is it alright to ask a question about the PACE program, minister? Would that be alright?

The Hon. A. Koutsantonis: Go ahead.

Mr HAMILTON-SMITH: Can you tell me, then—because it is noted that you cut funding to PACE in the last budget—how much of the state, by percentage, remains unexplored and how much has been explored?

The Hon. A. KOUTSANTONIS: I do not have the exact percentages here, but I can get them to you by the end of the day, hopefully. I also know that we have just completed one of the largest gravity surveys of the Woomera Prohibited Area ever conducted in the state's history. Earlier in the year, in the budget, we announced a series of initiatives, one in PACE that was announced in the budget.

I do not have those details here today, because the Auditor made no adverse finding whatsoever about the rollout of that money, the way they were contracted, the way we employed contractors. What I will get for the member is a breakdown, exactly, of what PACE discoveries have been made in the last 12 months, exactly what percentage of that money has been spent on

aerial gravity surveys and what money has been spent for PACE in terms of drilling and grants. I will get all those details for him very, very soon.

Mr HAMILTON-SMITH: I was going to ask a point of review, Mr Chair, but I see we have run out of time. The minister seems to be asserting that questions in estimates are to be restricted to any adverse findings found by the Auditor-General—

The Hon. A. Koutsantonis: I did not; no.

Mr HAMILTON-SMITH: That's what he just said. From my understanding, that would be the first time since 1857 that that has been the case. I see our time has expired, so I will leave it to you.

The CHAIR: I thank the minister and I thank the member for Waite, and also the advisers. We now move to the Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services and Minister for Road Safety. If I could remind members asking questions to reference them to the Auditor-General's Report. The member for Davenport.

The Hon. I.F. EVANS: Part A, page 19-20, refers to the performance of Shared Services. Near the bottom of the page it notes that:

> ...savings were attained without any transition or reform activities occurring.

Is it correct that to 2016-17, the savings in that category amount to $175.6 million and $153.6 million, totalling $329.2 million out of the savings claimed to $473.7 million in total savings from the table?

The Hon. M.F. O'BRIEN: In the notices that I have, and we will see whether they cover the question, the report that we are referring to confirms that by 2015-16 the Shared Services initiative will have achieved the original annual $60 million indexed savings target and will exceed that target every year after that. The figures show that savings achieved to date are $229 million. In his report the Auditor-General notes that the savings target was probably overly ambitious and that the $60 million of annual savings would be achieved by 2009-10. Not achieving this has cumulatively meant that savings of $85 million were not achieved compared to the aspirational earlier target. I am trying to find out exactly within the briefing where we actually address the issue.

The Hon. I.F. EVANS: If you get out page 20 of Part A, you go to the final paragraph of that page and what the Auditor-General says is:

> The savings allocated to the SSSA initiative prior to reform activities represents those savings which were included in the initiative submitted to Cabinet, however those savings were attained without any transition or reform activities occurring.

In other words, all that cabinet did was say that you have to save X dollars and they have just allocated them against certain savings programs—ICT, or whatever the program might be. Whether that program delivered that saving on that is irrelevant; that is how it was going to be charged to the agency. The Auditor-General continues:

> For example, a major element of these savings is ICT. Agency expenditure budgets were reduced overall by $25 million each year in the 2007-08 Budget to achieve these savings and by a further $27.3 million by the 2011-12 mid-year budget review.

In relation to those allocated savings to the agencies for ICT, he then goes on to say:

> To 2012-13 these savings attributed to [Shared Services] amounted to $175.6 million with a further $153.6 million budgeted from 2013-14 to 2016-17.

If you add those two together, it is $329 million of savings out of a possible 473, which is in the bottom right-hand corner of the chart. Is it true that $329 million out of the $473 million in savings were attained without any transition or reform activities occurring? In other words, they were just allocated savings and how the agency ended up making the savings is totally up to them?

The Hon. M.F. O'BRIEN: I think, in essence, you are correct and what the Auditor-General is saying is that the reform initiatives are now contributing, if you like, to savings of around $20 million per year rising to $24 million in 2016-17. Interestingly, I think it is fair to say, member for Davenport, that what happened with Shared Services—and it is probably a failing—is that all of the existing functions, including the methodology and the personnel, were taken from the individual agencies and put in a building, and all that changed really for the first couple of years was the view from the window.

They were doing what they had done previously in a department or an agency but we are now at the point of actually starting to drive the reform by consolidating the databases and upgrading the CHRIS software to a more recent version and I think that is when we will start to reap the real rewards. We will reduce 19 databases to two and 80 payroll runs down to 10, so this is when we will actually see the savings.

The Hon. I.F. EVANS: Page 9 of Part A refers to the asset sales the government has undertaken in Lotteries and forests. Could the minister advise how far through the process is the sale of the State Admin Centre block?

The Hon. M.F. O'BRIEN: Member for Davenport, we are in the stages of preparing the proposal to take to market, but it has not gone to market at this stage.

The Hon. I.F. EVANS: Referring to Part A, with regard to forests, how was it that the government did not include the value of the Glencoe nursery in the reserve price as part of the forestry sale? How did all the consultants in the department miss that point?

The Hon. M.F. O'BRIEN: The actual value of the Glencoe nursery in the overall scheme of things was minimal, and there was, I think, a lack of certitude, if you like, as to whether a prospective purchaser would want to take on board the Glencoe nursery. Although, one would think that if you are purchasing a forestry plantation and you are purchasing it for three rotations then you know you have to replant after the first rotation that a potential purchaser would not want to acquire that asset, but it was not known and the successful bidder did include in their bid a component, if you like, for the purchase of that particular asset.

The Hon. I.F. EVANS: Is the minister satisfied with the process that was used to sell the forests, given that the Glencoe Nursery sale was not included as part of the reserve price, the minutes of the project steering committee did not provide a transparent account of the consideration and acceptance of the sale of the Glencoe Nursery, it was not highlighted in the minute to the Treasurer regarding the sale, it was not highlighted in the cabinet submission regarding the sale, and the copy of the declaration of the project steering committee assessment of the potential conflict of interest was also not provided to the Auditor-General? As minister, are you satisfied with the probity and the process used with regard to the forest sale? There was a conflict of interest highlighted by the Auditor-General, as well.

The Hon. M.F. O'BRIEN: Member for Davenport, I think there is an acknowledgement that the process could have been handled better. That is the determination of the Auditor-General, that documentation could have been a little more comprehensive, and I think that is acknowledged by Treasury and Finance. The Auditor-General did find overall that DTF had implemented a comprehensive governance framework to manage the sale process and had implemented sale processes and controls over the management of the sales process, and that the sale proceeds received for both Forestry and Lotteries exceeded the upper limits of the estimated reserve prices, so the outcome in terms of the amount received by government was in excess of reserve. The government's framework was comprehensive and administered well, but I think there was a bit of an oversight in relation to Glencoe in relation to documentation of that asset.

The Hon. I.F. EVANS: On page 11, the Auditor-General raises concerns that there was a lack of evidence to support the project time frame. Does the minister think it was a fluke that the government announced the sale of the forests the day after the SACA vote regarding Adelaide Oval?

The Hon. M.F. O'BRIEN: Yes, there is no relationship between the two events.

The Hon. I.F. EVANS: With regard to the Lotteries sale, page 14 and 15 of the Auditor-General's Report, Part A, refers to the fact that the concerns from the IGA were not raised in the cabinet submission and that cabinet did not get advised re the Crown Solicitor's view re the legislation. I am just wondering why that occurred, and again I will ask the minister: given that there were details left out of the cabinet submission regarding the Forestry sale and there were details left out of the cabinet submission regarding the Lotteries sale, is the minister satisfied with the process in relation to the Lotteries sale?

The Hon. M.F. O'BRIEN: In essence, member for Davenport, this comes down to the two options that were made available to cabinet—and particularly the responsible ministers—do we go down the legislative path or do we go down the contractual path? We chose to go down the contractual path, and I think the Auditor-General is quite satisfied with that decision, and also the government's, and the probity surrounding the process. The Auditor-General noted that DTF had

implemented a comprehensive governance framework and had implemented sound processes and controls over the management of the sale.

The Hon. I.F. EVANS: Minister, on the same page, why should cabinet have not been aware of the IGA's preference to go down the legislative path, and why should cabinet have not been aware of the Crown Solicitor's view about going down the legislative path. They wanted to go down the legislative path and cabinet decided not to. Why should cabinet have not been advised of their view?

The Hon. M.F. O'BRIEN: The two responsible ministers, the Treasurer and the Attorney-General were made aware of the IGA and Crown Solicitor's views on the legislative approach but felt that the contractual approach was more suited to this particular transaction.

The Hon. I.F. EVANS: On pages 15 and 16, the Auditor-General raises that the cost of managing the sale process was approximately $12.5 million and $13.1 million respectively. It is unclear to me whether the $12.5 million and $13.1 million includes the success fees and the consultant's fees, or whether that is simply the cost of department—the internal cost of the government machinery, if you like. Can the minister advise: is the $12.5 million and $13.1 million on page 16 of the report the total cost all inclusive of all consultant payments and success fees, or is it in addition to consultant fees and success fees?

The Hon. M.F. O'BRIEN: Those figures are all inclusive.

The Hon. I.F. EVANS: Can I have RISTEC? Mr Walker is here and I know he loves to be involved. The Auditor-General has raised RISTEC, I think, for the last seven years, and he does again in this particular Auditor-General's Report. Can the minister advise what is the latest estimate for the total cost of the completion of the RISTEC project, and can you remind the committee what was the original budget?

The Hon. M.F. O'BRIEN: Member for Davenport, the original budgeted figure was 43.3, and we are currently looking at a revised budgeted figure of 50.5. So, 43.3 to 50.5—not a massive blowout. That 50.5 may be altered, in that we are in ongoing discussions with Fujitsu in relation to their performance and the timeline. I think they probably overpromised, and we have had ongoing discussions to compel them to commit the necessary resources to complete the project. But, there has been a little difficulty, I think in part because there has been a turnover of personnel within Fujitsu.

The Hon. I.F. EVANS: The last question from me—and the minister can take it on notice—relates to the Motor Accident Commission. Could you advise how much money is invested through South Australian firms? So, in other words, the Motor Accident Commission have an investment wing; I suspect they are using interstate or international firms. I want to know the breakdown of how much money is invested via South Australian firms.

The Hon. M.F. O'BRIEN: Yes, member for Davenport, I will definitely take that on notice. I apologise for the time taken on that first question; I just didn't quite get the grip.

The CHAIR: We now turn to the Police portfolio.

Mr VAN HOLST PELLEKAAN: Minister, I refer to part B, volume 4, pages 1392 and 1393. This is to do with vehicle licensing and the daily updates of DPTI information. Can the minister confirm if a process to ensure the accurate and complete update—

The Hon. M.F. O'BRIEN: Sorry, member for Stuart, if you could just bear with us for an instant.

Mr VAN HOLST PELLEKAAN: Could the minister please confirm if a process to ensure the accurate and complete update of the vehicle licensing system with the information provided by DPTI has been introduced by SAPOL as recommended?

The Hon. M.F. O'BRIEN: That work has been completed, member for Stuart.

Mr VAN HOLST PELLEKAAN: Thank you, minister. Please advise when it was completed, and also how long this information had been transferred onto the vehicle licensing system without accuracy. So, when did you get on the good path, and how long were you off it?

The Hon. M.F. O'BRIEN: Member for Stuart, if I could come back to you on that? I have been advised that we were never off the system, if you like, but the Auditor-General found that the daily confirmation—the daily signing off of the data transfer—was not done as it should have been. I think what the Auditor-General has indicated is that that has to be done, for quality assurance

reasons, on a subsequent audit, so that we know that every day the data has been transferred and has been updated, and that an individual has signed off that that work has occurred.

Mr VAN HOLST PELLEKAAN: You are quite right; that is what the Auditor-General recommended. I understood from your first answer that doing it that way has actually been put in place, so the question was: can you tell me when that happened, please? I understand you will get back to me about that.

The Hon. M.F. O'BRIEN: I will get back to you.

Mr VAN HOLST PELLEKAAN: This is a really important area for many people who receive expiation notices for driving unregistered vehicles and, occasionally, incorrectly. So, when you get back to me with that, could you also give me information about how many people received incorrect expiation notices because of this fall-down in the system, up until the point when the daily signing and sighting was actually put into place as recommended?

The Hon. M.F. O'BRIEN: Member for Stuart, I will take that question on notice, but I think the issue is not that the daily update was not occurring: it was that it was not being documented. The advice that I have received is that it was occurring on a daily basis, but the necessary documentation to have the responsible officer signing off that the data transfer had occurred was not being done on a daily basis. There were days on which the data transfer had occurred, but no-one had actually filled out the documentation to that effect. I will come back to you with an answer.

Mr VAN HOLST PELLEKAAN: Thank you. I am sure that the Auditor-General's recommendation that the system be changed was based on a view that, if it was not changed, or was operating the way it was, mistakes could have been happening. In the same area, but this time with regard to access levels and expiation reviews, given that the Auditor-General has made numerous references to having appropriate staff access to the expiation notice system, minister, please advise if any staff have inappropriately accessed the expiation notice system.

The Hon. M.F. O'BRIEN: Again, I will take that on notice; we do not have that information here.

Mr VAN HOLST PELLEKAAN: In the same area, but this time at the very bottom of the page under Expiation revenue, in reference to the responsibility for the follow-up of outstanding infringement notices, please advise what follow-up has now been done by police.

The Hon. M.F. O'BRIEN: I believe that the Auditor-General detected that the number of outstanding TINs was on the high side, which indicated that regional commanders were not following up. As a result of the findings of the Auditor-General, there has been a tightening, and my understanding is that the level is now within acceptable boundaries but, again, I will return with a more definitive answer.

The CHAIR: I thank the minister, and I thank the member for Davenport and the member for Stuart. That concludes the examination of the Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services and Minister for Road Safety. We now have the Minister for Education and Child Development and the Minister for Multicultural Affairs. I remind members they must reference the Auditor-General's Report when they ask questions. The member for Unley.

Mr PISONI: Minister, I would like to take you to page 458 of the report that refers to FTEs and a comparison between 2012 and 2013. In doing so, I want to ask whether you are confident that Mr DeGennaro was giving correct information to the Budget and Finance Committee on 6 May regarding his figures on FTE numbers and savings targets.

The Hon. J.M. RANKINE: FTEs?

Mr PISONI: The Auditor-General's Report is all about full-time numbers. I am trying to get some comparisons with what was claimed in the Budget and Finance Committee in May of this year and what the Auditor-General has discovered.

The Hon. J.M. RANKINE: I do not have a copy of what Mr DeGennaro gave the Budget and Finance Committee so I cannot comment.

Mr PISONI: The question is: are you confident that Mr DeGennaro was giving correct information to the Budget and Finance Committee?

The CHAIR: I do not think that has anything to do with the Auditor-General's Report.

The Hon. J.M. RANKINE: If the member wants to give me some figures, I am happy to have them checked.

Mr PISONI: Can the minister advise why the FTE numbers have increased by 235 from 2012 to 2013?

The Hon. J.M. RANKINE: I do not have information about why they have gone up by 235, but the breakdown provided by the Auditor-General shows that they were people employed under the Education Act (so I am assuming that is teachers), or were school service officers (again, I am assuming that is people in our schools), and there were some Children's Services Act employees. I do know that we have been opening our new children's centres, so I am assuming that is staff in some of those facilities.

Mr PISONI: Can you advise how many staff—

The CHAIR: Can you refer to a page number so that the minister—

Mr PISONI: Same page, sir.

The CHAIR: Well, just quote it when you ask your question.

Mr PISONI: Same page. Minister, can you advise the committee how many employed under the Education Act are not employed in schools?

The Hon. J.M. RANKINE: I will take that question on notice.

Mr PISONI: Can you advise why there are 14 additional staff employed under the Public Service Act from 2012 to 2013?

The Hon. J.M. RANKINE: Again, I am happy to take that on notice. We have, as I have said, improved the services that we provide to families, with the expansion of our children's centres. I think we now have about 34 of those that are operational. I have opened three of the four Aboriginal-specific children's centres. I am speculating, but I am assuming that when you are talking about such a small number as 14 there are going to be admin staff located throughout all of our facilities, some in excess of 500 of them.

Mr PISONI: Same page. Can the minister advise, then, whether the increase in staff of 235 is in line with this year's budget—this is a table 12.2—where there is expected an efficiency dividend by 30 June 2017 of 53.4 fewer FTE staff?

The Hon. J.M. RANKINE: I am advised that as of June we were within our FTE cap, and the department is working towards delivering on its efficiency savings.

Mr PISONI: Were the figures provided to the Budget and Finance Committee, of an FTE reduction requirement associated with the expenditure reductions of 287.2 FTEs in 2012-13, met?

The Hon. J.M. RANKINE: Again, I do not have the detail around what was provided to the Budget and Finance Committee. I thought I was answering questions on the Auditor-General's Report, which is looking at whether we have proper accounting procedures in our department.

Mr PISONI: With all due respect, minister, you have made the claim that the savings targets were met. Can you please, then, advise the house how many FTEs were offered redundancy packages in the 2012-13 year?

The Hon. J.M. RANKINE: With all due respect, I did not say that at all; I said we are working towards our savings targets.

Mr PISONI: Can you please advise how many FTEs you dispensed with last year?

The Hon. J.M. RANKINE: I am advised that the number of employees who received a TVSP this year (2012-13) was 98.

Mr PISONI: Are you able to explain, then, why the—

The CHAIR: Same page number?

Mr PISONI: —same page—Budget and Finance Committee was told on 6 May that the FTE requirement with expenditure reductions amounted to 287.2 FTEs for 2012-13? Was that a correct figure?

The Hon. J.M. RANKINE: I am advised that not all FTE reductions are related to TVSPs, but we will take that on notice being that the member is quoting from Budget & Finance and I don't have those documents in front of me.

Mr PISONI: What was the target for 2012-13 reductions in staff, regardless of how they were reduced?

The Hon. J.M. RANKINE: Again, I don't have that information because it is not the subject of the Auditor-General's Report.

Mr PISONI: I'm sorry, minister, it is. The Auditor-General's Report talks about the number of staff in 2012 at 22,676. I am simply asking how many staff were surplus and no longer in the department, whether you have met your targets and what the targets were. You have just said there were 90, so what were the targets that were set for 2012-13?

The Hon. J.M. RANKINE: You are referring to a budget target as opposed to what is reported in the Auditor-General's Report. I am happy to take it on notice.

Mr PISONI: Same page, but referring to your earlier comment where you said that there were more teachers employed under the Education Act. You were not able to clarify whether they were in the department or in schools, but there actually are 26 fewer students in 2013 compared to the previous year. Are you able to advise where the extra teachers were placed? Was it because of requirements in the enterprise bargaining agreement or were there other considerations for the additional staff being employed under the Education Act?

The Hon. J.M. RANKINE: I am happy to advise the house that the Auditor-General uses data from term 1 in relation to student enrolments. As of the commencement of term 3, we have had a substantial increase in enrolments—1,121 FTE students.

Mr PISONI: What was the total enrolment then as of that date?

The Hon. J.M. RANKINE: As of term 3, I am told there are 167,614 FTE students enrolled.

Mr PISONI: And the employee numbers are taken on what date?

The Hon. J.M. RANKINE: I am advised 30 June.

Mr PISONI: Referring to page 440 and the Valeo payroll system, the Auditor-General comments that pay clerks are continuing to process payroll input forms without authenticating the identity of the officer approving changes to employee payroll and leave files. Pay clerks continue to process claims, allowances and leave applications without checking approvals. Can you advise whether this is the reason for the increase in salary overpayments referred to on page 442 of the Auditor-General's Report?

The Hon. J.M. RANKINE: My understanding is that these forms continue to be processed manually and a whole lot of processes have devolved over a period of time. We are progressively implementing electronic and online solutions so that the authorisation of payroll related transactions by systems users with appropriate human resources delegations will be in place.

The implementation of the vacancy selection and placement system in 2008-09 has partly addressed the concerns over the validity of new appointments, higher duties and increases in time workload because appropriate approvals are required and checked. We have successfully implemented an online temporary relief teacher claims system with in excess of 99 per cent of TRT claims submitted by the schools and preschools being processed in this way. It is a much better process and a process that we are hoping to continue to roll out.

Mr PISONI: What are the qualifications of the pay clerks, minister?

The Hon. J.M. RANKINE: I will have to take that one on notice.

Mr PISONI: I do not think it is funny, because we had a head of legal services who was not a lawyer, so I think it is a very legitimate question. You have not answered part of my earlier question as to whether the increase of $1.2 million in overpayments referred to on page 442 was a result of the poor processes being conducted by the pay clerks as referred to on page 440 of the Auditor-General's Report.

The Hon. J.M. RANKINE: I will have to check that out, but I think it is fair to say that, over a period of time, the overpayments have reduced and our recoveries team is working very closely with Shared Services to address all these issues.

Mr PISONI: Minister, you just said that the overpayments have reduced, but they are up by 93 per cent this year compared to last year. Can you explain why overpayments have increased by nearly double from 2012 to 2013?

The Hon. J.M. RANKINE: I am happy to clarify that: the value of the debts being managed by Shared Services and the DECD has reduced by $129,000 over the period June 2013 to October 2013, so they are working together very closely to bring that down.

Mr PISONI: I am sorry; you have not explained why there was an increase in overpayments of $1.2 million as of March 2013.

The Hon. J.M. RANKINE: As the vast majority of those overpayments involve Shared Services, I will take that question on notice.

Mr PISONI: Referring again to page 442, the Auditor-General says that the recovery of overpayments is a shared responsibility between the Department for Education and Shared Services, so could you advise what your responsibility is as the Minister for Education?

The Hon. J.M. RANKINE: As I said, we have been working with Shared Services, and the recovery process is, as I understand it, in two stages. Shared Services initiates the first stage of debt recovery actions, which involves initial communications with the debtor. If the debt is not recovered through the first stage response, the debt is to be referred to DECD for second stage recovery actions, which involve detailed assessments of the circumstances and consideration of legal avenues for debt collection where that is appropriate. Shared Services has acknowledged, I understand, that the increase in salary overpayments relates to the first level of recovery, and they have engaged additional resources to address the backlog.

Mr PISONI: What is the cost of the debt recovery program on overpayments to staff?

The Hon. J.M. RANKINE: I will take that on notice.

Mr PISONI: Can the minister advise the number of overpayments—the physical number of staff who have been overpaid—that represents that $2.5 million figure?

The Hon. J.M. RANKINE: No, I am sorry, I do not have that detail. I understand that the quantum of the overpayments is reported in the Auditor-General's Report; is that right? No. I do not have that level of detail for the member, I am sorry. I will have to again take that on notice.

Mr PISONI: Perhaps you might like to bring back to the house, minister, the breakdown of the act under which those employees are employed, whether it is the Education Act or PSA. If you are happy to do that, I would much appreciate it. Was that a yes?

The Hon. J.M. RANKINE: Yes, that's fine.

Mr PISONI: Thank you.

The Hon. J.M. RANKINE: If we can get that detail without too much expense in getting it.

Mr PISONI: I would want to know if I was the minister. This is referring to page 482 of the Auditor-General's Report. We are looking at the federal money that was granted for the Empowering Local Schools program. It received $1 million of commonwealth revenue in 2012, of which $800,000 was unspent as of 30 June. Are you able to advise why that was unspent? Did it not meet the criteria for it to be spent, and has there been reporting back to the federal government as to how the $200,000 was spent?

The Hon. J.M. RANKINE: I'm sorry, I don't have the detail of that with me, but I am happy to take that one on notice.

Mr PISONI: Well, this is an examination of the Auditor-General's Report. It is straight out of the Auditor-General's Report. You have got your advisers there. It is extraordinary that you are not able to answer that question. This was specifically set up for local school management, and the lay reader of this would come to the conclusion that we have not delivered on local school management and that is why you have not allocated 80 per cent of federal funds that were given to you to deliver that commitment that you made at the COAG.

The Hon. J.M. RANKINE: The member for Unley is very good at making assertions, and what we know is that he will take every opportunity he possibly can to denigrate the public education system. There may be many reasons—

Mr PISONI: Point of order, sir.

The CHAIR: Point of order.

Mr PISONI: The minister is imputing improper motives on a member of parliament.

The CHAIR: I don't think there is a point of order. Minister, continue.

The Hon. J.M. RANKINE: I'm just describing what you do. We know what you do every day. There may be many reasons why—

Mr Pisoni: To hold you to account, because you're so hopeless.

The CHAIR: Order!

The Hon. J.M. RANKINE: —it is reported in this way, many reasons why as at 30 June it was considered to be unspent. That does not mean for a minute that we have not been supporting our schools, that we have not been supporting our teachers, that we have not been, importantly, supporting the principals out in our schools; principals who, along with Victoria, have the greatest autonomy over the finances in their schools of any education system in Australia.

Mr PISONI: I take you to page 437 now, minister. The Auditor-General says that:

> Since January 2012 the Department's human resources management delegations manual for PSA employees has stated that only level 2 and 3 delegates have authority to engage non-executive employees on an ongoing, term or casual basis. For Families SA the level 2 delegate is the Head, Families SA and level 3 delegates are Families SA directors.

Are you able to confirm whether Melissa Green was appointed using that process, as she was appointed to a full-time position within the families and communities section within your Department for Education in mid-2012 while still on remand for the 16 charges she pleaded guilty to relating to embezzlement, and Green won the position in Families SA as a financial counsellor in the financial control, counselling and support program within your department?

The Hon. J.M. RANKINE: I do have briefings in relation to Melissa Green, but I do not have them with me here in the chamber, obviously, because that is not the subject of this particular questioning on the Auditor-General's Report. Ms Green has been dismissed and there is an inquiry underway in relation to some of the actions of the people in the department in relation to Ms Green.

Mr PISONI: The Auditor goes on to say that an audit review in 2012-13 identified instances where non-executive employee appointments were authorised by Families SA office managers. Was Melissa Green one of those appointments and are you able to tell the house how many appointments were made in this manner?

The Hon. J.M. RANKINE: No, I cannot tell the house that and I will take that on notice.

Mr PISONI: This refers to page 446 of the Auditor-General's report. Can the minister explain why Families SA has not completed its required regular review of registered caregivers as it is required to by law, and a review of the 207 registered caregivers was overdue by the end of May, as reported by the Auditor-General?

The Hon. J.M. RANKINE: Naturally I would like to see all the care reviews completed on time but my primary concern is that children in our care are safe, and as soon as I became aware of the Auditor-General's findings I sought to understand the purpose of the carer review in relation to child safety. The reviews are performed by the carer's employer in the first instance and then submitted to Families SA for final review. Generally a contracted non-government organisation undertakes those reviews and then forwards them on to Families SA.

Whilst most carers are re-registered, it is possible that a carer's registration may be suspended or terminated for whatever reason. However, this is not the primary mechanism for advising of any care concerns in relation to a child or a carer. If anyone in the community formally reports a concern of a serious nature, we respond appropriately and those people are investigated. There are over 1,000 registered foster carers in the connected client and case management system. The 207 outstanding reviews have only recently become due, and I understand that the overdue carer reviews reported in the Auditor-General's Report have now been completed.

Mr PISONI: Does the carer review include matters to do with child protection, that is, whether the person is suitable to be caring for children?

The CHAIR: What is the page number?

Mr PISONI: The same page; the same topic, sir.

The Hon. J.M. RANKINE: He is taking great licence, sir, of course, as he always does. Of course the carer reviews look at a whole range of things.

Mr PISONI: Very effective it is too.

The Hon. J.M. RANKINE: What is?

Mr PISONI: The way I pursue the government on their poor handling of child protection.

The Hon. J.M. RANKINE: The way you pursue your headlines.

Mr PISONI: The way I pursue the poor handling of child protection.

The Hon. J.M. RANKINE: Always aggressive and offensive; a big bully.

The CHAIR: Order! The minister has the call.

The Hon. J.M. RANKINE: As I said, we have non-government organisations and they are the ones that engage our foster carers. We have many people in our community who are incredibly generous and open up their homes and their hearts to these children who cannot remain with their families. Obviously, we have to be very careful about the assessment, and it is a very rigorous assessment in the first place that foster carers will go through before they are able to take children into their care.

We go through a process not only of assessing the carers continuously but also there are case management reviews undertaken of children. This is a big demand on the system but one that we think is really important. They do not always come in on time; and we are dealing with non-government organisations undertaking this work and then passing it on to Families SA.

As I said, the annual reviews referred to have been completed, I understand, by all of the non-government organisations, and we are close to finalising the reviews within Families SA. So, families have been looked at and spoken to. There are a range of things that are looked at, including their suitability, whether the accommodation is suitable, interactions within the family—there are a whole lot of things that are looked at in these reviews.

The CHAIR: We will now take questions on Multicultural Affairs.

Mr PISONI: This refers to page 298 of the Auditor-General's Report—Multicultural SA accommodation. In 2002, there was no allocation for accommodation for Multicultural SA; however, in 2013, there was an allocation of $403,000. Are you able to confirm if that was for the Chesser Street building that you have since moved out of?

The Hon. J.M. RANKINE: I will take that on notice, but yes, the Chesser Street accommodation is still being used by the Multicultural and Ethnic Affairs Commission, and there are other people of the agency, as I understand, that are in that accommodation. But, yes, we have made some other arrangements in relation to the staff of Multicultural SA; we have taken them into the Riverside building so that we have more resources around that agency to actually support our multicultural community.

Mr PISONI: How many staff are still at the Chesser Street building, at the $403,000 rental payment?

The Hon. J.M. RANKINE: They are staff, as I understand it, from DCSI, so I do not have that information. But, I am assured that the department is using that accommodation for its staff—not Multicultural SA, but departmental staff.

The CHAIR: I would like to thank the minister and thank the member for Unley. That concludes the Minister for Education and Child Development and Minister for Multicultural Affairs.

Progress reported; committee to sit again.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:38): Obtained leave and introduced a bill for an act to amend the Firearms Act 1977. Read a first time.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:38): 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.

Possession and use of illicit firearms are significant elements of criminal activity in South Australia. Trafficking of firearms, including the movement of firearms across borders, is an ongoing concern for police jurisdictions, as are the links to organised crime. Entrepreneurial criminals also exploit emerging technologies to support their activity.

The social ramifications of organised crime and illicit firearm activity on the community are serious and inconsistent with government, police and community expectations of safety and reasonable behaviour.

The amendments contained with the Firearms Amendment (Miscellaneous) Bill 2013 create new criminal offences and enhanced powers to support police. Many are stringent provisions but all have a strong focus on criminal activity involving firearms by those who access, possess and utilise firearms for criminal enterprises. They are intended to directly assist police in the challenge of disrupting and preventing this type of illegal and socially unacceptable activity. Several amendments will also bring South Australia into line with other jurisdictions, establishing consistency and supporting the need for a national approach to preventing and reducing firearm crimes and harms.

New Offences

Trafficking in firearms

This amendment creates an indictable offence of trafficking in firearms. Any person who acquires or supplies a firearm, or takes part in any step in the process of acquisition or supply of a firearm, where the acquisition or supply of that firearm is or would be illegal, will be dealt with by this new trafficking offence. The offence would apply to the storage, concealment or transportation of a firearm in relation to the illegal acquisition or supply. It would also apply to a person who arranges finance or allows premises to be used for the purpose of the supply. The maximum penalty for the offence is 20 years imprisonment. This would apply where the offence is a first offence involving more than one firearm or where the offence is a subsequent offence. As with the current offences, there is a discretion for a prosecutor to prosecute a first offence as a summary offence.

Possession of a loaded firearm

The measure amends the current offence of an unlicensed person possessing a loaded firearm. A possession offence will now be aggravated if the firearm is simply loaded, or in the immediate vicinity of a loaded magazine that could be attached to and used in conjunction with the firearm, irrespective of whether or not the firearm was being physically carried at the time. It is considered to reflect community expectations that possession of a loaded firearm in any unlawful circumstances is so grave as to warrant an aggravated offence.

Possess detachable magazines with a capacity of more than 10 rounds

This is a new offence to South Australia. Other jurisdictions have a similar offence. It will affect people acquiring, owning or possessing a detachable magazine with a capacity of more than 10 rounds. It is a stringent provision but does not impact people who hold a firearms licence that authorises possession of a category D firearm or whose possession is authorised in writing by the Registrar of Firearms. Transitional provisions will allow a person to obtain the written approval of the Registrar of Firearms to possess a detachable magazine with a capacity of more than 10 rounds, or surrender the magazine, within six months from the commencement of these provisions. The maximum penalty for the offence is a fine of $10,000 or imprisonment for 2 years.

Possession of a silencer, mechanism or fitting found together with a firearm

Possession of silencers is already strictly prohibited. Possession of other mechanisms or fittings to convert a firearm to an automatic firearm or enabling a firearm to fire grenades or explosive projectiles is also prohibited unless that possession is authorised by a firearms licence. This provision creates a new aggravated offence proscribing the possession of a silencer, mechanism or fitting when that silencer, mechanism or fitting is possessed together with a firearm. The provision applies whether the silencer, mechanism or fitting is attached to the firearm or not. The indictable nature of this offence and higher penalty reflects that possession is more serious when the item is found together with or attached to a firearm. The maximum penalty for the offence is a fine of $75,000 or imprisonment for 15 years.

Manufacture of a silencer

Use of silencers is prominent in organised crime activity. This new offence prohibits manufacture of a silencer. The maximum penalty for the offence is a fine of $35,000 or imprisonment for 7 years.

Reactivating a deactivated firearm

A deactivated firearm is one which has been rendered unusable in a manner stipulated by the Registrar of Firearms. This provision creates a new offence that proscribes a person from reactivating a deactivated firearm so that the deactivated firearm becomes capable of being used as a firearm. This will align South Australia with other similar laws in some other jurisdictions and will deter people intent on making firearms operable for supply to the illicit firearms market. The maximum penalty for the offence is a fine of $75,000 or imprisonment for 15 years.

Alterations changing the category of a firearm

This strengthens existing legislation by creating an indictable offence where a person alters a firearm in a way that changes the class of the firearm if the alteration is not authorised in writing by the Registrar of Firearms. This offence will capture persons who reduce the length of rifles and shotguns with the intent of making them more readily concealable and suited for criminal use. The maximum penalty for the offence is a fine of $75,000 or imprisonment for 15 years.

Attempting to reactivate or change the category of a firearm

It will be an indictable offence to attempt to alter a firearm so as to reactivate or change the class of the firearm. It applies to people who alter firearms in stages, where the full alteration and firing capability or change of class has not yet been obtained. The provision will also apply to people who attempt to alter a firearm but whose lack of technical skill prevents completion of the process. The maximum penalty for the offence is a fine of $15,000 or imprisonment for 4 years.

Possession of a prohibited accessory

This new provision makes it an offence to possess an accessory that can be attached to or be used in conjunction with a firearm so as to affect the appearance or operation of the firearm. These will be prescribed by regulation and it is intended that the offence will apply to items such as kits that attach to handguns to give them the appearance of military type firearms. The offence will be aggravated when the accessory is fitted to a firearm or when an offender has physical possession or control of the accessory together with a firearm. This new law is proposed to meet and 'step ahead' of emerging technology and trends. The maximum penalty for the offence is a fine of $75,000 or imprisonment for 15 years.

New Powers

Police power to stop, search and detain vessel and aircraft

This provision enhances current authority and will provide police with the power to stop, search and detain vessels and aircraft on suspicion that there is a firearm or other item liable to seizure. The current provisions are limited to searches of people and vehicles. The new provisions will expand this power to stopping, searching and detaining vessels and aircraft.

Police power to stop, search and detain to ensure compliance with Court issued firearms prohibition orders

The existing police power to stop, search and detain persons, vehicles, vessels, aircraft and premises to ensure compliance with a firearms prohibition order applies only to firearms prohibition orders issued by the Registrar of Firearms (the Commissioner of Police). This amendment clarifies that the provision applies to firearms prohibition orders issued by a court of South Australia and that court issued orders have the same effect as those issued by the Registrar of Firearms.

Police power to break to conduct searches

The authority to break for the purpose of conducting a search for a firearm or other item liable to seizure is currently limited to searches of premises. This provision amends and expands this power to make it applicable to searches of vehicles, vessels and aircraft, inclusive of searches to ensure compliance with Registrar of Firearms and court issued firearms prohibition orders.

Power to stop and detain in order to serve Firearms Prohibition Order

Firearms Prohibition Orders do not come into effect until served. This provision authorises police to require a person to remain at a particular place for a period of up to 2 hours to facilitate the service of an order. The provision also allows for arrest if the person refuses or fails to comply.

Power to seize manufacturing and alteration equipment

It is already an offence to unlawfully manufacture firearms. This Bill proposes to also make it an offence to alter an unusable firearm in such a way that it becomes operable or to alter a firearm to change the firearm's class. This new provision supports the intention to remove opportunities for criminals to possess tools for the unlawful purpose of manufacturing or altering firearms, silencers or firearm parts. It will provide police with the power to seize equipment e.g. machinery, lathes and instruction manuals used for, or suspected of being used for, the unlawful manufacture or alteration of firearms and firearm parts. Opportunity will now be provided to seize equipment also used to manufacture silencers. It will also encompass emerging technologies such as 3D printed firearms. This new provision provides for forfeiture proceedings to be instituted before a court in relation to seized items.

Power to seize firearms not surrendered under a grant of Bail

Sections 11(1)(a) and 11A(1) of the *Bail Act 1985* provide that a bail authority may direct a person who is granted bail to forthwith surrender at a police station a firearm, firearm part or ammunition owned or possessed by the person. However, police cannot seize those items if they are not surrendered in compliance with a bail authority's direction. There are similar provisions in a number of other Acts. This provision will assist police by providing a police officer with a power to seize a firearm, ammunition or part of a firearm if it is suspected on reasonable grounds that a person has possession of the firearm, ammunition or part of a firearm in contravention of a direction to surrender such an item made under the *Bail Act 1985* or any other Act including the *Intervention Orders (Prevention of Abuse) Act 2009*.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Firearms Act 1977*

4—Amendment of section 5—Interpretation

A new definition of *prohibited firearm accessory* is inserted. The definition provides for the regulations to prescribe such items for the purposes of the new offence in section 29B.

The definition of *silencer* is amended so that the term includes items adapted as well as designed and clarifies the sorts of objects that would comprise a silencer.

5—Amendment of section 10B—Firearms prohibition order issued by Registrar

This amendment inserts a new provision that mirrors the provision in section 10A in relation to interim firearm prohibition orders and provides that a police officer who has a reasonable belief that a firearm prohibition order applies to a person but has not yet been served, may require the person to remain at a particular place for up to two hours in order to effect service. If the person fails to comply with the requirement of the officer, he or she may be arrested and detained without warrant for up to 2 hours.

6—Substitution of heading to Part 3

This amendment is consequential on the amendment in clause 9 in relation to trafficking.

7—Amendment of section 11—Possession and use of firearms

Section 11 makes it an offence for a person to possess a firearm without holding a licence authorising that possession. It is also an offence to possess a firearm for a purpose that is not authorised by a firearms licence held by the person. Currently, the offences are aggravated if it is proved that the offender was carrying a loaded firearm or a firearm and a loaded magazine that can be attached to and used in conjunction with the firearm. The offences are also aggravated if the offender had a firearm concealed about the person. This clause amends the section to change the aggravating factors so that an offence against the section is aggravated if—

- the firearm to which the offence relates was loaded or in the immediate vicinity of a loaded magazine that could be attached to and used in conjunction with the firearm; or
- the offender had the firearm concealed about the person.

8—Substitution of heading to Part 3 Division 2

This amendment is consequential on the amendment in clause 9 in relation to trafficking.

9—Substitution of sections 14 and 14A

This clause repeals sections 14 and 14A and substitutes a new clause that deals with trafficking in firearms by significantly increasing the penalties for unlawful acquisition or supply of firearms where the offence involves more than 1 firearm or is a subsequent offence. The maximum penalties for a first offence that involves only one firearm have not changed, but the penalty for the more serious offences is imprisonment for 20 years. As with the previous sections, a person commits an offence if he or she illegally acquires or supplies a firearm or takes part in any step in the process of acquisition or supply. It would also apply to a person who arranges finance or provides premises in which a step in the process of the illegal acquisition or supply of firearms is taken. The defences currently provided for in sections 14 and 14A are maintained. A person who has not previously been charged with an offence against the section may be prosecuted for a summary offence. If convicted, the maximum penalty is $10,000 or imprisonment for 2 years.

10—Insertion of heading to Part 3 Division 2AA

This amendment is consequential.

11—Amendment of section 27—Manufacture of firearms, firearm parts or silencers

This clause amends section 27 to make it an offence for a person to manufacture a silencer. Subsection (5) is recast to incorporate a penalty for manufacture of silencers.

12—Insertion of sections 27AA and 27AAB

This clause inserts 2 new sections.

27AA—Alteration of firearms

Proposed section 27AA establishes a new offence of reactivating a deactivated firearm or altering a firearm so as to change the class of firearm without the written approval of the Registrar. It is also a separate offence for a person to attempt to commit the main offence.

Although an attempt would ordinarily be covered by the *Criminal Law Consolidation Act 1935*, the penalty provided by that Act could not apply to this offence because the maximum penalty depends on the type of firearm involved. If the offence is not complete it may not be clear what type of firearm is involved.

27AAB—Seizure and forfeiture of equipment etc

Proposed section 27AAB provides police officers with a power to seize any equipment, device, object or document reasonably suspected of being used, or intended for use, in connection with the commission of an offence against section 27 or 27AA (Manufacture of firearms, firearm parts or silencers and Alteration of firearms). The section includes procedures for instituting proceedings for forfeiture of seized items and also deals with disposal of forfeited items.

13—Amendment of section 29A—Possession etc of silencer and certain parts of firearms

It is currently an offence to possess a silencer or certain types of mechanisms or fittings. This clause makes the offence an aggravated offence in circumstances where the offender possesses such items and they are fitted to a firearm or the item is in the physical possession or control of the offender together with a firearm to which it can be fitted.

14—Insertion of sections 29B and 29BA

This clause inserts 2 new sections.

29B—Possession etc of prohibited firearm accessory

This proposed section makes possession of a prohibited firearm accessory an offence. The offence is an aggravated offence if the accessory is fitted to a firearm or in the possession of the offender together with a firearm to which the accessory can be fitted or in relation to which it can be used. These items will be prescribed by the regulations.

29BA—Restriction on possession etc of certain magazines

This proposed section prohibits the possession, acquisition or ownership of a detachable magazine with a capacity of more than 10 rounds without the written approval of the Registrar unless the person holds a class D firearms licence or a dealers licence authorising dealing in class D firearms. The offence does not apply in relation to a magazine of a prescribed kind.

15—Amendment of section 32—Power to inspect or seize firearms etc

Section 32(1aa) is amended to extend the police power of seizure to include silencers, firearm parts and prohibited firearm accessories. A similar amendment is made to section 32(2) and (3)(a). The power under subsection (2) to stop and search vehicles is being extended to vessels and aircraft. This provides consistency with subsection (3a), which already provides a power for stopping and detaining vessels and aircraft in addition to vehicles for the purposes of ensuring compliance with firearms prohibition orders. New subsection (1ac) authorises police officers to seize firearms, firearm parts and ammunition if there is a suspicion that the person has possession of the item in contravention of one of the specified Acts. Amendments are made to subsection (3a) to make it consistent with the firearm prohibition order provisions in section 10C, which refers to firearm parts rather than mechanisms or fittings.

Subsection (3c) is inserted to extend the existing power to break into premises for the purposes of a police search to vehicles, vessels and aircraft. It also clarifies that the existing power to search premises would include the ability to break into or open anything in or on the premises (which will now include vehicles, vessels and aircraft).

16—Amendment of section 34—Forfeiture of firearms etc

This amendment includes firearm parts in the existing provisions that enable the Registrar to institute proceedings for forfeiture of seized items.

17—Amendment of section 34A—Powers of court on finding person guilty of firearms offence

The amendments made by this clause extend the existing powers of a court to make orders on finding a person guilty of an offence so that orders can be made in relation to firearm parts. An amendment is also made to clarify the operation of firearms prohibition orders made by a court so that they operate as a firearms prohibition order under Part 2A, which provides for the making of such orders by the Registrar.

18—Amendment of section 35—Disposal of forfeited or surrendered firearms etc

This amendment to the existing disposal provision will enable the Registrar to sell or otherwise dispose of forfeited firearm parts.

19—Amendment of Schedule 1—Transitional provisions and compensation

The transitional provision in relation to possession of magazines with a capacity of more than 10 rounds gives a person who owns or has possession of such a magazine before the commencement of section 29BA 6 months to obtain the written approval of the Registrar.

Debate adjourned on motion of Ms Chapman.

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

Adjourned debate on second reading.

(Continued from 26 September.)

The DEPUTY SPEAKER: Member for Waite, are you the lead speaker?

Mr HAMILTON-SMITH (Waite) (17:40): Yes.

The DEPUTY SPEAKER: Unlimited time.

Mr HAMILTON-SMITH: Thank you. I have quite a bit to say on this bill and related matters. Can I firstly indicate that the opposition will be supporting the measure and that the Liberal Party and the Coalition, across the country, are very strong advocates for it.

The Statutes Amendment (National Electricity and Gas Laws—Limited Merits Review) Bill was introduced by the Deputy Premier on behalf of the energy minister on 26 September. The bill proposes to make amendments to national electricity law and national gas law by reforming the regulatory powers of the Australian Energy Regulator and functions of the Australian Competition Tribunal (the ACT) for determining energy network costs. Specifically, the bill seeks to remedy perceived weaknesses in the limited merits review process which have led to extraneous costs being attributed to network service providers (NSPs) by the tribunal.

South Australia is the lead legislator for national electricity and gas law, hence we have the bill before us today. The bill has been brought forward to remedy regulatory weaknesses that will flow through at a national level. Can I take this opportunity to thank officers of the department who took the time to brief me and my staff on the measure—that was very helpful indeed—and for all of the work that they have put into it.

One of the major causes of spiralling energy bills for small business and households has been the failure of the regulatory regime under Labor governments, both federal and state. The state Labor government has had since 2002 to take action through the Standing Council on Energy and Resources (the SCER) or through the Council of Australian Governments (COAG) to demand reforms to avoid market abuses so as to get bills down. This bill comes before the parliament in the 12th year of a Labor state government. Energy bills have increased during that period by 133 per cent; that is Labor's badge of dishonour when it comes to electricity prices.

I want to put this bill in context because, instead of accepting that regulatory reform is the problem, the government keeps trying to blame others. In particular, the government keeps trying to blame privatisation. The government keeps going around and throwing around one-liners to the effect that the reason electricity bills have gone up is because the electricity assets were privatised in the life of the former Liberal government.

Now, before we can address the substance of this bill, we need to deal with its context. I just want to point out a few things to the house about that proposition, which the minister consistently bangs on about. Of course, he is completely ill-informed and completely wrong. Even his Labor Party colleagues disagree with him, and I will explain why. For a start, let me run through the long list of people who have dismissed this argument that has been put forward. Let us start with the Productivity Commission, which concluded in June the following:

> Government ownership produces perverse interactions with the existing Rules, which are likely to lead to overinvestment and ineffective cost controls...The evidence appears to suggest that state-owned enterprises are less efficient than their private sector peers.

That is on page 257 of the Productivity Commission's report. Let me now turn to Infrastructure Australia, which argued for complete privatisation of all Australian electricity assets when it said this:

> It is time to improve service delivery and the cost of energy by divesting publicly-owned energy infrastructure. This reform will remove the conflict of Government being both owner and regulator and can lead to more efficient overall management of energy infrastructure and competition in our energy markets.

That is on page 68 of its report. I remind the house that the National Electricity Market was introduced under a federal Labor government, under then prime minister Paul Keating. Once that decision was made, the nation was set on a course. Can I then indicate to the house that, as the Australian Energy Market Commission has demonstrated, the retail margin component for energy costs is approximately 4¢ per kilowatt hour of a total cost of 31.8¢ per kilowatt hour.

Assertions that retailers are 'parasites' do not stack up with the profits that retail companies are making in a volatile and changing market. I have heard the minister out there belting the retailers when, for example, issues have arisen in the media to do with electricity prices. You cannot blame the network companies or the retailers for working to the rules. It is the rules that are at fault, and that is partly why we are here discussing this bill.

Public ownership of electricity assets interstate (specifically, Queensland and New South Wales, and it was Labor governments that hung on like crikey to that public ownership) has not insulated those states from similar price increases and has placed additional burdens on taxpayers. As a comparison, South Australia's public ownership of water assets has coincided with even more substantial increases in water prices (11 times CPI, compared with electricity prices at five times CPI).

If you want a snapshot of what our electricity bills would look like if this current Weatherill Labor government still owned and controlled our electricity assets, look what has happened to water. It is up 257 per cent. Look at the debacle of the desal plant and just imagine for a moment if this lot owned and were operating our electricity assets. Imagine if they had to build new power stations. Imagine if they had to invest and borrow—

The SPEAKER: Member for Waite. You will withdraw the term 'this lot' and substitute something else.

Mr HAMILTON-SMITH: This Labor government.

The SPEAKER: Thank you.

Mr HAMILTON-SMITH: The fact is: state debt would be even higher than its present record and the deficit, approaching $1.4 billion, would be even higher; and the reason is that the state government would have had to pay for what is now funded by ElectraNet, by SA Power Networks and by electricity generators, as well as trying to run a retail operation. That is before we get to the issue of wind power and if the government owned all that.

The government claims there is $5 billion waiting to come in: would it be paying for that? We are virtually bankrupt. We would be completely bankrupt. It is simply a nonsense proposition. It does not end there. The review of the Limited Merits Review Regime stage 2 report also touches on this subject when it says on page 8:

> The question of privatisation of publicly owned networks should be revisited. The Australian regulatory system, including the recommended developments of merits review proposed in this Report, can be expected to function more effectively with privately owned NSPs (the main features of the system having been originally designed for the regulation of privately owned monopolies). Among other things, privatisation would eliminate the almost inevitable conflicts that arise when management of publicly owned NSPs are, in effect, subject to simultaneous supervision by different public institutions—the economic regulator, the minister representing the shareholder interest, and possibly the relevant energy minister—each independently pursuing overlapping public policy objectives.

The very review that has led to this bill has reinforced yet again that privatisation does not work in the national electricity market. Despite that, the minister keeps repeating it. Do not worry; all media will have this *Hansard*; all media will have these references. They know you cannot be believed when you make these claims; they simply do not stack up. Of course, that is before we even go to utterances from Labor figures themselves. I am looking at Kevin Rudd's Press Club speech full transcript. He was quite critical of state governments who own electricity assets. He said:

> Number one: Domestic electricity price regulation in Australia, and the impact of the current carbon price as well as the future availability of competitively priced domestic gas supplies are high on the agenda.
>
> Australian electricity prices are too high by global standards.
>
> This affects the competitiveness of all firms large and small. Of course it also affects individual consumers.

And then Kevin Rudd said this:

> The primary reason for the hike in electricity prices appears to be the current system of national electricity regulation which has allowed excessive rates of return for publicly-owned transmission and distribution utilities which have become cash cows for various state and territory governments.

You only need to look at what the former Labor prime minister said when he belled the cat on state governments owning electricity assets. Look at how much the current state government rips out of SA Water in the way of dividends to just have some sort of a snapshot as to what would be going on if it still owned the electricity assets. It would be doing exactly what the governments in

Queensland and New South Wales are doing, and that is raking in the cash. It would be an absolute mess.

This government has already delivered ruin. If it owned our electricity assets it would be even worse. However, it was not only Kevin Rudd: it was the former Labor energy minister and prime minister Gillard who, in the Energy White Paper 2012, made it crystal clear. This is a federal Labor government policy paper—its 2012 white paper. It said this about privatisation, and I am quoting directly from page 113 of the report, 'the Productivity Commission...estimated that the reforms have increased Australia's GDP by 2.5 per cent', that is, the national electricity market reforms.

The report goes on to say that 'a competitive and interconnected wholesale market involving business-on-business competition supported by more transparent and nationally regulated networks' is what federal Labor wanted to see more of, and 'a competitive and efficient wholesale electricity market with substantially improved efficiencies and generation...utilisation rates'. Then, in a section in the white paper on page 114 the federal Labor government talks about 'misperceptions about reform', and it says:

> One common misperception is that reforms have led to higher prices. Energy prices in Australia...remained stable and low through the late 1990s to around 2007. Recent price rises largely reflect a combination of increasing production costs and the high point of an investment cycle in Australia's energy infrastructure.

The white paper goes on:

> A second common misconception is that deregulation means a lack of oversight and...loss of consumer protections.

It then goes on to say:

> Further improvements are needed to the regulatory frameworks for networks to minimise cost pressures...

And, importantly, it says this—this is Labor's white paper—and I quote:

> Government ownership of energy assets may create the potential for conflict in both policy and operational decisions.

You have it from two Labor prime ministers, a former federal Labor energy minister, a former federal Labor government's policy statement, and about every other respected commentator in the country.

Anyone who is arguing, as the minister does from time to time, that privatisation is the cause of energy bill increases is simply dreaming. They are so out of touch with reality it is not funny. I just say to the current government, wake up to yourselves. It is nearly a 20-year-old argument, get with the plan.

[Sitting extended beyond 18:00 on motion of Hon. A. Koutsantonis]

Mr HAMILTON-SMITH: I want to turn now to the sensitive matter of how the minister and the government have handled this bill to this point. The opposition have made some interesting observations about the bill because the poor regulatory arrangements that this bill seeks to rectify are the root cause of the problem. This bill is before the parliament because Labor's regulatory regime has seen the system rorted and consumers overcharged for years.

Since 2002, as I have mentioned, Labor has had control of the regulatory levers and it is now clear that during that period the rules have allowed network companies to act other than in the long-term interests of consumers; that is the bottom line. The current limited merits review regime was introduced by Labor governments on 1 January 2008. We had Labor governments coast to coast, federal and state. Since then it has been responsible for $3.3 billion in additional charges awarded by the Australian competition tribunal—charges that have flowed through to consumers.

The bill we have before us today seeks to rectify those sloppy arrangements that Labor governments entered into in 2008. The bill is a clear attempt to catch up on regulatory failure by Labor which has cost bill payers dearly, both small businesses and households, for decisions that in most instances have been made on legalistic technicalities by the tribunal rather than genuine errors by the regulator. I will go into that in a bit more detail in a minute.

To give you an example of this failure and how it has impacted upon South Australians, I point you to an article by *The Advertiser* in May which was headed 'South Australians to pay

average $1270 a year as electricity prices to rise by 10 per cent'. That was on 26 May 2011. The article by Cameron England goes on to explain that the average family will have to pay $120 extra per year from 1 July 2011. The reason for that was that ETSA Utilities, as it was then, was awarded by the tribunal an additional $301 million over five years, costing the average South Australian $120. The tribunal was able to overrule the regulator's determination in this instance to the tune of $301 million based on the value of ETSA's regulated asset base and the value of its imputation tax credits.

This is one of the examples that arises in background to this bill as a decision that probably should never have been made. That was not why the tribunal was set up and that is explained and I will go into more detail in a moment, yet that directly resulted in a $120 per year increase for the average household thanks to the sloppy rules that Labor set up in 2008. My question is: where has the minister been? Where has the government been since 2008? Why did we set up these sloppy rules in the first place? Why weren't we more diligent at the time? Why has it taken so long to get this bill into the parliament? It is now 2013—a very long time since 2008. This legislation, by its very nature, casts doubt on previous decisions made by this state Labor government.

The Standing Council on Energy and Resources comprised of ministers from around the country has initiated this process, and it is determined to amend the sloppy laws—rules and regulations that weaken the Australian Energy Regulator to the benefit of network companies. I emphasise that you cannot blame the players for playing the game to the rules, but you can raise concerns about the rules. Labor should not have allowed these existing rules to be introduced in 2008. They were found wanting, and the parliament is now being asked to clean up the mess which has seen electricity bills increase for consumers under questionable arguments.

There has been a lack of openness and accountability and a second-guessing of the regulator which needs to come to an end. This bill is an admission of Labor's failure, and that is why I raised this issue on talkback radio in recent days, and I hope the minister is listening, because I made many of the points I have just put down on the record, but I also made the point that, since coalition ministers have joined the SCER in recent years—and it has been over a period of years—they have been enthusiastic about these reforms. I said on 891 that we will be supporting the bill enthusiastically 'because it's been driven largely by coalition state ministers around the council of energy ministers pushing this forward.' And I certainly asserted—

The Hon. A. Koutsantonis: That's not true.

Mr HAMILTON-SMITH: Well, the minister just said that wasn't true, and I am going to move on to that very issue because the minister—

The SPEAKER: The minister is warned for the second time for interjecting out of his seat.

Mr HAMILTON-SMITH: The minister says that wasn't true. I am glad he has put that on the record, because the minister who, apparently, was at some sort of function that morning flew out to get on the phone. I do not know if he heard the whole interview. Perhaps he can tell me. Maybe he just heard the last few words. But his opening lines were these, Mr Speaker. David Bevan says:

> Let's go to Tom Koutsantonis now because he has just called and we do appreciate him fitting us in.

Abraham says:

> Is this too little too late, minister?

And the minister says this:

> ...the limited merits review was opposed by all the Coalition states.

He then says:

> It's disingenuous and dishonest of Mr Hamilton-Smith to say that.

Now, can I tell you, Mr Speaker, I take great offence at being called dishonest and I am going to dwell on this for a moment and explore who has actually been dishonest, because I made my statements on radio based on research and contact that I had had with others. I thought I had better check, because what the minister has said, categorically, publicly, is that the limited merits review was opposed by all coalition states and he has just told the house the same thing when he said, 'That's not true.'

So, he has repeated that to the house, and I gather you stand by that, minister? You said it a few minutes ago. You have now told the parliament that. Now, I want to draw the house's

attention to who is on the SCER. I want to read their names, because I came away from that interview and I contacted their offices. The Hon. Ian Macfarlane, the Minister for Industry—totally and absolutely supportive.

The Hon. A. KOUTSANTONIS: Point of order, sir.

The SPEAKER: Point of order, minister.

The Hon. A. KOUTSANTONIS: The member for Waite has just intimated that the Hon. Ian Macfarlane was present at the SCER that decided—

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Can I finish—that decided the limited merits review. He wasn't. He is misleading the parliament.

Mr Hamilton-Smith interjecting:

The SPEAKER: The allegation of misleading can only be made by substantive motion, so I invite the minister to withdraw the allegation.

The Hon. A. KOUTSANTONIS: I withdraw the term 'misleading', sir, absolutely.

The SPEAKER: Did the member for Waite wish to correct the record about the presence or otherwise of Ian Macfarlane at the meeting, or does he say he did not say Ian Macfarlane was at SCER?

Mr HAMILTON-SMITH: I made no statement that Ian Macfarlane was at any meetings. I am simply reading out the names of the ministers who were on the SCER. I am reading it out.

The SPEAKER: So, just to be clear, Mr Macfarlane is on the SCER, but he wasn't at this particular meeting?

Mr HAMILTON-SMITH: Well, I'm not sure which particular meetings he is referring to, and I don't want to get into a debate across the floor.

The SPEAKER: Well, you're in a debate already.

Mr HAMILTON-SMITH: He was raising a point of order as to what was the standing order? I made no reference to any meeting, Mr Speaker. So, if I can just continue. I didn't make any reference to any meeting, minister.

The Hon. A. Koutsantonis: Fine, we'll check the *Hansard*.

Mr HAMILTON-SMITH: You're making things up.

The Hon. A. KOUTSANTONIS: I take offence to that, sir, and ask him to withdraw.

Mr HAMILTON-SMITH: Well, you're making things up. This is not meant to be a debate, Mr Speaker. I am speaking. If he wants to make it a debate—

The SPEAKER: We're on a second reading, so we are in a debate, but the minister can make these points in reply, perhaps when he is in possession of the *Hansard*. But I do caution the member for Waite about alleging that the minister is 'making things up'. That might be interpreted as imputing that the minister has misled the house. The member for Waite may wish to withdraw.

Mr HAMILTON-SMITH: I have not made any statement that warrants withdrawal, sir.

The SPEAKER: Very well.

Mr HAMILTON-SMITH: I am simply making the point that—

The Hon. A. Koutsantonis interjecting:

Mr HAMILTON-SMITH: Well, I'm getting onto the sort of—I will deal with that very issue in a moment, minister. The Hon. Ian Macfarlane—I contacted his office, I had contact with him prior—is fully supportive of the measure. In New South Wales, the Hon. Chris Hartcher, the Minister for Resources and Energy—his office is fully supportive of the measure. In Victoria, I have met the Hon. Nicholas Kotsiras, Minister for Energy and Resources, and not only were they fully supportive of the measure in Victoria—and I note from yesterday's *Hansard* the minister made some reference to Victoria in some way having dragged the chain or made some suggestion that they may not have moved very quickly on this. This is what the Victorian government told me—

The Hon. A. Koutsantonis: That is not what I said.

Mr HAMILTON-SMITH: Well, I've got your *Hansard*, so I'll read it back to you. What the Victorian government has said is this:

> The Victorian government advocated for changes to the regulatory regime to get better outcomes for consumers. Victoria supports the recent changes to the regulatory rules which make it easier for the regulator to ensure consumers get a fair share. The independent panel of the merits review process recently supported Victoria's position that the current appeals system is weighted against consumers and needs reform.

I will now read from a media release dated 11 July 2012 from the Victorian government, which says this:

> The Minister for Energy and Resources Michael O'Brien today welcomed the release of the report that supports Victoria's view that energy consumers are being disadvantaged by the appeals system for the regulatory decisions on the energy network charges.

This is the important bit, a direct quote from the minister in Victoria:

> The Victorian Coalition Government has been a leader in pushing for changes to the regulatory regime for network charges to deliver better results for households who are facing rising energy prices.

'A leader'—every minister's office I contacted refuted what the minister said on 891 radio. He said they opposed it. In fact, his exact words were to the effect that they had opposed the measures. In fact, quoting directly, 'The limited merits review was opposed by all Coalition states.' Well, I have proven you wrong in Victoria, you are wrong in New South Wales, you are wrong federally, and now let's go to Queensland, because I have contacted the office of the Hon. Mark McArdle, the Minister for Energy and Water Supply. They strongly supported it.

The Hon. A. Koutsantonis: Did they?

Mr HAMILTON-SMITH: Have a look at their media releases. Well, if you're saying—and I will be talking to *The Australian*, because I am sure these ministers want to know what you have said about them on 891 radio, and you have repeated it in the house. You have accused them all of basically opposing this measure and they have told their constituents they support it.

But it gets better—because every decision of the SCER is a unanimous decision, a consensus decision. Every single Coalition minister voted for the measure by consensus. Not only did they vote for the measure, not only have they made public statements saying, in the case of Victoria, that they were leaders on the issue, but they have completely and utterly refuted what the minister said on 891 radio.

I am just repeating it because I want to throw it down his throat: the limited merits review was opposed by all Coalition states. He goes on to say that it was disingenuous and dishonest for Mr Hamilton Smith to suggest that was so. I will tell you what, minister: who do you think is being dishonest, Mr Speaker? I will ask you. I have checked with all those ministers; I have their phone numbers, I will make them available to the minister. I have already spoken to the journalists on 891 and pointed this out to them.

They all say they voted for the measure—it is on the record. They say they led on the issue, in the case of Victoria in particular, but others as well, and that they were enthusiastic supporters. He is saying they opposed the measure. Who is telling the truth and who is making it up? I will tell the minister something: the first person who rang me, when he said on 891 radio that I was dishonest for saying that the Coalition ministers had supported this measure, was my wife. The second person who rang me was my mother, and they said, 'He's just called you a liar.' I said, 'I don't think he used the term "liar". I'll check the *Hansard*.'

But I will tell you this: when you say publicly that someone is dishonest, it is just as good as calling them a liar. What I have established here is that the lie originated over there. The lie came from the minister. It is provable: I can get written statements, I can get the voting record and the public statements. In most cases, these ministers took the decisions to their cabinets. You have said something; not only is it untrue but you either said it deliberately or you were just foolish and got it wrong. It might be better to be thought of as a fool than a liar.

The SPEAKER: The member for Waite.

Mr HAMILTON-SMITH: Yes, Mr Speaker, I am listening attentively.

The SPEAKER: The member for Waite will withdraw the choice that the minister knowingly uttered an untruth.

Mr HAMILTON-SMITH: I am happy to withdraw any suggestion to that effect, Mr Speaker: only the minister knows the answer to that question. I simply make the point that the facts are quite different from what was said on 891.

I suggest to the minister that he take a leaf out of the Premier's book. The Premier suggested that ministers and members of parliament should be a little more civil, that they should conduct themselves a little more honourably. I can tell you that when you go on 891 ABC radio and you say what the minister said, and the facts are demonstrably wrong, you have it so wrong. To then throw around that sort of abuse I think is an utter disgrace, and I will make sure that the people of West Torrens get to hear about it. I would suggest that a little bit of decency would go a long way, and I also signal to the minister that, if this is the way he wants to play the game, if he wants to throw a brick, we will back up the truck.

The Hon. A. Koutsantonis interjecting:

Mr HAMILTON-SMITH: Just conduct yourself decently, and I ask you not to accuse, on radio, anyone of lying or being dishonest, particularly when you demonstrably have your facts so patently wrong. I would say that sometimes it is just better to be thought of as a fool. Perhaps it was not deliberate. Either way if we are going to debate these very important matters such as we are debating today, let us do it from a basis of integrity. That is the point that I am making.

The Hon. A. Koutsantonis: Coming from you, that's a bit rich.

Mr HAMILTON-SMITH: Well, I can tell you, I have set a certain standard for myself since I have been here.

The Hon. A. Koutsantonis: Really?

Mr HAMILTON-SMITH: Yes, and I wish you would set a high standard for yourself too.

Mr Marshall interjecting:

The SPEAKER: The member for Waite will be seated. The leader is furiously attracting my attention to draw my attention to a breach of the standing orders and there are two I can see: one is that the leader is interjecting out of his seat; the second is that the minister is on his final warning.

Mr HAMILTON-SMITH: I want to wind up this point but I think it needs to be made. I want to make this simple request of the minister as one honourable member to another and that is simply this: he has made these comments on 891 radio publicly, they are demonstrably wrong and I ask that he does the decent thing and goes on ABC radio and apologises. He has made a statement that is factually wrong. I can get the letters to that effect. He has made a statement about me which I find highly offensive, which is not true and which is provably not true in this instance. From time to time we might disagree about the interpretation of events; it does not mean that people are being dishonest. It simply means that we may have a different version of what is going on.

There is no need for that sort of abuse. I ask him to do the decent thing because there are some other alternatives. I could get the letters from the various ministers, I could come in here and lead a substantive motion that the minister lied, and I could prove that the statements that he has made I believe on 891 are incorrect. I could get statutory declarations from each of those ministers and I reckon they would provide them. I can make as big an issue of this in the parliament as the minister wants. That is one option. There are other options. I believe those remarks to have been defamatory and actionable. Of course the minister would hide behind the Crown.

The Hon. A. Koutsantonis: Actionable?

Mr HAMILTON-SMITH: Well, I have a lot of options. Or the minister can do the decent thing and apologise on 891 radio having clearly got his facts wrong. I hope that the Premier's staff are listening because it is just a question of how much of an issue they want to make of the energy minister's remarks on 891 in respect of whether or not they were accurate at all. It is really up to the government. If they want to make a big issue of it, fine, but a simple apology would be welcome. I do not want to dwell on the issue, and I will move on to the substance.

The Hon. P. Caica: You have.

Mr HAMILTON-SMITH: Well it needed dwelling on, member for Colton, because I tell you what, if the member for Colton heard the member for West Torrens get on 891 radio and accuse

him of being dishonest and then had a call from his wife and his mother saying, 'He's just called you a liar,' I think he would be upset. Would he? Would he be upset, member for Colton?

The Hon. P. Caica interjecting:

Mr HAMILTON-SMITH: Well, I am sorry to hear that but I ask you to reflect on that before you interject.

The SPEAKER: Point of order from the minister.

The Hon. A. KOUTSANTONIS: I refer to *Hansard* from yesterday where I say this—

The SPEAKER: This is not going to be an impromptu speech, is it?

The Hon. A. KOUTSANTONIS: No, sir—'First and foremost, if I caused the member—

Mr HAMILTON-SMITH: Point of order, Mr Speaker.

The SPEAKER: No, I will hear the minister and then I will rule on it.

The Hon. A. KOUTSANTONIS: He says I have not apologised. I say, 'First and foremost—

The SPEAKER: Minister, the question of whether the member has said something he should withdraw or is factually incorrect—

The Hon. A. Koutsantonis: Factually incorrect, sir.

The SPEAKER: —is something that you can reply to in your reply speech. It is not a point of order. I mean if members who made statements in debate that were not factual could be pulled up on points of order, *Hansard* would be nothing but a patchwork of points of order, so I suggest the minister reserves his point for his speech in reply. The member for Waite.

Mr HAMILTON-SMITH: My point to the minister is that he made these statements on 891 radio and I am asking him to apologise for them on 891 radio. That is the point I made to him yesterday and—

The SPEAKER: I think the member said he would not dwell on the matter.

Mr HAMILTON-SMITH: Well, I am trying to move on—

The SPEAKER: He has been speaking about it in the 20 minutes I have been in the chair.

Mr HAMILTON-SMITH: —but the minister's interjections offer an opportunity to continue to dwell. I suggest he remain silent. Getting back to the substance of the measure, because it is a very important bill which warrants consideration, I want to refer to what the Australian Energy Regulator said about these measures on 25 May 2011, when it stated:

> The Australian Competition Tribunal on 19 May 2011 handed down its decision on the appeals by the South Australian (ETSA Utilities) and Queensland electricity distribution network operators (Energex and Ergon Energy), and has allowed them to recover additional revenues.

It then goes on to say that $850 million would be recovered, being $301 million from ETSA, $298 million from Energex and $243 million from Ergon. These are further examples of where costs were passed onto electricity consumers and small businesses that need not have been passed on. It continues:

> The Tribunal also found that the AER made errors in relation to ETSA Utilities easements valuation, and Ergon Energy's non system capital expenditure, labour cost escalation rates and the control mechanism for alternative control quoted services.

This media release highlights and provides further elucidation on why the system is not working. That is why the Australian Energy Regulator, in a document titled, 'The state of the energy market 2012', talked about the need for reform, stating:

> In September 2011 the AER submitted proposals to the AEMC, seeking changes to the energy Rules governing how network businesses are regulated to better promote efficient investment in, and use of, energy services for the long term interests of consumers...The AER argued:
>
> - the Rules constrained the extent to which it could make holistic and independent assessments of a network's proposed expenditure needs
> - the automatic roll-in of all capital expenditure—including amounts above AER allowances—to a network's asset base created incentives for overinvestment

- inconsistent approaches to setting the cost of capital for electricity and gas network businesses, along with constraints on the AER in setting costs that reflect current commercial practices, led to inflated cost estimates
- the consultation arrangements hindered effective stakeholder engagement.

In effect, the AER heralded the problems that are clearly evident in this set of regulations. Others have pointed to the need for reform, no more so than the Productivity Commission, which deals with this issue on pages 773, 774 and 775 of its report on the functioning of the market. It talks about a host of regulatory failures. The Productivity Commission's report is an excellent bit of work. It clearly signals that there is a need for further reform and further legislation. This is just one step in the right direction. I will not read into the *Hansard* the extensive comment that the Productivity Commission makes, I have referred to the pages, but I would commend it to the house.

Then, of course, the most informative of information has come from the SCER itself. Firstly, in December 2012, when the SCER indicated that it welcomed the final report of the expert panel's review of the limited merits review scheme. The SCER agreed with the panel's finding and in light of the panel's recommendation it stated the following:

In light of the Panel's recommendation that SCER provide a clear statement of policy about the merits review regime, SCER:

- Affirms that, in interpreting the National Electricity Objective and the National Gas Objective, the long-term interests of consumers (with respect to price, quality, safety, reliability and security of supply) are paramount in the regulation of the energy industry.
- Affirms that the objective of the review framework, in common with the objectives of the laws, 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.
- Considers that, consistent with the Australian Administrative Law Policy Guide, achieving the most preferable decision in the pursuit of this objective should be the aim of both regulator and review body alike.

Considers furthermore 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.

- Considers that the review process should promote an accountable and high performing regulator such that material error is minimised and notes that the focus on the correction of selected errors is not equivalent to—and may not in itself lead to—the achievement of the most preferable overall decision in the long term interests of consumers.
- Considers that a well designed limited merits review process can achieve the policy objectives outlined [therein].

The SCER should be commended for those decisions back in 2012, which of course were elaborated upon in more detail in its discussion paper of 6 June 2013, where the SCER's policy position was made clear: that there needed to be a limited merits review test, and it should be based on the applicant (that is, the company that wants to overturn a regulator's decision) having to demonstrate that:

...the original decision-maker made an error of fact, an incorrect exercise of discretion or was unreasonable in its original decision and make a prima facie case that addressing this would lead to a materially preferable outcome in the long term interests of consumers...

The SCER went on to say that the Australian Competition Tribunal (the Tribunal):

...assesses whether, taking into account any interlinked matters, addressing the grounds and the interlinked matters would deliver a materially preferable outcome (in the context of the overall decision) in the long term interests of consumers, as set out in the National Electricity Objective (NEO) or National Gas Objective (NGO).

The SCER also outlined its policy position in regard to the role of the regulator:

For regulatory determinations, the regulator must:

- develop a record of its regulatory process to be made available to the Tribunal for reviews; and
- include in its final determination an explanation of the interlinkages between different component parts of its decision and how its overall decision is in the long term interests of consumers, in accordance with the NEO or NGO.

In addition, the regulator, in regulatory determination processes, and the Tribunal, in review processes, must:

- where there is discretion around a range of decisions, make the overall decision that, on balance, it considers is materially preferable in terms of serving the long term interests of consumers as set out in the NEO or NGO...

This is the point that keeps coming out. The whole idea in the first place was that the long-term interest of consumers be protected. What this bill will do is ensure that occurs. The previous arrangements set up in 2008 did not. And, the SCER continues:

- undertake appropriate consultation with relevant users or consumer groups served by the network business that is the subject of the regulatory determination.

Seeking leave to appeal is also mentioned by the SCER:

In applying for leave to appeal, applicants will be required to establish:

- an error of fact, incorrect exercise of discretion or unreasonableness in the original decision; and
- that there is a prima facie case that correcting the alleged error, incorrect use of discretion or unreasonableness will result in a materially preferable outcome compared to the original decision for delivering the long term interests of consumers as set out in the NEO and NGO...

In assessing an application for leave to appeal, the Tribunal will determine whether the applicant has established an error of fact, incorrect exercise of discretion or unreasonableness and made a prima facie case...

The SCER goes on to talk about the role of the tribunal in undertaking a review, and again emphasises the point that 'The tribunal must demonstrate that it provides, compared to the original decision, a materially preferable outcome in the long term interests of consumers,' and all of these are good things. The SCER continues:

The tribunal would generally be limited to information that was before the original decision-maker—

Another good move—

- is pertinent to the matter being heard;
- was not unreasonably withheld from the original decision maker; and
- could reasonably be expected to have been considered by the regulator in its regulatory determination process.

Parties to Reviews, Costs, and Consumer Participation—

Apparently the practice has been that the review process was one in which the costs could be passed on, ultimately to consumers. Under these new arrangements:

All participants in reviews will generally be required to bear their own costs associated with participation in a review process. Network businesses will not be able to pass costs associated with reviews through to consumers as part of their regulated revenues, either prospectively or following a review.

Barriers to user and consumer participation will be addressed in a number of ways, including a record of the regulator; the tribunal being required, as the regulator is required, to consult with users; the removal of risk that users and consumers may have legal costs incurred by network businesses; and the removal of the provision that small users and consumers may have costs awarded against them.

Changes to the tribunal's functions in legislation beyond the national energy laws are also dealt with in this 6 June 2013 discussion paper by the SCER, when it talks about competition and consumer regulations to be amended to ensure the provisions that apply to the energy sector allow the tribunal to take a less formal and more investigative approach. In essence, the regulatory arrangements set up in 2008 are simply not working and need to be fixed.

Network costs are a major driver of electricity costs and have been for many years. Energy consumption has moderately declined while investment in networks has continued to grow substantially, leading to higher energy costs per kilowatt hour. A weak regulatory environment has led to the phenomenon of gold-plating and unjustified costs being passed on to consumers. There have been some underlying pressures on the NSPs to invest in network renewal, but not to the extent which the regulatory environment has allowed. The limited merits review process is one of many methods in which NSPs have sought to inflate their usage charges for electricity consumers.

In regard to cost determinations, in accordance with the national electricity and gas law, the AER is tasked with making a determination every five years on the total pass-through costs it will charge retailers and ultimately consumers for the use of energy networks. The three relevant AER determinations for South Australian consumers are: the SA Power Networks (formerly ETSA) 2010-15 distribution determination, the ElectraNet 2013-18 transmission determination and the

Envestra (SA) gas network—Access arrangement 2011-16 determination. These determinations follow a contestable twelve-month process and require substantial input and thorough consultation with stakeholders at four separate stages: the initial proposal, the draft decision, the revised proposal and the final determination.

Regarding the limited merits review process, following the cost determination process by the AER, NSPs may seek a limited merits review at the Australian Competition Tribunal, as I have mentioned, to dispute the AER's determination. In considering that review, the ACT can resolve that the determination was incorrect. It is the view of the SCER, as I have mentioned, that this process is not working as intended (and I have given the reasons why) and has been subject to gaming by NSPs. I emphasise again that you cannot blame the players for playing to the rules, but you can ask questions about whether the rules are doing the job they need to do.

Since the limited merits review process was introduced in January 2008, there have been 22 AER determinations reviewed under the process which have attributed an additional $3.3 billion to NSPs for reasons that I have mentioned previously, mostly based, in the opinion of many, on legalistic technicalities rather than genuine errors. Most relevant to SA, the ETSA May 2010 determination was challenged, and I have given the background to that.

The system clearly needed review. The COAG body—Standing Council on Energy and Resources (the SCER)—that I have spoken of resolved to investigate the market mechanisms. I have read some of their findings into the *Hansard*.

The process was led initially by Professor George Yarrow, the Hon. Michael Egan and Dr John Tamblyn. The Review of the Limited Merits Review Regime found that the act was not being enforced as intended by the AER and the ACT due to flaws in the legislation. The authors resolved to maintain the AER and the ACT, but to broaden their focus and to strengthen their regulatory powers and functional capacity.

The merits review process, as I have mentioned, was seen to be unduly narrow, which created no-go areas for reviewers. The legal process was found to unfairly advantage NSPs due to 'excessive appeals activity', with a focus on legal processes rather than the long-term interests of consumers, all of which I have covered. The bill itself seeks to fix all of this.

Referring my remarks specifically to the bill, can I say that the AER's and ACT's functions are more finely and explicitly directed to achieve a preferable, reviewable regulatory decision that supports the NEO. The bill also requires that, in making a determination, the AER must develop a record of the decision-making process, including all documents created by the regulator or submitted by stakeholders.

The bill also requires that, before the ACT provides a review, the applicant must establish a substantive prima facie case that an amended determination would result in a materially preferable decision to support the NEO. The ACT's narrow, quasi-judicial role is expanded for the purposes of NSP disputes and is provided investigative and exploratory powers. The ACT reviews must now be made in accordance with the same principles on which the original AER determination was made rather than peripheral or technical variations, and the ACT's capacity to consider additional documents or evidence not previously made available to the AER is made more specific.

A further improvement the bill makes is that considerations must now include how evidence interrelates to take an holistic view of the determination to avoid reviews being varied on the basis of minor technicalities. A variation to the AER determination will only be made on the basis that such a variation would result in materially preferable decisions to support the long-term interests of consumers—and this keeps coming out; that is the key. The ACT will have the capacity to defer a decision back to the AER, and legal costs incurred in the NSP in pursuit of a review may not be passed on to consumers.

The SCER also resolved that the Competition and Consumer Regulations 2010 be amended to ensure that, in regard to energy sector decisions, the ACT is allowed to apply investigative processes. If these measures are implemented, they will be subject to a subsequent SCER review in 2016.

I note that the government and the other parties, through the SCER, have consulted on the matter fairly extensively. The review process responses indicate that consumers strongly supported the initiative. I conducted some consultation of my own. I note that some of the network companies were a little less enthusiastic than some of the consumer groups, but no-one proposed

amendments to the measure. I understand that would have been a problem, anyway, in respect of us being lead legislators, given that this will flow through.

The concerns raised by energy user associations and consumer advocates appear to be broadly reflected in the bill. Submissions made by former ACT president Ray Finkelstein—his tenure was from 2008 to 2011—were supportive of reform of the ACT in regard to the national electricity and gas laws, particularly in regard to its procedures and capacity to obtain and seek evidence. NSPs and energy generation companies did not favour any substantial changes to the existing regime.

In summary, the regulatory reform has been slow in coming forward. I think Labor governments, both state and federal, need to ask themselves how they got it so wrong in 2008 and why it has taken so long to fix these regulatory arrangements, because it is the number one issue in terms of getting people's price down.

The state Liberals, when our leader Steven Marshall announced his energy policy a few weeks ago, made that very point: regulatory reform, monthly billing, smart meters and abolishing the REES, the Residential Energy Efficiency Scheme, which is past its use-by date. We are certainly of the view that the main key to getting people's bills down is regulatory reform.

The first question I ask any stakeholder who comes to see me on energy issues, particularly if they are in the distribution, generation or retail business, is simply this: how can we get people's electricity bills down? That is the number one question because I think that needs to be the challenge the political class embraces going forward from this point because, simply, the rises we have seen are unsustainable.

This bill aims to remedy that regulatory failure. The asymmetry of resources and technical expertise means that NSPs have been able to gain the limited merits review process to extract considerable additional funds through the tribunal on technical and legal arguments, rather than on the overall national electricity objective which guides the AER's original determinations. I do not blame them for doing that; they are commercial entities, as I have mentioned several times. The rules are the rules. They are playing to the rules. What this bill will do is tighten the rules, and we welcome that.

While errors of process and judgement made by the AER will continue to be subject to review under the ACT, the process does indeed need reform. This bill seeks to broaden the functional powers of the tribunal so that it may act in the long-term interests of consumers. Whether the measure works remains to be seen, but it should be attempted, and for that reason the opposition commends the bill. We do not intend to amend it, and we would like to see its swift passage.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (18:41): First and foremost, I want to thank the opposition for supporting these national reforms. I think it is always important, when a state like South Australia is the lead legislator on important matters that affect the entire nation, that we do have bipartisan support. I thank the opposition for supporting it.

Let's talk about honesty. The member for Waite said that his wife and mother were distraught that I called him dishonest on radio. He raised that today and said, 'Why won't you apologise? Why won't you say you're sorry?' Yesterday, when he raised it with me for the first time that he was offended by me saying what he claimed was 'dishonest', I said this in the parliament, 'First and foremost, if I have caused the member any offence I apologise.'

I did not think I was being dishonest, but if he felt that that remark was offensive I apologised, yet he comes into the parliament today and says that his wife is deeply hurt and that his mother is deeply offended, that it is appalling and that I do not have the courage to apologise—even though he knew yesterday that I had.

Do I think the claim that the Coalition has led the reforms that have led to the limited merits review being brought forward two years is dishonest? Yes, I do. Why? Because the then minister Gary Gray was ringing me up very concerned that the Queensland cabinet had not considered the limit merits review and that the New South Wales government was also stalling on it. Why? They own their assets. Regulated decisions that increase their profitability hurt their treasury.

For the member for Waite to turn up here and say, 'Well, no, Queensland and New South Wales are the leaders of all this. Chris Hartcher and McArdle really want this. Their treasurers can't

wait for a limited merits review,' is not believable. Yes, eventually they all supported it, but it is dishonest in the extreme to say that this is a Coalition-led initiative. It was a Labor minister who brought this forward at the SCER and it was the Hon. Gary Gray, who was then minister for mineral resources and energy.

Let's continue on the theme of honesty and misleading 891 listeners. I want to quote from a transcript of the member for Waite being interviewed on radio by Mr Ian Henschke—since you are so concerned about 891 listeners. This is what the member for Waite says:

> Good morning...fascinating conversation...I don't know what the Labor Government's policy is on smart meters because they haven't enunciated one...they have no policy on energy that I've seen of late...

That was on 22 October. It is funny that he was briefed on 30 September about our bill before the parliament on smart meters.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: No, well, that's different. 'I don't know what their policy is on smart meters, even though they have got a bill before the parliament.' That is completely honest by the member for Waite: that is not misleading 891 listeners! But it gets better. This is what he says further in the conversation, in the same breath. I am quoting the member for Waite:

> Now the Productivity Commission's made the point with smart meters we can save at least $200 a month for the average household.

That is what the member for Waite has told the people on 891, that people who have smart meters can save $200 a month. This is what the Productivity Commission actually said about what you could save with a smart meter. They released a report on 26 June—

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: It's not what you said, though.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: No, it's not his fault. It is the transcriber's fault. But, let's go on, because you were quoting transcript before and that is completely accurate but, when I quote it, it is not accurate. This is what the Productivity Commission actually says about what smart meters will save the average household:

> if carefully implemented, critical peak pricing and the rollout of smart meters could produce average savings of around $100-$200 per household—

the key words here—

> each year

I look forward to the member for Waite going on ABC 891 and telling the listeners he misled them. It could be deliberate, or perhaps he is just a fool. Who knows? Who could tell? Perhaps, to quote him back, it would be better to remain silent than to remove all doubt and go on radio and claim to the good people of South Australia, through 891, that they will save $200 a month rather than a year. That is pretty sloppy policy making. That is pretty sloppy from someone who wants to be the energy minister. But we have seen this before from the member for Waite.

When you want to question my integrity and my honesty about what I tell 891 listeners, perhaps you will remove the log from your own eye before you talk about the speck in mine, and come in here, all full of righteous indignation, pointing your finger at me and quoting your wife and your mother, after you know that I have apologised to you for calling you dishonest.

Mr Hamilton-Smith: Go on 891 and say that.

The Hon. A. KOUTSANTONIS: Why don't you go on 891 and say you are wrong?

Mr Hamilton-Smith: I didn't make it.

The Hon. A. KOUTSANTONIS: 'I didn't make it. The transcribers are wrong. The tape's inaccurate. I didn't say "month", I said "year".'

Mr Hamilton-Smith: Do the right thing.

The Hon. A. KOUTSANTONIS: Why don't you do the right thing? Of course, when he gets it wrong, it is okay because it is an honest mistake. 'When I accuse the government of taking bribes from scientologists, that is different. When I accuse the government of dishonesty, that is

different.' When it is piled back on him, 'Do the right thing, would you, minister?' If it is good enough for me, it is good enough for you. If you cannot take the heat in the kitchen, get out.

It is a well-established fact that, within political debate, things are said in the heat of the moment. The moment you said to me, through the chair, that you took offence at the term 'dishonest', I jumped to my feet and I apologised, 24 hours ago. That was not good enough for you. You raised it again. Why? What does that say about the character of the man? Is he really after an apology? Or, is he just trying to make a political point? Do you want to take action? Roll the dice, baby, and let us see how you go. Go ahead: roll the dice.

Mr Hamilton-Smith: You are.

The Hon. A. KOUTSANTONIS: Really?

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Yes, exactly! As for the limited merits review, I am stunned that an opposition would say that we have failed in our duty. I have been the Minister for Energy less than a term and in that term we have deregulated power prices, a reform that was long overdue. The opposition claims we should have done it earlier. Going back and checking all their press releases, all their public statements and all their election policies, how many times did they call for us to deregulate power? Never.

Now he is saying this limited merits review should have been done earlier and that we failed in our duty. Perhaps he could point to the press release that he put out, either as leader of the opposition or shadow minister, or in his capacity as the member for Waite in the last 16 years, about the operation of the NEM and since 2008 when he has called for a limited merits review. Perhaps he can enlighten the house when he has done that. Well, I will tell you: as far as I know, he has never done it.

He comes in yesterday and says, 'You need a market for smart meters' while he is debating our bill on smart meters. He says we have not acted. He is voting on our bill to create a market for smart meters. He then says, 'You have done nothing about rolling this out' and when I quote to him that we have already sought a rule change to allow a third party or anyone involved to distribute smart meters, again, facts do not get in the way of a good story, so he just continues along his blustering line.

Then he says, 'This limited merits review which was due to be done in 2015 should have been done sooner.' Well, that is right, it is being done sooner, and it is this Labor government that is bringing it forward two years but, again, do not let the facts get in the way of a good story. I look forward to the member for Waite going on radio and saying, 'Oh, I am very sorry for misleading your listeners about the potential savings of smart meters', but, of course, you will not. You cannot, because now you are just going to say, 'I never said years: I said months'.

Mr Hamilton-Smith: I do not think it is what I said.

The Hon. A. KOUTSANTONIS: I have got the transcript right here.

Mr Hamilton-Smith: Get the recording.

The Hon. A. KOUTSANTONIS: I will get the recording.

Mr Hamilton-Smith: Get the recording. It is black and white in the Productivity Commission's report.

The Hon. A. KOUTSANTONIS: It is black and white; exactly.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: That is a very good point that the member for Waite makes. It is black and white. How can anyone after reading this report go on radio and say it is actually $200 a month, unless they are attempting to deliberately mislead or they are incompetent and do not know what they are talking about? I am happy for the member for Waite to choose either one. Either characterisation is fine by me. If you want to say you are incompetent, fine or if you are deliberately misleading, fine. You choose, but one of those statements is true, and you can choose either one.

Electricity reform is a very difficult issue, and when the member for Waite started his contribution he started it in terms of justifying past acts and saying those past acts have no bearing on power prices that are being paid today. The argument he wants to perpetrate to the people of South Australia is this: the privatisation and sale of our electricity assets does not directly correlate to any price increase consumers face today. That statement is erroneous. That statement is not accurate.

If the Treasurer of South Australia, like the Treasurer of Queensland just did recently, wishes to suspend an increase in power prices, they can, because the assets are owned by those individual sovereign governments. On the ability for us to decide where infrastructure is spent, what the rollout is and, to use the member for Waite's terminology, the gold plating of our infrastructure, when you have a privatised market with regulated assets for a regulated return, he claims it is a failure of the regulation that gives higher power prices, but not the initial act that caused the regulation of those privatised assets.

If that is the argument you want to make to the people of South Australia, bring it on. I am happy to debate you on the privatisation of ETSA any time, anywhere. It was the wrong decision then; it is the wrong decision now. In terms of a limited merits review, I am glad that the Queensland government eventually came to us at the SCER and agreed. I am glad that Minister Hartcher came to us and agreed. I am glad that Michael O'Brien and Nicholas Kotsiras have done a good job in supporting minister Gary Gray.

The limited merits review is led by the commonwealth, and to say otherwise is not accurate. I think the commonwealth, which chairs SCER, was very keen to make sure that this limited merits review passed, and why? Because, as prime ministers Rudd and Gillard had said, the state-owned enterprises of Queensland and New South Wales owned by those jurisdictions, governed both by Labor and Liberal, are gouging their constituents and in exchange are gouging us. That gouging needs to end.

The limited merits review is a way in which we can retaliate against regulated decisions, to check what the AER is doing, to check what regulators are giving and to make sure that we can maintain a level of balance within the market. I think it is unfair in the extreme to say that we have acted late. This limited merits review was not due for another two years. We have brought it forward, and not once has the opposition called on us to bring it forward. If you want to debate policies, I will debate your policy anywhere. I have read your policy—

Mr Hamilton-Smith: Mr Speaker, is he talking to me or you?

The Hon. A. KOUTSANTONIS: Through you, Mr Speaker, I am talking to the member for Waite. He was quite happy to point his finger and go bright red at me but just can't seem to take it when it is being fired back at him.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Is that right?

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Really?

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: It doesn't distract me, either.

Mr Hamilton-Smith interjecting:

The Hon. A. KOUTSANTONIS: Really? Yes, and I'm over here and you're over there, and that's the story of our careers.

Mr Hamilton-Smith: That's true.

The Hon. A. KOUTSANTONIS: Exactly. And I have got to say this, Mr Speaker: I do have a lot of respect for the member for Waite because he is one of the thinkers in the Liberal Party. It is not my fault his caucus do not share the same view as what he does about his abilities; it is not my fault. It is not my fault that they have lost election after election, and it is not my fault that as a backbencher he was forced to vote for the privatisation of ETSA. And he carries it around him like a crown of thorns, and he does all he can to try to justify that decision, but he knows he made the wrong choice then.

He knows that that is a decision that, if he could go back in time, he would take back, but he was compelled to do so, and like a good soldier he followed his orders and went over the top. But do not try to come in here and tell me it was the right decision and that everything else other than privatisation has caused an increase in power prices in this state, because every South Australian intuitively knows that decision was the wrong one. However, I do thank him for his support on the bill, I thank him for his carriage through the parliament, and I thank members of the opposition voting for this Labor reform.

Bill read a second time.

The DEPUTY SPEAKER: Is it the wish of the house to go into committee? No. Minister.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (18:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ROAD OR FERRY CLOSURE (CONSULTATION AND REVIEW) BILL

Received from the Legislative Council and read a first time.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE (PRESIDING MEMBER) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 18:59 the house adjourned until Thursday 31 October 2013 at 10:30.