HOUSE OF ASSEMBLY

Thursday 31 October 2013

SPEAKER, ABSENCE

The CLERK: Honourable members, I inform the house of the absence of the Speaker.

The Deputy Speaker took the chair and read prayers.

CONTROLLED SUBSTANCES (SIMPLE CANNABIS OFFENCES) AMENDMENT BILL

Dr McFETRIDGE (Morphett) (10:31): I move:

That the Controlled Substances (Simple Cannabis Offences) Bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

This bill was initially raised in the other place a number of years ago, back in 2010. On 2 November 2010, I prepared a briefing paper for the Liberal Party joint party room on this bill. It is a very well-intentioned bill. The Liberal Party is very concerned that this sort of legislation should be brought into the place because we feel that the control of marijuana, not only other drugs but particularly marijuana, is something we need to continually emphasise and to amend legislation should we find that the current legislation is out of step with the best recommendations from the police, health professionals and other members of the public.

We also need to make sure that we are protecting people from themselves, in some cases. I am not in favour of a nanny state, but this is one area where the nature of the drug, the levels of toxicity (I think that is the correct word to use here) of marijuana that is consumed nowadays, are very different from what they were not so many years ago. The need to review this legislation should have come in 2010 but, for some reason, it did not. Parliament was prorogued and here we are again.

What we are trying to do here is reduce the amount of cannabis that you are permitted—that is probably the best word—to have in your possession for an expiable offence. The current situation in South Australia is that I think we still allow the highest amount of marijuana to be in your possession without having to face criminal charges; you can expiate the offence and for a relatively small sum compared with the value of the marijuana you might be carrying.

In the other place, the Hon. Ann Bressington pointed out in her second reading speech that the big issue with marijuana is the people who are growing it and then distributing it but, more importantly, it is the street level distributors who are exploiting the current situation. As she then described, it is the most effective pyramid selling scheme that has ever been developed.

The situation now is that, by allowing a person to be in possession of up to 100 grams, the expiation notice scheme allows a street dealer to be in possession of up to two 50-gram bag street deals, despite the potential retail value then (in 2010) of $1,250 (and I have no idea what marijuana costs nowadays), and the dealer would only face a fine of $300. Up to 100 grams for personal use can be broken down into 50 individual 2-gram bags which are then on-sold for about $25 a bag, which is a very profitable business for these people who are involved in distributing.

A $300 fine is clearly inadequate for somebody involved in the commercial dealing of drugs in any society, particularly in South Australia. We need to make sure we are being tough on drugs. We need to make sure that people who are peddling these drugs to other people suffer the consequences of their actions because it cannot be tolerated. There should be zero tolerance on this.

The fact is that in other states the levels that are accepted as being an expiable offence are far lower than we have had in South Australia for many years now, and I should go back to the figures that were used in 2010. There were over 5,200 expiation notices issued for possession of less than 25 grams of cannabis, but only 375 were issued for possession of more than 25 grams but less than 100 grams of cannabis. The Western Australians are reducing theirs—I think they may have done this by now—to 15 grams, and there was mention that it may even go as low as 10 grams, and we are way above that. The ACT is 25 grams.

We are completely out of step with the other states. We are out of step with the danger that marijuana is presenting to the people of South Australia. There is a case for medicinal use of

marijuana, and there are varying opinions on that. I have looked at that as a genuine use of a pharmacological substance, and am still looking at it; but, certainly, in this particular case, where the people who are buying and selling marijuana are able to escape with a relatively small expiable fine, it is something that we need to change.

The correlation between the consumption of marijuana nowadays with the high levels of chemicals and toxins and mental health has been proven. The recreational use of marijuana is something I can never understand. I do like a glass of red wine, but not to excess, and certainly I like to be in control of my senses. With drugs, you never know what is going to happen. We talked about other drugs in this place just recently, but this particular piece of legislation should have been brought in a long time ago.

It is commonsense legislation. We are protecting people from themselves but, more importantly, we are protecting people who may quite innocently think that smoking marijuana and consuming marijuana is not a big deal. Well, it certainly is. It is a very big deal, and the consequences of their actions can be lifelong mental health problems, and we are still looking at the numbers of chemicals in marijuana that may affect the bodily systems. Tobacco once was considered okay, but we know now that is one of the biggest causes of death and disability in the world. It is the largest preventable cause of death in the world. It is the same with drugs and, in this case, marijuana.

I ask the house to support this legislation. It is sensible and very timely legislation. I do say that it is overdue, but it is timely that we continue to push hard with the changes, with the outlaw motorcycle gangs coming into South Australia. We know they like to think of themselves as being as pure as the driven snow, but they are involved in peddling these drugs. We know that there are people out there who are growing marijuana in their backyards and sheds. We regularly see police reports about this. That should be cracked down on. This legislation will go some way towards doing that. I ask the house to support the bill.

Mr VENNING (Schubert) (10:40): I do not intend to speak for very long on this matter. I have been in this place for many years, and there are two issues that this house passed that I regret. One was the poker machine legislation, and the second was the cultivation of Indian hemp for personal use. At the time I was absolutely horrified that we could allow the planting of 10—the cultivation was up to 10—plants for personal use. It was through the government of the day, the Labor government and, of course, the Democrats, particularly the Hon. Michael Elliott, who pushed this strongly. Then, of course it was reduced to five plants. As a spin-off of that, we got the odious title of being the drug capital of Australia. Time has proven that it was a very bad move. I do commend the member for bringing this in this morning. Tolerance should be absolutely zero.

Living today, and being an older person, I do really feel for young people and the trials and tribulations that they have to put up with as they go through life. Most of them are confronted by drugs in one way or another. Yes, as the member for Morphett just said, I do not mind a drink myself. Yes, it is a drug, but like every other drug if you become dependent upon it you have got a problem. I make it a rule that I can go four or five days without having a single drink of alcohol, and that is what you absolutely have to do. The problem with cannabis—

An honourable member interjecting:

Mr VENNING: My father went all his life without one, you're right, sir. And he had plenty of hair; maybe that's the reason I am bald. Talking about cannabis, marijuana, it is a drug, we know, and it does affect the mind; it alters your mind. Of course, when you are messing with your mind the damage is irreversible. Certainly, I say that I very much regret that the parliament allowed the personal use of 10 plants, which I think is blatantly wrong—I do not know what we were thinking about—and then, of course, we modified it to five. I cannot believe that today the rules are that you can have 100 grams of marijuana in your pocket without the heavy hand of the law coming upon you. I certainly congratulate the member for Morphett for bringing this in. I know our party is strongly behind him. I hope the parliament will debate this and pass it quickly.

Mr VAN HOLST PELLEKAAN (Stuart) (10:43): If you drink and drive you are a bloody idiot, and if you consume illegal drugs you are a bloody idiot. I support the member for Morphett wholeheartedly in his reintroduction of the Hon. Ms Bressington's bill, for quite a few reasons. I am cognisant of the fact that you cannot throw the book and impose maximum penalties on every single person who commits a crime, for good reasons. Not every crime requires maximum penalties, but also there is a very unavoidable reality about clogging up the legal system with a whole range of things. This is a very sensible suggestion; to bring South Australia into line with

other states does make sense. The fact that it is toughening things up a little bit, reducing the allowable quantity and increasing the fine, makes great sense.

We know that the trafficking, the sale, distribution and consumption of illegal drugs is not an activity that knows state borders; so it does make good sense to align our rules with other states in this area. Otherwise, as member for Schubert alluded to, if you are a soft touch you will end up getting hit harder than other states. If we have an environment whereby the penalties are lower and the allowable quantities are higher, then it only makes sense that the people who want to traffic in this sort of substance will push more into our state than other states. I think we should be pushing as hard as possible back against that.

This does also give me the opportunity to speak about a Liberal Party policy that was announced by our leader, Steven Marshall, at the Police Association of South Australia meeting about two weeks ago, and that is about drug diversions.

It may well surprise members of this house to know that a person who is apprehended for a simple possession charge, essentially for possessing small amounts of recreational drugs, can elect—they get to elect—that, rather than being charged and going to court, they will take a drug diversion program. The idea of drug diversion programs has merit. It is quite conceivable that a person who has been caught out for doing something that is pretty stupid could get themselves back on the straight and narrow or back on track if they just got the right sort of advice. I am not saying that that is not sensible.

However, we have a situation in our state at the moment where the person who is apprehended for one of these minor drug possession charges can elect to avoid being prosecuted and going to court as many times as they like. There is one person in our state who has taken that option 14 times. So, 14 times that person has been found to have illegal substances in their possession and 14 times they have said, 'Yeah, look, you're right. I'm really sorry, it was a big mistake and I'm a bad boy. I will get myself back on track. Could I just have one more chance? Could I please just have one more chance to go off and participate in one of these programs, get some advice, and I guarantee that this time it will work.' Of course, that is absolutely preposterous. It is a waste of police resources.

Police officers have to then run around. They have to make the bookings. They have to try to find out when one of these program is running and are there any available spaces? They have to book them in. They have to follow up and see whether they have participated, instead of doing far more valuable work. Our policy is that a person caught in that situation has two chances. They have two chances to elect to participate in a drug diversion program, but on the third time bad luck. On the third time, when you have taken that opportunity twice and you have clearly not availed yourself of the benefits of that opportunity—on the third time, you are going to court, and I think that is very fair.

If you go to court, there is still the opportunity for a magistrate—if the magistrate sees fit to give this person a third chance, the magistrate can decide to do that, but the person who is apprehended cannot say, 'I will have a third chance. I will have fourth chance. I will have a fifth chance.' That person cannot take that opportunity as many times as they like. I think that will go a very long way towards addressing the important issue, towards reducing the desire, opportunity and ability for people to traffic drugs in our state, and towards confining the opportunity to elect to take that diversion to the people who are going to make good use of it. Sure, once or twice, make good use of it—good. We are glad that that opportunity helped you and got you back on track. However, the third time, you do not get to make that choice any more. The third time, we will let the magistrate make that choice as to whether that is something that is going to help you.

This will focus people's attention. If they are going to go to a drug diversion program, they will say, 'Well, hang on, I had better make good use of it because, you know what, I'm on my first or my second go. The third go, if I am that stupid, I won't get to do this again, so maybe I had better listen to what they are trying to tell me. Maybe I had better try to follow their advice.'

It will also free up some very importance and scarce police resources. Instead of police officers having to chase around these idiots and give them non-stop opportunities, the police can get back to their mainstream work. They can make sure that the person goes to court and allow the magistrate to decide whether he or she thinks that this person deserves a third chance. We are not ruling out the possibility that that might be warranted, but the possibility that the person who is apprehended should perpetually get to be the one who makes the decision about whether they deserve another chance is clearly silly.

This is a very important Liberal policy commitment, which was announced about two weeks ago at the Police Association meeting by our leader. I think it shows our bona fides in both trying to be sensible and serious about addressing this sort of drug issue but also being quite genuine about retaining the opportunity for people who might find themselves on the wrong side of the law to participate in these programs, but not forever.

There comes a time when you must forgo the opportunity to make that election yourself and hand that over to a clearly far more responsible person (that being the magistrate). I support the member for Morphett in his reintroduction of this important piece of potential legislation, which is actually about trying to toughen up by reducing the allowable quantities and increasing the applicable fine, and it fits very fairly and squarely with Liberal opposition policy in this area.

Debate adjourned on motion of Mrs Geraghty.

ENDING LIFE WITH DIGNITY (NO. 2) BILL

The Hon. R.B. SUCH (Fisher) (10:51): Obtained leave and introduced a bill for an act to provide for the administration of medical procedures to assist the death of a limited number of persons who are terminally ill, suffering unbearably and who have expressed a desire for the procedures subject to appropriate safeguards; and for other purposes. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:51): I move:

That this bill be now read a second time.

This bill has some significant changes from the earlier version. I believe that earlier version was a good bill; even my opponents said it was 'very tight' (they were the words used by a member in another place), but following the detailed suggestions from the Law Society and others, I have had parliamentary counsel draw up what is a significantly modified bill. I would like to thank parliamentary counsel for the work they have done under a very tight time frame.

I am sure members would have received a copy of the Law Society's recommendations. The Law Society does not take a position for or against voluntary euthanasia, but I think they perform a very valuable role in relation to commenting on proposed legislation and making suggestions about the technical aspects of a bill. I think I have incorporated every single one of their suggestions.

I have also had a look at comments and material put out by the members for Taylor, Waite and Newland. It is up to them whether they support this sort of bill, but I took on board some of their suggestions about various issues. Since the earlier version of the bill was introduced this year, I have met with the head of the Uniting Church, I have met with the Professor of Palliative Care (Professor Maddocks), professors of law, medical specialists, medical oncologists, and an emeritus professor of medicine.

I have also met with a lot of other people, including Christians for Voluntary Euthanasia, the nurses group who support it, and people who do not support it. I have interacted intensively with people who are opposed to voluntary euthanasia, including the group HOPE. I think it is important, when putting forward an issue like this, that you interact with people who may have a different view, because I believe you can always learn by listening to and talking with others. What we have now is a bill, I believe, which is even better than the earlier one in the sense that, whilst the subject necessarily is a sad one, it is technically improved as a piece of legislation.

Members, in time, can obviously have a look at the changes themselves, but one of the issues raised before was the definition of a terminal illness. That has been amplified and clarified, in the sense that it has adopted part of the definition which is in the Palliative Care Act. The question of pain is a very difficult one to define, but I have put reference to that in the definitions. I have also broadened it out to involve not only at the specialist level of palliative care specialists but others (gerontologists and geriatricians) who can be involved as part of the process, if necessary.

The objects involve some clarification: it is not just an informed choice, it is a deliberate, reasoned and informed choice. There is protection in the legislation from victimisation in respect of people who do not want to be involved or who are involved. That was a provision that was recommended by the Law Society. There is a provision that the doctors examining the person must certify the person is terminally ill. That was not in the earlier vision; that is now in this version. There is a provision for the two doctors who are assessing the patient in terms of whether they are terminally ill, so if there is some disagreement they can call in a third medical practitioner.

In relation to the qualification in respect of the adult witnesses, there is a provision now that they must be of sound mind. I do not want to be flippant about this, but I have never quite understood what that term means, but lawyers seem to know what it means. There is a tightening up of the definition of relatives, because one of the issues that people have raised is whether relatives might see this as an opportunity to access funds or bring about the premature death of someone. That has been tightened up.

I have mentioned the fact that the medical practitioners have to certify that the person is terminally ill. If there is any variation of the request and that goes to the board that oversees this, then there are more specific requests about any changes in the nature of the request and greater clarification in respect of a revocation. So, if someone decides they do not want to go ahead, there are tighter provisions in respect of that.

In relation to people who are not complying with the board, there are some tighter provisions in relation to deliberately not contravening what the board wants. The publication of information has been modified to more explicitly refer to or take into account corporations who might do something. Parliamentary counsel tells me that the original definition would apply to a corporation, but the penalty for publishing something that they should not has been significantly increased for a corporation.

There has been some discussion about what is put on the death certificate. The reason why it is expressed in that way is to ensure that there is no legal liability against medical practitioners and others who are professionally involved, and it is to make sure insurance companies do not get out of their obligations by using the excuse that what was done was illegal, so that has been tightened up. The certificates have added clarification in respect of certifying that a person is terminally ill. and there are some other changes.

It is important legislation and it is important that we get it right. We are talking about the lives of individuals, and I am not going to canvass all of the issues for and against voluntary euthanasia. People ask me, 'Have you had personal experience of someone dying in a terrible way?' The answer is no. I think I explained that when my father was dying he asked for a cup of tea, and the hospital said he could not have it because he might choke. He was able to eat two large bags of FruChocs I brought him—he wolfed those down without choking on them. He said, 'I won't be here tomorrow,' and he was right about that.

I have spoken with Professor Maddocks and others in the palliative care area, and I am a great supporter of palliative care. It works for most people, but as a society we do not have death and dying right. I have spoken with doctors who have said they thought they would have their mother or father at home and allow them to die at home, but that has not always worked out well either. What this bill does is provide an option, and I believe that in South Australia there might be a dozen people a year, if that, who would access this. Even one of the palliative care experts, whom I will not name, said that on reflection he believed that if he were in a situation of agony and being terminally ill he would like to 'fly away'.

I think we are trying to grapple with this whole issue of death and dying. There have been some advances in palliative care, but it is not true that everyone can have their pain relieved; in most cases they can, but in some they cannot. Motor neurone disease is a shocking disease and results in an agonising death for many people, and some bone cancers are so painful that a person cannot even move or be moved. One of the medical oncologists I have spoken to who worked in the area of cancers affecting women said that their experience of dying—and this is what convinced him of the need—was so appalling: the degradation, the pain and suffering was at the point where they did not want even their relatives to come and see them in their final days.

We have to do better in terms of the whole issue of caring for the dying and the whole death process. Our society has not been able to come to grips with it in the way that it probably should. What I am putting forward here in this significantly revised bill is an option for those who want it. There are many people—very active groups, such as Christians for Voluntary Euthanasia, and young groups, such as SAVE-YA—who want to support this.

For people whose religious and personal convictions allow them, my view is let them have that choice—it is their life. No-one is having this imposed on them. It is up to the individual; let people make that choice, if that is what fits with their conscience. As I say, I have met with the heads of some of the Christian churches, and there are diverse views. The hierarchy of the Catholic church is generally opposed to it, as are the Lutheran church and the Greek Orthodox

church, but within some of the other churches, such as the Uniting Church, there is much more support for it not only among the clergy but the laypeople as well.

I have had interesting discussions with theologians; one said that the reading that some people put on the Bible is wrong. What it really says is, 'Thou shalt not kill with malice.' In other words, you can kill in self-defence, and you can kill in other circumstances, but you are not to kill with malice. I am not a biblical scholar, but this person is. He claims that that is the true reading of the Bible: 'Thou shalt not kill with malice.'

I say: let people have the choice, if they want the choice and it fits with their conscience and their religious beliefs. Those who do not want to be involved are not compelled to be involved and are protected from being involved. I think I mentioned once before that when we had the Social Development Committee inquiry, we had a senior cleric saying, 'Pain is good for people; it refines the soul,' and all this. Straight afterwards, two lovely nuns from Mary Potter came up to me and said, 'He's not in the real world. We deal with death and dying every day and it's not a black-and-white issue.'

The community wants this. There is 80 per cent support for this. There is a poll report in Tuesday's *Advertiser,* which is consistent with the views of the wider community. Some people say that we do not do what the public wants. We know that; that is part of the problem in places like this: we do not do what the public wants. It is not really a conscience issue: it is an issue of representing what your people want.

There are things that I advocate for my people that I do not personally agree with. It is not my job to be in here pursuing my own agenda. I am in here (as all of us are) to represent my electorate. Every issue we debate should exercise our conscience, whether it is unemployment—that is a conscience issue, someone losing their job or someone losing their farm—the abuse of children, or whatever. They are all conscience issues. I hope members do not get bogged down with this issue of it being a conscience vote. It is an issue that has to be resolved in the interests of the public.

This is about allowing people to have their choice. That is why 100,000 young Australians have given their lives, so that we in this country can have some personal choice. One would hope that the people who have sadly died fighting for Australia in Afghanistan have not died in vain. They were trying to establish freedom there, and we should be able to exercise it here.

I ask members to look at this bill. I think it is a vastly improved model, even though the previous model, according to even the critics, was tight. Ultimately it comes down to whether or not you accept the principle of voluntary euthanasia.

Debate adjourned on motion of Mrs Geraghty.

EVIDENCE (IDENTIFICATION) (NO. 2) AMENDMENT BILL

Second reading.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:07): I know you will be disappointed to hear my request today, Mr Deputy Speaker, because you will not be able to listen to what would have been my very brief contribution. The subject matter of this bill, originally proposed by the Hon. Mr Wade, has now been covered by a bill that passed, I am pleased to say, in the Legislative Council last night. Accordingly, I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

FOOD (LABELLING OF FREE-RANGE EGGS) (NO. 2) AMENDMENT BILL

Second reading.

Mr PENGILLY (Finniss) (11:08): I move:

That this bill be now read a second time.

This is an ongoing saga, so to speak. We dealt with it just recently and I was delighted that the bill passed through the Legislative Council. There is a fair bit of egg on the face of the government, quite frankly, not to make too big a pun. It is completely ridiculous that the government will not support the bill in the lower house. It is a matter of deep concern to genuine free-range egg producers. I had a phone call only yesterday from another producer, I spoke with one last Sunday, and the emails and phone calls are continuing.

Quite simply, if the government through the Deputy Premier thinks that standing up and puffing and blowing about some so-called voluntary code is going to fix the issues with free-range egg production, he is having a lend of himself completely. It will not fix it because the Australian Egg Corporation, as far as I am concerned, is nothing much short of a mob of crooks. I have said that before and I will say it again. The whole system is geared towards the huge caged egg producers, and they have never been the issue with genuine free-range egg producers—never been the issue. The issue has been one of free-range egg producers producing a quality item which is genuinely free range.

The Legislative Council, those in another place had enough sense and enough brains to support the motion. I was very pleased that it has come back here so that we can have another swipe at those opposite because they have failed to do the job. I can clearly recall a briefing I had some 12 or 15 months ago now where the departmental honchos basically said, 'No, we're not going to support it, so run off and go back and that's the end of it.'

The minister in another place really does not understand the issue. Ministers come and go, as do members of parliament; however, I am concerned that free-range egg producers will get ridden over roughshod and that voluntary codes of practice will not work, purely on the weight of numbers. The structure of the Australian Egg Corporation's voting is that the more chooks you have the more votes you get. It is like something out of Communist Russia, quite frankly. It is blatantly ridiculous.

I do not know whether other members want to speak on this—it has come back here. I have said all this a number of times in the house and in the media over a couple of years. The free-range egg producers are relatively small in number, as opposed to the cage producers—who produce a quality item as well. As I said, that is not the issue, and calling them 'barn eggs' where they can get out of a shed every now and then is one thing but genuine, free-range egg producers or those who choose to limit to 1,500 birds per hectare, should be treated properly. They should be treated properly and not subjected to intimidation, bullying and outright bloody lying from the Australian Egg Corporation—excuse me—because that is what is going on. It is foolish and not helpful.

I do not know whether the government has had a rethink. I suggest they would not have because they are so busy fighting amongst themselves at the moment they probably do not have enough time to think about something sensible. It is disappointing to me that this will probably go down but I felt it was necessary to say a few words yet again. I have free-range egg producers in my electorate: one couple has over 50,000 free-range hens on Kangaroo Island and another one at Mount Compass has several thousand. They are hard working people. I know members in this place put in a lot of hours in a day, of all persuasions, and I have no argument with that, but these people work hard seven days a week from dawn to dusk, quite frankly, and they deserve better treatment than they are getting from this Labor government in South Australia.

They could have fixed it up when their federal counterparts were in government but they failed to do that. They are so busy counting votes for different people who may be leader that they do not have time to deal with this. With those few words, I urge members on both sides to support this, and I will take my seat.

The Hon. L.R. BREUER (Giles) (11:13): I am going to ruin the member for Finniss's day and advise him that, on behalf of the government, I do oppose this bill. I fully appreciate his sentiments about this, and before I finish I will tell you why. However, while the government supports the true free-range egg producers in South Australia and is supportive of a nationally-enforced definition of free-range eggs, the government does not believe that this bill is an appropriate response to the issue.

First, as stocking density of the number of egg-producing chickens per hectare posed in this manner would not, under mutual recognition provisions, apply to free-range eggs that are produced in another jurisdiction and are able to be sold in that jurisdiction in accordance with its regulatory requirements, interstate eggs produced in systems with higher stocking densities could still be brought into South Australia and sold as free range. As it may be cheaper to produce, local free-range producers with systems that comply with the bill may find it hard to compete with interstate producers not subject to those limits. You only have to go to the supermarket to see that is currently happening.

Queensland attempted to address this issue by passing legislation that allows Queensland producers to label their eggs 'free range' if they comply with a 1,500 hens per hectare maximum

free-range system. However, due to mutual recognition legislation, this does not restrict producers from other states who are not required to comply with Queensland's standards from labelling and selling their eggs as free range in Queensland. Confusing the issue even further, the Queensland government has recently announced that changes to their scheme will allow the stocking density of hens to increase from 1,500 per hectare to 10,000.

Without a national approach and the states being without the ability to regulate interstate growers, jurisdictions must consider options to develop a solution that provides consumers with certainty about what they are purchasing without causing detriment to the local egg industry. This bill will result in potentially adverse consequences for South Australian producers, as it will essentially introduce further regulatory burden on local producers only and offer no confidence to consumers that eggs labelled as free range are not produced in a system not exceeding 1,500 chickens per hectare.

Secondly, this bill amends the Food Act 2001 which regulates food businesses that sell or handle food intended for sale. This appears to be inappropriate, as it misplaces regulatory burden on thousands of food businesses and local retailers rather than the egg producers.

I agree that this is an issue that needs to be addressed. Producers not meeting generally accepted standards have been abusing the term 'free range' for many years and, when South Australian shoppers buy their eggs, they should know exactly what they are getting and the environment from which it has come.

The government remains committed to a national solution and achieving a nationally agreed definition of free-range eggs at 1,500 hens per hectare. However, without a national approach at present, and states being without the ability to regulate interstate growers, jurisdictions must consider options to develop a solution that provides consumers with certainty about what they are purchasing without causing detriment to the local egg industry.

In June 2013, the government released a discussion paper on the introduction of a proposed new regulatory standard for free-range eggs in South Australia that will not disadvantage our local producers. Throughout the consultation period, more than 370 submissions were received, of which 95 per cent advocated their support for the government's proposed industry code. The government has announced that, following consultation and overwhelming support from the community, we will develop an industry code under the Fair Trading Act 1987 requiring producers to meet standards, including.

- a maximum of 1,500 hens per hectare in a free-range system;
- induced moulting is not permitted;
- hens have access to range outdoors for a minimum of eight hours per day; and
- sufficient overhead shade should be provided to encourage hens to access that range.

This approach by the government seeks to support true free-range egg producers in South Australia while not disadvantaging the broader industry.

While the government recognises the commitment of the member for Finniss and the Hon. Tammy Franks on this important issue, the government's industry code is the best step forward for South Australia. It will allow true free-range egg producers who choose to adhere to the specified standards to label their eggs as such, resulting in consumers being fully informed about the production of their eggs as truly free range. This voluntary code will not prevent other producers from labelling their eggs as free range. However, a grower could not use the associated badging unless they were, in fact, produced in accordance with the code.

I am happy to support the government's stand on this as a buyer of free-range eggs always, and who always tries to find South Australian eggs. I am very supportive of it despite childhood trauma. I was traumatised for life by being sent every day to collect the eggs from the chook house at the back. I hated doing this. I had to fight off the chooks to get the eggs. I was pecked. I must admit that a very aggressive streak came out in me and they often got a good kicking if they had a go at me. In the old days, they were true free-range eggs and they tasted a lot better. As I started, on behalf of the government, I do oppose this bill.

The Hon. R.B. SUCH (Fisher) (11:20): I will be brief. I support this measure. Codes are good, but they are more based on hope and a prayer than anything else. We have heard of *The da Vinci Code*, and there is an aftershave called the Armani Code. Codes are often wishful

thinking. I have been on about labelling in this place for years, if you look through the *Hansard*. I do not know what it is, why it is so difficult to enshrine in law the proper labelling of products. For years we have had all this nonsense about inadequate labelling, and there is also the underlying issue of animal welfare. Anyone who disregards that does so at their political peril because, I can tell you, there is a lot of interest in animal welfare issues out there, and the supermarkets and others are responding to it; so ignore it at your peril.

We see some silly and meaningless labelling. I have mentioned some of these before. 'Fresh daily'—what does that mean? It does not mean the thing that you are buying came in that day; it just means that some of the things may have. What does 'fresh' mean? What does 'natural' mean? Snake poison is natural but it will kill you if you get it the wrong way. I saw in New South Wales recently 'grass fed lamb'. I thought most lambs did eat grass, but I am not sure what else lambs are eating. I do not think many of them are in feedlots, but you could probably put them in a feedlot. 'No hormones added'—if there were no hormones in the cattle there would not be much in the way of a beast, at the end of the day.

It is the same with the fish industry. I know somebody who runs one of the biggest fish and chip shops in South Australia. None of their fish comes from Australia—none—yet the people going in there probably think they are buying butterfish or mulloway from down the Coorong. It is coming from China now. Even garfish is coming from China. The Chinese are producing everything. I am not critical of the Chinese—they are fantastic people, a fantastic nation—but we cannot even be told what we are buying. Let us have it enshrined in law rather than a code, which is, at the end of the day, Mickey Mouse.

Mr PEDERICK (Hammond) (11:22): I rise to also support the member for Finniss' Food (Labelling Of Free-Range Eggs) No. 2 Amendment Bill. This is a bill that has come about with the support of the Hon. Tammy Franks in the upper house. I must say it is a rather unholy alliance between the Greens and the member for Finniss.

Mr Gardner: No holes in it.

Mr PEDERICK: No holes in it. Anyway—

Mr Pengilly: Strange bedfellows.

Mr PEDERICK: Strange bedfellows, the member for Finniss said. I absolutely support this. We have had many meetings with the egg corporation. I have visited various egg farms in the state. About 12 months ago, with the member for Finniss, I visited both Graham and Kathy Barrett from Katham Springs on Kangaroo Island, and Tom and Fiona Fryar on Kangaroo Island. Tom and Fiona are a couple who met in a shearing shed. Tom was a shearer and Fiona was a roustabout, I believe. I have a lot of respect for a bloke who, as I did for a while, pushes the handpiece shearing. They have worked extremely hard to build a very successful business with, I think, 50,000 hens, free range, on the island, which gives a great opportunity to have free-range chickens.

I just want to reiterate what we on this side of the house are on about in supporting the member for Finniss, and that is truth in labelling. As I have said here many times before, I do not mind eating caged eggs. I just think we need to have the absolute truth in labelling so that people are not just jumping on the bandwagon, and that is what would happen under the so-called voluntary code of conduct with the Labor Party.

Mr PENGILLY (Finniss) (11:24): Sir, you have heard what this side of the house has said and we have heard what the other side has said. It is all about truth in labelling. Let us put the thing to the vote.

The house divided on the second reading:

AYES (18)

Brock, G.G.	Chapman, V.A.	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	Hamilton-Smith, M.L.J.
McFetridge, D.	Pederick, A.S.	Pegler, D.W.
Pengilly, M. (teller)	Pisoni, D.G.	Redmond, I.M.
Sanderson, R.	Such, R.B.	van Holst Pellekaan, D.C.
Venning, I.H.	Whetstone, T.J.	Williams, M.R.

NOES (22)

Bedford, F.E.	Bettison, Z.L.	Breuer, L.R. (teller)
Caica, P.	Close, S.E.	Conlon, P.F.
Fox, C.C.	Geraghty, R.K.	Hill, J.D.
Kenyon, T.R.	Key, S.W.	Koutsantonis, A.
O'Brien, M.F.	Odenwalder, L.K.	Piccolo, A.
Portolesi, G.	Rankine, J.M.	Rau, J.R.
Sibbons, A.J.	Snelling, J.J.	Thompson, M.G.
Vlahos, L.A.		

PAIRS (6)

Marshall, S.S.	Weatherill, J.W.
Evans, I.F.	Atkinson, M.J.
Treloar, P.A.	Bignell, L.W.K.

Majority of 4 for the noes.

Second reading thus negatived.

STANDING ORDERS SUSPENSION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (11:30): I move:

That standing orders and sessional orders be so far suspended as to enable the reading and consideration of messages 179 and 180 relating to the Liquor Licensing (Miscellaneous) Amendment Bill from the Legislative Council and the Evidence (Identification Evidence) Amendment Bill forthwith.

The DEPUTY SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is present, I accept the motion.

Motion carried.

EVIDENCE (IDENTIFICATION EVIDENCE) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 4, page 2, lines 20 and 21 [clause 4, inserted section 34AB(2)(a)]—

Delete paragraph (a) and substitute:

(a) —

(i) an audio visual record of the identity parade is made and kept in accordance with the regulations; and

(ii) if the regulations prescribe procedures for the conduct of an identity parade—the identity parade is conducted in accordance with the prescribed procedures; or

No. 2. Clause 5, page 3, line 38 [clause 5, inserted Schedule 1, clause 1(1)(b)(ii)]—

Before 'cultural and linguistic diversity' insert 'persons of'

No. 3. Clause 5, page 3, after line 38 [clause 5, Schedule 1, clause 1(1)]—After paragraph (b) insert:

Example—

Ensuring that the procedures to be followed are accessible to persons referred to in paragraph (b).

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

Ms CHAPMAN: The opposition supports the same.

Motion carried.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 6, page 4, lines 9 to 12 [clause 6(1)]—Delete subclause (1) and substitute:

(1) Section 11A(2)—delete subsection (2) and substitute:

(2) Without limiting the matters that may be included in a code of practice, a code of practice may include measures that can reasonably be considered appropriate and adapted to the furtherance of the objects of this Act.

(1a) Section 11A—after subsection (4) insert:

(4a) The Commissioner must, before making or varying a code of practice, undertake consultation (in such manner as the Commissioner thinks fit) with persons or bodies that the Commissioner is satisfied represent the interests of licensees affected by the proposed code or variation.

No. 2. Clause 6, page 4, lines 17 and 18 [clause 6(3)]—Delete subclause (3)

No. 3. New clause, page 4, after line 18—Insert:

6A—Insertion of section 11B

After section 11A insert:

11B—Review of codes of practice

(1) The Minister must cause a review of the operation of any codes of practice published under section 11A to be conducted immediately following the first anniversary of the commencement of this section.

(2) A review under subsection (1) must be completed, and a report on the results of the review provided to the Minister, within 6 months after the first anniversary of the commencement of this section.

(3) The Minister must, within 12 sitting days after receipt of a report, cause copies of the report to be laid before each House of Parliament.

No. 4. Schedule 1, page 13, after line 23—Insert:

3—Certain codes of practice taken to be valid

(1) A code of practice, and any provision of a code of practice, that—

(a) was published under section 11A of the *Liquor Licensing Act 1997* (as in force before the commencement of this clause); and

(b) is purportedly in force on the commencement of this clause,

will be taken to be valid, and always to have been valid, if the code of practice or provision would have been valid had it been published under section 11A of the *Liquor Licensing Act 1997* as amended by this Act.

(2) The requirements of section 11A(4a) do not apply in relation to a code of practice referred in to subclause (1).

(3) However, no action may be taken under the *Liquor Licensing Act 1997* in respect of a person's refusal or failure to comply with a provision of the Late Night Trading Code of Practice during the period commencing on 1 October 2013 and concluding on the day on which this clause comes into operation.

(4) In this clause—

Late Night Trading Code of Practice means the Late Night Trading Code of Practice under the *Liquor Licensing Act 1997*.

Note—

The Late Night Trading Code of Practice was published by notice in the Gazette on 6 June 2013 and came into operation on 1 October 2013.

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

First of all, it is my intention that the amendments be accepted. Secondly, just so that members of this house are aware of some information that officially became available to me yesterday, the total number of alcohol-related offences where the last drink location was a licensed venue in the city was 192, for the period 1 to 28 October 2011, and 205 in the same period of 2012. This year, since the introduction of the code, that figure is 152, which shows a 20.8 per cent decrease on 2011 and a 25.8 per cent decrease on 2012 during that exact same month.

Can I say that I am very pleased indeed that the Legislative Council, in its wisdom, has decided to ensure that the great work this code is doing will be preserved and protected.

Mr GRIFFITHS: I will speak for just a couple of minutes on this. There is no doubt that there has been a lengthy debate within the chambers and, indeed, publicly, about this bill and about the flow-on impacts it will have to the code, which was introduced on 1 October. There are certainly some differences held by the Liberal and Labor parties on this, but I can assure all those who are listening to this and who read this that community safety has been absolutely paramount for all of us.

I am respectful of the amendments that were moved in the upper house; indeed, I was rather intrigued. I thought there was some level of an agreement on some compromises that were moved by a couple of members that resulted in a second amendment coming through to an originally proposed amendment, for which I later found out there was not a larger level of support from the government, and that is why we reviewed our position on that late last night.

I am also respectful of the very large amount of consultation the government and the minister undertook with the Australian Hotels Association on behalf of the industry to try to get a position where there was workability from an industry perspective and, importantly, a community safety perspective, too.

I recognise that the bill has gone through. The Liberal Party does not intend to express that it does not support these amendments now that they have occurred because we understand how democracy works. My great hope is that the figures just quoted by the Attorney continue to decrease and that we continue to have a society where we have respect for others, and where, yes, we have a great time, and that facilities are continuously encouraged to establish themselves and provide wonderful entertainment for their clientele, no matter what age group they might be and whatever interests they have, but that safety is paramount. I look forward to the passage of the bill.

Motion carried.

SCIENCE CENTRE

The Hon. R.B. SUCH (Fisher) (11:36): I move:

That this house urges the state government to support the establishment and operation of an 'investigator' style science centre in the city.

Members would be aware that I have been campaigning for a long time to get a social/political/economic/history museum somewhere in the CBD, and the City of Adelaide is keen to have a museum, which certainly highlights what has happened in the city. This is really going beyond that. I think this means a separate facility, and a possible site for something like this is the old RAH site. That is one possible location.

We used to have an investigator-type science centre—the Adelaide Investigator Science and Technology Centre—and it existed for 15 years, but closed on 14 December 2006. I believe it is time that the government and other appropriate organisations move to create an investigator science centre. I do acknowledge that within the centre of Adelaide we have the Royal Institution of Australia, which has a science focus and is in the old stock exchange building, but it is not quite what one would normally expect in an investigator science centre—not that what they do is inappropriate, but I am envisaging something that goes beyond that, welcome as that is.

Underlying the desire for this type of centre—hands-on investigation, science and technology—is what I see as a concerning development in our society, which has lost its focus on science to a large degree, that is, there is almost an anti-science approach out there by a significant number of people. I think that is unfortunate because when we talk about science there is well-established procedures usually characterised as the 'scientific method' for investigating things. But as a society we seem to have lost focus on science and its sister, mathematics, and I think it is time that that focus was reinstated.

The previous centre was at Wayville and opened in 1991 then moved to Regency Park in 2003. It provided interactive activities which are necessary to get young people (in particular) excited about science and what you can do and what can be done through some of the approaches to science—some of the new technologies and so on.

As a state, our future lies in exercising the space between our ears. We are not likely to be able to compete in the low-cost labour area as we are up against countries that pay their workers little. But we can create, we can survive and thrive if we focus on being innovative and creative.

I will not go through the list, but South Australia has pioneered a lot of medical and other discoveries. Think of some of the people who have come out of our universities or have been associated with them: the Braggs and people like that. There was the invention of the photocopier by the defence research people who were based at Woodville at that time. I think one of them was Ken Metcalfe—I could be corrected—and with his partner, they invented the photocopier and it then went on to become a product used around the world and is still used around the world. The idea of photocopying by using xerography is something that came out of South Australia, and there have been a lot of other innovations—technical ones of varying kinds.

One of the great advocates for a science centre is Dr Rob Morrison and he wrote to me indicating his support and suggested that the old Royal Adelaide Hospital site be looked at. In his letter addressed to me he states:

> You may not know that, when the Investigator Science and Technology centre closed, claiming insufficient government funding to allow it to survive, three of us were concerned that SA would become the only state with no hands-on provision for young students. We bought the Investigator's assets and formed SciWorld, of which I am chair.

Then he suggested I look at www.sciworld.org.au to see what they do, and he indicates that they have gone mobile in taking interactive science to regions, remote areas and Indigenous communities, which is a great thing.

He points out that SciWorld received no funding for six years but was recently given some useful help from minister Kenyon and the Premier and he said they had won an Inspiring Australia grant, but goes on to say, 'But we still lack any centre in Adelaide, and something within the RAH site would help enormously.'

Dr Rob Morrison has been very active in promoting science and scientific activities for a long time in South Australia. He is not just someone like myself—I am not a scientist. But if you talk to researchers and academics of various scientific disciplines, they all lament the fact that science seems to have been downgraded and downplayed in our state. I do not think it is good enough for us not to have a facility which stimulates young people and encourages their inquiring minds.

New South Wales has the Powerhouse Museum. It has traditional exhibits and it has some characteristics of science centres. In Victoria they have what is called Scienceworks. Western Australia has the Scitech Discovery Centre, and it has proved to be one of the most successful science centres in Australia.

In some of the regional centres, Wollongong has the Science Centre and Planetarium, the Queensland Museum has the Sciencentre, and Bendigo in Victoria and Devonport in Tasmania also have centres. There are quite a few jurisdictions around Australia that have created interactive facilities, and I do not believe that it is acceptable that here in South Australia we are dragging the chain in that regard.

I was in Newcastle recently looking at the liquor licensing laws, and they have a museum which includes the Supernova Science Centre. It is the centrepiece of their regional museum. In Tasmania—I mentioned one of their regional centres—they have a Musbus, which is a travelling museum and hands-on science program. So even little old Tasmania can do something a bit more than what we have been doing.

As I say, I am not taking away from the Royal Institution Australia (RiAus) facility here, or what they are trying to do. What we have in the centre of the city is a sister organisation of Britain's famous Royal Institution, but that is part of, I guess, the push towards making science more central in what we do here. I will just read from the RiAus statement:

> Science and technology is as much a part of our cultural fabric as art, music, theatre and literature. They play a significant role in our daily lives, yet, in a world dependent on science, we often take them for granted. RiAus believes every citizen has a right, and a responsibility, to be informed, and our mission is to create programs to bring that about.

Based in Adelaide, but with a reach around the country and throughout the world, RiAus is Australia's unique, national science hub. RiAus is housed in the converted heritage-listed former Adelaide Stock Exchange building, which has been turned into a contemporary Science Exchange, trading in ideas and knowledge. RiAus brings together people—scientists, researchers, technologists and engineers, with families, educators, media, government and industry.

What I want to do today (and hopefully I am doing it) is highlight the need to have an investigator-style science centre created in the centre of the city. I fully support mobile operations as well—that is great. People in the country should not miss out on these opportunities. Wider than that, I would like to see science given more emphasis and focus through our education system at all levels, because I think our future as a state and as a nation depends on being genuinely smart. I think we have to lead the pack. We have the creative people, but we have not been stimulating young people in particular in relation to maybe a career in science or at least following and adopting the processes of inquiry, which characterise the scientific method.

I went to the Natural History Museum here the other day, which is a very good museum. It houses a lot of things which they cannot even display there, but they do have some interactive activities, and I commend them for that. When I was there recently with two little granddaughters, they were quite excited, as were a lot of other children, at what is on display and some of the activities they can do. However, they do not have the space to really provide what is needed where young people can engage and get active.

I come back to my central point and urge the government—we are not talking about a lot of money—hopefully to create, support and facilitate an 'investigator' style science centre in the city, whether on the old Royal Adelaide Hospital site (as it will become) or some other appropriate location. I commend the motion to the house. I acknowledge the work done by Dr Morrison and others who have continued to campaign for a long time to have an 'investigator' science centre in Adelaide.

Debate adjourned on motion of Mr Gardner.

ABORIGINAL LAWS AND PRACTICES

The Hon. R.B. SUCH (Fisher) (11:51): I move:

That this house calls upon the state government to review, in conjunction with Aboriginal groups and individuals, the laws and practices pertaining to traditional lands that may hinder or impede Aboriginal people from having meaningful self-determination and individual achievement.

I do not want to fall into the trap here—and I have made that clear in the motion—that I want to be running the lives of Aboriginal people. We need to—when I say 'we', the people who can change laws and so on—create a situation where Aboriginal people can genuinely advance their own activities. I am not sure and I am not convinced that that is the case at the moment. We have had a bill—and I am not sure whether it is still before the house and I do not want to transgress—relating to Aboriginal lands. In researching this topic I find a consistent theme coming through which is somewhat contradictory in its nature. On the one hand, if you look at the powers under the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981—

Mr Pengilly: Can you spell it for Hansard?

The Hon. R.B. SUCH: Hansard can spell anything; they are very capable people. They have probably been sadly affected by having to listen to us for too long!

On the one hand that act says that the people involved in running it can grant a lease or licence for any period it thinks fit in respect of any part of the lands to an Anangu or an organisation comprised of Anangu. However, when you go further in, you find that it is not quite that straightforward because there are significant restrictions in the way that it can operate.

I note here that individual home ownership is not currently possible on the lands. I know that some senior Aboriginal people have been arguing that if you want Aboriginal people to be really self-empowered and have a sense of achievement and so on, then you have to allow them to have a sense of ownership of their life and the opportunities that confront them. We know, for example, that in Canberra you cannot own land for a house. You can have a 99-year lease, which I guess is long enough for most people, unless you are going to live to be 150, or something.

I will not go through all the points but it is not clear to me, from looking at the current laws and provisions, that someone can, in effect, have their own house in the lands, whether by a long-term lease or straight out ownership. I think the community and the Aboriginal people, obviously, need to be involved and resolve this issue. Are the lands for the benefit of the people themselves to

establish a business or to own a house or lease a house for 99 years, or are they always going to be subject to even tighter restrictions than what we put on people outside the lands? I think that is the issue that needs to be addressed.

Many of us have been to the APY lands—I have not been for a few years—and I think there are opportunities. I do not think they are quite at the point where they can be self-supporting economically. There are a whole lot of issues about cattle raising and tourism, and so on, but with modern communications there is no reason why in the future they could not be accessing some of that modern technology to create employment locally for themselves.

If you want people to have a sense of empowerment and to believe they own their future, then I think you have to let them have a sense of ownership in reality. It is fine to say it is collectively owned by the Aboriginal people, and so on—and, clearly, there have to be safeguards, as there are outside the lands. We do not allow people to do whatever they want in relation to any issue. As I say, I am not here to tell the Aboriginal people what they should and should not have but, reading through the history, you can see there is a consistent problem. I quote from the research paper:

> It must be acknowledged that issues around land tenure, including native title, can be significant causes of a dispute and ill feeling in many priority communities. Resolution of land tenure and land use issues in many cases require significant mediation and resolution of long-term disputes.

That highlights what I believe, that we need to have a mechanism that allows Aboriginal people to decide whether or not they can do more with their lands in terms of individual leases and ownership. I think we need to move from a controlling, in effect, welfare model to one where Aboriginal people can legitimately exercise their rights to create a lifestyle and own things that they desire.

I know Aboriginal people who run businesses outside of the lands. John Moriarty is one. I went to university with John. He is a good soccer player, a good bloke and a capable business person. There are many others, and I know many other Aboriginal people. If you cannot actually call it your own, I do not think you are going to ever get either the sense of achievement or probably the motivation to deliver.

It might seem, at first sight, to be contrary to traditional Aboriginal culture because they have, in effect, a sharing culture which is less self-focused than ours, but I think the reality is the world has changed and, just as Aboriginal people in traditional lands will use a rifle to shoot a kangaroo rather than throw a spear, I think we have to acknowledge that the world has moved on.

Whilst they are not on traditional lands, the Exclusive Brethren—I use this as a parallel analogy—who had a strict policy of no computers and no mobile phones (which I think is a very good policy, but I am only joking), have changed their policy. I said, 'I did not think your children were allowed to have computers or mobile phones,' and they said, 'The world has changed so we have to as well.' I think there is a parallel. It is a very different situation, I know, but the world has changed.

If we are going to be fair dinkum about giving Aborigines the right of genuine self-determination, you have to allow them the right to own things and develop things, obviously, with appropriate safeguards.

I am just opening up the issue for debate. I do not claim to have all the answers, and it is not for me to tell Aboriginal people in traditional lands, or anywhere else, how to run their lives or whether they should own a home or not own a home, but I think the issue needs to be looked at to make sure that if that is the way they want to go they have those options.

Debate adjourned on motion of Mrs Geraghty.

YARNELL WILDFIRES

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) (12:00): I move:

That this house—

(a) extends its condolences to the families of the firefighters who perished in the fire which struck the town of Yarnell, Arizona, on the final weekend of June 2013; and

(b) acknowledges the dangers our own CFS crews expose themselves to during the course of their service to the South Australian community.

Yarnell is a town of 650 people, an hour and a half north-west of Phoenix, the state capital of Arizona. It sits below the 6,000-foot peaks of the Weaver Mountains and 2,000 feet above the Sonoran Desert. In times past, Yarnell was a goldmining town. On Friday 28 June, lightning brought on by the early monsoon season struck a hill on the crest of the Weaver ranges, which overlooks Yarnell. The fire quickly overwhelmed the town's modest natural defences. The parched scrub oak and brush, which border the town and had not been burnt in four decades, were ignited like a fuse. The strong gusts of wind whipped up the fire until it burned over 100 acres and jumped across protective lines and out of human control.

By Sunday, ferocious winds had whipped the fire into an inferno. As the 700 residents of Yarnell fled for their lives, jettisoning their possessions as they ran, the Granite Mountain hotshot crew was called in. Hotshot crews are the trump cards of North American fire brigades. They are small squads of specialised, highly trained firefighters dispatched to meet oncoming fronts. Headed by a captain, they include in their ranks the smoke jumpers, who parachute from cargo planes into the mouths of small fires; sawyers, armed with chainsaws to cut undergrowth; and swampers, who clear of the debris which is left behind. The job of these crews is, in essence, to stare the fire in the face without blinking.

The Granite Mountain crew was the jewel in the crown of the Prescott Fire Department. They were America's only solely municipally funded hotshot crew, and they were loved and respected by the communities they helped to protect. They had attended 26 fires from April to late June, but the Yarnell Hill fire was something entirely different. Even a squad of firefighters as tough and as well trained as the Granite Mountain Hotshots were vulnerable to conditions so fearsome.

The Blue Ridge Hotshots, a crew out of the Coconino National Forest, had arrived on the scene that morning, and they were coordinating their firefighting efforts with the Granite Mountain crew. Granite Mountain would keep building line—and I will explain line in a minute—on the fire's eastern edge, while Blue Ridge used their chainsaws to widen an old road that stood between the fire and Yarnell. If the winds shifted and the blaze ran towards town, Blue Ridge could set fire to the brush between the road and the wildfire, robbing it of the fuel it needed to survive.

At approximately 3.50pm on Sunday 30 June, as the crews were establishing barriers and building line (the term I used a little earlier) the wind began to shift. The dry thunderstorm stopped sucking in air and started blowing it out. The fire began running up a ridge on the eastern side of the valley towards Yarnell, expanding and accelerating and consuming all in its path as it went. It hit the trigger point identified by the Granite Mountain crew, and they fell back to a clearing they had created earlier that day.

With the fire now heading towards the town they were tasked with saving, Eric Marsh, the captain of the Granite Mountain crew, had to make a decision. Was he to order his crew to ignore their training and fall back to the black edge, consigning the town to oblivion, or climb down the valley and save as many homes as they could? The decision to head down towards the town and into the valley inadvertently led the crew into the belly of the beast.

As the crew moved further down the valley, the heat rose and the smoke thickened. They were cutting through thick scrub with heavy packs at unimaginable temperatures. The fire was approaching the crew at a frightening pace. Upon reaching a ridge above a basin, the hotshots had two choices for their escape: the ridge on their right or a 15-minute hike down a defensible space near a ranch house, and they chose the latter option. As they reached the basin floor and the house, the flames appeared from over their left shoulders, flanking the 19 men just metres from safety and an escape route. Slowly, the Granite Mountain Hotshots came face to face with a fire that had just burned four miles in 20 minutes. From this terrible realisation there was no escape.

The crew's best chance of survival was to deploy their small aluminium fire shelters in a depression on the basin floor where the brush was thinnest. A clearing would be formed with the chainsaws, which would then be discarded, along with the crew's gear, so as to not cause injury when they exploded. The crew deployed their shelters in a clearing 20 metres on each side. Professional to a fault, the senior hotshots would not have entered their tents until after the rookies and the seasonals. They would have encouraged and comforted each other in these moments.

The 19 men, unfortunately, perished. Among that number were two 21 year olds—barely men—and their 43-year-old captain. Yarnell Hill was the deadliest bushfire for American firefighters for over 80 years and the largest loss of life in the United States since the September 11 attack. In an instant, one-fifth of the Prescott Fire Department was lost. A lone crew member, who had acted as their lookout and had returned to the station, survived.

To put the terrible power of this fire into local context, the largest bushfire during the last South Australian danger season was the 6,200-acre fire at Bundaleer North. The blaze in Yarnell burned over 8,400 acres before it could be tamed. Arizona lost 19 firefighters, but it also lost sons, fathers, brothers and carers. Almost half the crew had children and several were engaged to be wed. They left behind wives, fiancés, families and friends. Americans were reminded in the cruellest way imaginable that the provision of their safety sometimes comes with a high cost attached. There is a global communion of firefighters joined by the invisible bonds of service. It is a community which commiserates its losses just as it celebrates its triumphs: united as one.

More is at stake here than the verbal recognition of a tragedy: there are lessons to be learned from the Yarnell Hill fire. Questions will be asked to determine how the conditions which made a disaster of this scale were possible. These questions will only be intensified in the wake of the revelations of the Tasmanian emergency services during their January bushfires.

The Country Fire Service has a valuable role to play in this reflection. There is no better way to honour the memory of the Granite Mountain Hotshots than to learn how such tragedy can be avoided in the future. An investigation may well reach the conclusion that the conditions of the Yarnell Hill fire were similar to those which instigated the Black Saturday fires of 2009 and the Eyre Peninsula bushfires of 2005. The topography of the land, dryness of the heat and capriciousness of the wind were all eerily reminiscent of these tragedies, which inscribe themselves on a state psyche the same way as Yarnell will in the United States.

With the New South Wales bushfires fresh in our minds and the significant contribution of the Country Fire Service, the recognition of the Arizona tragedy serves to remind us all of the tremendous contribution our volunteers make to our protection, both to our person and to our property.

Dr McFETRIDGE (Morphett) (12:10): I rise to strongly support this motion from the Minister for Emergency Services that this house:

(a) extends its condolences to the families of the firefighters who perished in the fire which struck the town of Yarnell, Arizona on the final weekend of June 2013; and

(b) acknowledges the dangers our own CFS crews expose themselves to during the course of their service to the South Australian community.

There is nothing more tragic than to lose a loved one through an accident or some other disaster, but to lose so many people in one event, particularly when they are putting their lives on the line to try to protect others, such as the Hotshots crew in Arizona, is just something that we all think about. Our hearts go out to their families and friends, because it is the family and friends left behind who grieve, suffer and question.

It does not stop the volunteers and professional firefighters from going out and doing the job that these young men and women did in Yarnell, Arizona. To pay the ultimate sacrifice is something that we all have to acknowledge, and respect their courage and fortitude, particularly going out in the way they did. Firefighting in any fire can be terrifying if you are not aware of what you are going in to; it is a stressful situation. People do not understand—in fact, as we are talking, there is a briefing by the CFS to members of parliament on the bushfire season which is coming up.

We have got to get the message across to people that bushfires are seriously dangerous to deal with at any stage. When they get out of control, as we have seen in Sydney recently, and with this fire in Arizona as it was ripping through the countryside, people are put at risk. But, people do not understand how scary it can be. It is not just the radiant heat from the fire and the flames—these flames are taller than this chamber; I have been there, with fires coming towards you like that, and it is pretty daunting to see the flames—it is also the noise; it sounds like a freight train coming towards you when you hear a big fire coming towards you.

It is also the smoke and darkness. It is like the middle of the night; it is so black and so dark. It is scary for people who are not prepared and not aware of the circumstances. I encourage everybody—every South Australian, every Australian—to be aware of the bushfire season coming up so that they can look after themselves, because our volunteers will certainly be trying to look after them before they look after themselves.

I can proudly say I am a CFS volunteer, as are a number of my colleagues. CFS volunteers and the MFS are the sort of people who are going into the danger zone when other people are

fleeing from it. As we saw with the Hotshots crew in Arizona, they were actually parachuting into the edge of this fire and using hand tools to try and reduce the spread of this fire.

I gave Prime Minister Tony Abbott a little CFS badge a few weekends ago; it is a symbol of a rake hoe, which is the most basic firefighting tool that we have. It is a metal blade with serrations on one side and a flat blade on the other, and has a long handle. It is used to clear the vegetation back to 'mineral earth', as it is called—back to bare earth—around the edge of a fire to help prevent the fire threat.

It is a very basic tool, but this is the sort of tool that the Hotshots were using. They were using rakes and rake hoes to try to stop the spread of that fire, but, more importantly, they were actually being parachuted into areas where there was no backup. They had to look after their own resources. They had to look out for their friends, for their colleagues and for themselves.

As a firefighter, you are trained to look out for yourself as well as for other colleagues, because if you are not there, you cannot do the job you are supposed to do. You do put your life on the line, and unfortunately there have been many CFS volunteers and many MFS firefighters who have paid the ultimate price.

The fire season that is coming up is going to present us with another massive challenge. I joke that down on our farm you can hear the grass grow, but the undergrowth is higher than I have seen it for many years. The oldies down at Kangarilla used to say September was flood month. Well, we had the floods this year. The last time I can remember them was in the early '80s, and we have been very lucky that we have not had serious fires since then.

The undergrowth along the sides of the road and around houses—I remember when I had my veterinary practice going up through the back of Cherry Gardens, Ackland Hill Road, Upper Sturt and through there, there were places where you had trouble getting your four-wheel drive down into these houses, never mind trying to take a fire truck in. People must realise the danger that is ahead of us. It is real and it is going to happen at some stage. It is not if, it is when it happens. Unfortunately, it is a fact of living in Australia.

The courage that our firefighters exhibit when they get out there and go on the job, particularly with bushfires, is something that we all must admire and appreciate. When they pay the ultimate price like these firefighters in Arizona, I think this house is showing its due respect by having this motion and I congratulate the minister on bringing it to the house.

The thing that I will talk about also is bushfire prevention. I have been reading Bill Gammage's book, *The Biggest Estate on Earth: How Aborigines Made Australia*. There is a point made there that we need to burn more. I heard Bill Gammage on the radio saying, 'A burn a day keeps bushfires away.' Property owners must be allowed to reduce the fuel loads. You must be allowed to reduce the hazards and clear around your properties. I know we have made some significant improvements there, because the sad fact is that if a bushfire like Ash Wednesday happens again or the Sydney fires, you cannot have a fire truck at every house.

People are going to have to be prepared, and they should be doing it now. I have everything from a 100-horsepower slasher on the back of the tractor right down to a handheld whipper snipper going flat out at the moment to try to reduce the fuel load around our sheds and around the house on the farm, so that we can at least have some level of security that we are going to do everything we can to minimise the impact from a bushfire if it comes. We are on the back of the Kuitpo Forest, and it is a very dangerous area to be.

The need to prepare, though, is something I cannot overemphasise. There is a need to look after ourselves so that our firefighters, who are putting their lives at risk, are able to do the job, and that is save the lives of people who are in peril during a bushfire. It is not just about saving property, it is about saving lives. As we have seen in Arizona, the volunteers there paid the ultimate price trying to protect their local communities, their local citizens, their friends and their family. It is the ultimate sacrifice, but their memory must always live on.

There are several memorials in South Australia for CFS firefighters who have died. I know that every February 16 we remember the Ash Wednesday fires and the people who died there, but it is an ongoing issue. The threat is real; the risk, we can minimise. We can do something about it ourselves. We can help by clearing around our properties. The governments have their role in providing the equipment and training for our CFS volunteers, because we just cannot do the job without them.

We have to value our volunteers, and I know that minister O'Brien does value the volunteers. He is out there supporting them, and I appreciate the fact that we cannot have everything we might want at the time, because it is very expensive, but we are doing all we can practically to support our volunteers. It is a very expensive undertaking to provide equipment. On the other hand, the damage can be very significant. I saw a program on the ABC the other night about the damage resulting from bushfires started by power lines. Cutting off the power is a very sensible thing that we do here in South Australia.

I think if you are in a situation where you know that the power could be cut off, having back-up generators is something that you should consider. In fact I am looking at installing some large generators on our property so that we can be independent of the power sources so that our pumps and fire-protection systems can run. You have to be prepared. If you have a business that relies on air conditioning and cooling, you might have to spend a little bit more on a back-up generator. Perhaps the state government or the federal government should look at tax deductions for firefighting purposes. It is a necessary area to be concerned about in Australia.

Bill Gammage's book talks about how we have let the bush become so dense nowadays that we have no hope of stopping fires, whereas the Aboriginal people kept it as an almost open parkland and the evidence for that is in the paintings of the early settlers. We need to rethink how we are managing the bush that is there. We cannot go holus bolus bulldozers and ball and chains like they used to in the old days, but we should manage it, and manage it sensibly, so that people like the Hotshots in Arizona do not have to put their lives on the line to protect us from our own fallibilities.

The motion is a very important one and I urge every member in this place to think about the motion. I know that every member in this place will be supporting our CFS volunteers this summer. I hope they have a very quiet summer. We do not enjoy getting up and going out to bushfires when the pager goes off because we know it is people's lives and their properties which will be affected. The CFS volunteers do everything they possibly can and I personally congratulate them.

I would like to congratulate Mr Kym Vawser of the Kangarilla CFS who will be celebrating 40 years in the CFS in a couple of weeks' time and I hope to be at the dinner there with him. Kym has put in thousands of hours over those 40 years in supporting the Kangarilla CFS and it is because of people like Kym that the CFS is what it is: an organisation which is made up of people whose hearts and minds are in the right place and we must always value them. With that, I support this motion.

Mr PENGILLY (Finniss) (12:22): I also rise to support the motion put by the minister. I listened with interest to what he had to say, and given that I joined the old EFS in 1968—

An honourable member: 1968—you were four years old!

Mr PENGILLY: I wish! I also have been chairman of the Country Fire Service Board in another life as well. No-one can comprehend what is going to happen when you go into fire situations. Quite clearly the Hotshots team in the United States never anticipated the absolute tragedy that unfolded and our hearts go out (in my case) to fellow firefighters in another country. We must remember that we have had fires in Australia which American firefighters have attended, and likewise we have sent firefighters to the US, and even in the last couple of weeks we have sent CFS personnel into New South Wales to deal with the fires over there.

I had an earlier experience in losing someone I knew very well, Richard Hurst of Kangaroo Island, who was burnt in a fire. He was working in Victoria and the western districts in the early 1970s and was caught in a fire and severely burnt. He was put into hospital and then transferred to care. He survived for a few days. His family were able to get over there to see him, but getting burnt in that manner is an appalling way to ultimately die, and he did die. He worked for my father and we remember Richard fondly. He was only in his early 20s. His family had an adjoining farm down the road from me and his cousin was best man at my wedding.

Only the other day I was looking at a photo of Richard carting hay in the early 1970s, when we were all much younger than we are today. It is a horrendous way to die. My own uncle was badly burnt on his legs in fires and he, to this day, carries the scars and has to live with what happened. I do not want to dwell on these things, but I think they need to be remembered from time to time.

I have an abhorrent fear of what is going to happen in the Adelaide Hills. I have spoken about it here before. Far be it from me to wish a disaster up there, or anywhere else for that matter,

but why are we—and I talk about governments at all levels—still allowing people to live in areas like that and continue to build in places that are just a disaster waiting to happen, and it will happen. I hope it does not happen in my lifetime, but woe betide the government of the day that has to deal with it. It is going to be a catastrophe and all sorts of things will come out of it.

During my time as the chairman of the CFS board, the CEO at the time Stuart Ellis (who is now the CEO of the Australasian Fire Authorities Council) and I got on very well for a number of years. It was our mortal dread that a fire would get going in the Adelaide Hills. As we well know (we talked about it earlier this year), we are now 30 years past that date. Those fires were principally eucalyptus-fuelled fires. These fires in the United States are different again. We need to understand the material we are dealing with in those fire situations.

Similar to the other day in New Zealand, where a young couple died in a cave in the mountains, with snow and whatnot, these poor devils in the United States had no way at all to get out. They did the best they could to survive, but, unfortunately, they were literally cooked alive. It is a tragedy for all concerned in the United States, particularly the families, children and everyone else involved. It was an appalling situation.

Over the years I have been involved in a multitude of fires, along with others in this place. There is no way we can limit the experience to one person or another. I would have liked to have been up at the CFS briefing this morning, but some of us need to remain in the house. We cannot all be up there. I am sure that the minister would like to be up there as well, but we just cannot be. We are here.

Lives were also lost in New South Wales. I guess what will come out in due course is what happened with the aircraft that crashed; apparently it lost a wing. I have a really good mate who flies water bombers. He is an ag pilot, a water-bomber pilot, who flies with Aerotech. He sprays crops for me during the winter and goes waterbombing in the summer. He was very quick to post something on Facebook from the group that he is involved with. I think they call them ag pilots and water-bomber pilots of Australia. It hit very close to him. He is about the same age. He will be up there roaring around this year in his air tractor doing things.

Of course, the media tends to pick up on the bombers all the time, but there is no way you can beat firefighters on the ground. They are the answer to fixing fires, doing the hard work on the ground, doing the back burning, using the rake hoes and trudging through the scrub for hours on end trying to dodge the flames. There is no way you can beat that. The bombers do a great job, but you cannot beat the men and women on the ground these days.

I think it was a good thing that the minister brought this motion to the house. A couple of nights ago I had a phone call from a constituent who has a couple of thousand of acres of scrub on their property that they cannot clear any more. They could not manage it. They are not allowed to touch it. He said to me, 'What do you think I should do? It's going to go.' He said he had not had a fire for 50 years. This is on the north coast of Kangaroo Island.

I said, 'Well, my predecessor,' old Ted Chapman of blessed memory, 'used to say, "Burn or be burned"'. He is dead and gone now, so he cannot be held liable, but, on his way to the airport, at the appropriate time of year he used to drop a few matches adjacent to his property and let the scrub light up and burn back along the edge. Of course, he would arrive in Adelaide and get a phone call saying, 'Mr Chapman, there's a property adjacent to yours and the scrub there is on fire.' He would say, 'Oh, really.' That used to keep him safe. You have to burn or be burned.

You have to take precautions. Precautions would have been at the fore for the firefighters killed in the United States—absolutely to the fore. They would have done everything to protect themselves and everything that needed to be done would have been done in an attempt to rescue them. Unfortunately, they did not survive.

We are going into the fire danger season, and parts of the state will burn already; fortunately, my electorate is a little bit later. Last weekend I was at a function at Kingscote on Saturday night and a group of men, who were not at the function, were sitting down one end having a few drinks. I asked what they were up to, and they said, 'We're department firefighters. We're doing a prescribed burn.' They did not know who I was. I said to them, 'Well, you'd better get busier and burn a bit more before the whole lot goes again.'

It is only six years since one-third of the island burnt out—six years since 2007—and I can tell you that it is ready to go again, and a lot of it will go again. There has been little, if any, commonsense burning done since then. If you do not burn in September or October when the rest

of the country is green, or if you do not burn in late autumn—these are the old-time rules that still apply—you are going to get cooked, and you are going to involve millions of dollars of state assets in trying to sort it out.

Just briefly let me talk about the power cut-offs mentioned by the member for Morphett. I do not have a great issue with power cut-offs. The issue I have is about giving advance warning to residents. Where it applied in my electorate at Middleton, Victor Harbor and Port Elliot, there are a number of single citizens, elderly and retired people. All houses now have air conditioning, it seems, and when you shut the power off you have nothing. These people did not have adequate warning.

The message has to be sent out earlier by the emergency authorities, SA Power Networks or whoever, if the power is going to be turned off so that adequate arrangements can be made for families to pick up people and take them to where there is air conditioning or whatever, not leaving them cooking in their houses without this, that or anything else. It is simply not good enough. I ask the minister to just think about that because, if it happens again, it will be unfortunate.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (12:32): I would like to speak briefly in support of this motion in my capacity both as Minister for Volunteers and as the local member for Light. As Minister for Volunteers, the CFS is one of the great volunteering groups in our volunteer sector, and the contribution they make to community safety is enormous. When you combine the contribution they make to community safety with the SES people and also St John's, we have a whole range of volunteers here who dedicate their lives to keeping our citizens safe in their communities.

Another thing about the CFS which is often perhaps not well understood is that they do more than just fight fires. In fact, some of the brigades in my area spend a lot of time at car accidents and a whole range of other things. They provide an important service to our community in keeping people safe or rescuing people.

I am proud to say that since being elected as the local MP I have worked closely with them. I have six brigades in my electorate: Dalkeith, Gawler River, Concordia, Roseworthy, Mudla Wirra and the Wasleys Woolsheds. I used to have Freeling and Greenock, but they went to Schubert under the last redistribution. I would like to put on the record my personal thanks and gratitude to those volunteers in my electorate who at times put their lives at risk to make sure that other people are safe.

One of the things raised with me when I meet people from the various CFSs—and it does vary from brigade to brigade—is that some are finding it harder to recruit volunteers. There is increasing pressure on people to work long hours, and often, with dual-income families, it is harder to find a person who can make time available. I do recognise and acknowledge the hard work these volunteers do in our communities.

I am also pleased to see that we have been progressively improving infrastructure in my electorate for a number of the CFS brigades. When minister Zollo was minister for emergency services, the Roseworthy station was upgraded, and under the current minister the Gawler River CFS station is receiving an upgrade this financial year, which has been in the budget. They also tell me it is important to have good infrastructure because it does attract volunteers. One of the smaller stations, Wasleys Woolshed, soon after I became an MP had a new facility as well. We do work with the CFS and assist with recruitment. Having said that, I would like to acknowledge their contribution.

Another part of the CFS is the cadet program, and this is very important to mention because this is where young people start learning the trade of being a firefighter or being involved in rescue. A couple of brigades in my electorate have quite an active cadet program, and it is great to see young people also learning the ropes and making a contribution to our community.

One other comment I would like to make is that, while our CFS and emergency people often do what they can to save lives, I think as individuals we have a responsibility to make sure that we do not do things that put the lives of CFS volunteers and other volunteers at risk. We have a responsibility to make sure we minimise opportunities for fires and a range of other things. Every time we do something wrong and somebody has to come and rescue us or put out a fire, we potentially put the life of another person at risk.

As we approach quite quickly the worst part of the season for fires, I would like to acknowledge the contribution of firefighters and their families. I should also mention employers. One of the things I was able to do when representing ministers was attend some functions where employers enabled volunteers to go and fight fires during work time. I also acknowledge the contribution that employers make by releasing their staff and workers to fight fires. It is a community effort. That said, it is the volunteers who fight the fires and who are at the forefront, and we need to acknowledge their contribution.

Mr SIBBONS (Mitchell) (12:38): I rise briefly to support the motion of the Minister for Emergency Services, that this house—

(a) extends its condolences to the families of the firefighters who perished in the fire which struck the town of Yarnell, Arizona, on the final weekend of June 2013; and

(b) acknowledges the dangers our own CFS crews expose themselves to during the course of their service to the South Australian community.

I pass on my condolences to the family, friends and communities of the brave firefighters who tragically perished. I acknowledge the commitment and dangers faced by all emergency services personnel protecting our communities, and I thank the minister for bringing this motion to the house and pass on my gratitude to all emergency services personnel.

The Hon. R.B. SUCH (Fisher) (12:38): I support this motion. My involvement in the CFS was very modest many years ago. The Blackwood CFS's first vehicle was a Vanguard utility with 44-gallon drums on the back and a pump. Laurie Moore was the captain, and his wife, Joan, ran the radio from their home in Hawthorndene.

I have always been impressed by the commitment of people to fight fires. Fires are very dangerous entities, and I think I have said here before that when I was a youngster two police officers lost their lives not far from where I lived at the time. They burnt to death in Upper Sturt. It is not only CFS people who put their lives at risk: sometimes it is other people in either the police force or other emergency services, including, of course, in the more urban areas and the country towns, the MFS. The tragedy that struck in Arizona brings home to us how devastating fire can be. It is a particularly nasty type of episode that can occur, and it is a horrible way for people to lose their lives.

In regard to the CFS, I concur with what the member for Finniss said. At this very moment people are allowed to build homes in parts of the Adelaide Hills, which I regard as absolutely suicidal. There is no way anyone could defend those homes. This is where some of the lives of CFS people are put at risk, if they ever attempted to defend them. If members want to check on what I am saying, travel up through parts of Upper Sturt. I am not suggesting the bush should be cleared: I am saying that people should not be allowed to build there, even with some of the so-called fire protection measures which exist.

I think the police do a great job with their Nomad program in trying to catch arsonists. There needs to be more emphasis on the cause of fires. In my little knowledge, kangaroos and koalas light very few fires; but we still seem to have a too easy approach to people being stupid or careless and causing fires. Maybe the total fire ban concept is necessary, but perhaps there should be another level just prior to it that would alert people to the dangers of doing certain activities because of the possible consequences of a fire arising from that.

At the moment it seems to be all or nothing. I know there are different risk categories, but perhaps there should be a total fire ban in respect of doing things or another category just below that which restricts what people can do. Most of these fires are caused by people who are careless or stupid, or both, and that puts a lot of people at risk, and the cost is enormous.

The area of electricity supply needs to be improved. There have been some improvements in recent years in terms of infrastructure. Many years ago in parts of the hills there was what was called the ABC—aerial bundled cabling. I do not see much evidence of that continuing in order reduce the possibility of wires moving around in wind and sparking a fire. I think that needs to be pursued more strongly.

People need to understand that, in regard to fire prevention, large trees can help. They reduce the ambient temperature, slow down the wind and reduce ember attack. The one large tree that needs to be modified is the stringy bark, to take the loose bark off it. Contrary to what a lot of people have said—and it has been borne out by research—large trees can protect a house in a bushfire situation.

The CFS recently had a fundraiser in the southern area. I do not believe the CFS should have to spend time raising money for essential equipment. If the emergency services levy is inadequate, then increase it. People in my area pay the same levy as other people, yet CFS people have told me that at times they do not have enough money for equipment. I am happy to donate on election day, or other days, and I would like to see that go into amenities for the CFS people—a coffee machine, or that sort of thing. I do not think they should have to be out there begging for money for essential equipment. As was pointed out just a few minutes ago by the Minister for Volunteers, they attend not just fires but accidents as well.

On the issue of cool burns, a lot of people are commenting that the 'greenies' oppose it, and all that sort of thing. I have been involved in conservation groups for a long time and I have never come across someone qualified as an ecologist, a botanist or whatever who has a blanket opposition to cool burns, partial burns or controlled burns. It is a question of when you do them and how you do them so that the intensity of the fire does not destroy certain vulnerable plant species. I think we have to get rid of this silly idea that people who are conservationists—which means they support the wise use of natural resources—are implacably opposed to appropriate controlled burns. That is not the case as far as I can see.

People talk about burn-offs and so on. It is still very risky for anyone on private property to engage in a cool burn because, if it gets away, they can be liable for civil action. I think that is an issue that needs to be addressed. It is not an easy issue, but people will be very careful about burn-offs on private property if they feel they run the risk of copping a couple of million dollar lawsuit if the fire gets out of hand.

The minister just mentioned cadets. I believe there is a case for having in schools, particularly in fire-prone areas, a cadet scheme that is linked to schools as part of community involvement by young people. I think part of the school experience should be serving the community in one way or another, whether that be with the CFS. When people talk about national service they usually think only of the military. I do not oppose that, but you could have people working with St John Ambulance or helping in nursing homes. I think that being involved in the CFS as a young person is a good way of introducing young people to community service and the notion of doing something for others, which is a good thing.

Finally, I make this point: a long time ago now, when Adam was a boy, our Blackwood CFS unit used to do burn-offs as part of their training regime, often on a Friday night or at other times. I think that should be reconsidered. I do not know whether there is an instruction for them not to do it. People used to give a donation or something like that. That was part of the training regime and I think it should be reconsidered as a way of reducing the fuel load. As I said, the CFS could do this by way of a donation or a modest charge but, as part of the training regime, let them do controlled burns in the lead-up to the bushfire season. The minister may know, but my understanding is that they are not allowed to do deliberate cool burns at the moment as part of a training regime.

As we approach—we are right into it now really—the bushfire season, I think it is time people shook off their complacency, because things can change very quickly. It was before my time, but I have been told of a fire in Aberfoyle Park in 1939, which started on a farm with a stationary engine. It continued on until it stopped somewhere around Strathalbyn, taking virtually everything in its path. We have people who may have come from overseas or parts of Australia where bushfires are not prevalent. People need to be reminded about fires because, unless you have been in one and experienced one—

Time expired.

Mr GARDNER (Morialta) (12:48): I am very pleased that the minister has moved this motion today, which both acknowledges the sacrifice and extends condolence to the families of those who paid the price and lost their lives in Arizona in June but also, importantly, acknowledges the dangers our own CFS crews expose themselves to during the course of their service to the South Australian community.

I am speaking as a member who represents an area with a range of CFS brigades, ranging from the local brigades who might have 100 callouts a year, often for accidents and car accidents, while they keep themselves fit for service to fight the broader fires, and we also have a couple of brigades (I am thinking particularly of Athelstone, Norton Summit-Ashton and others) who are trained to the highest specifications and help out in a range of disaster situations, and are ready to do so and are ready to offer themselves to do so. It is a very important motion. As the minister

described, the global community of firefighters feel it very keenly when fellow servicemen and women are killed. I know that the CFS communities in my electorate are very awake to that situation.

I also acknowledge the comments by another member, as I was going to make them myself, in gratitude to not just the volunteers and paid staff who serve, but also the employers of those volunteers who allow them to serve, not only when our local community threatened, but also when they serve elsewhere. Just in recent weeks in New South Wales, not only were dozens of South Australian CFS volunteers putting their hands up and going over to help, I can inform the house there was a waiting list of volunteers who were willing and ready to serve above and beyond the number that the New South Wales Rural Fire Service requested that we help out with. Those South Australian volunteers did a great job; their service was appreciated.

In Morialta, during the May Cherryville fires, it was brought to my particular attention that many of the volunteers who helped to save property and life in our community were, of course, from all around the state. People who are trained in this way give up their time to help out not just their neighbours, but those all across the state, and they do so putting their lives at risk. They expose themselves to danger, and we are very appreciative.

As the Opposition Whip, I know that there are a number of members on this side, and I imagine other members as well, who would have very much appreciated the opportunity to confirm their own support for this motion, but they are being briefed on the very issues that we are talking about (that is, the upcoming fire danger season). So, without naming any of them in particular (which would of course be improper), I will confirm that this motion has the strong support of each and every member of the Liberal Party, including those who have not been able to make a contribution at this moment.

Further to that, I will extend the apologies of the members for Finniss and Morphett and myself, who would have loved to be at that CFS briefing. Instead, we are here, and are happy to be here, but nevertheless we look forward to reading the materials that were provided at that briefing. I support the motion.

Motion carried.

CITY OF ADELAIDE RESTORATION PROJECT

The Hon. R.B. SUCH (Fisher) (12:53): I move:

That this house—

(a) congratulates those who have contributed and continue to contribute, to the *City of Adelaide* restoration project; and

(b) calls upon the state government to be supportive in regard to the future location of the clipper near the Maritime Museum.

The first point I make is that I am absolutely amazed at the commitment and devotion of the people involved in seeking to bring the *City of Adelaide* clipper ship back here, and I know other members, such as the member for Port Adelaide, are also great admirers of the people who have put in this time and effort.

I am led to believe that the *City of Adelaide* was constructed in 1864, and is the world's oldest surviving clipper ship. It is one of only two clipper ships in the world today, the other being the *Cutty Sark*, which was built in 1869 and which is moored at Greenwich. It is the only surviving purpose-built passenger sailing ship, and it is a vital icon of the making of modern Australia, particularly its relationship between the UK and the Australian colonies.

For those with a technical bent (I hope they are not too bent) or a technical orientation, the *City of Adelaide* is of composite construction, with timber planking on a wrought-iron frame, which provides the structural strength of an iron ship combined with the insulation of a timber hull. I do not know whether Mr Palmer has looked up Wikipedia to see how to build his *Titanic*, but that is how the *City of Adelaide* was built.

By way of a bit more technical information, unlike iron ships, where copper would cause corrosion in contact with the iron, the timber bottoms of composite ships could be sheathed with copper to prevent fouling. The iron frames meant that composite ships could carry large amounts of canvas sail and therefore were some of the fastest ships afloat.

The *City of Adelaide* set sail 23 times from England to bring passengers to South Australia—more visits to the fledgling colony than any other vessel before or since. For over quarter of a century, the *City of Adelaide* carried English, Scottish, Cornish, German, Danish, Irish and other migrants to Australia. I do not think any category has been left out there. Descendents of her passengers can be found throughout Australia. Approximately quarter of a million South Australians, or one in five, can trace an ancestor who migrated or who was a passenger on the *City of Adelaide*. It also imported trade goods and carried South Australian exports—copper, wool and wheat—on the return voyage.

It proudly bore upon her stern the coat of arms of the City of Adelaide—the city she was built to serve and after which she was named. The people who are involved in bringing the clipper ship to Adelaide are 100 per cent volunteers, and their aim is to save the historic clipper and preserve the ship for future generations by transporting it from Scotland to Australia; this now is underway, after some additional work in, I think, the Netherlands. Their aims are also to protect and secure the ship under cover and on land in Port Adelaide and to develop an interpretive museum and community venue that educates, entertains and involves visitors and provides them with an appreciation of:

- the unique construction of the ship;
- the traditional skills of the 19th century English shipbuilders;
- the traditional skills of the crew of the ship;
- the life on board for the passengers and crew;
- the trade importance of the clipper ships to the fledgling colony; and
- information about the great clipper races from Australia to the European markets.

The aim is to preserve, not restore, the *City of Adelaide*. Some media reports do not appreciate the important difference in philosophy and erroneously suggest that South Australia aims to see restoration or a full reconstruction. The renaming ceremony was held on 18 October this year, when the clipper's name reverted to the *City of Adelaide*.

What I am trying to do with this motion is focus attention on all the good work of these people, these volunteers, in bringing the ship back here to preserve it and to ensure that the location is the most appropriate. I am not an expert on matters such as the location, but what I am suggesting is that the state government and its agencies be supportive of the intentions of the group that is bringing the clipper back. They do not want the vessel to be put in some location where it is not prominent or readily visible and able to be enjoyed, if you like, in terms of the range of activities and objectives I mentioned before.

Essentially, this motion is a plea to the government to do all it can to ensure that the ambition of that wonderful group that is bringing the clipper out is fulfilled and that the *City of Adelaide* will rest in a place that is appropriate and prominent. I ask the government and its agencies to seek to do that.

Debate adjourned on motion of Mrs Geraghty.

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

PAPERS

The following papers were laid on the table:

By the Speaker—

House of Assembly—The Parliamentary Service of the Annual Report 2012-13

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

Capital City Committee—Annual Report 2012-13
State Emergency Management Committee—Annual Report 2012-13

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

South Australian Government Financing Authority—Annual Report 2012-13

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

Cross-border Justice Scheme Final Report, Evaluation of—28 August 2013
Death of—Robyn Eileen Hayward and Edwin Raymond Durance Report
Serious and Organised Crime (Unexplained Wealth) Act 2009—Annual Report 2012-13

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

Liquor and Gambling Commissioner—
Barring Orders under the Liquor Licensing Act 1997 Annual Report 2012-13

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

Food Act 2001—Annual Report 2012-13
Health and Community Services Complaints Commission South Australia—
Annual Report 2012-13
Principal Community Visitor—South Australian Community Visitor Scheme—
Annual Report 2012-13
Safe Drinking Water Act 2011—Annual Report 2012-13
The State of Public Health for South Australia 2012

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

Dairy Authority of South Australia—Annual Report 2012-13

By the Minister for Disabilities (Hon. A. Piccolo)—

Principal Community Visitor—South Australian Community Visitor Scheme—Disability Accommodation and Supported Residential Facilities Annual Report 2012-13

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

South Australian Water Corporation—Direction to, pursuant to the Public Corporations Act 1993

By the Minister for Education and Child Development (Hon. J.M. Rankine)—

Response by the Department for Education and Child Development to the Final Report of the Economic and Finance Committee entitled Workforce and
Education Participation

VISITORS

The SPEAKER: I welcome to the parliament English as a Second Language TAFE students who are guests of the member for Adelaide, Christian Brothers College, who are guests of the member for Adelaide, and years 5 and 6 from Cowell Area School, who are guests of the member for Flinders.

HOLDEN COINVESTMENT

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: The automotive industry is one of the most critical sectors in the South Australian economy. The loss of the automotive industry would cause the loss of as many as 13,000 jobs and wipe up to $1.2 billion from our gross state product. Today I visited Carr Components in Netley to launch a public campaign about the future of car making in Australia called More Than Cars. Just before I came in here today I was joined by members across the chamber to show support for the industry.

It is clear that there is more work to do to convince the commonwealth government about the key importance of this industry. This campaign is not just about workers at Holden's plant or the businesses that make components: it is about the whole economy of our state. Professional service firms like lawyers and accountants that rely upon firms in the automotive industry will lose. Cafes

and restaurants, builders and tradies all stand to lose because of lost spending from automotive workers and, perhaps most importantly, our economy will lose the capability in the manufacturing industry which it has developed through the automotive industry.

The automotive industry, together with the defence and clean technology sectors, is one of the most significant value chains in manufacturing. It is part of the foundation of South Australia's advanced manufacturing base. Whenever I visit a factory, even in fields as removed from the car industry as food manufacturing, I meet workers who learnt their skills in lean manufacturing processes in the car making industry.

These capabilities that would set the rest of the manufacturing industry in South Australia back would be very difficult to rebuild once lost. We acknowledge that the industry needs to change, to transition into a sustainable industry, ultimately less reliant on government support, but this transition cannot occur if the industry ceases to exist. Finalising investment in the car industry is now urgent, given the industry's contribution to jobs and the economy.

The commonwealth has announced its intention to cut $500 million from support for the car industry. Holden has made it clear that it needs more government support, not less. The longer the commonwealth government delays committing to a sustainable future for the car industry, the more likely it is that Holden will leave Australia. The state government has committed $350,000 to this campaign from existing resources, which is a small investment, given the importance of the automotive industry to this state.

WORKCOVER BOARD

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: Today, I announce appointments to the new WorkCover board. These appointments are part of the first stage of this government's broader reforms to the WorkCover scheme. The makeup of the new board represents a fundamental change to the way in which the scheme will operate. From today, the current terms of the WorkCover board of management will expire. As members would be aware, changes to the legislation will reduce the number of members on the board from nine to seven.

I can advise the house that three current members of the board will be reappointed, effective from 1 November 2013, and I am pleased to report that one of the three continuing members, Jane Yuile, has accepted my invitation to take on the role of chair of the board. Jane Yuile has played an important role on the board to date and will continue to apply her value and experience to the new board as chair.

She is the Chair of ANZ South Australia, and a member of the Built Environs and South Australian Film Corporation boards. She is also a member of the Advisory Board to the Australian Centre for Asian Studies at the University of South Australia. Current members Joanne Denley and Peter Malinauskas will also be appointed to the board. I am also pleased to announce the appointment of four new members to the board. They are:

- Dr Bill Griggs, AM, Director of Trauma Services and the senior consultant for Intensive Care, Retrieval Services and Anaesthetics at the Royal Adelaide Hospital.
- Chris Latham, a director of Pricewaterhouse Coopers and Chair of the Personal Injury Education Foundation. He has extensive experience in the insurance industry, with a particular focus on accident compensation schemes.
- Nigel McBride, a former chief executive of Minter Ellison, a firm that continues to play an integral role in WorkCover's core legal work. He is also a member of the Australian Chamber of Commerce and Industry board and a CEO of Business SA.
- Yvonne Sneddon is a director of the South Australian Financing Authority. She is a former partner at Deloittes and Ferrier Hodgson, and currently sits on the board of the Motor Accident Commission.

These appointments will place the scheme on a commercial footing. This board possesses a diverse set of skills and experience, and will oversee the next phase of reform so that WorkCover better supports both employers and injured workers.

I would like to thank the chair of the board, Mr Phil Bentley, and all previous members of the WorkCover board for their hard work and service to South Australia. I look forward to working with the new board to create a financially sustainable system for the benefit of all South Australians.

QUESTION TIME

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:10): My question is to the Premier: could the current funding issues with Holden have been averted if the state Labor government had moved sooner and more assertively to sign up the $275 million coinvestment package the government said it had secured over 18 months ago?

Members interjecting:

The SPEAKER: Before the Premier answers, I call to order the ministers for education and transport, who audibly interjected. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:10): The transparent nonsense implicit in this question is obvious when one considers the nature of the agreement that was reached with Holden—the nature of the agreement that we are seeking to reach with them in relation to the coinvestment package.

An honourable member: I don't think it's us they're worried about.

The Hon. J.W. WEATHERILL: That's right. Of course, what you get in return for these agreements is a commitment to build cars in return for money. If they don't build the cars, they don't get the money. You can't take this to a court and actually make them build cars. Anybody that thinks otherwise—it is just such transparent nonsense to actually come in here and suggest that you could specifically perform a funding agreement of this nature and somehow call that a binding obligation on the company to build cars.

The company decided, because of the change in international financial conditions, to re-approach the federal government. What that meant is that both parties would keep their money in their pocket, as, of course, we did. That's the simple proposition, and they reached agreement with the previous federal government, and us, on the terms of their coinvestment package. It's just that they had to await the result of the federal election.

Of course, they knew that one of the parties to the federal election was promising to pull out $500 million of funding to automotive car assistance. That's why they waited, and then they gave the opportunity for that party now in government—the Coalition government—to consider the time necessary to get themselves organised to change their position so that they could have the coinvestment package.

They were presented with all of that detail recently. We now know from Mr Macfarlane today that Holden has made it clear that their timeline was December. We now know this week that the federal government has decided to push this out into the middle of the year, and that is why we have commenced today this campaign—More Than Cars—to put pressure on the federal government to change its position, because this is such a vital issue for the future of our state.

This is what is at stake, not the conduct of the South Australian government, which has at all times done everything consistent with ensuring the future of Holden in South Australia, but the conduct of the federal Coalition. If they could use their voices, if they could produce their voices in support of us and our policy position, it would strengthen this campaign.

We now know that across the nation more and more people are becoming aware that the automotive sector is about more than just a Holden's plant in Elizabeth. It's not only about the northern suburbs and the knock-on effects throughout the northern suburbs; it is not only about the whole of the South Australian community: it is about the Victorian component sector, the Victorian manufacturing sector and, indeed, the national manufacturing sector. That's what is at stake. If there are a few hurt feelings around today because we have raised this issue publicly, then good. I am glad they are awake and paying attention, because that's what you do when you stand up and fight for your state.

Mr Marshall: A supplementary question.

The SPEAKER: Before the Leader asks a supplementary, I call to order the members for Chaffey, Heysen, Morialta and Morphett, and the leader. The leader.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:15): Has the government offered to increase its $50 million coinvestment to Holden to secure the two new models through to 2022 despite the fact that the Premier reiterates on a continuous basis that we had a binding agreement for those two new models through to 2022 as of March last year?

An honourable member: Argument.

The SPEAKER: Yes, it is comment. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:15): No, we have never been asked. So that the members opposite actually understand the nature of the situation, what occurred is that Holden has decided, on the business case they presented, which was the basis for the first funding agreement, that they would not go ahead and build cars.

What is our remedy? Not to go to court and seek to enforce that agreement, but just not pay our money. What they seek to do is to enter into a new agreement based on a new business case which takes into account the new international realities that they face. That was a proposition that Holden, the commonwealth government and we have entered into; and we will not ask for an additional dollar. I am not in the habit of handing over money I am not asked to hand over.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:16): Supplementary, sir.

The SPEAKER: This is the second supplementary to the first question?

Mr MARSHALL: Correct, sir.

The SPEAKER: Thank you, go ahead.

Mr MARSHALL: Is the Premier saying that he has not offered, or will not offer, to increase the government's $50 million coinvestment to keep Holden in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:16): Can I just explore the air of unreality of asking whether I should be increasing the—

Members interjecting:

The SPEAKER: The Premier will be seated. The member for Finniss is called to order and the leader is warned for the first time. I am not going to tolerate any further displays such as the one we have just seen. The Premier.

The Hon. J.W. WEATHERILL: Mr Speaker, if the question is: am I prepared to spend South Australian taxpayers' money filling a hole that was created by the commonwealth government when they ripped $500 million out of automotive assistance, the answer is no.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:17): My question is to the Premier. Was federal minister Macfarlane correct when he told radio this morning that the Premier has not complained to the federal minister once about the time frame around the Holden funding negotiations?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:17): No.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:17): Therefore, will—

The SPEAKER: Is this a supplementary?

Mr MARSHALL: Yes, it certainly is, sir. Will the Premier table his correspondence with the federal government to demonstrate that he has complained to federal minister Macfarlane about the time frames around Holden's funding negotiations?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:18): I did not want to advance this, because I wanted as far as possible to maintain my relationship with the federal minister, but if the Leader of the Opposition wants me to give chapter and verse about the fact that the federal minister in fact did say something on radio today which was not quite accurate, I am prepared to say it.

I do not want to have to do this, because I want as far as possible to preserve my relationship with him. I do not think this is a particularly profitable line of inquiry. But we did in fact have a very explicit conversation about exactly what I was going to say to the media about the question of delay; in fact, I offered this to Mr Macfarlane. It was in fact in the context of the remarks that were being made by Mr Devereux concerning his departure.

Mr Devereux contacted me and gave me some advance notice of his departure. I then, on the basis of that, decided to make some public remarks, but before I made them I ran them by Mr Macfarlane. It is very clear from the nature of the public remarks that I have made that I was going to very heavily criticise the federal government for their delay in responding to the proposition that Holden's had in fact put to them.

So I have made that very clear to him. I think it is also very clear, from the nature of the negotiations that we have had—and, indeed, Mr Macfarlane today on radio says that Holden's preferred time line is December to have a response to their proposition because they have imperatives around investment in their new model. I think it is regrettable that I have had to lay this out, because I want as far as possible to preserve my relationship with Mr Macfarlane. I have at all times conducted myself, I think, with some degree of restraint about that.

In the period after the federal election we gave the newly-elected government a considerable period of leeway. I did not believe the propositions that the federal Coalition were going to advance to Holden's would be acceptable to Holden's but, nevertheless, I decided to allow those to be advanced. It is clear they are not acceptable and I am duty bound to tell the community of the risks associated with the federal government's delay in responding to Holden's offer and, if the Leader of the Opposition understood his responsibilities, he would join me in that.

Members interjecting:

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Before you do, I call the deputy leader to order, also the members for Colton, Elder and Hammond, and I warn the member for Morialta for the first time. A supplementary.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): So, just for clarity, Premier, are you saying that you didn't raise these issues with minister Macfarlane whatsoever, you simply informed him before making your public statements via the media?

Members interjecting:

The SPEAKER: The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:21): I am having trouble following the—

Members interjecting:

The Hon. J.W. WEATHERILL: I think most people are having trouble following that question; it defies construction. I will give it the most positive construction that I can. It is true. If there is linguistic distinction between informing him and telling him, I will try to find what it is, but certainly we did have a conversation where I outlined what my attitude was to the ongoing delay in relation to this matter.

Mr Marshall: Just before you put the press release out.

The Hon. J.W. WEATHERILL: It wasn't a question of press release. I was asked for a comment by the media and, as a courtesy—and I think it is a courtesy to tell somebody that is doing something which I think is manifestly not in the government's or, indeed, the state's interests; nevertheless, I decided as a courtesy to try to maintain the relationship—I said to Mr Macfarlane

the nature of the conversation I have already outlined, but I don't want to dwell on that. What I would urge the Leader of the Opposition to do is, instead of wanting to appease his federal leader, perhaps he could stand up for his state.

Members interjecting:

The SPEAKER: Before you ask your third and final supplementary on this question, I warn the members for Chaffey, Hammond, the deputy leader, and Morphett for the first time, and you also for the first time, and call the Minister for Health to order. The leader.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:22): That's quite a list there, sir. My supplementary is to the Premier. Why didn't he stand up for manufacturing and Holden and oppose the federal Labor government's introduction of a carbon tax and a mining tax 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) (14:23): This is the—

The Hon. A. Koutsantonis: Last refuge of a scoundrel.

The Hon. J.W. WEATHERILL: That's right. This is the conservative equivalent of the last refuge of the scoundrel: when they can't think of anything else they return to the mining tax and the carbon tax. The small matter of the mining tax is that it has virtually little incidence in South Australia and, in relation to the carbon tax, can I say this: the arrangements that were entered into in relation to Holden's before and after they shifted their position—so, in relation to the agreement they would have struck with the previous federal government—were made in the context of the existing taxation regime. So, that demonstrates the complete—

Mr Marshall: The FBT tax.

The Hon. J.W. WEATHERILL: The whole taxation regime of the previous federal government, as late as this year, certainly just before the federal election. They were prepared to reach an agreement with the federal government having regard to what they had put on the table with the existing regime in place.

Mr Marshall: What did they say about an FBT tax?

The Hon. J.W. WEATHERILL: FBT, GST, payroll, whatever you like. The whole taxation regime was not a barrier to them saying they would have made the coinvestment in Australia.

Members interjecting:

The SPEAKER: I warn the Minister for Transport for the first time, the leader for the second and final time, the member for Morialta for the second and final time, and the member for Adelaide.

WOMEN'S AND CHILDREN'S HOSPITAL

Mrs VLAHOS (Taylor) (14:24): My question is to the Minister for Health. Can the minister inform the house about the improved neurological services at the Women's and Children's 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) (14:24): I thank the member for Taylor for the question; she has been a strong advocate for children with epilepsy. The neurology department at the Women's and Children's Hospital is South Australia's leading diagnostic and treatment service to children and young people with neurological disorders.

Having received representation from the 'Epilepsy: Let's Talk About It!' parents group, I am pleased to inform the house that neurology services at the Women's and Children's Hospital will soon be expanded to include inpatient video-EEG monitoring. This sophisticated testing enables better diagnosis of neurological conditions such as epilepsy. Before now, children needing specialist comprehensive testing for epilepsy have had to travel to Melbourne, resulting in inconvenience and additional expenses for the families.

Video-EEG monitoring can help in differentiating between seizures and other episodic disorders. Having a more accurate diagnosis reduces the potential for unnecessary drug therapy

that significantly impacts children and families. In many cases, such drug regimens can affect childhood learning.

The state government's investment in this service will directly benefit approximately 50 children each year. To provide video-EEG monitoring, the Women's and Children's Neurology department will employ an additional specialist clinical nurse and a neurophysiology trainee at a total cost of $150,000 a year. The service will begin once the recruitment of these new positions is finalised.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:26): My question is to the Premier. Is the government seeking a minimum jobs guarantee as part of its negotiations with Holden?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:26): Yes.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:26): Supplementary, sir: given that Holden apparently could not provide a minimum jobs guarantee as part of the previous funding package, what guarantees will the Premier seek in renegotiating a new funding package with Holden?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:26): Minimum production numbers and minimum job guarantees are orthodox parts of funding agreements between governments and Holden—

Mrs Redmond: How many for how long?

The Hon. J.W. WEATHERILL: They have in the past—Cruze has minimum production numbers. So, we will be advancing that in the negotiations.

The SPEAKER: A further supplementary?

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:27): Why were there no minimum job numbers included in the first negotiation, which the Premier told the people of South Australia was completed in March 2012?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:27): There were.

The SPEAKER: Third and final supplementary from the leader.

HOLDEN COINVESTMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:27): If you are saying that the previous agreement was binding—

The SPEAKER: No, I am not saying it, the Premier is.

Mr MARSHALL: Sorry, sir. The Premier has indicated to the house on numerous occasions that the previous agreement struck in March 2012 was binding, and he has told the house now that it had minimum jobs requirements in it; why isn't he pursuing this? Why have we lost hundreds and hundreds of jobs since this deal was supposedly struck?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:27): This is precisely the conversation we had at the time: they don't get their money.

AIRASIA X

Mr HAMILTON-SMITH (Waite) (14:28): My question is to the Minister for Tourism. Can the minister advise if there were any state exemptions or concessions offered as part of the negotiations to attract AirAsia to Adelaide?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:28): I thank the member for his question. Of course, this morning we welcomed

AirAsia X into South Australia, and their entrance here will mean an economic benefit to South Australia of $30 million a year. We are joining with AirAsia X on a joint marketing exercise. Our government, along with Adelaide Airport and AirAsia X, is coinvesting in marketing into Asia.

We have already been doing that since July, since AirAsia X indicated that they would be flying to Adelaide. That has resulted in 10,000 people from Malaysia and China booking tickets on the route from KL down to Adelaide. But has there been any money to attract the airline here? No.

AIRASIA X

Mr HAMILTON-SMITH (Waite) (14:29): Supplementary, sir: could the minister tell the house, in dollar terms, what the total coinvestment or assistance package is with AirAsia and, in particular, confirm projections on the net number of international tourists in total that will come to South Australia as a result of the deal?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:29): I can't give you a figure on how much money is being spent in this coinvestment, because we are competing with other airports around Australia. Adelaide has the fastest growing international airport in Australia at the moment, but we are up against not just Sydney, Melbourne and Brisbane, but also Cairns, Perth and Hobart. The airport wants to keep that as a confidential figure, and so do the airlines. We are also doing comarketing programs with airlines such as Singapore Airlines, Emirates and other airlines. It is something that happens all the time. There is no point having all these extra seats coming into Adelaide if we do not put bums on those seats.

AIRASIA X

Mr HAMILTON-SMITH (Waite) (14:30): The other part of the question to the Minister for Tourism was the total net number of tourists that will be attracted to the state from the deal. He mentioned a figure of 10,000 from certain specific countries. What is the total number?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:30): We do not have a total number yet, because it is into the future, but what we are trying to do is make sure that we fill as many seats as we can on those planes. This route has been in the market only since July and, as I said, already 10,000 tickets have been sold on the flight down from KL to Adelaide to people throughout China and Malaysia. I think that is a pretty outstanding effort in just a couple of months, and we will be out there in the marketplace selling not just Adelaide but Port Lincoln, the Barossa, the Flinders Ranges and Kangaroo Island. We will be selling South Australia. We have just been named one of the top 10 cities in the world to travel to. We will be using that hook as well to get out there and convince as many people as possible to come down and visit our great state.

ADELAIDE CITY WI-FI PROJECT

The Hon. S.W. KEY (Ashford) (14:31): My question is directed to the Minister for Science and Information Economy. Can the minister inform the house about the initiatives that encourage people who live, work or visit the City of Adelaide to use the new free wi-fi network service when it is up and running early in the new year?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:31): I thank the member for this question. Adelaide is a vibrant city, and this was recognised with Adelaide being named in the top 10 cities by Lonely Planet this week. Our laneways, such as Leigh, Bank and Peel streets, are coming alive with new small bars and restaurants, and the Riverbank Precinct is set to become a hub for entertainment, sport, culture and excitement. We are also investing in new hubs to bring our entrepreneurs together to spark further innovation and creativity.

Adelaide will be the first capital city in Australia to have comprehensive free wi-fi access in our city's public spaces. The state government is working very well together with the Adelaide City Council and Internode to deliver this fantastic new service. It means that people on the go in the central business district in places like the Adelaide Central Market and along the Riverbank Precinct will have free wireless access to the internet.

I am pleased to report that work is already well underway, and we expect most of the network to be rolled out across the CBD and parts of North Adelaide in time for the Mad March festival season next year. It also means that the thousands of visitors and locals enjoying our city

can access news and share their views, images and short videos with friends and relatives locally and around the world.

I am delighted that the state government is investing $1 million into this project, with an additional $500,000 from the Adelaide City Council. This also creates a fantastic opportunity for innovative business, community services, government and our many creative small businesspeople to develop new ways of doing business or to provide information and services.

Today, I can announce the opening of the new Adelaide free wi-fi app development competition. This is a partnership between the state government, Adelaide City Council and Internode, and we are now inviting our best and brightest entrepreneurs to develop innovative mobile applications. We are asking innovators to create apps that are especially relevant to Adelaide and useful for visitors, locals and businesspeople who take advantage of our Adelaide free wi-fi service.

Together with the Adelaide City Council, we are offering up to $20,000 in cash prizes for innovative apps that will add value for Adelaide free wi-fi users. I am pleased that the Majoran Distillery, a creative not-for-profit hub in the city, will also provide the winners with a six-month membership and mentoring support. We know that South Australian app developers will embrace this competition. The South Australian chair of the Australian Interactive Media Industry Association and CEO of the app development company Enable Solutions has said that he has no doubt that the benefits of free wi-fi will be substantial and that this competition is a great incentive for creative people to find new ways to solve current problems. I invite all creative people in South Australia to enter this competition.

The Hon. A. Koutsantonis interjecting:

The Hon. G. PORTOLESI: Yes—not you, Tom Koutsantonis, Minister for Transport—and continue to build Adelaide as a vibrant city.

Mr WHETSTONE: Supplementary.

The SPEAKER: Before the supplementary, I call the minister to order for using the Christian and surname of the minister. Supplementary, member for Chaffey.

ADELAIDE CITY WI-FI PROJECT

Mr WHETSTONE (Chaffey) (14:35): Minister, why were the six Riverland towns denied free wi-fi funding?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:35): I am very happy to sit down with the member for Chaffey to talk about the wi-fi situation in the Riverland. What I was speaking about earlier is this fantastic initiative that is occurring in the city—the first in the nation. I don't know if the member has corresponded with me in relation—have you corresponded with me in relation to this matter?

Members interjecting:

The Hon. G. PORTOLESI: He hasn't. But anyway, the point is that there is room for wi-fi in the Riverland, there is room for wi-fi in Adelaide. I am happy to work with the member for Chaffey to address his issues in the Riverland.

The SPEAKER: Before a second supplementary is asked, I warn the Minister for Transport for the second and final time. I also call to order the member for Goyder. Member for Chaffey.

ADELAIDE CITY WI-FI PROJECT

Mr WHETSTONE (Chaffey) (14:36): Minister, the Riverland is the first region in Australia to have free wi-fi. It has already been installed, without the help of the state government.

The SPEAKER: Minister. There is no question there, okay.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:36): There wasn't a question, but we do appreciate the work that the local council has done in the Riverland to put in free wi-fi for people who visit there. It complements what is happening here in—

Mr VAN HOLST PELLEKAAN: Point of order. Mr Speaker, you just ruled there was no question there. What is the Minister for Tourism doing?

The SPEAKER: I call the member for Stuart to order for a purely opportunistic point of order. The member for Chaffey made an utterance that was in order because I called him. If it wasn't in interrogative form, nevertheless any minister on the front bench can respond to it. The Minister for Tourism chose to respond to it and therefore he is in order. Now, I did not call him, that is true, but normally he is the best behaved minister in waiting for the call and those ministers who were roaring that there was no question there were all out of order; they weren't ruling on the question. Minister for Tourism, feel free to take your whole four minutes.

The Hon. L.W.K. BIGNELL: Thank you very much, Mr Speaker. I would like to congratulate the local government in the Riverland which has worked to put in the free wi-fi. It is a very important thing for tourists who come to South Australia. When I have been up there I have met with a lot of French backpackers and people who don't have a lot of money while they are travelling. If they can get the free wi-fi while they are out picking grapes and seeing our great state and using the free wi-fi to check in on social media to tell everyone about the great beauty of the Riverland, the fantastic river and the jobs that they can do in helping pick fruit and grapes up there, then I think it is a wonderful thing. So, congratulations to the Riverland for being pioneers in wi-fi. I also congratulate the state government for working on bringing free wi-fi to the CBD; it is terrific.

PRISON DRUG USE

Mr VAN HOLST PELLEKAAN (Stuart) (14:39): My question is for the Minister for Correctional Services. Is it the case that a prisoner suffered a drug overdose at Port Augusta prison last week?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:39): I will have to come back to the house on that one. I don't believe I have received a briefing on that matter.

PRISON DRUG USE

Mr VAN HOLST PELLEKAAN (Stuart) (14:39): Can the minister advise on how many occasions prisoners in South Australia have been found to consume drugs, including chemical drug substitutes without permission or alcohol, including internally-made brews, in the last 12 months?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40): Again, I don't have the precise numbers at my fingertips and I will return with an answer.

PRISONER ESCAPE

Mr VAN HOLST PELLEKAAN (Stuart) (14:40): Can the minister explain how a person escaped from police holding facilities last financial year, as indicated by the SAPOL Annual Report?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40): There was a bit of background distraction; could you repeat the question?

The SPEAKER: How did a prisoner escape from police holding cells some time in the last 12 months?

The Hon. M.F. O'BRIEN: Again, I will have to return with an answer.

PRISONER ESCAPE

Mr VAN HOLST PELLEKAAN (Stuart) (14:40): Supplementary question: just for clarification, this information was in the police annual report—

An honourable member: Why are you asking him then?

Mr VAN HOLST PELLEKAAN: No, the fact—

The SPEAKER: You want to know the details of how that escape was effected.

Mr VAN HOLST PELLEKAAN: The question was could the minister explain—

The SPEAKER: The one that's mentioned in the report as happening in the last 12 months.

Mr VAN HOLST PELLEKAAN: Yes, correct. Is the minister saying that—

The SPEAKER: He is taking it on notice, as I understand it.

Mr VAN HOLST PELLEKAAN: —he has not asked his department?

The SPEAKER: Does the minister wish to respond further? No, he doesn't. Member for MacKillop.

WORKCOVER

Mr WILLIAMS (MacKillop) (14:41): My question is to the Deputy Premier in his capacity as the Minister for Industrial Relations. Can the minister explain to the house why the local government sector seems to be able to manage workplace injuries, costs and return-to-work rates across its range of worksites at levels similar to those in other jurisdictions under the same legislation that WorkCover operates?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:41): I thank the honourable member for that very good question, because it is a good question. Since I have been in the role of IR minister and I have had the opportunity to look in more depth at WorkCover, I have spent time meeting with people from SISA, the self-insured group, and I have met with other people involved in the sector.

It is undoubtedly true that the self-insured element which, as I think the honourable member was saying in his explanation, are operating under exactly the same scheme in terms of the statutory benefits arrangements, are performing better than those that are not. There is no question about that. It does raise the question, obviously: why? I think that is what was being put.

I have thought about that for some time and I have a number of possible suggestions that have come to me. The first one is that the cohort of people who are self-insured within the scheme tend to be different from the cohort of people who are not in that category by reason of the fact that they are, generally speaking, the larger employers who can afford to be, in effect, self-funding.

That means not necessarily that they are automatically better at things but they are big enough usually to have their own internal systems for dealing with work injuries—and that includes things like having their own on-staff people. As soon as someone is injured they go and personally manage that person. They personally go to that individual worker and ask, 'How can we help you? How can we get you back to work?' They do that because they know that an early intervention is critical to getting a really good outcome.

However, it's important to remember that those employers are often the very large or significant employers who have sufficient expertise, sufficient capital and sufficient breadth of skill base within their organisations to be able to do that. When you are comparing them with very small outfits—like a fish and chip shop or a small retail outlet or something of that nature—those people do not, as a matter of course, have their own internally-based occupational health and safety officer or some other thing.

That is one reason we get to the ultimate answer, in my opinion: it is the difference between an early intervention, targeting the individual and wrapping support around the individual very early on in the piece and not achieving that early intervention. That, in my opinion, is the fundamental difference and that is one of the fundamental flaws in the way things are operating presently.

AIRASIA X

The Hon. J.D. HILL (Kaurna) (14:45): My question is to the Minister for Tourism. What further information can the minister provide the house about the arrival of AirAsia X's first flight and Emirates' first anniversary in Adelaide?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:45): Thank you to the member for Kaurna for the question and, to answer the question of the minister for industry and trade: yes, they did get the fire trucks. The fire trucks were there to spray the water cannon over the first flight in this morning to celebrate the arrival of the seventh international airline to make Adelaide one of its destinations. The chief executive officer of

AirAsia X (Azran Osman Rani) was there, and he has been a frequent visitor to Adelaide in recent years as they have looked at the possibility of Adelaide coming onto their schedule.

He was in Kangaroo Island and the Barossa at the beginning of the year and, in July, he and I went over to Port Lincoln and (as the member for Flinders would know) he ate one of those one-kilogram oysters. We took him swimming with the tuna, he got in a shark cage and went diving and he also went swimming with the sea lions. When you look at their marketing, AirAsia X has been saying ,'Come to Adelaide' but they are really putting our regions out there.

As part of their marketing plan, they have set five challenges for people throughout Asia. One is to come over and see who can eat the most oysters in five minutes. Another is to put two people at a time, with heart rate monitors on, in a cage to see the Great White Sharks and whoever has the lowest heart rate wins. They have a treasure hunt through the Barossa Valley. The member for Schubert, I am sure, will be happy that they are promoting the Barossa Valley to people coming from their 80 destinations throughout Asia. They are doing a triathlon for those people who are a bit fitter, involving a swim in our beautiful ocean and then a ride up into the hills. So they are really looking after the regions.

The great thing about AirAsia X's arrival into Adelaide is that, since the member for Cheltenham became Premier, we have 83 per cent more international airline seats coming into Adelaide. That is in just two years. Since the Premier came into this job, we have increased it by 83 per cent and, by December when Jetstar flies direct from Indonesia and New Zealand, that figure will go to 90 per cent.

It is an extraordinary result for this government, that has gone after international airlines to bring in more people. As I said, Lonely Planet naming Adelaide one of the top 10 cities in the world to visit next year is really going to help us fill those seats. With all the extra capacity, we want to make sure we market Adelaide and South Australia to every corner of the globe and get as many people as we can coming to Adelaide.

Tomorrow marks the first anniversary of Emirates coming into Adelaide. What a great success that has been. They fly to hundreds of destinations throughout the world and have brought 90,000 people to Adelaide in their first year at a capacity rate of 80 per cent. Anyone who knows the airline industry knows that 80 per cent capacity is a very good result, indeed. I want to congratulate Emirates on their first year, and wish AirAsia X and their team all the very best for their first year.

The SPEAKER: Supplementary, the member for Mount Gambier.

AIRASIA X

Mr PEGLER (Mount Gambier) (14:48): I heard the minister for tourism both times referring to AirAsia and the many regions in South Australia but I did not hear him mention the South-East once, so I just wondered if AirAsia is aware of the South-East.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:48): As someone born in the South-East, I will make sure that the chief executive officer gets down to the South-East on his next trip to South Australia. Of course, I will be down there on the weekend talking to tourism operators and going to the 150th birthday of the Leake Brothers Woolshed in the town in which I was born, Glencoe.

I look forward to meeting with as many tourism operators as I can while I am down there. We have a forum on Monday night with the South Australian Tourism Industry Council. This is something we have been doing in all the tourism regions around the state. I thank many of the members on the other side who often come out to those forums. I think they are a really good opportunity to get out and talk to tourism operators.

We spend around $50 million of government money each year to help what is largely a private industry here to work to bring more tourists to South Australia and make sure they benefit. Tourism is a $5 billion a year industry for South Australia and we want to grow that to $8 billion. The CEO hasn't been down to the Limestone Coast, but I will make sure we get him down there and get him onto some of those great crayfish that we know come from Port MacDonnell and some fantastic reds from Coonawarra; and then just maybe head up to a nice little meal at Robe and get him around so that he can see all of the fantastic tourism opportunities that there are in the wonderful South-East and Limestone Coast.

WORKCOVER

Mr WILLIAMS (MacKillop) (14:50): My question again is to the Deputy Premier in his capacity as the Minister for Industrial Relations, particularly given the answer to the previous question: can the minister explain what actually is buggered within WorkCover? His answer intimated that it seemed to be that self-insurers have the capacity to manage injured workers, and he gave the example of a fish and chip operator, and surely the fish and chip operator's injured workers are case-managed by WorkCover, which has enormous capacity. So, what is buggered?

The SPEAKER: Before calling the Deputy Premier, I am advised that the 'Society of Clerks' publishes a list of unparliamentary expressions of which 'bugger' and 'buggered' are two. But if ministers of the Crown will insist on using it, I suppose they can be questioned about it. Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:51): I thank the honourable member for his question and, as I heard it, it was just a series of asterisks. Anyway, the answer to that question is that—as I tried to explain—first of all there are a number of things about the scheme that require attention, and we could spend a very long time going through all of those, and they are all elements in the bigger problem. There is no simple magic bullet-type solution to all of these problems, but if I had to try and characterise where the problem was—

Mrs Redmond: The Labor government.

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

The Hon. J.R. RAU: Mr Speaker, I thought I heard a voice from the wilderness. As I was saying, if you really had to get down to the bottom of it, the bottom is this: the longer it takes for an injured person to be actively assisted either by way of having training, or some medical treatment, or some notification of their work arrangements, or being offered alternative duties—the longer you take between the time of the injury and the time of that happening, the worse the probable outcome is for that individual. That is obvious, and all the statistics, every piece of information I have ever seen, points in that direction.

It has been historically the case, it seems to me, that claims managers or WorkCover or anybody else who is doing that as a third party intervention into another workplace historically has not had the same focus and the same energy committed to that task as the individual employer that is big enough to have their own internal systems designed to help their own workforce.

When we get around to people like the Local Government Association, they have the capacity to say, 'Look, you have been injured in my council, I haven't got a job for you but here you are; you go over to this bloke over here and he'll look after you for a while,' and so forth. So, they are very good at that, but then again, they can be.

Of course, what has happened—we need to remember this—is that a large number of larger employers have exited the scheme by coming within the definition or the capability of being a self-insured operator. They do that for a number of reasons, one of which is that they think they will do better out of it. That's the main one. And what they do is they then create a residual pool of those people who aren't big enough or aren't organised enough, or aren't well-enough managed within their own structures to remain in the scheme.

So the scheme becomes a residual scheme full of the less better-performing people. The challenge is—and it is one that I have indicated several times we are addressing—how to improve that outcome. But the critical thing is early intervention, early case management, and effective case management in the workplace of the individual worker.

WORKCOVER

Mr WILLIAMS (MacKillop) (14:55): My question again is to the Deputy Premier. Can the minister explain why the government has not sought to re-establish the role of medical panels within the WorkCover dispute resolution process, given the legal moves that have made that key element of the 2008 amendments ineffective?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:55): Again, I thank the honourable member for these questions. This is really good; it is interesting. We are talking about interesting stuff, at least in my opinion. The situation with medical

panels: as the honourable member would know, the medical panels were established in 2008. The establishment of medical panels involved not a small amount of controversy, because the medical panel model involved giving the medical panels the right not only to have opinions as to what amount to basically medical matters but also in effect to make decisions about legal matters.

That was a very problematic issue. As the member for MacKillop has mentioned, there was litigation a while ago in the case of Yagubi, which went to the Supreme Court. That meant that the intended original function of the panels was substantially undercut. It is my belief, from information that I have received, that there has been an unwillingness by people to take advantage of the panels prior to that and since.

I make it clear from this side of the house that we are of the view that the panels are not the way forward to resolve medico-legal matters, and in due course we will be putting forward alternatives. I think it is safe to say that panels in their present form have failed to live up to the expectation that was wrapped around them in 2008. There is no point in us saying they have gone really well, because they have not. So, the fact is that will be dealt with; but the panels have not been a success.

WORKCOVER

Mr WILLIAMS (MacKillop) (14:57): My question again is to the Deputy Premier. Can the minister explain to the house the government's various redemption policies within WorkCover over the last 12 years, with particular reference to the current policy of severely limiting redemptions, compared with the policy of 2011 of seeking to redeem as many claims as possible? It indeed led the then CEO of WorkCover to state:

> EML did an appropriate strategy around the redemptions which actually dealt with a significant portion of the liability that existed.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:58): Again, another excellent question, and a very good point. The first point I want to make is that I am not sure it is correct to characterise the redemption policies from time to time as necessarily the policies of the government, because ultimately it is the WorkCover board and the way they function which deals with that thing; but let me leave that to one side.

There are, as some members would know, and I am sure the member for MacKillop knows, basically two schools of thought out there in relation to workers compensation. One of them is to redeem people and get them off the system, and thereby you deal with the tail issue for the scheme. You pay an amount of money upfront, in exchange for which people terminate their relationship with the scheme; they leave the scheme, and you create a fall-off in the tail of the scheme.

There is another entirely different school of thought, which is not necessarily completely inconsistent, but it is another way of looking at the same problem. It is what I would call the 'redeem them and they will come' type school, which is: the more you start redeeming people the more people think it is in their interest to remain somehow unwell, so that they get to the point that eventually their unwellness is recognised by the scheme and the scheme then redeems them. So you actually reward illness behaviour, either deliberate or not deliberate illness behaviour. Either way, by making a reward for demonstrating entrenched sickness behaviour, some people become encouraged to remain in that entrenched position.

Those are two contending schools of thought. Over time they have battled for the heart and mind of WorkCover. The honourable member points to a point in time, back in 2011 or whenever it was, when we had a high watermark of the 'redeem them and get rid of the tail' thinking: 'Oh good, let's redeem everybody, the tail will disappear, and the world will be happy.' Then, there was a change in management and the new thinking came in. The new thinking was, 'No, redeeming is bad. You are just rewarding bad behaviour by paying them a big pot of money; don't redeem them.' That got to the point where nobody got redeemed. In fact, last year I think there were only two for the whole year.

In my opinion, the answer is, obviously, not either of those polar opinions. There are occasionally intelligent reasons for a redemption to be offered, and should be offered, but not to the extent where everybody who becomes ill has a reasonable expectation that, if they just stay ill, they will be redeemed, because that would be counterproductive to the whole scheme. That is the position in respect of that.

The charter responsibilities that the Premier and I signed off on recently made it clear to the corporation that, as far as we are concerned, where there is common sense to the scheme and it will not become an attractor of illness behaviour, rational redemption should occur.

WORKCOVER

Mr WILLIAMS (MacKillop) (15:00): My question again is to the Deputy Premier. Can the minister explain to the house why he has found it acceptable that the board continue to set the WorkCover average premium rate at 2.75 per cent in spite of actuarial advice to the board that the average premium rate would need to be at least 3.37 per cent to cover current costs of the scheme and that it has become obvious that the 2008 amendments have failed to deliver any cost reductions?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:01): Again, I thank the honourable member for his question. I have been thinking there is something familiar about this. There is a deja vu moment here; something to do with estimates, I think. Anyway, that is fine. I am happy.

The situation in relation to the levy is this: the levy is set by the board. The board, I think, in their recent meeting where they set the levy, were mindful of the fact that there was a report produced by prudential regulators or prudential advisers to the effect that, if the scheme was going to have a positive return in terms of receipts from levy over any given 12-month period, there would need to be an increase in the levy rate to—I think the honourable member said it was three point something per cent.

The board formed the view that, because of the discussions that were being undertaken between the board and the government about changes to both the charter and the legislation, and because of changes they had made internally, they felt that they would have every capability of flattening out and stopping any further deterioration of the unfunded liability situation without increasing the levy. Accordingly, they chose not to increase the levy.

I can say that the actual figures demonstrate, at least for the last year, that there was a marginal improvement in WorkCover. I am not going to pretend that that was all attributable to management improvement, although I believe some would have been. It is no secret that the market performance over the last 12 months has been a little bit better than it was in the previous 12 months, and they are actually a large investor. Anyway, the point is that the scheme is not going backwards.

I am very confident that the measures that were put in place through the charter and the changes in management will have the effect of dampening any upward pressure on the levy and ultimately flatten it out. But I do say this—and I have made no secret about this before—if we are going to bring about a substantial change in the scheme, which includes real downward pressure on the levy, there has to be a root and branch reform of the act itself. The Premier and I have both said that many, many times. It is just that on one occasion I said that word, just once, and people paid attention. I have been saying different words to say the same thing—

An honourable member interjecting:

The Hon. J.R. RAU: The one with all the asterisks, I mean. I have been saying words similar to that for a very long time and it did not get much attention but, when I said that word that I cannot speak, people did pay attention, and I am not unhappy about that because we need to get some cut-through with this. I don't think there is much difference in that sense between what the people over there—members of the opposition, should I say—and this side in terms of having concerns about the scheme.

The difference is that this side of the house is committed to maintaining the scheme as a government-operated scheme and to be an efficient scheme, and those opposite have not closed the door on privatising the scheme. That is a point of difference. But, as to identifying that the scheme is not perfect, there is no contest.

The SPEAKER: The member for Schubert is called to order, and the members for Heysen and Hammond are warned for the second time. Supplementary from the member for Davenport.

WORKCOVER

The Hon. I.F. EVANS (Davenport) (15:04): Following the minister's comment about the WorkCover board, now that the government has appointed a number of board members as

members of both WorkCover and the Motor Accident Commission, is one option the government is looking at with WorkCover reform to combine the Motor Accident Commission and WorkCover?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:04): I thank the honourable member for the question, and I can honestly say that certainly to my knowledge nobody has turned their minds to that. I have certainly not conversed with my cabinet colleagues about such a thing, and—

Mr Venning: Too busy working out the numbers.

The Hon. J.R. RAU: There has been no conversation about that at all.

The Hon. A. Koutsantonis: Do you want to start playing that game, do you?

The Hon. J.R. RAU: That's the game. Can I explain this: the functions of the two boards are quite different—they are quite different. It is true that there are certain similarities between the two, and one of the things that I do think we need to look at is that the way in which the MAC scheme, courtesy of the Minister for Health's reforms, deals with the catastrophically injured is now out of step with what WorkCover does for people who might be placed in a similar difficulty but who are not in that position because of a motor vehicle accident.

The Hon. I.F. Evans: They can buy into the scheme.

The Hon. J.R. RAU: But I am saying there is potentially an anomaly there. Those are things that we have to look at, but the fact of there being a board membership here and a board membership there is completely coincidental.

GATEWAY BUSINESS PROGRAM

The Hon. M.J. WRIGHT (Lee) (15:06): My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister update the house about recent changes to assist local South Australian businesses to become export ready?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:06): I thank the member for Lee for his question. I am pleased to inform the house that changes made to the state government's Gateway Business Program are making it easier for local business to access vital funding to help them prepare to export. The Gateway Business Program has been running since 2010, providing important funding for small to medium enterprises ready to take the next step and begin exporting.

The South Australia government is always looking for ways to open up new export markets, which is why we have decided to streamline the application process and criteria for Gateway to make it easier for businesses to apply—excuse me, sir, there is a noise over here from the member for West Torrens. This funding is designed to assist companies to make informed decisions about potential export markets and develop strategic methods for entry.

Successful applicants to the Gateway Business Program can receive a grant of up to $25,000 over two years for eligible projects. Individual project caps range between $2,000 and $10,000. To be eligible for a grant, applicants must have been in business for at least two years, and turn over more than $150,000 a year.

Key changes to the program include a stronger focus on preparing SMEs to export, with a $5,000 grant for training and preparing export plans; a more flexible and faster application process, with funding rounds being removed so that companies can apply for a grant as they need the money, rather than having to wait until funding rounds come up; streamlining the acquittal process so that companies are less burdened by administration when claiming reimbursements; and additional business activities will now be eligible for funding, including approved trade exhibitions held within Australia, and targeted business programs such as meetings with distributors and potential customers overseas without having to attend a trade exhibition.

These changes will remove unnecessary red tape and open up the selection criteria so that more South Australian businesses are eligible to apply. I encourage anyone looking to take their business to the next level and enter the new export markets to utilise the Gateway Business Program and the state government's team of TradeStart advisers. Anyone who would like more information about the program can visit the website at www.dmitre.sa.gov.au/gateway.

MANUFACTURING, INNOVATION, TRADE, RESOURCES AND ENERGY DEPARTMENT

Mrs GERAGHTY (Torrens) (15:08): My question is to the Minister for Mineral Resources and Energy. Will the minister detail to the house what recognition the work of the Department for Manufacturing, Innovation, Trade, Resources and Energy has received in its role in effectively regulating the state's resources industry?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:09): I thank the member for her question. This government is unashamedly pro business, pro mining and pro jobs. We recognise the benefits afforded to this state and the people of this state through the expanding resources industry. For over a decade, this government has worked tirelessly to foster a world-class regulatory framework that has seen our resources sector grow exponentially.

We have done so with a supportive, innovative, diligent and hardworking Public Service. Hardworking men and women of my department, DMITRE, day in and day out seek to grow opportunities for the people of this state, and their exceptional work does not go unnoticed. I am proud to inform the house that Dr Paul Heithersay PSM, Chief Executive of the Olympic Dam Task Force and Deputy Chief Executive, Resources Energy Group of DMITRE, is now what many in this place already know him to be: a legend.

Last night, Dr Heithersay PSM was awarded the prestigious Legend in Mining award at the Mines and Money conference in Melbourne. Dr Heithersay received the award for his role in guiding South Australia's transformation into a major destination for investment in mineral resources and energy.

Dr Heithersay's recognition at an international investment conference reflects on the high calibre of his work in the service for South Australians. With his help, South Australia has grown from a small-scale player into a globally-recognised location for investment in the resources and energy sector. His work has been instrumental in transforming the state's profile and I thank him, and indeed I am sure the entire house thanks him, for his exemplary approach and his hard work over the years.

In the past decade, Dr Heithersay has played a key role in implementing a trailblazing plan for accelerating exploration in PACE 2020, while also establishing the Department for Manufacturing, Innovation, Trade, Resources and Energy as a one-stop-shop for investors. South Australia is recognised not only for the quality of its resources but also for the high standards of its regulatory framework and the regulators who assess and oversee the various resource and energy projects throughout the state.

The annual Legend in Mining award is selected by the editorial team at the London-based *RESOURCESTOCKS* magazine. Dr Heithersay joins previous recipients, including former Normandy Mining chairman, Robert Champion de Crespigny; former South Australian Labor minister for mineral resources development, Paul Holloway; and Professor of Mining Geology at the University of Adelaide, Ian Plimer.

In *RESOURCESTOCKS'* latest world risk survey, issued in October, South Australia retained its leadership, ranking as Australia's best, low-risk destination for resources investment for the fourth consecutive year. The recent Minerals Council of Australia Scorecard—that bastion of socialist activity—also commended South Australia as a national leader in mining regulation and administration, including clarity of processes, timeliness, compliance costs, government agency capability, predictability and certainty, and effectiveness.

None of this would be possible without the hard work, commitment, passion and drive of Dr Paul Heithersay PSM and his team. I know he would be humbled by this award, and he of course would be asking us to thank all of his team for making this possible for him. I am sure that the entire house would like to acclaim him a true legend of mining.

GRIEVANCE DEBATE

BARBEQUE REGULATION

Mr PENGILLY (Finniss) (15:12): I want to raise an issue in the house this afternoon in relation to volunteers and barbeques, of all things. You are aware many volunteer organisations in South Australia service clubs and sports clubs have their own barbeques and barbeque trailers. Many groups have built these on their own. Many probably perform very well. I have been

contacted by one club in my electorate who has been contacted by the Office of the Technical Regulator and said that their barbeque is not compliant.

Though it may seem a trivial matter, it is not. One of the members of this particular organisation built the appliance, put it on a registered trailer and had a licensed gasfitter do all the fitting, but unbeknown to them, and I would suggest many others around South Australia, they should have had the appliance inspected and received a compliance plate from the above office. I very rarely hear of barbeques blowing up, I might add. They are now in the process of going through that registration.

The inspection process will be $600 to any volunteer organisation if they take the barbeque to Adelaide, to Kidman Park. If the thing was to be inspected at Victor Harbor, it would have had travelling costs on top of that, and I would suggest from Ceduna to Penong to Mount Gambier to wherever in the Riverland, this all would be the same.

I think there would be many volunteer groups in that situation, and it has been suggested to me and I make the suggestion to the house that the SA government or their agencies write to all volunteer groups in South Australia and ask their groups to register barbeques they operate with the technical regulator. Any barbecues which do not have a compliance plate and that have been built by reputable operators should then be inspected by a contractor and the volunteers advised how to make the appliance compliant. This should be at no cost to the volunteer group, the sports club, service club, or whatever. I think it is nanny state gone mad.

We would be in a mess in South Australia if we did not have volunteer groups. The fundraising they do in the best interests of the community is huge. The red tape that has been put in front of volunteer organisations in South Australia on this particular matter is crazy. I ask the government, or the relevant minister, to look into this—the Minister for Volunteers may care to—but volunteers, simply, should not have to pay $600 to have a barbecue registered and made compliant when they are doing their best for the interests of the community.

It may be different for professional organisations or businesses that are using it for various reasons, but with volunteers I would have thought that the $600 going into this greedy government's coffers would be far better put to use in the local communities that they serve: $600 per service club or sporting group in South Australia would be an enormous amount of money and it is all going to disappear into this greedy, hungry government's coffers. I think it is outrageous. This government is beneath contempt for the way it inflicts bureaucracy on volunteers and people who work in the community.

Mr Whetstone interjecting:

Mr PENGILLY: As the member for Chaffey said, they are the heart and soul of their communities and they do invaluable work. We would be in deep trouble without them. Only this morning we have been talking about CFS volunteers and the job they do. Well, they run barbecues as well. I am not sure whether the government forces them to pay $600 to become compliant.

I was at the Port Elliott show recently and one of the service clubs there had to bring in a heap of private barbecues because some damn fool in the government bureaucracy told them they had to spend $600 just to make their very good trailer, which has everything on it, compliant and they couldn't use it. It is absolutely stupid stuff. I would hope, from the howls of support I am getting from my side of the house, that someone on the other side might pick up on it. If there are 1,000 organisations in South Australia that have these things, it is going to cost $600,000 to fix it. Wouldn't that be better going back into the community? I rest my case.

EASTGATE, MR B.

The Hon. L.R. BREUER (Giles) (15:17): Today, I want to bring to the attention of the house the impending retirement of one of those great characters in this place, ministerial chauffeur Mr Barry Eastgate. On Monday, Little Baz will retire after over 40 years in the public service and at least 25 years serving members in this place. Little Baz, as he is known, is somewhat vertically challenged. I do not consider that a bad thing, but what he lacks in height he certainly makes up for in character.

I could relate many stories about Little Baz but, although I am protected by parliamentary privilege, I would not want to destroy the reputations of some of those who may have been involved—his, of course, is already destroyed with the many tales of his escapades, his club membership, his stories of various child seats that are required in his vehicle to allow him to reach the pedals, etc. I understand he has life membership to the children's department in Harris Scarfe,

where he occasionally buys his suits. However, whatever I say about Barry, I know he can counteract with many stories about the various ministers and MPs that he has driven and it is probably best if I leave it alone.

Above all, Baz is one of those rare individuals who is liked and respected by everyone. He is a true friend to many, a loyal and hard working driver and the epitome of what a good chauffeur is: he is not just a driver, but an important support and assistant to his boss, whatever minister or MP at the time. I know that Baz leaves a lot of sad hearts behind him. We will certainly miss him. Good luck with his retirement. I hope he has many bottles of red wine with the fish that he catches.

COLE, MS J.

The Hon. L.R. BREUER (Giles) (15:20): I want to make note of the retirement of Joy Cole, another person who, in her many years here, made a real impact on this place. Joy started here in catering in July 1988. She became an attendant in March 1990, and she ceased duty on 25 October this year. Joy was one of the most helpful, caring people in this chamber and was always able to assist members; she knew where everything was; and she put up with hours and hours of endless debates, tantrums and late-night nonsense in this place for many years.

She has had some serious health issues in the last couple of years, and we have really missed her. She was a true professional and a loyal and dedicated staff member who quietly went about her work and did not seek any recognition for what she did. We will really miss her—members and staff alike. We wish her every best wish. Every time I smell Red Door perfume I will think of Joy, who always left that wonderful scent behind her. Good luck to you, Joy; we will miss you.

PALLIATIVE CARE AWARDS

The Hon. L.R. BREUER (Giles) (15:20): Today I want to mention that, at the weekend, I am heading up to Coober Pedy for the celebrations 'Ten years on, still going strong' where the Umoona Aged Care Aboriginal Corporation will be celebrating 10 years since its official opening. To mark this special occasion it is holding an open day to celebrate and commemorate the achievements of Umoona Aged Care and its past and present residents.

I find this doubly exciting, because recently they were awarded a major achievement, the 2013 Palliative Care Award winner. The patron of palliative care, His Excellency Rear Admiral Kevin Scarce, held a reception at Government House on Monday, 14 October to present the 2013 South Australian Palliative Care Awards. This coincided with World Hospice and Palliative Care Day, to acknowledge and celebrate the importance of palliative care work.

Ten awards were given to individuals and teams, and Umoona Aged Care received one of the palliative care awards. Umoona Aged Care is a small remote aged care provider located in Coober Pedy. It is a residential facility established in 2002 for Aboriginal elders from the township and surrounding areas. They care for residents for a long time, which has a significant impact on the staff when there is the passing of an elder.

The staff have pulled together as a team and provided quality care for the residents and, as a team, they bond and support each other through those palliative care situations. They often work outside the hours. They do much above and beyond the call of duty. After the death of a resident they also have the responsibility to help coordinate and attend sorry business and funeral arrangements.

They won an award for their palliative care, but they also won another award for their teamwork. Again, that was great—congratulations to them; they do deserve it. They are one of my favourite organisations and an organisation that I have the utmost respect for. I am really looking forward to going there on Saturday and joining with them, with Nyimbula—my namesake who, of course, is one of the very important traditional women of that area—and I know that we will celebrate many years of great service to the community of Coober Pedy.

LOWER MURRAY FLOOD PLAIN REPORT

Mr PEDERICK (Hammond) (15:23): I rise to congratulate Regional Development Australia Murraylands and Riverland on the launch of its Lower Murray Flood Plain Report, an important investigation into sustainable use of the Lower Murray flood plain between Mannum and Wellington, which has not been fully utilised since the drought. I was pleased to be involved with the report presentation, which was launched by my colleague, Vickie Chapman, MP, in Murray Bridge on 22 October 2013.

The SPEAKER: The member for Hammond will refer to the member for Bragg or the deputy leader as one of those two.

Mr PEDERICK: My apologies, Mr Speaker—the member for Bragg and Deputy Leader, who was there to present the launch of this report, because neither the environment minister nor the agriculture minister could be bothered to do it. This report was launched on 22 October 2013 and was attended by a large number of interested members of the Murraylands community, including primary producers, tourism operators and local government representatives.

The purpose of this study was to develop recommendations for feasible, sustainable future land uses on the Lower Murray flood plain. Initially designed to implement recommendations of the Lower Murray Swamps group, chaired by Dean Brown, the report focuses on future sustainable use for all land titles located within the 1956 and the Lower Murray reclaimed irrigation areas between Mannum and Wellington.

The aim of the study was to develop recommendations which would inform land use planning policy and regional development endeavours for the floodplain to provide maximum economic, social and environmental benefit for the region. In addition to this, it had a focus to explore alternative methods of use, such as tourism and recreation, as long as these uses are compatible with and allow for future development of primary production.

Tourism, residential marinas and created wetlands are great potential land use opportunities. However, they involve some complexities. Primary production methods are the most suitable land use for the floodplain. The report found opportunities exist to grow and strengthen the existing dairy industry (which has been decimated), as well as to diversify into primary production sectors such as livestock farming and horticulture.

Local farmers are certainly in favour of the report and are seeking to explore the report's findings. Two guest speakers at the launch in Murray Bridge explained how the floodplain currently is not being fully utilised. Don Ruggiero, of Swanport Harvest, wants section of the floodplain developed for horticultural use, and United Dairy Power, which is a major employer in the region, is keen for the floodplain to be better utilised by the dairy industry long into the future.

As part of the report, economic analysis and a regional impact statement were undertaken. Looking at the impact of the identified future land use opportunities, namely, dairy, beef, field vegetables, intensive horticulture and tourism, the RDA report has highlighted an estimated increase of between 350 to 800 regional jobs and the potential for between $35 million and $90 million coming into the region, depending on the range of impact, from low to high. I would like to take the time to highlight a number of the key findings in the report:

- The Lower Murray floodplain needs a united strategic vision for the future, and unites the floodplain stakeholders in a shared and prosperous future.
- Any sustainable future of the floodplain requires ongoing maintenance of levee banks and irrigation and drainage infrastructure.
- Communication needs to be increased to government, current and future landholders on the unique environmental requirements needed for sustainability of the floodplain.
- Further targeted research and development are required to look at increasing efficiencies in irrigation infrastructure, alternative and more water-efficient crop species, and potential market opportunities for floodplain produce.
- A need for government to communicate to landholders that they are supportive of industry on the floodplain.
- Consideration of changes to planning policy to enable sustainable development to occur, including South Australian Planning Policy Library modules, and local development plans to account for the unique nature of the floodplain.

Those included in the working group who assisted the RDA prepare the report were the Rural City of Murray Bridge, Mid Murray Council, Coorong District Council, PIRSA, Department of Planning, Transport and Infrastructure, the Environment Protection Authority and the Murray-Darling Basin NRM Board. URPS, Mark Siebentritt & Associates, Rural Solutions SA and EconSearch were also involved at a consultancy level, and all should be congratulated on their involvement and interest in important report on this section of the Murray. I must say a specific thanks and congratulations must go to Regional Development Australia Murraylands and Riverland Chief Executive Brenton

Lewis, and his project manager Tamara Rohrlach for a very impressive report and a good job very well done in all respects.

RSL CARE

Ms BEDFORD (Florey) (15:28): On Friday 25 October, I attended the RSL Care SA first Patrons Lunch on behalf of minister Snelling at the RSL Villas at Angle Park. Patron Graham Nybo OAM greeted me, along with centre manager Marie Whitehead, and we joined a large gathering of RSL board members and supporters, including Jock Statton, in one of his final official duties before he retreats to a quieter life. It was good to see them all. I travelled to Long Tan with Graham Nybo, so I know his strong commitment to the returned servicemen and women of this state. Marie Whitehead has managed the centre at Angle Park for 12 years and leaves on 31 January, and we wish her well and acknowledge her and thank her for her commitment and dedication.

Several of the staff members have been there since the opening of the villas, and we thank and acknowledge them as well for their continuing contribution, along with that of the other staff in attendance at what is a very beautiful home in a quiet and picturesque setting where residents are well cared for and supported.

The villas are named after people who have made a significant contribution to the service of this country. There are villas named after Knight, McKinna, Reichner, airman Herbert (whose body was recently repatriated from Vietnam) and, of course, the now late Len Opie, whose villa was dedicated to him while he was still alive, which is, indeed, a rare and significant honour.

There are 54 residents in all at the Angle Park Villas. One of them (Mr Colin Whitehorn) is 100 years old and I am told that the former Port Adelaide butcher still visits the poker machines once a week. I look forward to a continuing relationship with the RSL Villas at Angle Vale and the RSL in general and the wider veterans' community. They have served us well and we, in turn, will always remember them and their service.

I also note that 2 November is fast approaching and that is Kokoda Day, another significant date in the veterans' calendar. Tea Tree Gully RSL will be holding their annual commemoration this Saturday at 10am at the specially-built memorial at the reserve on Whiting Road. Because my father served in New Guinea, it is a particularly relevant and poignant service. I think of all of the families of these diggers and those who survived who are now all quite elderly, so it is a really important day to remember them and their service.

In thinking of the good works of the RSL, I was reminded of an article I saw in *The Advertiser* on 15 October by Callie Watson. It was on the good works of the Wyatt Trust. The article states that the Wyatt trust:

> ...started as £53,712 grant more than 100 years ago, has resulted in more than $30 million in grants and landed a South Australian trust a spot on a list of the country's greatest charitable gifts of all time.
>
> Dr William Wyatt's generous bequest in 1886 bore The Wyatt Trust which gives millions to [South Australians in need] each year...A working group including Pro Bono Australia and Philanthropy Australia compiled the top 50 philanthropic gifts list, which will be cut down to a top 10 after a public vote closes on October 28.

So we wish them well because, of course, that has closed now and we should be hearing about that result in no time. The article continues:

> Wyatt Trust chief executive Paul Maddern said...grants had been distributed in the past 127 years.

Mr Maddern said:

> Dr Wyatt might not be one of Adelaide's best known people, but the foresight he showed and the generosity of his bequest has had a big impact on the generations that came after his death.

In my years of public service I have called the Wyatt Trust from time to time on behalf of constituents in need. Wyatt is a compassionate and caring organisation, particularly involved with organisations like Uniting Care Wesley, Lutheran Community Care and United Communities, enabling more people to engage in financial counselling. These organisations are active all over South Australia and in the North-East are involved, along with the Salvation Army, in setting up the no-interest loan scheme service in our area, something I had worked very hard with them to make sure came to pass and I was very happy to fully support them.

NILS has been a very successful scheme helping many families, and while we would all want society to be a place where such schemes were not necessary, it is good to know that help is at hand in times of great emergency or need. The North-East no-interest loan scheme is a fine

example of what a community can do when it gets galvanised and moves into action. The community does have the power to do good work and there are many fine examples of that in Florey, a place where community links are strong and where community really does count.

The SPEAKER: Before calling the member for Kavel, Member for Florey, I presume the reference to Angle Vale should have been Angle Park?

Ms BEDFORD: Thank you, very good of you to pick that up, sir; yes, definitely Angle Park.

DUMAS STREET PARK AND RIDE PROJECT

Mr GOLDSWORTHY (Kavel) (15:33): I want to raise an issue here in the house this afternoon which is causing some local residents and me some frustration in relation to a project in the township of Mount Barker which DPTI is responsible for and which is known as the Dumas Street Park and Ride project. The government announced some months ago that they were to construct a park and ride facility in Dumas Street which is a local street in the Mount Barker township, and initially there were some real issues in relation to the consultation process from the government with the local residents, which caused them some real concern and frustration.

We have worked through those issues and concerns to the point that there was an agreed outcome in relation to the siting of and other issues with the park and ride facility, specifically in Dumas Street. However, unfortunately and frustratingly, some further issues and concerns have come to the fore only this week in relation to that particular project.

One concern is the submission made by the department (DPTI) to the Development Assessment Commission. It has been picked up by the local residents group that there are some significant differences in the proposal agreed upon by the department and the local residents and that which has been submitted to the Development Assessment Commission (DAC).

An email was sent by a representative of the local residents to the chairman of the Development Assessment Commission. I will just highlight some key points. I will not go through the email in its entirety, but I will highlight the key points. This shows the difference between what was agreed upon a number of months ago and what the department, the government, has made a submission to DAC on. I am quoting from the correspondence:

> The current proposal of the earth bank construction which was not raised in discussions will have possible privacy issues whereby the public can stand on the earth bank to peer into residents' backyards.
>
> The agreed fence has been removed and the buffer zone of some 17-20 metres marked on the plan we received and agreed by moving the [park and ride] to the north east as far as possible has reverted back to the original plan of May.
>
> Landscaping...described in the last email—

and I will not name the person, I will not name the government departmental officer—

> whereby residents would landscape of the earth bank do not represent the agreed status.

This particular officer:

> ...agreed to provide funds of around $2000 plus whereby we could select and plant trees of our choice along the fence line—not landscape the earth bank!

Time is restricting me this afternoon from going into all the details, but clearly there has again been a lack of consultation with the local residents in this changed plan that has been submitted to DAC. We had some real concerns about how the project was originally being dealt with in terms of consultation. We got through that and the plans were revised to pretty much satisfy the concerns of local residents. But what came to the fore this Monday 28 October? There was another change to what had previously been agreed to without any consultation with the residents.

Now, what does the government not get about proper consultation? What does it not understand by the term 'consultation'? It is simply a matter of communicating with people. If you have changed something that was originally agreed upon, why not communicate it with those people who you were discussing it with initially? It is not a difficult concept to understand; but what actually happens is that this frustrates the community no end. I have corresponded with the chief of staff of the Minister for Transport and Infrastructure's office, and I am seeking his cooperation that these matters can be resolved.

The SPEAKER: The member for Reynell has returned to our midst.

SOUTHERN EXPRESSWAY

Ms THOMPSON (Reynell) (15:39): Thank you, sir, yes. I am very happy to return to congratulate the team responsible for the open day held by the Southern Expressway duplication project on Sunday. It was attended by about 400 people, with 17 local businesses participating, as well as the remarkable and almost ever present Kiwanis, with their barbecue. There was construction equipment and a fire truck on display. The highlight, as far as I was concerned, was the bus tours which took residents for two possible inspections of some of the activities along the expressway. There was a shorter tour down to the escarpment at Darlington and quite a lengthy tour, of nearly two hours, that took residents to have a look at three of the important sites.

These included the Smith Creek bridge, which is the tallest bridge over a creek in Australia at 30 metres, and the Pedler Creek bridge, being the next tallest at 27 metres, and yet going over that bridge you would have no idea of all the marvellous engineering work that has occurred below it. We also went to look at the Sherriffs Road intersection and the Flaxmill Road intersection.

During the tour we learned a whole stack of very interesting facts and figures, such as the fact that approximately 3,430 people have been inducted onto the said site, over 1,600 employees have been employed on the said project, and approximately 35 to 400 people are working on the site every day, with other people working in various manufacturing and construction firms around the state. These are the people who fabricate the fences, the steelworks, not to mention the asphalt and various other components used in the construction of the expressway.

The government set out right from the beginning to make sure that the project left a legacy not only of infrastructure for the community but also in the skills that were developed in the community, particularly for southerners. We wanted to see that all this government money—which means people's money—was being spent in a way that would give a start to people who were finding it very difficult to get into the workplace. So, it is very important to recognise that over 90 per cent of the workforce are South Australian residents and approximately 60 per cent of the workforce are southern Adelaide residents.

The opportunities that have been built are wonderful: 3.7 per cent of the workforce are Aboriginal people, and this exceeds the target of 2 per cent; about 20.9 per cent of the workforce are local people who have experienced barriers to employment, and the original target for that was 2 per cent. So, to increase it tenfold shows the commitment of all the people who have been involved in the project—both the people from DPTI and the people from the contractors.

About 7.3 per cent of the workforce are apprentices, trainees or cadets, and 2.4 per cent of the workforce are people who are undertaking training to upskill through employment on the project. Over 315 subcontracts have been let, with approximately 80 per cent of these awarded to South Australian businesses, and approximately 23 per cent of contracts awarded have gone to southern Adelaide businesses.

This has been an excellent project. I must say, when I heard about it to start with, as much as I wanted to see the duplication of the 18.5 kilometre roadway, I thought, 'Here comes a lot of work for us,' because our experience with the construction of stage 2, which was put out by the former Liberal government directly to the private sector, was not a happy experience. There was very little public consultation.

I had people ringing me who were experiencing sleepless nights and people who were selling their houses because of the lack of concern and consideration for them. This project has impacted on some people, and I send my recognition, particularly of the inconvenience caused to the residents of Scottsglade Road, who have sound walls right up on their back fences, and there are some others who also have this experience.

Time expired.

SELECT COMMITTEE ON SUSTAINABLE FARMING PRACTICES

Dr CLOSE (Port Adelaide) (15:44): By leave, I move:

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

Motion carried.

CRIMINAL LAW (SENTENCING) (SENTENCES OF INDETERMINATE DURATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:45): I rise to speak on the Criminal Law (Sentencing) (Sentences of Indeterminate Duration) Amendment Bill 2013. The Attorney-General introduced this bill earlier this month, and it is proposed that it will amend the Criminal Law (Sentencing) Act 1988, being the principal act. Under section 23 of that act, an offender who has been assessed as being incapable of controlling, or unwilling to control, his or her sexual instincts maybe detained in custody by order of the Supreme Court until a further order; it is what is known in the industry, I suppose, as an indeterminate sentence.

The principle sitting behind this legislation is essentially that sometimes it is necessary to protect the community that such a practice be applied, and it is through this section that it occurs. It is important to note that, under our criminal law principles, as reflected in our legislation, when someone is charged with a criminal offence they need to know what they are charged with—that needs to be clear; we have lots of rules around that—and then when they are sentenced, that also needs to be clear.

It must also be precise, to the extent of there being a clear and defined term of imprisonment if that is to apply, and indeed what rules might apply for early release. All of that is embraced with statutory protection, and the Criminal Law (Sentencing) Act 1988 covers a significant amount of that, in addition to the enormous body of common law.

What has been identified is that, although section 23 makes provision for the continued detention in custody of an offender (almost inconsistent with the principles that I have just outlined), it is done so on that statutory basis and on the clear understanding that it is necessary to protect the community.

Release on licence, under section 24 of the act, has been held by the court to involve the exercise of a discretion on similar criteria to those under section 23. So, one is the provision of further detaining in custody, and then there is provision under section 23 for release on licence. Section 23 makes provision:

> having taken into account both the interests of the person and of the community, it is of the opinion that the order for detention should be discharged.

This is in respect of an application for licence for release and the obligations of the detention, as I have previously indicated. What this bill purports to do is to make it absolutely clear that, in the current absence of any explicit guidance, the safety of the community must be regarded as the paramount consideration when the Supreme Court is considering either an application for discharge of an order under section 23 or an application for release of licence under section 24.

So, there is a clarification sought to be made there. I am not entirely clear as to whether that has been the subject of concern in application, but I do note that in a briefing provided to the Hon. Stephen Wade in another place he was advised that there were 10 offenders subject to section 23 orders. Those offenders are currently incarcerated or detained—whatever the modern word is these days—at James Nash House and other prisons. Two are subject to section 24 licences and two of the 10 are awaiting placement on section 24 licences when accommodation is available. That is just some data that, as I say, I have not personally been provided with but the Hon. Stephen Wade has provided us with.

Members would be aware that we do have the James Nash House facility, which does accommodate under detention a number of occupants. It is usually oversubscribed to the extent that there is always a waiting list. I think it was actually the honourable premier Mr Bannon who opened that facility in the 1980s, if I can recall correctly. It is in reasonably close proximity to the Yatala Labour Prison, which was the principal prison in operation at the time. It had already been supported by I think still the old prison at Mount Gambier and the less secure prison at Murray Bridge.

So, notwithstanding its proximity to the principal prison, we did have other prison facilities, but at a time when it was recognised that it was important to have distinct facilities—that is, distinct from a prison and distinct from a mental health facility, so that if people had undertaken certain conduct for which they would otherwise have been treated through the criminal courts, except for the fact that they had a mental incapacity, very often these people could then be necessarily held in a secure accommodation for an extended period. Especially under the provisions for sentencing if the party is incapable of controlling or unwilling to control his or her sexual instincts, then they are frequently accommodated at James Nash House.

Members might recall that, under this government's early proposal, they were going to build a new prison at Murray Bridge, and those in forensic detention, such as those in James Nash House, were going to all be relocated to Murray Bridge. There was certainly some public outcry and professional outcry from the mental health world, who are often asked to provide services to these people who needed special care. Obviously, the correctional services office, who look after the management and supervision of our prison population, does a fine job, but we needed specialist people to deal with those who were in James Nash House and otherwise under forensic detention.

So, essentially, what occurs is that we have the people in this category accommodated in James Nash House. Some are still in prisons, even though they are in a position to be eligible for access to James Nash House because of their mental incapacity, but there is simply no room for them. From time to time, we have people—in fact, a whole ward was allowed in the Glenside campus of the Royal Adelaide Hospital as it is now known, and slowly but surely they have been removed from those premises as well—but the Glenside Hospital has taken up responsibility for the government in accommodating some of these people over a period of time. So, it is a very sad but necessary service that is provided by the executive.

It is important to note that we are probably never going to be rid of the responsibility to provide accommodation and security for these people because I cannot ever imagine a time when we might be changing the law to disregard the safety of the community. I certainly hope it is not in my or my children's lifetime that such a thing would be considered. I make the point that its current resources for this responsibility are clearly inadequate.

James Nash House—I am pretty sure it was built in premier Bannon's time—had acquired quite a significant area of land. If people are familiar with that facility they will know that there are paddocks around it. My recollection is that after the government decided it was going to abandon its plan to relocate these services to Murray Bridge and cancelled the prison, there was some effort made to sell off land around James Nash House, which I think is very disappointing because this is an area where we need more resources rather than less. Certainly, I think it is shameful that any of these people are held in prison facilities, and that, unfortunately, is still the case.

The other area of reform under this bill is that currently the court is only required to consider the report of at least two legally qualified medical practitioners when determining an application for a discharge of an indeterminate sentence order (that is within section 23) and this bill imposes the same requirement in relation to an application for release on licence (section 24). The bill also inserts a requirement that medical practitioners are to be nominated by a prescribed authority. On the advice received by the Hon. Mr Wade, I understand that the prescribed authority is likely to be the director of forensic mental health, currently forensic scientist Dr Ken O'Brien, who is based at James Nash House.

We further understand that this is a recommendation, or at least it has the support of the Parole Board chair, Frances Nelson QC, who does a mighty job on the Parole Board with the undertaking of those duties. The principle behind these changes, as I understand it, is that currently the task is a risk assessment task not a medical one. That does introduce, I suppose, the opportunity for counsel representing these people to GP shop for certain expected reports that might be supportive of their client. But, as Ms Nelson rightly points out, most of these people who are the subject of these orders are not actually mentally unwell, they do not have a mental illness, they have a mental incapacity, and there is a significant difference. That is not to say that some people with a mental incapacity do not also, from time to time, suffer from a mental illness, but there is clearly a distinction.

There is also provision in the bill to reduce the frequency of the relevant board's reporting requirements under section 23(9). It is proposed to be (now) an annual report rather than six monthly. There is provision to amend the definition of 'relevant offence' in section 23(1). The relevant offence, of course, for the purposes of this act, is to cover in what circumstances the offence may have been conduct relevant to that offence, and that is to be expanded under this bill to include an offence of failing to comply with any reporting obligation relating to contact with a child without reasonable excuse where the defendant is a registerable offender under the Child Sex Offenders Registration Act 2006. That, we clearly understand, accommodates the contemporary legislation in this area, which we wholly support. I have seen a list of amendments foreshadowed by the Attorney-General. Although I have not gone through them in detail I have noted them and I will listen with interest to the minister's explanation of the amendments.

The DEPUTY SPEAKER: Would you like to seek leave to continue your remarks?

Ms CHAPMAN: Yes.

Leave granted; debate adjourned.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 30 October 2013.)

The CHAIR: We have the Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy. Could I remind members that they must reference the Auditor-General's Report when they ask their questions. Member for Unley.

Mr PISONI: This is page 689. In 2012, we saw a list of current creditors at just over $20 million—$20.828 million—and for 2013 we saw that almost triple to $60.8379 million. Are you able to explain if those creditors were paid on time at the end of the year?

The Hon. G. PORTOLESI: I have with me the head of DFEEST, Mr Raymond Garrand. My advice, although we are searching for the briefing, is that I think above 90 per cent of our creditors are paid within the government standard; however, I can confirm with greater detail information in that regard.

Mr PISONI: Can you advise whether any of that increase of $40 million in creditors was TAFE?

The Hon. G. PORTOLESI: Are you still referring to page 689? You will need to give me a few minutes because I need to confer with my colleagues from TAFE as well. I will take that on notice.

Mr PISONI: Was any of the $60 million subject to a dispute or legal action?

The CHAIR: Same page number?

Mr PISONI: Same page number, yes.

The Hon. G. PORTOLESI: The member will appreciate that in November TAFE became an independent statutory corporation but I can report that in 2012-13, in relation to this matter, payables increased by $53 million, which is primarily attributable to an increase in creditors and accrued expenses of $58.6 million relating primarily to TAFE SA due to the implementation of Skills for All, and partly offset by a reduction in employment on-costs of $5.5 million due to the transfer of staff from DFEEST to TAFE SA.

Mr PISONI: Are you answering the question about whether any of the $60.8 million that you owe creditors is subject to dispute or legal action?

The Hon. G. PORTOLESI: No, it was an explanation of that figure.

Mr PISONI: I am sorry, but you have not explained why you have $40 million more in creditors at the end of 2013 than you had at the end of 2012. That was the question.

The Hon. G. PORTOLESI: Because, for the first time, TAFE is a separate agency for the purposes of the Auditor-General. Before 1 November, it was all in the same agency. Now, after 1 November, they are separate.

Mr PISONI: No, this refers to creditors of DFEEST.

The Hon. G. PORTOLESI: There are Skills for All payments.

Mr Pisoni interjecting:

The CHAIR: The minister is on her feet at the moment.

Mr PISONI: These are creditors of DFEEST. It is nothing to do with TAFE. You were not able to answer the question earlier as to whether TAFE is even a member of this credit list.

The Hon. G. PORTOLESI: But TAFE gets funding through Skills for All.

Mr PISONI: Yes, but I asked you earlier whether TAFE was included in this credit list, and you could not answer that question.

The Hon. G. PORTOLESI: Yes, TAFE is now a creditor of DFEEST.

Mr PISONI: Are you saying that part of that $60 million is Skills for All funding to providers, including TAFE?

The Hon. G. PORTOLESI: Yes.

Mr PISONI: Are you able to also advise whether any of that $60 million is subject to dispute or legal action?

The Hon. G. PORTOLESI: My advice is that it is not, but I am going to double-check that.

Mr PISONI: This refers to page 682 of the Auditor-General's Report. Mr Garrand advised the Budget and Finance Committee on 15 April of the FTE reduction target for DFEEST. Are you able to advise whether those figures still stand and whether they were achieved?

The Hon. G. PORTOLESI: What were those figures, sir? He has referred to the page.

Mr PISONI: Mr Garrand is right next to you.

The Hon. G. PORTOLESI: You are asking the questions and I am seeking clarification from you about the nature of your question.

Mr PISONI: Mr Garrand quoted '220 or so'.

The Hon. G. PORTOLESI: I do not need you to verbal Mr Garrand. I need clarification from you about the figures you are—

Mr PISONI: It's not my fault if you don't come prepared, Grace.

The CHAIR: Order! The minister has the call.

The Hon. G. PORTOLESI: You have referred to page 682. You have referred to statements made by my chief executive. I ask you precisely: what were those statements and what were those figures?

Mr PISONI: I told you: '220 or so', as per the Hansard transcript.

The Hon. G. PORTOLESI: Mr Garrand advises me that in terms of our FTEs and savings we are on track, but we will come back with a more precise figure.

Mr PISONI: So you are not able to confirm whether the '220 or so' that the Budget and Finance Committee was advised was the reduction target for 2020 was met, is that what you are saying?

The CHAIR: I cannot quite follow why you are asking questions about budget and finance when this is about the Auditor-General's Report.

Mr PISONI: The Auditor-General's Report specifically relates to employee numbers and employees in the department.

The CHAIR: You need to keep referring to budget papers.

Mr PISONI: Page 682, sir, which I referred to before I asked the question.

The Hon. G. PORTOLESI: In the spirit of trying to be helpful to the member for Unley, I understand the meeting to which he refers was held a while ago, and he would appreciate (and he supported the legislation) that we have been in the process of disentangling TAFE from DFEEST. I have to say that is going very well. But I can report that my advice is that the 2012-13 FTE analysis for the DFEEST portfolio (inclusive of TAFESA) had an FTE level as at 30 June 2013 of 3,251, against an approved FTE cap of 3,255.

Mr PISONI: Can you advise how many of those 220 were earmarked for TAFE and how many for DFEEST?

The Hon. G. PORTOLESI: We would need to double check that breakdown.

Mr PISONI: It is the same page—

The Hon. G. PORTOLESI: What is that page sir?

The CHAIR: Page 682.

Mr PISONI: What was the budget savings figure for 2012 and was the budget amount met?

The Hon. G. PORTOLESI: The DFEEST portfolio had an incremental savings task of $13.7 million in 2012-13.

Mr PISONI: And TAFE?

The Hon. G. PORTOLESI: That includes TAFE.

Mr PISONI: Mr Garrand told the Budget and Finance Committee on 15 April that that savings target was $47.9 million, so why is there a discrepancy?

The Hon. G. PORTOLESI: The figure I referred to was the incremental savings task.

Mr PISONI: Turning to page 685 there are the corporate services recharge to TAFESA under your 'Fees and charges'. Is TAFESA able to buy those services from elsewhere other than from DFEEST?

The Hon. G. PORTOLESI: Presently there is an arrangement with DFEEST but there is a brand-new board at TAFE—a brand-new chief executive, a new Chief Financial Officer, John O'Dea, who has been in the job for 45 days—he is not counting! So I cannot speculate on what might happen in the future but what I can say with confidence is that the board and the executive team is looking at all of these issues. So for now we have an arrangement, but who knows what the arrangement might be into the future.

Mr PISONI: What are those services that are recharged to TAFE?

The Hon. G. PORTOLESI: Things like HR, ICT, legal, infrastructure. But corporate services and infrastructure are recharges.

Mr PISONI: I take you to page 687. The non-current assets held for sale include land at fair value and buildings and improvements at fair value on cost. Can you identify those assets and when they are expected to be sold?

The Hon. G. PORTOLESI: We will take that question on notice.

Mr PISONI: This refers to page 656. The Auditor-General has identified that DFEEST were unable to provide the Auditor with an instrument of delegation over approval for training subsidy rates and changes made to training subsidy variables throughout the year. He is referring to Skills for All expenditure in this item. We know that since Skills for All was introduced there have been a number of major changes to fund the training lists—since July 2012. On 17 September caps on enrolments were applied to six courses. On 19 November, 22 superseded qualifications were removed from the funding list. Are you able to advise why 22 qualifications were removed less than six months after they were placed on the funding list, and what were the reasons for putting them on the funding list in the first place?

The Hon. G. PORTOLESI: There were a number of universes canvassed in that question, I have to say, so I am just going to attempt to address some of the issues I think that the member was raising. The first one is in relation to an instrument of delegation—I think that was mentioned. I can report that DFEEST and TAFE take their relationship with the Auditor-General very, very seriously, as do I. DFEEST will develop an instrument of delegation to clarify accountability for the management of training subsidy rates and other pricing variables such as payment hours. We are likely to land on this instrument in coming weeks.

In relation to Skills for All, there is no question that it has been a resounding success. It has been a very big year of enormous change, first with the TAFE reform and moving to the one TAFE, which I think has been very good and managed very well. We then had the rollout of Skills for All and our election commitment of delivering an additional 100,000 training places by 2016. I reported to the house that South Australians have responded to the significant number of course choices and offers through Skills for All, generating a 43 per cent system-wide increase in enrolments when compared to the same period in 2011. Interestingly, training growth in South Australia is five times the national average, at 16 per cent in 2012, compared to 3 per cent nationally.

The thing about Skills for All is that it is working. Training is being effectively targeted and directed to areas of strategic need. Enrolments have increased by 13 per cent for Aboriginal people, 38 per cent for people with a disability, 32 per cent for people from low socioeconomic backgrounds, 51 per cent for females, 37 per cent for young people, and 49 percent for people aged over 55.

Mr PISONI: Point of order: the question was: why were 22 qualifications superseded from the funding list less than six months after they were placed on the list? That was the question.

The CHAIR: I do not think there was any point of order. The minister can continue her answer.

The Hon. G. PORTOLESI: Because our training needs to be targeted. I do not have the statements in front of me, but I think the members opposite in the last few months made the same reflection: our training needs to be targeted; so that is what we are doing. It is a matter of offering the training. We then consult, gather industry intelligence, and we speak to providers in the sector. It is going to be a case of adjusting the training effort, but the point is that there is a massive training effort—and, if you do not believe me, look at the figures. The figures speak for themselves.

In the short period that I have been in this portfolio, I have to say that on at least two occasions that I can remember national figures have pointed to South Australia and the reforms undertaken by this government in relation to training and Skills for All and said we are leading the nation. I think we can be very proud of the effort, and I believe that training has to be targeted. So, sure, there are going to be caps, subsidy changes, discussions and consultations on the funded training list, as there should be, so that it can be effectively targeted.

Mr PISONI: This is the same page number, sir.

The Hon. G. PORTOLESI: What was that page number?

The CHAIR: Page 656.

Mr PISONI: How do you measure the Skills for All employment outcomes? In other words, how do you measure those who have participated in Skills for All gaining employment?

The Hon. G. PORTOLESI: There are a couple of measurement tools. We only have a few minutes left so I will not go through them, but one is through the National Centre for Vocational Education Research (NCVER) and the second is that we have our own survey mechanism. The advice Mr Garrand has just given me is that 90.1 per cent of South Australian graduates are satisfied with their training and 88 per cent gain employment or go on to further study, so that is a pretty good result. There is the NCVER, which is external to South Australia. They are NCVER figures. So, there are those external measures on our performance. I have to say, whether they go on to employment or further study, both are good results for our students who are undertaking training.

Mr PISONI: Do you measure how many go on to employment in the area in which they have received their Skills for All funding? If so, what are the figures?

The Hon. G. PORTOLESI: I am advised that we do.

Mr PISONI: 'What are the figures?' was the next part of the question.

The Hon. G. PORTOLESI: I don't have those figures with me. We are in the middle of a survey period.

Mr PISONI: Will you provide them?

The Hon. G. PORTOLESI: I would like to look at them first. I would like the survey to be finished before I determine whether I can give them to you.

The CHAIR: Can the member stand if he has a question, please.

Mr PISONI: Thank you, sir. I refer to page 671, the agency objectives and funding. There is a reference there that DFEEST is responsible for the regulation, administration and funding of apprenticeships and trainees. Specifically to apprenticeships, are you able to advise how many started apprenticeships in the Auditor-General period of 2012-13 and how many completed apprenticeships in that period?

The Hon. G. PORTOLESI: We need to confirm the figures, but for that period Mr Garrand advises me that there were about 12,000 commencements. We can bring back those figures. I will ask my officers if they can find some information that I can read out—that would be useful. We have that information, it is just a matter of getting our hands on it.

Mr PISONI: Specifically apprenticeships, not trainees. I think you will find that figures is closer to 3,000.

The Hon. G. PORTOLESI: We will get that information for you specifically in relation to apprenticeships.

Mr PISONI: Again on page 671, DFEEST has just commenced a detailed review of most of its programs. Comparative reviews, I understand, will be conducted in all programs under three categories: Aboriginal programs; skills development and employment participation programs; industry and business programs. I understand this will be an internal review. Could you advise who you will be consulting during your review of those categories?

The Hon. G. PORTOLESI: Thank you, sir; I am happy to answer that question, but to which page does he refer?

The CHAIR: Which page number, please?

Mr PISONI: Page 671.

The CHAIR: Page 671.

The Hon. G. PORTOLESI: Sorry, I am having trouble following; which area of 671?

Mr PISONI: Agency objectives.

The Hon. G. PORTOLESI: Yes, there is an internal review going on, and it is for internal purposes.

Mr PISONI: The question was: who will you be consulting?

The CHAIR: Stand if you have a question.

The Hon. G. PORTOLESI: The programs that are being reviewed belong to the agency, and so the review will be undertaken primarily inside the organisation; it is an internal review.

Mr PISONI: So you will not be consulting any stakeholders—anybody that receives those services from DFEEST?

The Hon. G. PORTOLESI: No, not in the first instance. We are always in the process of engaging with industry sectors and training providers—always. The Training and Skills Commission does the same thing. This is a review for internal purposes, and then we will see where we take it from there.

Mr PISONI: Can you explain why the scheduled Skills for All review has been delayed?

The CHAIR: The same page number?

Mr PISONI: Yes.

The Hon. G. PORTOLESI: Sir, I need to seek clarification as to which review he is talking about.

Mr PISONI: Skills for All. Skills for All is due for a review this year. That has not commenced; could you explain why?

The Hon. G. PORTOLESI: The reason why I sought clarification is because we are always in the process of reviewing the funding training list—it is a matter that he referred to earlier. That is always under review; that is to ensure that the training offer is targeted. Is that what he is talking about? I am not sure. Is that the review to which the member for Unley refers? If he has other information—

Mr PISONI: My understanding is that, just as you are reviewing other areas within the department, there is also a review—when the legislation was set up for Skills for All, when the program was designed, there was going to be a review due around this year, after the first 12 months of the review. Are you saying there was no plan to have a review of the Skills for All program?

The Hon. G. PORTOLESI: I gather the member is asking for a review of Skills for All. Is that what you are doing?

Mr PISONI: Everyone would love one; it is a disaster.

The Hon. G. PORTOLESI: But you supported Skills for All, and you supported TAFE becoming—

Mr Pisoni: It's the way you are managing it.

The CHAIR: Order!

The Hon. G. PORTOLESI: —a statutory organisation—

Mr Pisoni: It is the way you are managing it, minister.

The CHAIR: No, the member will sit down. The member for Unley will sit down; he will not stand while the minister is on her feet, thank you. He should know better.

The Hon. G. PORTOLESI: Thank you, sir. My priority for now is to ensure that our training effort is targeted and is meeting the needs of industry and business and also meeting the needs of students. So, that is the priority for now: ensuring the funded training list is hitting the mark. In terms of commitments that were given in the past to review Skills for All in the context of it being a new initiative, of course, but my priority for now is to ensure that the funded training list is right, and that is what we are doing. That is a review that is underway at the moment.

Mr PISONI: Can you advise who you have consulted with on the funding caps that were imposed during the 2012-13 Auditor-General period?

The Hon. G. PORTOLESI: The department undertakes very wide and very deep consultation. We consult with industry, business and organisations like ACPET. I would not have that information with me, but Mr Garrand advises me that the department received, at some stage, over 70 submissions; we welcome that. We thank people for their contributions, and we thank them for their patience as well. Skills for All is a relatively new policy coming at a time of enormous organisational change with TAFE, so we understand that it is a period of some flux, but we also think it is important to engage with people about what they think that the training effort should be.

Mr PISONI: So, what you're saying is that people are not invited in the review? Is there a formal submission process where industry are asked to participate in the review of caps?

The Hon. G. PORTOLESI: The consultation process was very constructive. After considering the feedback received from over 70 submissions and over 40 forum participants, changes, for instance, were made to the funded training list to ensure that training leads to jobs and aligns with industry. I certainly undertook a number of consultations myself and invited people to give me their contributions. I also instructed my department, which they were doing anyway, but I reaffirmed my view that the consultation needs to be meaningful. I met with people like Nick Papahazariakis the other day—he is very good—and John Cassebohm. So, I am always in the process of meeting with people in the sector to ensure that their views are reflected as best we can in the training effort.

The CHAIR: Time has expired. I would like to thank the minister and the member for Unley. That concludes the Minister for Employment, Higher Education and Skills and Minister for Science and Information Economy. We now turn to the Minister for Manufacturing, Innovation and Trade and Minister for Small Business. Can I remind members when they ask their questions that they reference them to the Auditor-General's papers, please. The member for Waite.

Mr HAMILTON-SMITH: I start by referring to page 1,011 of the Auditor-General's Report where he talks about Shared Services and the CHRIS payroll control environment. I know this is probably a shared responsibility between a couple of ministers, but could the minister just tell us what issues there have been with Shared Services and what action the department has taken to respond to the Auditor-General's issues?

The Hon. T.R. KENYON: A lot of it is spelled out in the Auditor-General's Report. There was a consideration of payroll processes and control environments of Shared Services and the external bureau provider of CHRIS, there was a review of the processes and control environments and, while Shared Services implemented significant remediation during the year, it was not effective throughout the entire year. As such, the process and control environment could not be considered robust. Significant remediation action has just been undertaken by Shared Services, and DMITRE expects that the control environment in the future will be effective. So, they have undertaken their own internal review, but on top of that DMITRE has decided to continue to undertake further checks and controls in relation to its financial operations to ensure the integrity of its financial results as well.

The additional controls that we are undertaking are: monthly monitoring of year-to-date results for all divisions, with a commentary on significant variations presented at DMITRE's hearing at the Budget and Finance Committee; an end of year review by all divisions with information on corrections, accruals, contingencies and commitments provided through the end of year data collection process, with verified legitimacy of adjustments; asset stocktakes performed for all physical assets; reviewed Shared Services reconciliations of key control accounts; conduct agreed

upon procedures in overseas offices consistent with previous years; and conduct the annual financial management compliance program to ascertain a level of compliance.

Mr HAMILTON-SMITH: So, can the house take it that the issues to do with payroll processing identified by the Auditor-General and also the issues to do with control environments in the accounts payable and electronic payment areas have been dealt with or will be dealt with by next year? Secondly, are we confident that this entire process of Shared Services has actually saved money, or has it been a net cost, and could you provide some detail on that?

The Hon. T.R. KENYON: I think the house can take it that Shared Services is continuing to run its own internal processes and to review its own procedures in response to the Auditor-General's comments. We work with them to do that, to ensure that, from our end, we are doing everything we can. We have also instituted our own internal reviews, as I just listed off before. In terms of the overall savings of Shared Services, I am, as minister for my part of DMITRE, not able to comment on that; it is probably best addressed to the Treasurer about the level of savings or otherwise of that program.

Mr HAMILTON-SMITH: Page 1012 of the report refers to grants and subsidies. Could the minister update the house, as of today, with regard to what funds for grants and subsidies are operating within the industry portfolio? I know we discussed this in estimates but there has been some time that has passed since, so could you just update us with the name and quantum for each of the funds controlled within this portfolio? Page 1012, and I think there is a figure of $22 million that is listed as grants and subsidies allocated for 2013.

The Hon. T.R. KENYON: Did you mean a list of the programs and the total amount for each one? Yes. Funnily enough, we do not have that particular information here, but we do have a list of all the grants handed out and the details around them, so we have gone into a much greater level of detail but that higher level of just the grant programs we do not have—but I can get them for you.

Mr HAMILTON-SMITH: If I could take that on notice, but I would be happy to hear—how long is the list of grants given; how long would it take to read?

The Hon. T.R. KENYON: Quite long. I will just provide it to you, shall I? I can provide it to you in a letter and that would save everyone's time, I suspect.

The CHAIR: It cannot be tabled apparently.

Mr HAMILTON-SMITH: Or you can provide it to me.

The Hon. T.R. KENYON: I will take it on notice and send it to you. It is not in a table or statistical form, I do not think, so it could not be tabled under standing orders.

Mr HAMILTON-SMITH: In this area of grants and subsidies—and noting that following the collapse of Mitsubishi we have invested quite a bit in Tonsley and in other restructuring funds that were provided jointly by the commonwealth and the state—has the department provisioned any funding in the event (although we all hope it will never happen) that Holden departs in the same way as Mitsubishi has departed? If so, what quantum of funding has been provisioned and what programs would the minister see as being necessary in that unfortunate event?

The Hon. T.R. KENYON: No money has been set aside for that purpose. We are still concentrating on putting our financial resources towards keeping Holden here, and automotive here. In the event that Holden or GM chose to pull out of Australia or pull out of manufacturing in Australia, Toyota would almost certainly choose to go as well, which would essentially see the collapse of the automotive industry in Australia—well, it would be pretty much the collapse. That would see in South Australia anywhere between 8,000 and 13,000 jobs, depending on how it all played out, and nationally between 50,000 and 65,000 jobs, again depending on how that played out, so it would be fairly significant.

The important thing about having automotive manufacturing in Australia is that it gives us a complete supply chain; it is our only complete supply chain. That means going from concept design, through engineering, modelling, tooling, manufacturing, component supply, logistics, retail sales, servicing and then disposal of product at the end of its lifetime. It would be important to look at that supply chain and find out what parts of it are the most strategic to the country and to our state, and to manufacturing in the state, and try to replicate that across the state.

It would also mean helping businesses to diversify, it would mean helping to immediately upskill and train people who have been affected by employment. Given that it would not be an

immediate shutdown, it would be over time that they would need to be trained up ready for when the time comes that they complete their work with their employer, there would be an immediate requirement to start doing that, and I suspect we would need to work very hard with current manufacturers to work on that diversification process.

We have not provisioned for that yet; again, we are still focusing on keeping Holden here because the ideal way—it is much harder to recreate something that is less than perfect in a broken supply chain than to keep the whole supply chain here, by keeping automotive. That is our goal—as you heard in question time today.

You would have read in the media that there is an urgency about it, we believe. The big danger here is that Holden has one timetable and the federal government, for its own political purposes, has another timetable, and those two timetables will not work together, the end result of that being that Holden leaves and that could have been avoidable. It may well be avoidable if there is some flexibility in approach.

Mr HAMILTON-SMITH: Given that there is no money provisioned, I gather any money for such a task would need to come from budget head room somewhere. Based on our experience with Mitsubishi, does the minister have any idea what impact a departure of Holden might have on the budget and, therefore, on those statistics reported upon by the Auditor? How much does he think we would need to provision, perhaps in grants and subsidies or in some other restructuring part of the budget, for such an eventuality? Is there a figure that the government has in mind?

The Hon. T.R. KENYON: No, we do not have a figure in mind. In the event that we lost Holden, we would be looking for some assistance from the federal government in a similar way that they have assisted Geelong with the announced closure of Ford. We have yet to put a figure on that amount, on what would be needed. Given the experience with Mitsubishi, it would be in the tens of millions, but we have not landed on a final figure yet.

Mr HAMILTON-SMITH: Going back to the question of funds, and I thank the minister for offering up those grants that have been given and providing the other information—

The CHAIR: Is this the same page number?

Mr HAMILTON-SMITH: Yes, grants and subsidies. Could the minister update the house on manufacturing works? We have noted that includes an innovation voucher program and a cleantech partnering program in the eco-innovation area, but could he tell us how much in total is being expended on manufacturing works, and exactly where within the department's budget line is that money being taken?

The Hon. T.R. KENYON: The manufacturing works budget is around $11 million—I think it is $11.1 million. You mentioned the cleantech fund: that ceased on 30 June this year. We have the innovation voucher program, which is $1 million, half from DMITRE ($500,000) and half from DFEEST. There are other grant lines associated with that.

I do not have here spending associated with manufacturing works individually itemised. When I provide you with grant programs, as I said I would, you will see a lot of that is tied up in there. I will give you the breakdown of the grants, so you will have that in there. We will also take on notice that further detail about the funding on manufacturing works and where that spending is at precisely, and on each of those components of that.

Mr HAMILTON-SMITH: Page 1024 refers to income and specifically mentions land sale proceeds. It notes that on 10 May 2004, cabinet approved the transfer of land from Edinburgh Parks (Stages 0, 1 and 3) to the Urban Renewal Authority and that, in accordance with the contractual agreement, the department is entitled to receive 25 per cent of the net profit arising from the sale of those lands. All income is recognised on sale of that land. Can you confirm to the house what income you have received and has that 25 per cent been banked? Has it been received?

The Hon. T.R. KENYON: There was no money received in the financial year 2012-13. We can get the total amount for you from 2004—the year-by-year breakdowns from that point. I will take that on notice and get back to you with an answer on that one. But for this financial year it is precisely zero.

Mr HAMILTON-SMITH: Just going to the Gateway program and TradeStart program, could the minister update the house on how much is being spent in this financial year on those programs and what is planned going forward?

The Hon. T.R. KENYON: DMITRE's net contribution to TradeStart in 2012-13 was $331,000 and there is a contribution of $338,000 from Austrade. There is an existing tender arrangement between DMITRE and Austrade which is a multiyear contract in its final year this financial year. You would have heard in question time today I announced some changes to that Gateway program that should make it easier to get grants and increase the amount of programs or activities that are available for Gateway funding.

Mr HAMILTON-SMITH: Of those investments listed in your report in trade and investment, are there any other funds or any other expenses that you are making in the trade and investment area other than those two programs?

The Hon. T.R. KENYON: There are the two programs that you mentioned, and there is also some spending in developing the China and India strategies. We have appointed a director of China, Director Li Jing; and we have just appointed a director of India as well, Raju Narayan, who the member for Waite would have met in India. Obviously we have been on trade missions, along with Premier, into China. There is the money we spend on Brian Hayes and Sean Keenihan, who are our special advisers to India and China respectively. Dr Alfred Huang does some work for us as well. He largely performs his duty ceremoniously and he sits with Chinese inbound delegations, and he helps us with cultural stuff from time to time.

Mr Hayes' remuneration package is $175,000 per annum, plus $10,000 for administrative expenses per annum. Mr Keenihan's is $100,000, and he has the same travel, accommodation, and entertainment commissions as Mr Hayes. Dr Huang's 12-month package is $500 per day for a maximum of 40 days per 12-month period, with the same travel accommodation and conditions that apply to the other advisers. That would be pretty much the level of what we spend. We have resources in Shandong—Jinan in Shandong—and the office in Shandong. I do not have a dollar amount on that for you, but I can get it if you want.

Mr HAMILTON-SMITH: No.

The Hon. T.R. KENYON: Okay. There is an office in Hong Kong that also assists with that. In DPC and funded through DPC is the Office of the Agent-General in London as well.

Mr HAMILTON-SMITH: So we have an Austrade person now in Mumbai?

The Hon. T.R. Kenyon: Yes.

Mr HAMILTON-SMITH: Funded, going forward. Do we have a funded Austrade person in Shanghai, or anywhere in the Middle East, and going forward? Have we yet put anyone in there, and do we have those positions covered?

The Hon. T.R. KENYON: You are correct: we have someone embedded in Mumbai. We are trying to find someone for Shanghai. We have funding for that, but we are trying to find the person. We have done a round of advertising and interviews, and we have yet to appoint someone. We have not appointed anyone in Shanghai yet, but we are searching to fill that role. In the Middle East, no, we do not.

Mr HAMILTON-SMITH: Can the minister update the committee on the strategic industry development fund? Is that fund still active and how much is in it? And the South-East South Australia innovation investment fund?

The Hon. T.R. KENYON: The detail of that will be included in our response to an earlier question listing off the funds, but they are both active and they both continue. The yearly budget for the Strategic Industries Development Fund is $2 million per year. The south-east one I do not know off the top of my head and we will have to get that for you.

Mr HAMILTON-SMITH: Have senior executive positions recently come up for contract renewal, have any of those positions been renewed recently, do those renewals provide job certainty for those senior executives going out for a period of years and, if so, how many people and how many years?

The Hon. T.R. KENYON: Do you have a level in mind? Are you talking about all executives?

Mr HAMILTON-SMITH: Anything above $100,000 or thereabouts.

The Hon. T.R. KENYON: I am not sure about the signing of contracts. What I will do is take that on notice and find out for you. That is a matter for the chief executive. I am told that the executive level starts at $138,000, so I will take it from that point up. There has been a change in

the total number of employees. There is a total in 2012-13 of 51 DMITRE employees who receive remuneration above that level of $138,000. That is up from the 14 DTED employees in 2011-12.

That encompassed the changes in bringing DTED together with the minerals and energy section from PIRSA. The blending of those two departments has taken it to that number of 51, so there was a net increase of 38, and 32 of those were part of that merging and a result of the machinery of government changes. The remaining five employees—so, 32 came in and five were new or reached the reporting threshold for the first time in 2012-13. As to the renewal of contracts, I will get back to you with that.

Mr HAMILTON-SMITH: I thank the minister for that.

The Hon. T.R. KENYON: Sorry, it was 37 not 38.

Mr HAMILTON-SMITH: I would be interested to know, of the 37, how many have recently had their contracts renewed. I am getting information that quite a number of them may have been renewed for five years or so—I think the normal term is five years—just so that the house can be informed. I have one final question. Is the South Australian Small Business Innovation Research Pilot Program still active, how much money is there and what other programs are active in the small business portfolio space?

The Hon. T.R. KENYON: To go back to the renewal of contracts—again, we will take that on notice and get back to you with that—that is a matter for the chief executive as to whether they are renewed or not, so obviously I would have no involvement in that. Generally, I imagine if they have come up it is just the turnover of contracts, assuming that they have met all their KPIs and everything else.

The first part of the small business innovation fund was half a million dollars to work with SA Water. The specific project was to find a process that would remove primarily nitrogen but also phosphorous from treated wastewater. That process is underway. They have received proposals where they are prepared to spend up to $100,000 on the development of five prototypes.

We announced stage 2 as part of the budget, and that involved taking two of those five, after assessment, to the next level of commercialising them, essentially, and making them available for use by SA Water and also for sale to other users of those products. The second pilot will be with SA Health, going back to that first stage of seeking interest in solving a particular problem. We do not know what that is yet, but if we find out that detail we will try to get that to you.

The CHAIR: I thank the minister and the member for Waite.

Progress reported; committee to sit again.

[Sitting extended beyond 17:00 on motion of Hon. T.R. Kenyon]

CRIMINAL LAW (SENTENCING) (SENTENCES OF INDETERMINATE DURATION) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

The DEPUTY SPEAKER: The Deputy Leader of the Opposition has unlimited time.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:05): You are going to be deeply disappointed, Mr Deputy Speaker, because I was actually just saying 'In conclusion' when I sought leave to continue my remarks before the break in proceedings for the Auditor-General's Report committee hearings. Nevertheless, as much as I was impressed with your excellent stewardship of the committee that we just listened to, I think I was saying, in conclusion, that the Attorney-General has tabled a number of amendments which I have not yet readily viewed in conjunction with the principal bill, but I will, as the Attorney proceeds to illuminate us to their worthiness, listen with interest. With those concluding remarks, we support the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:06): Can I thank the member for Bragg for her contribution in relation to the matter. It is probably useful that I explain these things so that there is at least some record of what we are seeking to achieve by the amendments. Generally speaking, this piece of legislation, with the amendments, enables a more effective scheme to operate when dealing with sex offenders who are subject to an indeterminate sentence or who might be the subject of a release on licence.

The bill will seek to raise community confidence and raise the threshold test to bring the safety of the community as a paramount consideration when the courts entertain applications for a discharge of the detention order or for the release of the prisoner into the community. These amendments to the bill that I propose to move are a product of late helpful suggestions made by various interested parties. The amendments demonstrate that, even that this late stage, the government is open to considering any reasonable suggestions that are likely to improve the operation of the bill. I will deal with them seriatim, as we legal people say.

The Hon. T.R. Kenyon: Why can't you just speak normal language?

The Hon. J.R. RAU: Well, that is part of being a lawyer; you learn to speak Latin.

Ms Chapman: And charge more.

The Hon. J.R. RAU: Yes, and you charge more. Amendment No. 1: this amendment will amend the bill to provide that the relevant board will provide a report on the annual review it will conduct, making a recommendation about the person's suitability for release on licence, or a recommendation as to their suitability to remain in the community for those who are already on licence, or for those authorised by the court to be released.

This amendment also amends the bill to the affect that the recommendation arising from the review under section 23(9) must be embodied in a written report, of which a copy will also be provided to the Attorney. Can I say, in that respect, obviously it is really important that the Attorney of the day be cognisant of any changes in relation to these individuals, rather than relying on the chain working of its own record to naturally include the Attorney; so, we have set it specifically in the legislation.

Another little comment I would make at this juncture, too, is to remember that we are dealing at any one time with a very small number of individuals here in South Australia. This is a very exceptional type of individual, and there is no point in me naming them in the chamber, but I think honourable members have some idea of the sort of individual we are talking about. Of course, at any given time, they vary. Some come into the frame and some move out of the frame, but at any given time there are relatively few.

Amendment No. 2: this amendment amends the bill to insert a provision to include that one of the considerations for the court to take into account when considering an application for a discharge of the detention order is the recommendation of the relevant board on whether the order for detention should be discharged. So, in other words, it gives some weight to the recommendation.

Amendment No. 3: following a briefing by officers from my department with the Hon. Stephen Wade, it was brought to my attention that clause 6 and schedule 2 of the bill do not make reference to the court receiving relevant evidence or representations that the person may desire to put to the court for an application for release on licence. The current legislation provides in section 23(5) that the person who is the subject of an indeterminate sentence may put any relevant evidence or make representations to the court. This provision is not included in section 24.

In actual fact, the current section 24 does not specify the criteria upon which the court should act when considering an application for a release on licence. The court has a very broad discretion. This bill aims to make section 24 more specific, and it is logical that a provision is included in clause 6 of the bill to allow the person to put evidence before the court. In saying that, I would expect in the ordinary course the court would do that in any event, but this makes it clear.

Amendment No. 4: the amendment will amend the bill to provide that the relevant board will provide a recommendation in their report, which is furnished to the court on any application for a release on licence as to whether the person should be released on licence into the community.

Amendment No. 5: this amendment will amend the bill to enable the Supreme Court to receive evidence tended to the court of the likely monetary cost of releasing a person into the community when considering an application for release on licence.

I just wanted to say briefly here, I was recently at a meeting of Attorneys in Sydney, and people around the country are grappling with issues like this in their own jurisdictions. The New South Wales and Western Australian Attorneys both related to the others in the meeting terrible situations that they had experienced in their own jurisdictions, and I will just give a very brief summary of basically what the Western Australian Attorney told us.

He said that in Western Australia, there was one particular chap who was a serious repeat offender, obviously, had become classified under the Western Australian equivalent of this provision, and he had been successful in an application for release on licence. The scheme that operated in Western Australia is slightly different to ours in the sense that the court is the body that determines the conditions, not the board. But, the point he made anyway, which I think really explains this, is that this fellow was considered by corrections and others, in spite of having been released, to be such a danger to the community that they literally had to have a couple of people following this chap around all the time. He was basically a portable prison, at enormous expense to the public.

The question is: if that is the sort of 'release on licence' that the person is being offered then is it particularly fair to that individual that they have these couple of shadows following them everywhere they go, and I mean literally everywhere they go, at enormous expense to the community, or is it in the community interest, taken as a whole, that those individuals are managed in some other institutional setting (of some description)? That is really the question.

All this facilitates is the provision of that information to the Supreme Court as it may be a factor that might be considered in the context of the broader consideration of the interests of the community and to the extent that the interests of the applicant are relevant. It might also be relevant for them to understand the nature and expense associated with the person being in some form of conditional liberty.

Amendment No. 6 is to ensure consistency with the third amendment. Amendment No. 7 is to ensure consistency with the other amendments included in the bill which discuss the relevant board providing a report and their opinion on whether the person who is subject to an application under schedule 2 is suitable for release on licence. Amendment No. 8 is to ensure consistency with the fifth amendment. So, with those few words, I move that we go into committee.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

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

Amendment No 1 [AG–1]—

Page 3, lines 41 and 42 [clause 4(3)]—Delete subclause (3) and substitute:

(3) Section 23(9)—delete subsection (9) and substitute:

(9) The progress and circumstances of a person subject to an order under this section must be reviewed at least once in each period of 12 months—

(a) if the person is detained in, or released on licence from, a training centre—by the Training Centre Review Board; or

(b) in any other case—by the Parole Board,

for the purpose of making a recommendation about whether the person is—

(c) if the person is in custody—suitable for release on licence under section 24; or

(d) if the person has been authorised to be released, or has been released, on licence under section 24—suitable to be so released.

(3a) Section 23(10)—after 'under subsection (9)' insert:

, including the recommendation of the relevant Board,

(3b) Section 23(10)—after 'person the subject of the report' insert:

, the Attorney-General

Amendment carried; clause as amended passed.

Clause 5.

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

Amendment No 2 [AG–1]—

Page 4, after line 34 [clause 5, inserted section 23A(4)(c)]—After subparagraph (ii) insert:

and

(iii) the recommendation of the relevant Board about whether the order should be discharged;

Amendment carried; clause as amended passed.

Clause 6.

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

Amendment No 3 [AG–1]—

Page 5, after line 19 [clause 6, inserted subsection (1c)]—After paragraph (a) insert:

(ab) any relevant evidence or representations that the person may desire to put to the Court;

Amendment carried.

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

Amendment No 4 [AG–1]—

Page 5, after line 28 [clause 6, inserted subsection (1c)(b)]—After subparagraph (ii) insert:

and

(iii) the recommendation of the appropriate board as to whether the person should be released on licence;

Amendment No 5 [AG–1]—

Page 5, after line 31 [clause 6, inserted subsection (1c)]—After paragraph (c) insert:

(ca) evidence tendered to the Court of the estimated costs directly related to the release of the person on licence;

Amendments carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9.

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

Amendment No 6 [AG–1]—

Page 7, after line 13 [clause 9, inserted Schedule 2, clause 1(7)]—After paragraph (a) insert:

(ab) any relevant evidence or representations that the person the subject of the proceedings may desire to put to the Court;

Amendment No 7 [AG–1]—

Page 7, lines 14 to 16 [clause 9, inserted Schedule 2, clause 1(7)(b)]—Delete paragraph (b) and substitute:

(b) a report furnished to the Court by the appropriate board in accordance with the direction of the Court for the purposes of assisting the Court to determine the application, including—

(i) any opinion of the appropriate board on the effect that the release on licence of the person has had, or would have, on the safety of the community; and

(ii) —

(A) if the person has been released on licence—a report as to the current circumstances of the person; or

(B) if the person has not yet been released on licence—a report as to the probable circumstances of the person if the person is so released; and

(iii) the recommendation of the appropriate board about whether the person is suitable for release on licence;

Amendment No 8 [AG–1]—

Page 7, after line 16 [clause 9, inserted Schedule 2, clause 1(7)]—After paragraph (b) insert:

(ba) evidence tendered to the Court of the estimated costs directly related to the release of the person the subject of the proceedings;

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

VETERINARY PRACTICE (MISCELLANEOUS) AMENDMENT BILL

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (17:209): 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 Amendment Bill is about improving the current operation of the *Veterinary Practice Act 2003* and principally to introduce National Recognition of Veterinary Registration (NRVR).

The proposed amendments to introduce NRVR will complement similar amendments already made or in the process of being made in all other jurisdictions, following endorsement of NRVR by the Primary Industries Ministerial Council in 2008. This will allow veterinarians, both general and specialist, who are resident in other jurisdictions and who are registered to practice there, to also practice in South Australia. Until now, a veterinarian wishing to practice in more than one jurisdiction has to register and pay fees annually in each jurisdiction in which they desired to work.

The mechanism for achieving NRVR is 'deemed' registration, where general and specialist veterinary registrants are 'deemed' to be registered in all jurisdictions when registered in any one State or Territory. This must be the State or Territory where the veterinarian resides.

NRVR is strongly supported by the veterinary profession nationally and by the Veterinary Surgeons Board of South Australia and the Australasian Veterinary Boards Council. NRVR is also supported by consumers of veterinary services, including the livestock industries.

Most of the changes to the Act are to implement NRVR in administrative areas, which are the responsibility of the board and the Registrar, including the veterinary registers, applications for registration and removal from and reinstatement to the register. The amendments also make it clear that the Board may only suspend a person pending the outcome of disciplinary proceedings if there is a serious risk to the health and safety of the public or the health and welfare of animals.

Some more modest changes, not directly related to NRVR, have been included in the Amendment Bill. The principal change is to allow the Veterinary Surgeons Board of South Australia to recognise courses or veterinary education on the recommendation of the Australasian Veterinary Boards Council Incorporated (AVBC). The previous Act required the Board to independently approve such courses of education, which is an unnecessary burden, given that a principal function of the AVBC is to approve courses of education in veterinary science in Australia and New Zealand, on behalf of all relevant veterinary boards.

It will be the responsibility of the Veterinary Surgeons Board of South Australia, as well as the corresponding boards in all other Australian jurisdictions, to assist veterinarians and their clients become aware of the new arrangement of national recognition of veterinary registration. The veterinary boards will be required to ensure that any restrictions, variations or limitations that they may individually apply to the registration of veterinarians are communicated to all other veterinary boards, so that users of veterinary services can be assured that veterinarians they use are appropriately controlled.

This Bill will significantly reduce the regulatory burden on veterinary surgeons who work in multiple Australian jurisdictions. This will also improve client access to veterinary services across Australia, especially in regional areas. I expect that all Members will favourably consider supporting these amendments.

Finally, the Bill provides for an additional member of the Veterinary Surgeons Board of South Australia, to be nominated by the Council of the University of Adelaide, to be a veterinary surgeon engaged in teaching veterinary science. This reflects the importance of the University's new School of Animal and Veterinary Sciences in training new veterinarians to the highest level of professionalism. The South Australian Government contributed $5 million to assist with the establishment of the Veterinary School at the University of Adelaide, increasing its potential value to the State. The University commits a substantial part of its curriculum to developing in veterinary students the attributes which are of critical relevance to the responsibilities of the Veterinary Surgeons Board. This additional board position should therefore enhance its effectiveness and operations.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Veterinary Practice Act 2003*

4—Amendment of long title

This is a consequential amendment to the long title of the Act.

5—Amendment of section 3—Interpretation

It is necessary to include some new definitions in connection with the amendments that are to be made to the Act to provide for deemed registration.

6—Amendment of section 6—Composition of Board

The membership of the Veterinary Surgeons Board of South Australia is to be increased by 1 person to 8 members. The additional member will be a veterinary surgeon engaged in teaching veterinary science nominated by the Council of the University of Adelaide.

7—Amendment of section 13—Functions

The Board will now adopt a function of 'recognising' courses of education or training in veterinary science rather than 'approving' such courses and, in so doing, may act on the recommendation of the Australian Veterinary Boards Council Incorporated.

8—Repeal of section 14

This is a consequential amendment.

9—Amendment of section 17—Procedures

This is a consequential amendment.

10—Substitution of sections 26 and 27

As part of the scheme for deemed registration under the Act in relation to veterinary surgeons registered under a corresponding law, it is intended to establish a register where decisions of the Board in relation to such registration will be recorded.

11—Amendment of section 28—General and specialist registers

12—Amendment of section 29—Register of persons removed from general or specialist register

These are consequential amendments.

13—Insertion of section 29A

New section 29A will set out the matters that must be included on the register relating to the decisions of the Board that apply in relation to deemed registration under the Act.

14—Heading to Part 3 Division 2

This is a consequential amendment.

15—Amendment of section 32—Registration of natural persons on general or specialist register

It will be a requirement for registration under the Act that the person's principal place of residence is in the State. A person who is to provide veterinary services on a visit to the State (not being a person with deemed registration) may apply to the Board for limited registration under the Act.

16—Amendment of section 33—Application for registration

The Act is to be amended so that the Board will have the ability to refuse an application for registration until any complaint against the applicant being dealt with under a corresponding law has been finally determined.

17—Amendment of section 34—Removal from register or specialty

A new provision will allow the Registrar to suspend the registration of a person under the Act if the Board has determined that a suspension should occur pending the outcome of any disciplinary proceedings under Part 5 of the Act. Another provision will allow the Board to determine that a person's registration should occur in another jurisdiction by virtue of the fact that his or her principal place of residence is in that other jurisdiction.

18—Amendment of section 35—Reinstatement on register or in specialty

19—Amendment of section 36—Fees and returns

20—Amendment of section 37—Variation or revocation of conditions of registration

21—Amendment of section 38—Contravention of conditions of registration

These are consequential amendments.

22—Insertion of Part 3 Divisions 3, 4 and 5

This clause sets out the scheme for deemed registration under the Act where a person's principal place of residence is located in a 'participating jurisdiction' and the person is registered under the corresponding law of that jurisdiction.

23—Amendment of section 40—Illegal holding out as veterinary surgeon or specialist

24—Amendment of section 41—Illegal holding out concerning limitations or conditions

25—Amendment of section 42—Use of certain titles or descriptions prohibited

26—Amendment of section 43—Board's approval required where veterinary surgeon has not practised for 3 years

27—Amendment of section 60—Medical fitness of veterinary surgeon

28—Amendment of section 61—Cause for disciplinary action

These are consequential amendments.

29—Amendment of section 62—Inquiries by Board as to matters constituting grounds for disciplinary action

A number of these provisions relate to other amendments to be made by this measure. New subsections will also set out the power of the Board to determine that the registration of a person should be suspended pending the outcome of disciplinary proceedings if the Board considers that there is a serious risk to the health and safety of the public, or a serious risk that the health and welfare of animals will be endangered.

30—Amendment of section 66—Right of appeal to District Court

This clause is consequential.

31—Amendment of section 74—Confidentiality

This amendment will facilitate the provision of information in connection with the establishment and administration of a national database of veterinary surgeons.

32—Insertion of sections 75 and 75A

It is possible that a national database for veterinary surgeons, and for purposes associated with the recognition of people engaged in veterinary practice or treatment in other jurisdictions, is to be established. Furthermore, in connection with the scheme that is to be established, the Board will be required to notify each interstate registration authority of any disciplinary action taken against a veterinary surgeon under the Act, or of any other action of a prescribed kind.

33—Amendment of section 76—Evidentiary provision

These are consequential amendments.

34—Amendment of section 79—Regulations

In view of the arrangements that are to be introduced under this measure, it may be necessary or expedient to make regulations about the keeping of records or other information about veterinary practice, and to provide for the provision of prescribed categories of information to the Board.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (ASSESSMENT OF RELEVANT HISTORY) BILL

In committee.

(Continued from 30 October 2013.)

Clause 3.

Mr PISONI: If you recall, minister, we went through a range of general questions. Is it a requirement that the Department for Education, for example, is informed if the Family Court makes a CARL report regarding a teacher now and, if it is not, will it be required with these changes to the legislation?

The Hon. J.R. RAU: I am sorry, I did not get the first bit of it.

Mr PISONI: Is the Department of Education informed if the Family Court makes a CARL report regarding a teacher under the current legislation and, if not, will they be after these amendments are included in the bill?

The Hon. J.R. RAU: I have some answers to questions which may or may not be sufficient for the member for Unley's purposes and, if they are not, I again issue the invitation to talk with the honourable member between here and elsewhere. This is the advice I have received in respect of these Family Law matters which we started talking about yesterday.

Under section 67Z of the Family Law Act 1975 if a person alleges in proceedings that a child to whom the proceedings relate has been abused or is at risk of being abused, the person must file a notice known as a Form 4 with the Family Court. Once filed, the registry manager must notify the prescribed child welfare authority; in South Australia this is Families SA. The Form 4s are forwarded by the registry manger to Families SA Crisis Response Unit.

Mr PISONI: Can I just have that very first bit again; the person who makes allegations has to make the complaint?

The Hon. J.R. RAU: No, this is only my advice on this, which is this. If a person makes an allegation about child abuse or risk of abuse, the person must file a notice with the Family Court, as prescribed under the Family Law Act, which is known as a Form 4.

Mr PISONI: The person making the allegation?

The Hon. J.R. RAU: Yes. The exact wording I have got here is, 'If a person alleges in proceedings that a child to whom the proceedings relate has been abused,' so it is a person in the context of proceedings involving a child. I guess that may or may not be the applicant. It might, conceivably, be a witness, I suppose. The member for Bragg might have a better idea about this than me.

The context is this. First, in the context of a family law action; secondly, the family law action involves a child or allegations in respect of a child; and, in those circumstances, the Family Law Act requires this Form 4 to be filed. Once that Form 4 is filed, the Family Court registry must notify the prescribed child welfare agency, which in South Australia means Families SA. These apparently are forwarded to the manager in Families SA called Families SA Crisis Response Unit.

The Crisis Response Unit assesses the reported child protection concerns against provisions in the South Australian Children's Protection Act 1993. So, they receive a piece of paper from the Family Court and they then assess that against our child protection legislation. They apply a structured decision-making assessment to determine the level of response required. So, that response assessment is done within that unit. Details of the notification and outcome of the assessment are recorded on Families SA Connected Client Case Management System, called C3MS.

Apparently there was another question about what happens in DCSI when it receives a low-level allegation, as opposed to a very serious one. I am advised that notifications are assessed for investigation as tier 1, 2 or 3. All notifications assessed as tier 1 are investigated by Families SA. Outcomes of all matters that are investigated are recorded in the Families SA Connected Client Case Management System (C3MS).

The Children's Protection Act recognises the family as the primary means of providing for the nurture, care and protection of children whenever it is safe to do so. Families SA will not intervene where proper arrangements exist for the care and protection of the child and the matter of the apparent abuse or neglect has been or is being adequately dealt with (for example, the alleged perpetrator no longer has access to the child) or other appropriate agencies are involved and supporting the family. Where the person alleged to have caused the harm is not a member of the child's family, Families SA will refer the intake to SAPOL. Similarly, if allegations against a family member are likely to amount to a criminal offence, the intake will be referred to SAPOL.

There was a further question about what happens if there is a baseless allegation. I am advised that the Crisis Response Unit screens reported child protection concerns against, as I said, the provisions of the Children's Protection Act and applies decision-making assessments. Details of the notification and the outcome of the assessment are recorded in that C3MS system. This includes, where applicable, a record that Families SA has determined that there are no child protection concerns.

Where the allegations meet the criteria for a statutory child protection response and Families SA social workers assess the circumstances of the child and their family to determine if the child has been harmed, an outcome of this assessment will also be recorded on C3MS. This includes situations where no finding of abuse or neglect is made.

I am further advised that when making an assessment for the purposes of section 8B of the Children's Protection Act, DCSI Screening Unit currently considers information specified in regulation 8 of the Children's Protection Regulations 2010—in other words, criminal history information—and information on DECD and DCSI databases including child protection information. The information on these databases is accessed by obtaining generic consent from the person to be screened to access government records. Applicants are afforded natural justice in relation to criminal history where that criminal history is determined relevant in relation to the inherent requirements of the role identified on the screening application form.

Applicants are afforded natural justice during the screening process in relation to non-criminal history allegations made against them. If the noncriminal history allegations are unknown to the applicant or unsubstantiated, the screening unit would not rely on that information in its risk assessment. Abuse that is reported as part of criminal history or through the child protection database and relied on for the purposes of an assessment would be assessed in accordance with the Child Safe Environment standards. It may be deemed a low-level risk because, for example: it happened more than 10 years ago; there is no pattern; the court penalty was minor; and/or there has been no reporting since.

There were then questions about how the process goes on, and I am advised that with assessments by DCSI Screening Unit in government organisations, the common law rules of natural justice have not been ousted by the Children's Protection Act or the bill and would apply to an assessment by DCSI Screening Unit and presumably any other authorised person or body. It would also likely apply where a public organisation undertook the assessment itself.

In the case of a public agency that takes the DCSI Screening Unit assessment, which encompasses the collection and consideration of information, then a conclusion and recommendation, and either accepts or rejects the assessment for the purposes of engaging a particular person in a particular position, the rules of natural justice will apply to that decision. In determining the extent or content of procedural fairness that the engaging agency will need to afford to the person affected, that agency could take into account what procedural fairness the screening unit had afforded to the same person.

In either case, the options for review for a person affected in these instances depend on the context. For a person seeking to be employed by a government agency for the first time or seeking to be accepted as a volunteer, then the person could make a complaint to the Ombudsman as either decision could be characterised as 'an administrative act' for the purposes of the Ombudsman Act.

Alternately, the person could seek judicial review of the decision, this being clearly a more expensive option. Where the assessment relates to a person who is currently employed in the public sector and has unsuccessfully applied for a new position or whose employment has been terminated because of the assessment, then there will be various rights of review of the decision of the engaging agency under the relevant legislation (which is probably the Public Sector Act) for persons employed under that act. I assume if we are talking about the education service, it would be under the Education Act and if it was a policeman, it would be under the Police Act, and so on.

It is unlikely that the rules of natural justice will apply to a private organisation making the assessment because they are not caught in this public aspect of things. In the case of an assessment for the purposes of employment, the Australian Human Rights Commission Act 1986 applies and regulation 4 of that includes 'criminal record' as one of the prohibited grounds for distinction or exclusion. 'Criminal record' is essentially what is recorded and what is released on official police records and can include charges not proven, investigations, findings of guilt in non-conviction, and convictions that were later quashed or pardoned.

Under section 31 of the commonwealth act of 1986, the commission has the power to investigate and conciliate any complaint of discrimination which includes indirect discrimination. Indirect discrimination can occur when an apparently neutral condition, required of everyone, has a disproportionately harsh impact on a person who has a criminal record. The commission can make recommendations to the parties; however, it has no power to compel an employer, or a prospective employer, to accept recommendations made after a conciliation.

The commission can make a report to the federal Attorney-General if the employer does not implement such recommendations. The commission has issued guidelines for the prevention of discrimination on the basis of criminal record. These guidelines include No. 8, which I quote:

If an employee takes a criminal record into account in making employment decision, in most cases the employer should give the job applicant or employee a chance to provide further information about their criminal record, including, if they wish, details of the conviction or offence, the circumstances surrounding the offence, character references or other information, before determining the appropriate outcome in each case.

The commonwealth act also applies to employment decisions of South Australia's public sector agencies. In respect of volunteers in private organisations, there is authority indicating that clubs, and so also professional organisations, must afford members a limited version of natural justice before they are expelled from membership. It seems only logical that this would also be the case for persons applying to become a member. However, I have not been provided with any authority directly on this point.

Further, it would be a question of fact in each case whether a person seeking to volunteer at a club was also seeking membership. It may or may not include membership; but, the two often do not go together. There may be people volunteering for an outfit but not necessarily wishing or, indeed, ever becoming a member.

It is far from certain whether this principle would be applied simply to a person seeking to volunteer with a club. Then again, I have got some comments here about how natural justice works in practice, but I am not sure whether I might be starting to just go too far with all of this. I am happy to keep going if people wish me to, but I am conscious that might be giving you a lot of information that is not particularly helpful.

Mr Pisoni: How much more have you got?

The Hon. J.R. RAU: There's a couple more pages of it.

Mr Pisoni: Insert it in *Hansard* without reading it.

The Hon. J.R. RAU: I don't think I am allowed to; that's the problem.

The CHAIR: No.

The Hon. J.R. RAU: I would be happy to. Shall I just keep reading and then see if at the end of this you are happy?

Mr Pisoni: Yes, alright.

The Hon. J.R. RAU: I don't want to waste people's time, but anyway—

Mr Gardner: It's good stuff.

The Hon. J.R. RAU: Okay. This is about the DCSI screening unit. In accordance with standard No. 6 'procedural fairness of the standards for dealing with information obtained about the criminal history of employees and volunteers who work with children', issued by the chief executive, pursuant to section 8A of the Children's Protection Act 1993, applicants are provided with an opportunity to respond to any information being accessed by the unit through telephone, face-to-face interview, or via mail. The unit will write to the applicant inviting them to provide further information. An applicant may choose to respond via email, letter or over the phone, or come to the unit for a face-to-face interview. Applicants may also bring a support person with them if they wish to do so.

Screening by the DCSI screening unit is already generally government practice and mandated in funding agreements with non-government agencies in receipt of government funds. No information is presently to hand about how natural justice works in practice if a government or private organisation undertakes its own assessment. Who receives the result of the screenings? If no risk has been identified the applicant's employer will receive notice by email of the outcome of the positive assessment; that is, the employer will be notified that the applicant has been cleared for child-related paid or volunteer work. The applicant will also be provided with a letter from the screening unit advising that they have been cleared for child-related paid or volunteer work.

Where an applicant has been assessed as low risk, relevant information concerning the identified risk may be shared with an authorised officer of the requesting organisation—the employer, in other words, except for volunteers, of course, but you know what I mean—but only where it is deemed necessary for the employer to manage a low level risk that may have been identified in the assessment process. This is done with the consent of the applicant.

If the employer is prepared to employ the applicant and manage the low level risk, DCSI's screening unit provides a specific clearance by letter to the applicant advising the applicant that they have been cleared for a specific role with a specific organisation in relation to their child-

related employment screening. An email is sent to the requesting organisation confirming the specific clearance. Where an applicant is assessed as having low risk and the employer does not wish to employ the applicant, it is the responsibility of the employer to notify the applicant. The applicant does not receive any notification from DCSI Screening Unit and the assessment is marked as 'not cleared'.

Applicants assessed as a low to medium risk may fall into specific clearance categories. In these instances, the same process applies as above. Where the risk is considered medium to high, the applicant is likely to be 'not cleared'. In these instances, the screening unit will advise the authorised officer of the identified risk and the determination of 'not cleared'. The employer is responsible for the final determination with regard to engaging the applicant or not and of advising the applicant if they have been successful or not.

The screening unit does not contact the applicant where they have been determined 'not cleared'. The screening unit notifies the requesting organisation confirming the outcome of 'not cleared'. High-risk applicants would not be cleared. The employer is advised of the risk identified and is responsible for the final determination with regard to engaging the applicant or not and advising the applicant if they have been successful or not. The screening unit does not contact the applicant where they have been determined as 'not cleared'. 'What is the status of a governing council?' Is that one you want to go to?

Ms CHAPMAN: Yes.

The Hon. J.R. RAU: This is all as I have been advised, and some of this has come from questions that have been asked in briefings before. Government schools are established pursuant to section 85 of the Education Act. Where the school's council is constituted as a governing council, its constitution must include that the school is jointly responsible with the principal for the governance of the school, and it sets out functions that it must perform.

Under section 83 of the Education Act, a school governing council is a body corporate and subject to the Education Act, and its constitution and administrative instructions are issued by the minister. It has all the powers of a natural person that are capable of being exercised by a body corporate, including the power to enter into contractual relationships. A school governing council is not an agency or instrumentality of the Crown but is a public authority for the purposes of the State Procurement Act. As such, the governing council must ensure that goods and services are procured in accordance with the State Procurement Board's policies and procedures.

Does a school principal have authority to enter into contracts? The answer, I am advised, is that school principals and preschool directors have procurement delegation up to $220,000, inclusive of GST, for goods and services, and $165,000, including GST, for minor construction works. Examples of contracts entered into by governing councils may include contracts for employment of non-teaching staff and other matters necessary or incidental to carrying out functions under their constitution.

School principals and preschool directors typically enter into services and/or supply contracts with minor works construction contracts by way of purchase orders and/or simplified contracts using a DECD standard template. However, from time to time school principals and preschool directors enter into third-party agreements such as photocopier leases and other types of unknown contracts. School governing councils or principals do not enter into cleaning, major construction and breakdown maintenance contracts. Contracts of these types are managed by DECD and/or DPTI.

What is the status of the OSHC worker? The OSHC contract is a tri-party agreement between the governing council, the minister and the third-party provider. OSHC services are established on DECD sites but are operated by school governing councils, third-party commercial providers or not-for-profit OSHC providers. OSHC workers are employees either of the governing council or of the third-party providers where the service is not for profit or commercial. Governing councils operate OSHC services that have legal liability and accountability for governing council employees. There is a question here about Pinnacle. Does that ring a bell with anybody?

Mr Pisoni: Yes, it came out of the briefing.

The Hon. J.R. RAU: Okay. Pinnacle Education is a private consortium that the state had entered into a 30-year Public Service-private partnership (PPP) contract with to finance, design, build and service six new schools in metropolitan Adelaide. Groundsmen positions are included in these services. Teachers are employed through DECD.

'Services' within Education Works' new schools contract refers to building and maintenance services, cleaning and management services, waste management services, pest control management services, utility management services, ground maintenance management services, fixed sporting and play equipment management services, security management services, janitorial and general porterage management services, ICT infrastructure management services, and catering management services.

These are provided by Pinnacle Education via a facility management contractor (Spotless) who engage people to perform the services. Each of the PPP schools has one or more Spotless staff based at the school who perform the services or manage the contractors to perform the services as required, and in accordance with the contract.

Pinnacle Education's obligations under the contract are that they must 'confer, consult and cooperate in dealing with any requirement of the state to implement the state's security policy and practices'. This includes a requirement that national criminal history record checks be obtained from all persons engaged or to be engaged in a worksite and all workers directly employed by the builder, all persons engaged in the services. In addition, if requested by the state, any person must undergo a security clearance at any level up to national security clearance—I would not have thought that is required too often, but anyway—under the state's auspices.

So, the next question is: how does that all work out for governing councils? I am advised that, pursuant to section 8B(1) of the Child Protection Act 1993, before a governing council of a government school engages non-teaching staff, OHS workers and so on, the council must ensure that the assessment of the person's criminal history is undertaken. Pursuant to section 8B(1), before a contractor provides a service, the managing authority of the contractor must ensure that an assessment of the person's criminal history is undertaken.

Pursuant to subsection (2), both the governing council and the managing authority of the contractor are also empowered to assess at any time the criminal history of a person already engaged in a prescribed position, or of an indirect service provider who is to carry out or is carrying out prescribed functions for the purposes of establishing or maintaining a safe environment for children.

The obligations and powers under 8B only arise where a person will or currently occupies or carries out a prescribed position or function. Contractors who, for example, attend school on an ad hoc basis under services or supply contracts and for the purposes of works or constructions do not occupy prescribed positions or carry out prescribed functions. Whether the obligations under 8B arise will turn on the particular circumstances.

Under the bill, the obligation, or power of a governing council or managing authority of a contractor will remain the same, except that an assessment of the person's relevant history is to be undertaken, instead of the criminal history—so, it is a change in terminology, but it is also a change in capture—and the range of services in respect of which the obligation or power arises will be expanded to include cultural, entertainment or party services.

The bill also introduces a new 8BA, which will prohibit the managing authority of an organisation contracted to the department or governing council from personally performing the services under a contract to which it applies unless in the preceding three years an assessment of their relevant criminal history has been undertaken, or they have obtained a criminal history report from SAPOL or CrimTrac. The person will be required to produce on request evidence that they have complied with these obligations.

The bill also extends the obligation or power to undertake assessments under 8B and 8BA to non-government organisations of a class prescribed by regulation. In other words, the provisions may apply by regulation even if a non-government organisation does not provide health, welfare, education, sporting or recreation, religious or spiritual, childcare, cultural, entertainment or party services to children, or partly to children.

A person who is already engaged to act in a prescribed position would not need to undergo a new screening under 8B(1) of the act or a screening under its equivalent in the Disability Services Act once the act commences. However, it is noted that standards promulgated under the Children's Protection Act proposed that an organisation conduct assessments of existing employees every three years.

Screenings have been imposed in the disability services sector for many years through employment conditions and contractual obligations. Under the power under 8B(2) in the Children's

Protection Act, to screen a person already engaged in a prescribed position or an indirect service provider who is carrying out prescribed functions for the purposes of a child-safe environment will remain. An equivalent provision will be introduced into the Disability Services Act 1993 by this bill. Accordingly, it may be necessary for people already in an industry to undergo screening under these provisions once the act commences.

When the act commences, the obligations under 8BA of the Children's Protection Act and its equivalent in the Disability Services Act will come into operation. These provisions facilitate the screening of those who are not otherwise caught by 8B or its equivalent in the Disability Services Act. These provisions will prohibit sole traders and those in partnerships who are already in relevant industries and providing services direct to consumers from providing services unless they have undergone an assessment of relevant history or obtained a criminal history report.

As discussed, these provisions will also prohibit the responsible authority of an organisation from personally performing the functions to which 8B and its equivalent applies, unless in the preceding three years an assessment of their relevant history has been undertaken or they have obtained a criminal history report. Persons caught by 8BA and its equivalent will also be required to produce, on request, evidence that they have complied with these obligations.

Mr PISONI: Thank you very much, minister, for that extensive reply. Just one quick question based on your answers, if I may. A teacher must go through the registration process every three years where the criminal checks process starts again, so will this expansion proposed in this legislation occur from the next teachers' registration?

The Hon. J.R. RAU: That is my understanding, yes.

Mr PISONI: If they are not teachers—if they are other auxiliary workers on school sites, for example—are they required to have screenings every three years? I thought I heard that in your—

The Hon. J.R. RAU: That is my understanding, yes, but if they are already there, they do not immediately have to have one, but, in due course, because of the natural turnover, they will eventually, within three years, get to it.

Mr PISONI: Finally, on that point, my understanding is that under the Child Projection Act, if somebody is charged with a child sex offence, they have a legal obligation to tell their employer. Will they have a legal obligation to tell their employer if an activity of theirs has been reported that would be required to go onto the expanded report that this bill provides for? Would they be required to report that to their employer? Does that make sense?

The Hon. J.R. RAU: It does. My understanding from this is that, if the risk assessment in respect of that other activity—so it is not a conviction or something, it is another activity—is low and therefore a clearance is issued, then there is nothing for them to be concerned about. It would depend on the nature of the other information.

Mr PISONI: And if it is historical? If it is something that happened 10 years ago that was not covered by the legislation but is now covered by the legislation, would they be required to declare that?

The Hon. J.R. RAU: I would have to take some advice on that. My assumption is that this would not retrospectively impose an obligation to report something which is a historic matter, unless it came to the attention of somebody through some fresh agitation of it, but I can check that.

Ms CHAPMAN: I will be very quick because I do not wish to hold up the bill. I thank the minister for outlining a lot of information that has been provided, and we will look carefully at that. There seem to be three areas that he has outlined. One is the enormous number of places in government records, including databases, where information has been kept, and it ought to be clear that that means there is a lot of it out there. Given our initial concern as to unreliable or inaccurate evidence, it ought to be clear that there is a lot of it out there. If it is inappropriately used it could, of course, adversely affect someone's opportunity for employment or continuing employment.

The second area is to, I think, give us some reassurance that principles of natural justice will apply and that there are various remedies and appeals. We will certainly have a look at those. I think it is important that some of that be in the act, and that is something that we will be asking you to consider, probably in another place, because, as I say, we are not going to hold this up.

The third area is that it ought to be abundantly clear that in this bill the breadth of people who could now be captured by the obligation to be screened and to be able to provide the

necessary consents and so on to gain access to information is also extraordinarily broadened, for not just those who are in the public service but also those in the private sector.

During the course of this debate, I was thinking particularly of some person in public life, I do not need to name them, who currently faces charges with respect to activity which is clearly captured by the current definition, let alone a new definition. If that person is successful in having the charges dropped or, in the alternative, is found not guilty of those charges, then that person is within the category of having relevant history recorded at least in the DPP, police files and possibly others.

I ask the Attorney to think about if that person were to apply for employment in the Public Service, if that person were to apply to either rejoin or join another political party, be in a club or be a volunteer who might have access to children's activity sub-branches within that, etc. These are all things that are relevant to this aspect. We are concerned about some of these matters. We may need to think about some amendments as it progresses in another place. So, with those few comments, I am happy for the bill to be read a third time.

Clause passed.

Remaining clauses (4 to 12) and title passed.

Bill reported without amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MAJOR EVENTS BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly.

No. 1. Clause 7, page 5, line 26 [clause 7(2)(g)]—Delete paragraph (g)

No. 2. Clause 7, page 5, lines 30 to 32 [clause 7(2)(i)]—Delete paragraph (i)

No. 3. Clause 7, page 6, after line 26—After subclause (4) insert:

(4a) Before a regulation is made declaring an event to be a major event, the Minister must consult with any council in whose area the event is to be held or whose area will be directly affected by the holding of the event.

No. 4. Clause 7, page 7, after line 10—After subclause (8) insert:

(9) In this section—

council has the same meaning as in the *Local Government Act 1999*.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 10, page 8, lines 34 and 35—Delete 'or the District Court'

No. 2. Clause 10, page 9, line 1—Delete 'or the District Court'

No. 3. Clause 10, page 9, lines 7 and 8—Delete 'or the District Court (as the case may be)'

No. 4. Clause 10, page 9, lines 11 and 12—Delete 'or the District Court (as the case may be)'

No. 5. Clause 10, page 9, lines 18 to 22—Delete subclause (6) and substitute:

(6) Without limiting subsection (5), the Remuneration Tribunal may determine that the President's salary or allowances as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act).

No. 6. Clause 10, page 9, line 26—Delete 'or the District Court'

No. 7. Clause 10, page 9, lines 27 to 29—Delete paragraph (b) and substitute:

(b) the person, with the approval of the Governor, resigns as President by written notice to the Attorney-General; or

No. 8. Clause 10, page 9, lines 39 to 41 and page 10, line 1—Delete subclause (10) and substitute:

(10) Before the Governor makes a proclamation under this section, the Attorney-General must consult with the Chief Justice.

No. 9. Clause 14, page 12, lines 1 to 5—Delete subclause (6) and substitute:

(6) Without limiting subsection (5), in the case of an appointment under subsection (1)(a), the Remuneration Tribunal may determine that a Deputy President's salary or allowance as a judge will have an additional component on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act).

No. 10. Clause 14, page 12, lines 18 to 20—Delete subclause (10) and substitute:

(10) Without limiting subsection (9), in the case of an appointment under subsection (1)(b), the Remuneration Tribunal will determine the salary or allowances to be paid to the person on account of holding office under this Act (and the jurisdiction to make such a determination is conferred on the Remuneration Tribunal by this Act).

No. 11. Clause 14, page 12, line 41—Delete 'agreement of the Chief Judge' and substitute:

approval of the Governor

No. 12. Clause 19, page 16, lines 29 and 30—Delete 'or advertising under subsection (3)'

No. 13. Clause 19, page 16, lines 36 to 39—Delete subclause (10) and substitute:

(10) A senior member or ordinary member of the Tribunal—

(a) must advise the President of the Tribunal of the nature of any paid employment or professional work undertaken outside his or her duties as a member of the Tribunal; and

(b) must not engage in any such employment or work if the President informs the member that, in the President's opinion, to do so would or may conflict with the proper performance of the member's duties of office.

No. 14. Clause 69, page 38, lines 25 to 37—Leave out the clause

No. 15. Clause 70, page 39, line 2—Delete 'Unless it would be contrary to section 69, a' and substitute 'A'

No. 16. Clause 71, page 40, lines 1 to 4—Delete subclause (8)

No. 17. Clause 78, page 43, line 4—

Delete 'made available to act as members of the staff of the Tribunal' and substitute:

selected by the Registrar with the concurrence of the Chief Executive of the Department

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

Very briefly in relation to this matter, I would like to first of all thank the members of the Legislative Council who, by and large, supported this bill. This is something which I am very proud to be associated with. I think it is part of South Australia becoming a more sophisticated legal place. It will deliver better outcomes for citizens and I am very pleased about it.

Can I also place on the record my enormous appreciation and acknowledgment of the enormous amount of work people in the Attorney-General's Department have done to get us to this point, parliamentary counsel, and last, but certainly not least, my staff who have done an extraordinary job of being able to shepherd this thing through all stages. As always, and in this case in particular, Kim Eldridge, who has done a fantastic job of being a great supporter in here and I think briefing members of the opposition and arranging whatever could be arranged to facilitate this. I want to acknowledge the great work by those people.

Can I say in respect of the amendments it is my intention to accept all of the amendments. I just make the point that most of them are ones about which I do not have any strong view and I am happy to roll with the punches. I do think there is a fundamental disagreement between the government, and certainly the present shadow attorney, about the importance of having a requirement in this legislation that people are required to disclose information under certain protected circumstances. He has got a particular bee in his bonnet about this and keeps taking it

out every time we put anything in. However, that is a matter we can visit in later elements of this legislation when we start conferring the jurisdictions so I am content to leave that debate for another day. I am accepting it in full.

Ms CHAPMAN: The opposition supports the worthy amendments.

Motion carried.

STATUTES AMENDMENT (ARREST PROCEDURES AND BAIL) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 9, page 5, line 10 [clause 9, inserted section 13(6), definition of *remote area*, (a)]—

Delete '400' and substitute '200'

No. 2. Clause 10, page 7, line 7 [clause 10, inserted section 15(8), definition of *remote area*, (a)]—

Delete '400' and substitute '200'

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

I am entirely happy to accept these amendments. They are very practical. This is one of those instances where the euphemism of 'improvement of government bills' perhaps is entirely appropriate.

Ms CHAPMAN: We support the amendments.

Motion passed.

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 18:06 the house adjourned until Tuesday 12 November 2013 at 11:00.