HOUSE OF ASSEMBLY

Wednesday, 25 February 2015

Parliamentary Procedure

SPEAKER, ABSENCE

The CLERK: I inform the house of the absence of the Speaker.

The Deputy Speaker took the chair and read prayers.

VISITORS

The DEPUTY SPEAKER: Before we begin proceedings this morning, members, I would like to acknowledge guests in our public gallery today: students from the Gilles Street Primary School, who are guests of the member for Adelaide; welcome to parliament. We very much hope you enjoy your time here with parliament today and hope you will take home with you tonight stories to your parents about what a wonderful place it is.

Motions

SPEED DETECTION

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

That this house establish a select committee to inquire into and report upon—

(a) the operation of speed cameras and speed detection devices in South Australia;

(b) the relationship between the location of speed cameras and the incidence of road accidents;

(c) the impact of constantly changing speed limits and the effectiveness of speed limit signage;

(d) the effectiveness and appropriateness of current penalties for speeding offences, including a review of fines imposed;

(e) the operation of the Community Road Safety Fund; and

(f) any related matters.

Let me start by dealing with the perception that we cannot hide from in this place. It was stated in *The Advertiser* late last year, after a survey they did, that 80 per cent of people who responded to the survey believed speed cameras were revenue raising for the government. We can debate the percentage—80 per cent, 70 per cent, 90 per cent, 50 per cent, whatever it might be—but the perception is out there in the public that speed cameras are revenue-raising operatives for the government.

Experts will tell you that speed cameras help reduce road fatalities. I do not know anyone who would deny that we should do everything reasonably possible to bring down the road toll, especially after last year, when we had a very poor year, with fatalities again rising above the 100 mark to 108. That number is just not good enough. Police say a number of factors influence where mobile speed cameras were located, including crash data, traffic volumes and reports of dangerous driving. I hope this committee can help motorists understand the contribution that speed cameras make to road safety.

Noting point No. 1 in the recommendations for this committee, 'the operation of speed cameras and speed detection devices in South Australia', I refer to an article in the News Limited Press in November 2014, which talked about speed cameras on the South Eastern Freeway. The article stated that speed cameras are generating three times as much revenue as expected, and that they are providing the government with a 'multimillion-dollar windfall'. Cameras at the Crafers Interchange and Mount Osmond Overpass have generated $5.84 million in speeding fines in their first seven months of operation. At that rate, the fixed cameras would return $10 million for the year—well above the expected $3 million. More than 13,000 people were caught in a six-month period leading up to June last year. Even the RAA felt that was a higher than expected revenue and they

thought it maybe because of the variation of speed limits and the ability to vary speed limits on signs depending on the conditions.

The RAA also suggested that more signs making speed limits clear to drivers could be helpful to reduce the number of speeding incidents on the South Eastern Freeway. That is just one example where people get very confused about speed limits. You can see from the numbers that the resulting fines that have ensued would appear to be quite disproportionate to the operations going on. If they are effective and they are all legitimate people speeding and not adhering to the speed signs, there is a concern that the message is not getting through and people are not changing their behaviour. So, that is one area that could very much be looked at.

It is probably remiss of me also not to mention the late Dr Bob Such, the former member for Fisher, and the good work he did inquiring into speed cameras and the positioning of speed cameras. I am sure he probably put forward a similar motion to this across the journey. Dr Such was very passionate about making sure speed cameras were not placed where they were just used as a revenue raiser. I am sure he would sit in that 80 to 90 per cent of people who believe speed cameras are for revenue raising. Dr Such had countless motions on this topic, and some may suggest he ran a crusade on the issue of speed cameras; he had some very good points that could be considered in a select committee on the issue.

Dr Such was a strong advocate for better signage of speed limits to ensure drivers were suitably notified of the speed limit to give them the best chance of driving at the posted figure. Dr Such spent a lot of energy ensuring speed cameras were not set up to trick people who missed an obscured sign as the speed limit changed from 80 km/h to 60 km/h. He was also a stickler for the accuracy of speed cameras and a big advocate for the road safety commissioner as they have in Victoria, someone who independently reviews complaints and monitors the accuracy and efficiency of speed cameras.

I go to point two which talks about 'the relationship between the location of speed cameras and the incidence of road accidents'. Again, I refer to a report that was issued in *The Advertiser* in December last year which pointed out Adelaide's mobile speed camera hot spots: the top 10 sites and the revenue they were returning. Bearing in mind we have a couple of different methods and mechanisms to record speed, we have mobile cameras and fixed cameras, we now have point-to-point speed cameras as well, and this evolution is growing day by day. In fact, in November last year it was revealed that new infrared mobile speed cameras were on the market as well for use by authorities—new technology to detect speeding drivers at night as they approached the camera instead of passing it. They can also take photos of car numberplates without using a flash. This new infrared technology has been fitted to all mobile speed cameras at a cost of $57,000.

Along with infrared, point-to-point, mobile and fixed camera technology, there are quite a number of ways that people can get caught speeding and that alludes again to the suggestion of having a select committee which I think the government should put in place so we can really have a look at all these different methods of detecting people and let us find out the location of these speed cameras and the incidence of road accidents. We can correlate them together and work out whether we are putting these speed cameras in places to reduce road traffic incidents, fatalities and crashes, or whether we are just putting them in places that are just there to increase the government's coffers and raise revenue.

I mentioned the top 10 mobile camera sites and it was revealed, as I said, in a newspaper article late last year that the number one location was South Terrace with $629,000 in revenue being generated. People might ask, 'How many crashes, how many fatal crashes have there been on South Terrace?' Fortunately, the number of crashes is very low, and the number of fatal crashes is zero, as far as I could tell, in recent times. But $629,000 in revenue has been raised. This is the debate that needs to be had and things need to be talked through. Is the lack of incidents because we have had the speed cameras there, or would there have been no incidents were there no speed cameras and have we just been raising revenue? That is the debate we need to have.

In Jeffcott Street in North Adelaide, 452,000 was raised there; in South Terrace, Pooraka, $422,000; in Mitchell Park, Bradley Grove, $418,000; and, the list goes. These cameras return upwards of $350,000 to $400,000 for the top five or six cameras in the mobile camera operations. The top 10 sites in fact returned $4 million of the total fine revenue last financial year. They are big

money earners, there is no doubt about that, but we need to have this committee to look at how they are impacting or reducing incidents and accidents on our road and, ultimately, fatalities on the road as well.

We talk about fixed cameras as well as mobile cameras. The number there is far greater: in fact, Montague Road, Ingle Farm, recorded 10,061 fines totalling $3.370 million. I mentioned the South Eastern Freeway, and it has been in the press a lot. The top two of the fixed cameras are on the South Eastern Freeway, which is no surprise. At Leawood Gardens, 8,227 fines have been issued and $3.6 million in fines have been handed out there, with 6,171 fines, at $2.9 million, at Crafers, and the list goes on. The top nine net over $1 million in revenue and over 3,000 fines for the top 10 fixed speed camera locations around South Australia.

This really is what this is about and why we need to have this select committee. The perception out there is that speed cameras are all about bringing in revenue to the government and that they are not about safety. We need to look at this; we need to take an independent view so that we can determine where speed cameras need to be to keep people safe and also educate people.

I hark back to where I started in this speech, to *Advertiser* reports that up to 80 per cent of people believe that speed cameras are just for revenue raising. The experts will say that they are not. I am not disputing the experts here, but we need to get the facts and put them on the table for the public of South Australia. We need to change that perception and/or make our roads safer, and in doing that we can change that perception. If people understand that speed cameras are there to keep us safe, that is what the objective of this committee will be.

We talk about fines as well, and we can see whether or not the fines need to be looked at. For example, at the last budget a fine for anyone travelling between 10 to 20 km/h over the speed limit went up from $340 to $349, plus the victims of crime levy, which is $60, so it is getting quite hefty. We need to look at it and say, 'Is the financial imposition on someone committing this crime in going over the speed limits having an impact and is it reducing our road fatalities and our number of incidents on the road?' That is the question.

I will run through the other fines. If you are doing less than 10 km/h over the speed limit in a motor vehicle, you will be fined $159. I mentioned that at between 10 and 20 km/h over the limit you will be fined $349, between 20 and 30 km/h it is $709, between 40 and 45 km/h it is $846, and 45 km/h over the posted speed limits will get you an expiation fee of $952. The figures are much higher if you are driving a road train. The demerit points also I notice were increased a little while ago: they run two, three, five, seven and nine through those five categories I mentioned. So, demerit points are also a big issue here.

As we go through the other list of recommendations for this select committee, we see that the impact of constantly changing speed limits and the effectiveness of speed limit signage are key factors which we need to address and which people are very confused about. To the department's credit, they have been doing some work in this area, and I was quite glad to be involved in the Adelaide Hills Council area speed limit review in November last year.

This is a great initiative, where the Adelaide Hills Council came together with the RAA, the Motor Accident Commission and the Centre for Automotive Safety Research (CASR) and collectively reviewed the speed limits in the Adelaide Hills—funnily enough, for this very reason. So, we have done it in the Adelaide Hills and, as we are pointing out in relation to this select committee, we want to look at the impact of constantly changing speed limits and the effectiveness of speed limit signage right across the city of Adelaide and South Australia. It has been done here in the Hills and the feedback was quite interesting. This is why, again, I think a select committee looking into these factors would be very beneficial.

A collective review of the speed limits in the Adelaide Hills was conducted, with community engagement, firstly, on 9 July at Uraidla footy club, at Stirling council on 22 July, the Village Well at Aldgate on 24 July, the Woodside Institute on 5 August and the Gumeracha Town Hall on 7 August. That is the one that I went to. It was impressive, and the department was very impressed with the feedback and, dare I say, surprised by the quality of input from local residents. There was lots of discussion, the butcher's paper came out and across the board the opinion was divided on speed limits.

However, they did say they wanted no more than three speed zones, and that was the commonly held view. They all looked for improved signage—that was very high on the list of wants from these groups. More advanced warnings of signage and the use of painted signage on the roadway, like they do interstate, were also brought up. Greater use of electronic sign boards and greater enforcement of speed limits were also raised, along with an increased police presence. More community education on road safety in the Adelaide Hills and improved maintenance and better infrastructure were also mentioned. Consistency of speed limits was the key.

Results from the seminars found that 50 per cent of participants felt that 50 km/h and 60 km/h speed limits were not applied consistently; 70 per cent of participants felt that the 80 km/h speed limits were not applied consistently. That is a big issue, and that is what I think this select committee can have a look at. It is an issue up in the Hills, and I think it is an issue right across South Australia. These are the points that have people confused, and we know there has been a big change in time.

I hark back, and I point out, too, that there are a number of different speed camera methodologies, if you like: we have the mobile ones, the fixed ones, point to point, and now we have the infra-red ones as well. That is a really key point. I could go on because this really is a vexed issue in the community. As I said, 80 per cent of people, from *The Advertiser* report, feel that this is something that should be looked at.

Finally, as we go through the list of things we could look at, another impact that could be considered (and I think this is very important) is that reports have shown the negative impact of speed cameras and fines on the police force in the community when they are imposing these fines. While the police are supposed to be respected and appreciated by members of the community, and they do a fine job in helping solve crimes, instead they are blemished by this perception that they are the ones who are imposing the fines on people for speeding. I think this is a real issue that we could look at as well because the police need to be held in high regard.

Time expired.

Mr KNOLL (Schubert) (11:17): I thank the member for Mitchell for bringing this issue to the house. Can I say that 'the member for Schubert' is an honourable title and something that the previous member (Ivan Venning) and I share and, on this issue, as with many other issues (including the establishment of a new health facility in the Barossa), the members for Schubert are at one. Indeed, almost four years ago to the day, on 9 March 2011, my predecessor moved:

> That this house establishes a select committee to examine the use and effectiveness of speed cameras and other speed measuring devices used by South Australia Police in South Australia.

Can I say that the reason he moved that motion, and the reason we are discussing this notice of motion today, is very much brought home to the people of Schubert because we are very much in the eye of law enforcement when it comes to speed cameras. It is a huge issue in my electorate because of the huge attention the Barossa gets when it comes to this issue. Can I say of the former member for Schubert's motion that, unfortunately, it was defeated in this form, thanks to some what we will call word manipulation by the Labor government at the time, and it is unfortunate that the issue could not have been given the weight and the time it deserved.

Can I say of the beautiful Barossa Valley that we are lucky enough to have in our local service area one of the lowest crime rates in the state. For example, we had only 238 total offences against property and persons in January, and we compare that with, say, the Murray Mallee LSA, which had 429. It has often been put to me by local police that the Barossa LSA has the lowest crime rates across South Australia. However, maybe there is a consequential link that, because there are low rates of crime, we are often and very frequently visited by speed detection devices. Since the start of the year, the cameras have visited the Barossa on 10 days in various locations. So, here we are talking about coming towards the end of February and already on 10 days we have had speed cameras in the Barossa.

Interestingly, and this is a point that I would like to make, a lot of these days tend to be a Friday, Saturday or Monday, which are peak times for tourists visiting the Barossa. Especially because of the nature of where the Barossa is in relation to Adelaide and the spread out nature of the wineries across my district, people tend to use cars, and it is unfortunate that we are targeting

one of our tourism hotspots in this way, particularly to a group of people who would be less familiar with the area than the local residents.

It is also interesting that most of those cameras are located not on the long stretches of road, not on the crash hotspots in my electorate, and I am thinking of Gomersal Road, which has had a number of crashes since it has been upgraded. They tend, more often than not, to be in the 50 km/h stretches of road. I find this extremely difficult to align with revenue raising versus the preventative element of having speed cameras helping to change people's attitudes in relation to speeding.

In *The Advertiser* on 5 December 2014, Murray Street in Nuriootpa (which is a fantastic and beautiful town) was listed as the seventh most common site for a mobile speed camera. This is a town of about 6,000 or 7,000 people, yet it rates as the seventh-highest spot for having a speed camera in South Australia, between 13 January and 21 December last year, with a deployment on 51 days out of that period—51 days on the main street of Nuriootpa in a 50 km/h zone on a main street that does not necessarily see a lot of accidents.

Can I say, though, that this motion also deals with speed limits and whether or not those speed limits are appropriate. I have long been talking about the vexed issue of inconsistent speed limits in my electorate. One example that always comes to mind is the beautiful Gomersal Road, which was only developed about 10 years ago. It was one of the crowning achievements of Ivan Venning. It was rated at 90 km/h, whereas the Mount Pleasant to Angaston road is rated 100 km/h and it is not in as good a condition, but those roads are single lane into town roads that are of a very similar nature.

I also have a series of three roads that are in parallel with each other, being Bethany Road, Basedow Road and Krondorf Road. All three of those roads, even though they are parallel with each other and serve a similar function, have different speed limits. It is incongruous to believe that these things should not be the same. It really is a struggle for locals to understand, and very much a struggle for tourists to understand.

Can I say that, of the top 10 mobile camera sites as listed in *The Advertiser* on 5 December 2014, in that same year, in 2014, none of those top 10 camera sites had a road fatality. In fact, the only connection that we could find was that on Main North Road at Blair Athol there were 56 deployments last year and there was a fatality that occurred at the Main North Road-Grand Junction Road intersection, but that would not have been where the speed camera was. That is as tenuous a link as we can find between road crash fatalities and where mobile camera sites are set up.

Of the 2014 road fatalities—and working towards getting our road fatality rate down to zero is a cause that we should all be very much invested in—speed was only a contributing factor in 26 per cent, and that is lower than the five-year average of 33 per cent, so people are getting the message. But can I say that non-restraint use (i.e. not wearing a seatbelt) came in at 26 per cent and, again, that is below the five-year average of 34 per cent. You can see that the message is getting through.

But if we want to look at tackling road fatalities, here is an issue that I think we need to be focusing more attention on, and that is that drugs were a factor in 27 per cent of road fatalities, and this is higher than the five-year average of 21 per cent. That shows that we are not winning the war and not winning the fight in changing people's attitudes when it comes to taking drugs and driving. That is possibly where government should be spending more of its time and effort in helping to address that issue.

It is also interesting to note that the Community Road Safety Fund, in the Auditor-General's most recent report, identified that the state government received $81 million from speeding fines in 2013-14. When the Community Road Safety Fund was established in 2003-04, it raised $38.8 million. So we are talking about well over doubling. We are talking about a 110 per cent increase in the amount of money that the government collects from speed cameras. This inquiry would be very good at helping to drill down and understand where that increased revenue has come from. The cynics amongst us may say that it may be coming from the government targeting specific locations where we do not necessarily have increased precedence of fatalities but maybe an increased rate of being able to administer fines.

The government's own Towards Zero Together target, the Road Safety Action Plan 2013-2016, notes that research in South Australia and nationally has shown that investing in road improvements can produce crash savings with a value at least 10 times the cost of infrastructure—at least 10 times the cost of infrastructure. We have had recent announcements on road funding where maybe we have not seen cost-benefit analysis done, but the government's own Towards Zero Together report says that we can get a 10 to one return on the cost of infrastructure in terms of producing savings by having fewer crashes.

If that is not an argument for dealing with the $400 million backlog in road maintenance, I do not know what is. It is coming from the government's own voice, so surely the government realises that investing in road maintenance has to be a high priority. Indeed, if we are collecting over twice the amount of revenue from speeding fines as we did when the Community Road Safety Fund was first established, surely this means that we should be able to increase extra money in road maintenance. Can I say that for the seat of Schubert that is a huge and absolute priority.

Just last week, analysis by the Australian Automobile Association revealed that a $3.25 billion funding boost is needed to improve the safety of South Australian roads and to limit traffic congestion, and that approximately 38 lives would have been saved last year if our state improved its road safety performance to the same level as New South Wales. If we invested in the same way as New South Wales does, we could have saved 38 lives. If that is not an argument for increased funding for road maintenance in dealing with the road maintenance block, I do not know what is.

In closing, Deputy Speaker, I very much appreciate and thank the member for Mitchell for bringing this to this place. It is a huge and important issue and a chance for the government to be able to allay the concerns that some of the cynics amongst us have in relation to speed cameras.

Mr VAN HOLST PELLEKAAN (Stuart) (11:27): It gives me great pleasure to support the member for Mitchell and shadow minister for road safety in his desire to have this select committee established by this house. I think this is a very responsible initiative that he has taken. This is not something that is about having a crack at the government, because let me say very clearly, I have no doubt about the government's very genuine desire to improve safety on our roads. That does not mean that a good suggestion from the opposition shadow minister should not be accepted by the government either. We have plenty of good ideas and here is a tremendous example of exactly that.

Let me also just say that I do not accept what is often publicly out there as a criticism, that the police are out there revenue raising. That is just not true. The police do not get the benefit of the funds that come from fines and penalties associated with speed cameras and other devices. There may well be an argument to say that it is a necessary part of the state government's income, in the same way as taxes on alcohol and cigarettes and things can be part of the federal government's income. That is something well worth considering, but I do not accept at all that the police are behind trying to revenue raise.

For the member for Mitchell to suggest that a select committee is set up to look into speed cameras and speed detection devices, current penalties, the operation of the Community Road Safety Fund and other related issues is very important. It is important to our state, but it is also very important to my electorate of Stuart. As a person who drives an enormous distance every year, previously well in excess of 100,000 kilometres a year almost exclusively in the country but now less than that and much of that now in the city area as well, as I come almost every week of the year back and forth between the electorate and Adelaide, this is something that is important to me and the people that I represent and something that I feel I have something to contribute to.

Police have said very clearly for years that fatalities on our roads are due to five key factors—not wearing seatbelts, inattention, drugs and alcohol, fatigue and speeding—so it is fair to look at speeding as part of the mix. As the member for Schubert has said, the actual percentage of speeding contributing directly to road fatalities is decreasing. So, something is going right there, there is no doubt about it, but that does not mean that we cannot finetune the approach, and that is exactly what the member for Mitchell is looking to do here.

I would add that speed limits are a very important part of this issue with regard to an incongruous set of speed limits on what seem to be very similar roads or, in some cases in my electorate and other parts of the state, higher limits on worse roads with worse incidence of accidents

and fatalities and lower limits on better roads with a better safety record. That sort of thing needs to be addressed, and that is one of the issues that the member for Mitchell included in his address.

The government's approach over the last few years of having a blanket reduction of speed limits across a whole sector of geography across our state is entirely wrong, because those five things I mentioned before—inattention, drugs and alcohol, fatigue, not wearing seatbelts and speeding—do not constitute the same thing as speed limits. So, just reducing the speed limits is not actually addressing any one of those five things, because reducing a speed limit does not necessarily stop people from speeding; in fact, it might increase the incidence of speeding. These are very important issues.

I think that including point-to-point cameras is very important; that is a relatively new addition to the suite of equipment that the government and the police have to use. While I know that this disappoints a certain number of people in my electorate, I think that point-to-point cameras are very good and that they do have a positive role to play because they take away the possibility of people driving in excess of the speed limit by accident by a very small amount for a very short period of time and being pinged seemingly unfairly.

If you go over 20 kilometres or 120 kilometres and, on average, you have been speeding, clearly you have been driving inappropriately, as opposed to your getting up to 116 km/h in a 110 km/h zone and then you realised and you corrected and got yourself back on track, you could be unfairly pinged there; but if you had been doing that consistently for 100 kilometres in a row and you did not address and correct your very brief mistake, you deserve to be reminded by the police. I would like point-to-point cameras to be part of it, and certainly the terms of reference that the member for Mitchell has suggested would cover that.

Road maintenance is a very big issue. I have some figures here that are about 10 months old, but 10 months ago, according to the RAA, the backlog of state government road maintenance funding had soared from $160 million in 2001 to $269 million at that point in time and was estimated to be nearly $350 million by 2019. I know that upgrading our roads would make a big difference.

It is always the driver's responsibility: you do not blame the road, you do not blame the weather and you do not blame the car, unless for example you happen to be hit by lightning or unless your car is well serviced and your brakes still happen to fail. Ruling out those exceptional things, it is the driver's responsibility; however, better roads would make the ability of the driver to fulfil his or her responsibilities much easier, and they would be able to do so in a much safer way. It is not feasible for the government to try to excuse itself from its responsibility with regard to addressing the really unacceptable backlog in road maintenance.

As I hope all members of this house would know, we went to the last election offering to double the state's contribution to black spot road funding. I think that would have been an exceptionally positive thing to do with regard to contributing to road safety. Obviously we were not able to put that policy in place but I encourage members opposite, I encourage the government, to put that policy into effect, because it will certainly save lives, it will certainly reduce accidents. It will certainly let the government off the hook a little bit with some of the arguments that come along about the government focusing on the wrong areas, if the government were to say, 'Look, here are some black spots, here are known places where there have been serious accidents, and here is the government addressing that by increasing funding to improve the safety of those roads at those black spots.'

Again, I commend the shadow minister for road safety, the member for Mitchell, on this issue. This would be a very large body of work that the select committee would have to engage in if it were to look at this, but I think that the way the member has put forward his six points is very responsible, and I think it would be an extraordinary shame if the government did not address this issue and did not want to put a bipartisan, responsible group of members of parliament together to address exactly these things.

It is not about asking why the government does not care about road fatalities; of course, the government does. It is actually about saying, 'Why don't we get our heads together in a really responsible way and try to improve what, unfortunately, to date, has eluded all governments of all political persuasions: that is, that golden chalice goal of getting road fatalities down to zero.' I suspect

that is not possible any time soon, but we could make a very big dent in that. Allowing this select committee to be established would be a very positive and honourable way of contributing towards that target.

Mr TARZIA (Hartley) (11:36): I also rise today to commend the member for Mitchell for moving this motion. He is a wonderful member who is in touch with his local community and, as he pointed out, there are a number of perceptions out there in relation to this issue.

In my first year in this place I have noticed a number of perceptions out there in relation to speed cameras. I have heard many things, and I probably get one or two issues a week come into my electoral office in relation to this. Some of the comments you get are things like, 'Speed cameras are all about raising revenue.' We work in an era and an industry where perception is reality, so it is important that we note these comments and work on these perceptions to make sure that the facts are out there.

I have also heard, out in the electorate, that perhaps speed cameras do not make a large difference to road safety. Again, as members of parliament we have a role to combat that perception and help people to understand why they are in place. There is also a perception that they are not accurate, and we are also told by members of the public that they might be in sneaky positions. We are also told that motorists do not have enough warning before coming upon the cameras. We are told that they are so unpopular and we are asked why, if they are so unpopular, the government keeps putting them in. Is it only to raise revenue or is it more than that? Other comments I get out in the electorate include things like, 'Why aren't the police pursuing real criminals instead of innocent motorists?' It goes on and on.

So there are a number of common perceptions out in the electorate. I think it is essential that we address these, and I commend the member for Mitchell for raising these very important issues in his motion. Whether we like it or not, there is a perception out there of revenue raising, and it is important that we direct our attention towards the relationship between the location of speed cameras and the incidence of road accidents. Surely these speed cameras should be in the best positions to ensure that the road toll comes down, that fatalities come down. This motion will allow the committee, once it is set up, to explore and analyse that issue.

We also know that there are zones in our suburbs, especially in a city electorate like mine, where speed limits constantly change. They constantly change from 60 to 50 to 40 km/h in some areas and the effectiveness of speed limit signage is probably not where it needs to be. That is extremely frustrating and it affects members of the public in our electorates. It is not necessarily white-collar crime crooks who are being nabbed: it is the mums and dads and the elderly citizens who are driving during the week, it is the people dropping their kids off at school. These are real-life people who are affected by these penalties.

We certainly owe it to ourselves to investigate the penalties that the member for Mitchell has established. He has even asked for a review of the fines imposed. Are the fines where they need to be? Do they reach the right balance between punishment and keeping the road toll down? These are all valid concerns that have been raised by the member for Mitchell, and I have no problem in assisting him and supporting his motion.

The member for Mitchell also spoke about the perception out there about police. A lot of the time police bear the brunt of law enforcement, and it is not a nice thing. If someone is doing 58 km/h in a 50 km/h zone, I am sure it is not a nice thing for a police officer to go over and hand them a fine of several hundred dollars. It is important that we educate the community better on this issue, as to why these things are happening and the impacts of speed and the facts on speed, which I would also like to briefly mention.

Obviously travel speeds affect not only the risk of crash involvement but also the severity of crashes, as well as injuries. We all know that speed is certainly a factor in serious crashes; no-one is disputing that. If everyone did the right thing and drove within the speed limit, I am sure that lives would be saved and serious injuries would be prevented. It goes without saying. However, we see that the road toll is higher this year than last year. No matter how many resources we pump into it, no matter how much education we bring to the public's attention, it is still a massive issue. Things such as stopping distance and the impact of speeding on crash risks are clear issues that are still

not getting out there. So, any motion that helps the public to be educated on these issues is certainly a good thing.

Police data on all speed camera fines issued in 2013-14 show that the lowest speeding offence in a 40 km/h zone was 48 km/h; in a 50 km/h zone it was 58 km/h; in an 80 km/h zone it was 89 km/h; in a 100 km/h zone it was 110 km/h; and in a 110 km/h zone it was 120 km/h. This data should certainly be questioning why this is happening and if there is perhaps more merit in moving these speed cameras. One classic example is where trucks incur fines. They might have to go over the speed limit for a fraction of a second and it might happen to be where a camera is located and they get nabbed.

The essential part of this motion reiterates the fact that we need to try to reduce fatalities on our roads. We need to reduce the road toll. It is not about revenue raising. It is an easy pinch for the government and it is not necessarily an attractive issue for them, but it is not just about revenue raising. We need to be doing more than just revenue raising.

Of the top 10 speed camera sites—and I am proud to say that none of the sites are in Hartley, and I hope none are in your electorate, Deputy Speaker—Montacute Road, Ingle Farm is the number one site. There were 10,061 fines at a value of $3.3 million. It is extraordinary. The revenue that is being raised at some of these sites is extraordinary. There is no doubt that the balance is not there. The balance between revenue raised and the reduction in road fatalities is not there, and that is the balance that we need to strike. We need to get that right. We need to be better at it.

I commend the member for Mitchell for his motion. As I said, he is a member of parliament who is in touch with his electorate. This is a massive issue in the electorate, and I will certainly commend any motion to the house which aims to reduce the road toll, reduce fatalities on our roads, and gets that balance right in relation to speed camera fines.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:44): I support the motion before the house and thank the member for Mitchell for introducing the same. I agree with other speakers that he has taken this issue up locally and, in his new portfolio responsibility role for this side of the house, with vigour and effectiveness, and we thank him for progressing with this motion.

Driver behaviour, including speed, clearly is a significant factor to be taken into account in road deaths and road safety matters. The increase in fatalities last year, and the alarming number of 13 road deaths just in January of this year, indicates that if the government is not going to address some of these issues then the opposition will take up the mantle and encourage the parliament to view these matters. They are serious, and I do not doubt for one moment that members opposite are concerned about the increasing number of road deaths. I am sure they have considerable concern about that, but they have to act on it and, in the absence of acting on it, I commend the member for Mitchell for doing so.

There are three issues in the electorate of Bragg I want to place on the table and ask the committee in due course to consider; one is that from time to time there are fairly ad hoc reviews of speed limits, and the Adelaide Hills, which is by far the greatest geographical area of my electorate, is currently under review. The Adelaide Hills Council, for example, is working on a review. The local residents are used to steep, windy, narrow roads and often having to deal with an increased cyclist presence, particularly on weekends and sunny days, and we want to encourage that activity.

The question of being able to deal with access to all the roads and whether we should be providing some dedicated tracks there I think is critical. The combination of speed in trying to accommodate that and ensure that local people are not so heavily impeded by having unreasonably slow speed limits that impede their capacity to get on and deliver their children to school, attend to harvest and all the other things that they need to do, I realise is a balance.

Last week, for example, the member for Heysen and I attended the Uraidla Show, which is proudly in my electorate. It is the first of the royal shows in the South Australian calendar, and thousands of people came into the district and enjoyed that event. The British car club is no longer at Uraidla but now across at Stirling. These are major festivals of activity we are proud of and we want to encourage people to come to, so there has got to be that balance, but these are steep, windy, narrow roads and we really do need to consider that.

The biggest revenue raiser for my electorate is those who are coming in from the east and who hit the Parklands and it is suddenly 50 km/h. I walked through the Parklands this morning and saw two rats—they were not people; they were real rats—I saw a person from industry—

Ms Digance: Were they speeding?

Ms CHAPMAN: No, they were not; they rushed across in front. I ask you: how dangerous is it to drive on a roadway between two parcels of parkland at 50 km/h? This area, particularly from South Terrace to Greenhill Road, is an absolute goldmine for governments because they are changing the speed limit unnecessarily.

The Hon. S.W. Key interjecting:

Ms CHAPMAN: No, the minister can comment about council. Adelaide City Council has raised this issue in Hutt Street, where they have gone into the 40 zone, the trial period and so on, but the 50 zone, which was imposed at the state level, is one which I know other members have written to previous government ministers about. I would ask them to take it up because of this question of placing speed cameras in areas of high turnover where there is an inadvertent circumstance and the answer of the government is, 'Oh, well, it's 50 unless it's signed otherwise.' Well, hello, that issue has to be looked at and I ask that it be considered.

Finally, if the member for Mitchell's committee is successful, which I hope it is, it should look at the major roads. Portrush Road is a federally funded upgrade road; it is a major highway for the purposes of taking up to 3,000 trucks a day, and multiple heavy vehicles. There are some long-term plans to take them on to the new north-south corridor, if we ever get that finished.

On our side of politics, we are keen for that to happen. It is a bit of a sad story that they sold all the land under the MATS plan and we had to start all over again, but one day that will happen, and we can then reduce the heavy-vehicle traffic going along Portrush Road, which is adjacent to many schools. Nowhere else in Australia do main arterial roads have such a high number of schools adjacent to them.

This issue has been raised before. I can remember raising it with the Hon. Trish White, who was minister for education and minister for transport. We still have not resolved this issue, and we still have the potential of collisions between heavy vehicles, cars, cyclists and pedestrians.

Mr Tarzia: They want to put a bike lane on it.

Ms CHAPMAN: And, of course, what does the government want to do? They want to put a bike lane down the middle of it. We have begged the government not to progress with that. It is a road safety consequence. It is a busy road. We accept that at present it is the only outlet road leading to the South Eastern Freeway for the trucking industry. We understand that they cannot get around Britannia roundabout, and now that they have put two roundabouts there, they still cannot get around it. The second roundabout is of course being dug up at the moment because we are about to have the Clipsal.

The reality is that we fit in when the government comes up with reasonable ideas; but, at the moment, they have come up with some ideas that are some absolute stinkers which do put safety and people at risk. We will not support them. We want to think sensibly about this. If they are really serious about road safety (which I think, in their hearts, each of them would be) then they need to walk into that cabinet room and make sure that they do it property. I commend the motion to the house and thank the member for Mitchell.

Debate adjourned on motion of Hon. T.R. Kenyon.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: UPPER PASKEVILLE EARTH BANK STORAGE RELINE PROJECT

Ms DIGANCE (Elder) (11:52): I move:

That the 510th report of the committee, on the Upper Paskeville 100 ML Earth Bank Storage Reline Project, be noted.

SA Water, as part of its larger project to repair and maintain the three water storage facilities in the Paskeville area, is proposing the immediate replacement of the floating cover and liner for the 100-megalitre water storage facility at Upper Paskeville. These floating covers and liners deteriorate over time due to exposure to light and weather conditions. Following recent testing, it was identified that there would be an unacceptable risk to the cover's integrity by 2015-16, risking contamination of the stored water, and hence contamination to the water supply of the region.

In determining the most appropriate course of action for the 100-megalitre facility, four options were considered. This approach provides the most cost-effective and least risk to water supply in the area. It will see the immediate replacement of the floating cover and liner, and the replacement and upgrade of existing valves and associated pipework. Construction works are due to commence on May 2015, with the project to be completed by the end of this calendar year.

The total cost of these works is $5.428 million (GST exclusive). Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Debate adjourned on motion of Mr Gardner.

PUBLIC WORKS COMMITTEE: SOUTH EASTERN FREEWAY INTERCHANGE

Ms DIGANCE (Elder) (11:54): I move:

That the 511th report of the committee, on the South Eastern Freeway Interchange at Bald Hills Road, Mount Barker, be noted.

The current Adelaide Road interchange at Mount Barker is at capacity, and with the anticipated residential growth in the area there is a need to address traffic management. This jointly funded project is an ideal opportunity to provide additional and alternative access to the South Eastern Freeway.

The proposal will see a new interchange constructed for the freeway at Bald Hills Road, Mount Barker, providing a new link between Bald Hills Road and the freeway. As part of the project, the Bald Hills Road/Old Princes Highway intersection will also be upgraded. Specifically, the project will provide:

- an Adelaide-bound entry ramp on the south side of the freeway;
- an Adelaide off-ramp on the northern side of the freeway;
- an increase in vehicle height clearance of the existing underpass to allow for the safe passage of B-double heavy vehicles;
- provisional construction in anticipation of future Murray Bridge entry and exit lanes; and
- a new roundabout at the junction of Old Princes Highway and Bald Hills Road.

The total cost of the works is estimated to be $27 million (GST exclusive), jointly funded by the state and federal governments and the District Council of Mount Barker. The project is expected to be completed by April 2016. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Debate adjourned on motion of Mr Gardner.

PUBLIC WORKS COMMITTEE: NORTH-SOUTH CORRIDOR (TORRENS ROAD TO RIVER TORRENS)

Ms DIGANCE (Elder) (11:56): I move:

That the 512th report of the committee, entitled North-South Corridor (Torrens Road to River Torrens), be noted.

This proposal is one of a number of projects in the upgrade of this major Adelaide transport corridor. It will see the upgrade of South Road between Torrens Road and the River Torrens—a distance of 3.7 kilometres. Specifically, it includes:

- a 1.4 kilometre section of lowered road between Hythe Street at Ridleyton and Hindmarsh Avenue at West Hindmarsh;
- a 2.5 kilometre non-stop section of road (which includes the lowered road);
- a grade separation overpass of the Outer Harbour rail line; and
- upgrades to a number of key intersections.

Preliminary works have already commenced, with the committee reporting to the house on those works in October 2013.

The works for the upgrade which we are now considering will commence later this year with an aim of completing the major construction work in 2018 and other post-construction and maintenance works to be finalised in 2019.

This is a jointly funded project between the state and federal governments with each contributing in equal proportions to the $896 million (GST exclusive) for the project. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Debate adjourned on motion of Mr Gardner.

Bills

DEVELOPMENT (ASSESSMENT) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (11:59): Obtained leave and introduced a bill for an act to amend the Development Act 1993; and to make related variation to the Development Regulations 2008. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (12:00): I move:

That this bill be now read a second time.

On 18 September 2014, Her Honour Judge Cole of the Environment, Resources and Development Court handed down a judgement in the case of Paior & Anor v City of Marion and Others (No.3) which, for those who wish to look it up, is in 2014 SAERDC 42.

This decision is the latest in a series of judgements that have caused problems to the system of development assessment for detached, semidetached and row dwellings and land division. This government regards the residential construction sector as a crucial part of our state's economy. Following representations from both industry and councils concerned about the negative effects of this decision, we have brought forward this bill for debate. Given that detached and semidetached dwellings are the most common form of residential development, the consequences of this decision cannot be left unaddressed.

I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

It is common practice in South Australia for home builders to seek planning approval for dwellings ahead of undertaking subsequent subdivision in respect of house and land packages involving subdivision of land. Builders can get an early 'yes' or 'no' on their plans before they invest time and money in further approvals that they will only need if they know their development can go ahead. This is a practice that is common both for 'two for one' infill, as well as for larger-scale greenfield development.

The Paior decision reverses this practice, requiring all steps associated with subdivision to be fully completed, including the issuing of a title before a planning approval can be granted for a home to be built on the site. Requiring

subdivision ahead of a development approval brings forward a number of expenses will be brought up front, without any guarantee of a subsequent dwelling approval, resulting in higher building costs and, potentially, higher purchase prices.

Ultimately, left unaddressed, this will mean less jobs for builders, fewer homes at an affordable price for home buyers and pressure on the rental market.

This is not the first time the government has had to respond to a court decision relating to the interaction between dwelling and subdivision approvals. In 2008 the Supreme Court handed down its judgment in the case of City of Port Adelaide Enfield v Moseley [2008] SASC 88 which raised similar issues.

This case directly overruled a decision of the Environment, Resources and Development Court. Given a number of earlier judgments in which similar comment had been made including McNamara v City of Charles Sturt & Attard [2001] SASC 368 and Kermode v City of Mitcham [2007] SAERDC 57, the government decided to put the matter beyond doubt by amending the relevant definition in the Development Regulations.

The regulation change made in 2008 sought to make clear that a dwelling approval could be granted whether or not land had first been subdivided. This was done by amending the definition of 'site' to make it clear that the use of this term in relation to various land use types should not import any notion of title. The Paior decision appears to have misunderstood the intent of the regulations.

The Paior decision also follows two judgments from 2014—Mileto v City of Port Adelaide Enfield [2014] SAERDC 39 and Dyson v City of Port Adelaide Enfield [2014] SAERDC 36, and preceded a further decision in Tru Energy Renewable Developments Pty Ltd v Regional Council of Goyder & Ors [2014] SAERDC 48. This is a trail of complicated and, at times, confusing judgments. In the case of Mileto, the court refused to countenance a land division that followed a privately certified approval of a residential code compliant development involving 3 dwellings. In the case of Dyson, the court expressed frustration that councils are not following the principles enunciated in Moseley (ignoring the regulation changes made since that case). In the case of Tru Energy, the court seemed to conclude, contrary to Paior, that the Moseley principle was in fact not a rule of law and should be applied flexibly. It is important that this Bill is passed so as to provide certainty to state and local government and industry.

That is why this bill seeks to make it clear, in statute, that there is not a need to create an allotment before seeking approval for a land use on that allotment.

The bill achieves this in two ways.

Firstly, the bill inserts a new subsection (3a) into existing section 33 which provides that, for the avoidance of doubt, in assessing a proposed development it is not necessary for an assessment body to grant the consents in any particular order. This new subsection will directly address the line of reasoning that Paior has crystallised relating to subdivision approval.

Secondly, the bill also makes consequential amendments directly to the Development Regulations. These changes clarify the meaning of a site held exclusively.

The making of amendments directly to the regulations in a bill is an unusual course of action and directly flows from the process currently imposed by section 5 of the Development Act.

The government is of the view that this provision is cumbersome prevents timely updates to development definitions necessary to respond to case law and changing industry practice. Because of this, we have chosen to introduce an amendment as part of this bill that will make it easier to maintain the land use definitions set out in Schedule 1 of the regulations in future.

The final issue the Government wishes to address concerns minor variations—minor variations from complying development provisions and also minor variations to approved developments.

With regard to complying development section 35(1b) of the Act allows a council to accept minor departures from set standards without the need for a formal on-merit development application. This is quite common as a development application progresses.

Often detailed building requirements considered as the building consent stage of an assessment process may result in the need to tweak the original planning consent in some fashion. For example, a change in a roof truss product as the detail of the building consent stage may mean that the angle of the roofline will be altered by a few degrees; in many cases, this may require a minor variation to the original planning consent. Similar issues can arise in relation to a number of other building issues, depending on product availability and detailed building design.

Typically, a council assessment officer will address these matters by accepting a change as a 'minor variation' within the terms of this subsection, rather than requiring a new development application that would require a formal merit assessment.

The government proposes to include a new subsection (1ba) which is intended to allow for guidelines on the type of variations that should be regarded as minor to be issued by the Minister. While not intended to fetter or limit the discretion of assessment officers under subsection (1b), those who act consistently with the guidelines will be

protected from any court challenge suggesting they have misused their discretion. This will allow a greater degree of certainty in the application of subsection (1b) for councils and applicants.

The second matter concerning minor variations, directly raised in Paior, relates to minor variations as they relate to approved developments. To ensure current practices can continue the government has issued regulations under section 39(7)(b) of the Act which make it clear that a request for a minor variation after a development approval is granted does not require a new application. The regulations make other consequential amendments to the regulations necessary to give effect to this principle.

Additionally, the regulations will provide that if a development plan consent has been granted for residential code development, a proposed division of land that provides for that development to occur is to be treated as complying development. This directly addresses the issues raised in the case of Mileto. The effect of this is that private certifiers will be able to certify a land division relating to a residential code development as part of the one process.

Mr Speaker, a healthy housing industry is a sign of a healthy economy and helps to ensure housing continues to be affordable for all of our citizens—a key competitive advantage for South Australia on the national and world stage. Once again, this government is acting to support this vital part of the South Australian economy and I encourage all members to do the same.

I commend this Bill to the house and look forward to its speedy passage.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 5—Interpretation of Development Plans

These amendments alter the consultation requirements relating to regulations made for the purpose of defining a term used in a Development Plan.

5—Amendment of section 33—Matters against which development must be assessed

This amendment clarifies that, in relation to a proposed development that requires more than 1 consent for the approval of the development, a relevant authority is not required to grant the consents in any particular order.

6—Amendment of section 35—Special provisions relating to assessment against Development Plan

This amendment provides that if a relevant authority assesses a development as being a minor variation from complying development and the variation is consistent with any guidelines published by the Minister by notice in the Gazette, that variation is to be taken to be a minor variation for the purposes of the Act.

7—Amendment of *Development Regulations 2008*

This is a technical provision relating to the variation of the *Development Regulations 2008* by Schedule 1.

Schedule 1—Variation of *Development Regulations 2008*

1—Variation of regulation 3—Interpretation

This clause varies regulation 3 of the *Development Regulations 2008* by inserting a new subregulation which provides that a reference in a term set out in Schedule 1 (of the *Development Regulations 2008*) to a dwelling occupying a site that is held exclusively with that dwelling will be taken to be a reference to the site being held exclusively for the purposes of occupation or use of the dwelling and will not be taken to require separate ownership of, or title to, the site.

Debate adjourned on motion of Mr Gardner.

REAL PROPERTY (PRIORITY NOTICES AND OTHER MEASURES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 February 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:02): I rise to speak on the Real Property (Priority Notices and Other Measures) Amendment Bill 2015 and indicate that the

opposition will not be opposing the passage of this bill in this house. Having received some briefings, but some matters not being resolved, we want to consider whether some amendments need to be considered. However, on the face of it, we understand that there is some pressing need for the passage of this bill and, whilst our concerns are of moment, we accept that they are probably matters that can be resolved between the houses.

Before I address the bill directly, I thank the Attorney in the presence of all our colleagues for his presentation to the Full Court of the Supreme Court this morning in the commission being received by Justice David Lovell, who has now joined his fellow judges at high level on the Supreme Court. I appreciate that the Attorney has spoken on behalf of the parliament this morning.

This bill touches on some of the reforms that are either prudent or necessary, arising out of the introduction of a national scheme to accommodate an ever-changing world and, in particular, the advent of electronic conveyancing. Some members would be familiar with the fact that our property law is one which, historically, has required that all transactions in respect of property needed to be in writing. 'In writing' did not mean it had to be in quill and ink, but it did need to be in a solid form in the sense of being on paper or papyrus.

There is good reason for this, because of the significance of property ownership and the challenges to it and the opportunities for people to access what they should not have and to, in particular, protect the proprietary rights of those who are entitled to the ownership of land, or an interest in it. It has also been there for other reasons, I think, in the last couple of hundred years—to ensure that there is a paper trail to protect the revenue base for whoever is the governing body, whether that is the king or whether it has been a parliament or governments.

It is fair to say that property (that is, real property, being land, and the improvements on it, increasing its value) has attracted over the centuries a multitude of taxes. One way of making sure that the collector of the funds (the chancellors of the exchequers of the world) or, now, the member for West Torrens gets his money is to make sure there is a paper trail and a documentary evidence of transactions.

You could not, and still cannot, just have a handshake in relation to the transfer of a piece of real property and expect that you are going to get away with it or that, indeed, the 'handshakee' is likely to have any secure protection on the equitable ownership of that property. That has been around for centuries and that has had, obviously, a whole structure of law set around it to make sure that it happens and, also, that it protects the interests that we have referred to.

But here is the real world. The real world is one where an electronic recording of significant transfers and interests is a way of the world. I am yet to see e-wills but that may be next around the corner.

The DEPUTY SPEAKER: We have video wills.

Ms CHAPMAN: Yes, video wills, as the Deputy Speaker mentions. I always thought you would be either buried or cremated but I am now told you can have a chemical bath. I like to think of my e-laser burial, but it is yet to come. But it is a reality that we do need to accommodate this, not just because we are in an electronic recording world—whether it is your health records, property assets, will or any other important documents and recordings that we have. Emails, of course, for example, have recently come under scrutiny by the ICAC Commissioner (Hon. Bruce Lander) in relation to ensuring that they are retained for the purposes of state records. So we have a lot of laws that sit around the recording of things when they have moved from a paper across to an electronic world. This is really no exception.

I am thankful for the advice and, indeed, considerable time provided yesterday by the Registrar-General of the Lands Titles Office (Mr Brenton Pike). He has provided both information in writing and at his session. It is unusual for me to do this but I also wish to thank Mr Peter Geytenbeek, who is an adviser to the Attorney. I have not quite worked out his level of seniority yet but I think he is up there with Mr Evans and others. In any event, he has been most helpful in promptly providing some material from the government, in particular, the Attorney's office, for a proposed amendment which I indicate, on the face of it, will have no objection from our side of the house.

The areas under consideration really fall into three categories. One is the introduction of a process of priority notices, which is already applicable in some other states. The second is to provide for the verification of an identity regime to be more expansive which, whilst onerous, on the face of it, is necessary for both consistency and protection. I am going to address those two in a moment.

There is also provision for crown lease and variations to the Real Property Act to clarify and sensibly modernise the registration of crown leases, which is a responsibility of the Lands Titles Office in providing a register of crown leases. As distinct from people who have an interest in fee simple, there is a crown lease registry which they maintain responsibility for. Perhaps I will address that first so that the Attorney can have someone get busy and perhaps check with another minister as to what is actually going on in that regard.

There is apparently a unit in the Department of Environment under minister Hunter which has responsibility for the management and fees that apply, stocking rates, etc., for pastoral leases and which, again, are leases that are given out usually to station owners across the north of the state mostly, some above the Riverland and a few on the West Coast around Lock. As I see it, and this is what I think needs to be clarified, we have crown leases in a category which encompasses a number of types of leases, and pastoral leases are, in a way, a type of crown lease.

The land is owned by the Crown and there is a document issued to give you the right to occupy and to be able to improve and various things as in a crown lease. However, the pastoral leases, particularly given the climatic circumstances and the very delicate nature of that environment, I think it is fair to say, on balance have an even higher threshold of obligation by the land occupier in respect of things that they are to do or not do on the property which they occupy. Very often the regimes for that are set by the Minister for Environment. As I say, delicacy of soil, the capacity to erode the natural environment, and indeed the significance in ensuring there is not overstocking and the like are all factors which all add to the, I think, reasonable reasons why, to date, we have had a Pastoral Board which helps manage that, with the Minister for Environment having ultimate responsibility.

There is other proposed legislation to get rid of the Pastoral Board, and the Minister for Environment is going to assume responsibility for how much the pastoralists pay for occupancy in the licence to occupy under their pastoral leases, stocking rates and all the other things that go with the obligations they have. Whilst personally I am not very happy with that, the reason I raise it in this bill is that, if the unit in the Department of Environment is going to continue to operate and there is already a responsibility at the Lands Titles Office for the keeping of a register (the keeper of the books as to who owns the crown leases), it seems to me that we need to have the independence of the Lands Titles Office regime in some way involved in ensuring that those pastoral leases are also kept in a proper record.

At this stage, it seems to be two departments that are dealing with this. One department is proposing to assume responsibility of external supervision and get rid of the board. I think that has been a watchdog for a number of reasons, but this is one of them, and if there is going to be some reform in that area and we are here to modernise it in a more narrow way in the sense of the account-keeping of that register, I would ask the Attorney to inquire of his fellow cabinet minister as to what is going to be going on in that regard and whether there is room for further action to be taken in that area of reform.

The second reading tells us that this current bill is to remove existing, apparently ambiguous, respects of the registration of crown leases, and since the amendments made in 1990 the legislation has not contained an express power to register or record dealings with crown leases. That may apply to pastoral leases; I think that needs to be looked into.

The other reason suggested that the dealings, if I paraphrase it, in respect of crown leases and in particular the instruments dealing with them, whether that was transfers, mortgages etc., should be registered and recorded in the same way as other lands in the register book. That is apparently already happening and has for some time, and it is a statutory endorsement of that practice. Again, I think we need to look at how pastoral leases fit in with that regime.

There is provision, apparently, for the circumstance in which a crown lease can be registered where consent that is necessary under the legislation governing crown leases has not been obtained.

This specifically refers to the Crown Land Management Act 2009 and the Pastoral Land Management and Conservation Act 1989, so I think we need to know a little bit more about that, in particular how it applies to Pastoral Land Management and Conservation Act matters. If the Attorney-General does not know and it is really still in the remit of the Minister for Environment, he is on notice that I will be asking questions about that when we deal with the boards and committees legislation, possibly later this week.

The final matter we are advised of in the second reading is that clarification is required for what is described as:

> …the long held understanding that a registered Crown lease, or a registered interest in a Crown lease, is considered to be indefeasible in the same way as an estate or interest in land that is registered in the register book. However, indefeasibility of Crown leases and instruments affecting Crown leases is subject to consistency with the legislation governing Crown leases.

I do not understand that. It may be a simple observation, but it seems inconsistent with my understanding of what the situation is. Perhaps we can have some clarification or even an example of where there is some weakness in the system if we do not make express provision to do just that.

There are some other amendments which are in the 'other measures', I expect, in the title of this bill. This relates to questions of certifications under the Real Property Act being given by a natural person with personal knowledge of the matters being certified. I will come back to that in our discussion as to the verification of identity proposals. Can I say that those matters that are raised as other amendments appear to be incidental to the two primary objectives.

I return then to the two areas of the bill which I would describe as the most substantive. Following the development of national electronic conveyancing systems across the country, I note, as provided by Mr Pike, that there is electronic conveyancing law, which is adoption of the national law and the scheme that is to apply now across the country. It has happened over the last few years. We passed our legislation back in 2013 and it was ultimately assented to on 5 December 2013, and it appears that everyone except the ACT has signed up to the national scheme.

Mr Pike attempted to explain to me why the ACT is not in there. He is no doubt very familiar with what their processes are, but they apparently have not signed up to the agreement and therefore have not been party ultimately to the scheme that is being rolled out. I suspect that it is something to do with the ownership of all of the land in the ACT; members would be familiar with the fact that it is land that was effectively given up by the state of New South Wales to accommodate our capital when Canberra was established.

We in South Australia often look on with amusement when New South Wales and Victoria do not agree. At that time, in the early part of the last century, they could not agree where the capital of Australia should be, so they decided that they would build a new one. I think that they should have put it in Adelaide myself. Nevertheless, Victoria and New South Wales, or Sydney and Melbourne, in particular, have not usually agreed with most things over the last 200 years and, true to form, they set up a new bit of territory. New South Wales handed over some farmland. They plugged up either end of the creek and built Lake Burley Griffin and then built a beautiful city around it, and that is now the home of our national parliament, national art gallery and the High Court, etc., and it is a lovely part of Australia.

But the ownership of people who buy a property in the suburb of Chapman, or any other suburb of Canberra, do not get the same proprietary rights as an estate in fee simple like we do in the rest of Australia. They have a crown lease system for everything, so they do not enjoy, I suppose, the same level of autonomy in their ownership and exclusivity and indivisibility in their ownership.

I am only guessing, but I suspect that the ACT says, 'We don't give a toss what the rest of Australia does, we're under a different system, and we want to keep our own system. We know what we're doing. It's a good system, and the rest can do what they like.' I might be wrong but, in any event, good luck to them. They might want to sort of crawl in the door one day. I notice that even Queensland and Western Australia came crawling in when we decided to federate, so I suppose the ACT might do so when they run out of money and decide that they want to join the team.

I am not a great advocate of national laws. I am a federalist. I noticed in the parliament yesterday that our newest member, the member for Davenport, is a self-proclaimed federalist. I welcome him to the parliament and the importance of ensuring that we share power in the levels of government in Australia. So, I welcome him for his commitment to that, which he made public in his maiden speech.

The reason I am particularly concerned about national laws is that I have been here for 13 years, and I cannot think of one set of national law where we have actually done any better or a lot better having introduced it, and I covered transport and infrastructure, and we have had myriad legislation there. We have had a railways commissioner and a roads commissioner here in South Australia for, I think, 100 years. They have special powers to acquire land, to build important roads and rail and all sorts of things, and we have had a structure in relation to transport and infrastructure which I think has done pretty well.

We have had registration of heavy vehicles, ships and marine vessels. I am proudly part owner of a building in Victoria Square, which accommodated the Harbors Board for 80 years or so in this state. We have had rail registration to deal with the private operators in South Australia—this is the non-passenger operating in South Australia.

When we nationalised those, what happened? We set up a system where the national head office for rail would be in South Australia, the national head office for trucks and heavy transport would be in Queensland, and the national head office for ships and marine vessels would be in Canberra. Of course, they know a lot about water, don't they? Of course, they have none, and they are close to the sea—not. In any event, we now have, I think, pretty much a dysfunctional national system in relation to registration of marine, rail and heavy transport as a result of moving from really good models in some of the states in each of those areas to a shambles.

Interestingly, I think that Canberra is probably the closest to getting better, but then we do not have a very big shipping transport system out of South Australia relative to other states, particularly Victoria, but it is still an important one; it takes the biggest produce from South Australia, in our mining and primary produce, out through the gulfs and out of Port Adelaide. We have a reasonable container business, so shipping is important.

What we have ended up with is a structure of registration at these national headquarters which has caused extra costs, inconvenience and delay of all three, particularly heavy transport—it is not so much rail, but those two are worse than marine, I think—over the last few years. It has been a mess. You ask any truck driver in South Australia who is now waiting for a permit to be able to go on a council road from a property into their local town to unload their shipment of grain, and/or to go onto a property to collect their grain. Frankly it is a mess. They have had to wait weeks when they have a seasonal obligation to clear silos, unload their product and collect it from local farms. It is a mess, and that is just one example.

So I place on the record yet again my cynicism, perhaps unreasonably in this instance, about how the national program is going to be quicker, cheaper, more efficient and valuable to those who are involved in it. My experience is that it has added more structures—

The Hon. J.R. RAU: Point of order, on two grounds. The first one is that we are slightly moving off the topic, and the second one is that the deputy leader knows very well she is pressing all my buttons. She knows that I agree with everything she is saying and she is—

An honourable member: Point of order?

The DEPUTY SPEAKER: I am sure he is coming to it.

The Hon. J.R. RAU: She is trying to get me to withdraw this bill.

The DEPUTY SPEAKER: I don't think that is a point of order, is it?

The Hon. J.R. RAU: Stop tempting me with that sort of stuff, please, member for Bragg.

The DEPUTY SPEAKER: I am searching desperately for it, but I do not think it is a point of order.

Ms CHAPMAN: I humbly apologise for teasing the Attorney-General—

The DEPUTY SPEAKER: So you admit you are teasing the Attorney? There must be a standing order on that: no teasing.

Ms CHAPMAN: Frankly, if he had any courage he would go into cabinet and say, 'Listen, why are we signing up to all these national schemes when they don't actually provide us with what they say they are going to provide us?' Having indicated his position of agreement with what I am saying on this, he has failed to walk into that cabinet room and make sure that we are not dragged into them before they get these wonderful panaceas of national schemes that are going to work.

Nevertheless, he and I both agree that we are stuck with the fact that we are in the electronic world. Gone are the days of going down to the Lands Titles Office—probably driving down (depending on where we are coming from) in our boss's car, or walking down—with a little folder of pink-ribboned, folded title documents ready to meet with the bank, the solicitors or the conveyancers for the other side, and various other people who attended in those days, to conduct a settlement with respect to the transfer of land.

Gone are the days—sadly, I think—where, when you did have your settlement, the clerk behind the desk would check the original title, check the documents, and would pencil onto the title both the discharge of mortgage and the transfer of the new mortgage (or multiples of those), and then there would be a thorough checking of these documents before these others, beavering behind in the Lands Titles Office. They would make sure—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: I will give the tissue box to the Attorney at this point. It all worked. I am here to tell you that even in those days, in that wonderful land of the conveyancing world, there were crooks around. There were people who would try to steal titles, pretend they were someone else, who would cause mischief with land in being able to obstruct the lawful placement of registered interests on titles, all these things. They have always happened. There will always be someone around; as they say, wherever there is property or where there is money there is always corruption. There is nothing new about that. You will always get someone who is trying to get an unfair advantage and something that is unethical or unlawful when it comes to land.

We value it. It is a very important piece of property. It is often the residential home for many South Australians, and that home is very important to them. It is not only secure accommodation, it also provides an asset base for borrowings and security to ensure that they have other opportunities—business and the like—in their life.

There were and there are different interests that can be registered on titles as well, including workers liens if people have not been paid, builders' liens, caveats to secure unregistered interests which are quite lawful and claims against property. We used to have caveats for people who did not pay maintenance for their children. Frankly, I think that should be reintroduced. The minister for community welfare, as it used to be called, used to be able to register a caveat on a title for $10,000 of unpaid child maintenance. When they did not pay, they lined up to get an extra loan. They said they were poor, unemployed—you know, all those things, the usual. When they lined up to get an extra loan for their business or to extend their overdraft—hello?—there would be a little caveat sitting on the title and the minister for community welfare would say, 'Well, nothing is going to happen on this land until I get my money.' And guess what? People used to pay up. They would extend their overdraft, they would borrow a bit extra and they would clear their debts.

It is important that we have an orderly process for the purposes of registering lawful interests, whatever they are, and that we have a system which is there to protect against the bad people who want to unfairly or illegally deny people their rightful entitlement. So, when we come to electronic conveyancing and we do not have a document in existence that people can immediately have copies of, or if we do not have a signature for the purposes of facilitating the authorisation to register—in this case, to register an interest on the title of the land or the person's interest in the land—when we change those rules, we have to be very careful to wrap it with some protection.

The first thing we need to do is ensure that we stop people jumping in ahead of someone else's lawful entitlement to have their interests registered first. Again, if I can just say, historically a classic example of this is when mum and dad give to their son and new daughter-in-law a large loan

to go and buy their house and they say, 'We'll have this little agreement where you are going to owe us $50,000 if we ever need it for our medical needs in our retirement. But basically we agree that it's our money.' Worse still is if the kids are going to divorce. They do not register it so they can avoid things such as registration fees and the like, but everyone understands that that is the arrangement. Then the kids decide that they are going to do a massive extension and they go off to the bank and borrow a huge amount of money. In the event that they did the extension and it did not add any value to the house and there was every likelihood that if it was sold in a hurry the equity, which had been contributed to by the parents, would evaporate, guess what? The bank could get it all.

The kids might be talking to their parents saying, 'We're going to do this,' and so on. The parents might say, 'We want to register the unregistered mortgage that we've got securing our loan to you kids as a first priority,' and the kids might say, 'Well, we don't really want you to do that because it might scare away the bank. It will take up the equity and then they'll say that they won't give us the whole amount of money' and so on. So you have these competing interests. Who should have priority in those circumstances? Should it be the parents, who have advanced that money in the first instance and who are going to be generous in their repayment arrangement? It may not ever happen; it may be cancelled or forgiven at death. Or should it be the bank, from where the kids want that money? Or should it be someone else, like the builder who comes in to do some work to improve the property who has not been paid because, as I say, the kids want to bypass that improvement? He or she might be owed money. Who should get priority there?

The builder may have thought the kids might eventually pay, but they do not. They enter an arrangement where the kids are going to pay over a period of time, but they do not. So eventually the builder goes along to his lawyer and the lawyer says, 'Look, you're just going to have put a lien over this title. It's the only safe way to deal with it.'

What happens is that the kids go in and they say to the bank, 'Okay, we want to borrow $100,000. We want to do that massive extension; there's no other security on this property.' So, what does the bank do? The bank says, 'We are going to register a priority notice.' This is the new regime that is being introduced here, under the legislation, to give someone who is going to have an interest in the property the opportunity to register a priority. This is supposed to alert the rest of the world that, if they have a look at the title and try to register an interest before them, they will see the bank has put a priority notice on the title, and they have to stand in line.

Assume for the moment that the parents do not even know about this, or the builder has no clue what is going on, that he is not even going to look at the title; but if they ever do go to register, when they see that the place has undergone considerable work and then realise that there is a bank loan registered on it before them, they have got no chance. It probably would not even be worth registering it after that, because there may be no chance of getting their money secured, as is a registered mortgagee.

This is designed, apparently, to try to ensure that it tells the world that the banks in particular are going to have priority, that they going to lend some money to the owners, it is going to be secured by a mortgage, and it is to be over 60 or 90-day period (a limited period). It is not a caveat. It is going to be a simple process, apparently, where the notice goes on—it is all electronic. Mr Pike was most helpful in explaining this to me. It is going to be all electronic so the conveyancers can sit in their office, presumably in the bank, and just press a few buttons and the notice will go on the title electronically. So, there is nobody over in Mr Pike's office who has to actually receive it or even necessarily check it. It will be electronic at that point.

There will be a payment of a fee of something like $20—modest—to do that. So, even though it is electronic at that point, there is nobody beavering around behind with a caveat, where they have to check the document and the signatures and then plug it in themselves; it is going to be all electronic. Then, when the real documents come in—that is, the discharges, the mortgages, the transfer documents—they are scanned as well. Again, as I understand it, if they do not measure up exactly as to what the priority notice indicated, some sort of alarm goes off and somebody in the Land Titles Office then has to come in and check those. They think, 'Well, okay, it hasn't turned out exactly as it was supposed to,' so they run a check. It is not universal, but it will be a system that will alert the Land Titles Office if the intended transaction does not match up with what the transaction is actually going to be. A small fee is going to be charged for that.

I was a little bit concerned to hear, Attorney—and you have introduced this obviously to line up with the national scheme, and accepting the merits of having priority notices—that there has not really been any modelling done as to the cost of this being employed in the offices. It is possible—I hope this is the case—that because it is all pretty new not a lot of people are going to use this in a hurry. I am advised that the people who are using it interstate are the banks, obviously. One would assume that they have an army of people who know what they are doing and that there are not a lot of muck-ups with it and that it is not causing a huge burden on the registration offices or the equivalent of the Lands Titles Office around the country.

Once we have moved from this transition period, where we have got paper and electronics—and I appreciate some of the system marries the two to keep some consistency so at least the conveyancing and legal profession are not burdened with having different sets of rules for both—this priority notice procedure is going to be not only time consuming but expensive, and a lot more expensive than $20.

That does not mean that I am going to welcome any regulation in a year's time which suddenly jumps it to $200, let me tell you, but I make this point: it is disappointing to me that the exercise has not been done, first for those in the Lands Titles Office who are going to have to carry out this responsibility but, secondly, the good old payer, the good old consumer, the person who is actually buying the house or interest in a property who has to end up paying for all of these things. They pay for all of the preparation of the documents, they pay all the stamp duties, they pay all the registration fees and this is just going to be one more fee.

Whilst banks might happily use this because they are organised and they are going to be protecting their interests, even their prospective interests (even though they charge sometimes like wounded bulls to their customers), the fact is that it is going to be an extra cost. That does concern me, because we are trying to encourage affordable access for young people particularly in buying their own homes and we are adding another fee. On the face of it, it looks small and modest at this stage but I am not confident that it will stay that way, so I do have some concerns about that.

In respect of the verification of identity, as I understand it this new regime follows a guideline process which has already been used under a policy document which has now been operational I think for 10 months or so at least, and it basically introduces a system to formalise a tightened regime of identification to ensure that the people who have the lawful interest are the people who are getting it, and to ensure that people who are not entitled to these interests cannot get through. Whether that is some dodgy person from Africa or whether it is someone else—we have plenty of our home-grown fraudsters—who might want to get some ill-gotten gain that they are not entitled to, there is a tightening-up of the identification.

The policy document says all the right things, of course: that it is there to protect the lawful owners and so on. However, as usual, when you have these processes, when you tighten them sometimes they add an unintended adverse consequence. Here is the example I want to refer to: because the verification requires a face-to-face identification, plus what I call the 100-points rule—most people understand that now because if you have a bank account or just about anything these days you have to present two documents with photographic evidence and so on—there is a certification procedure that goes with it.

You have to be able to use that as a corroboration of the fact that you are the person in the documents that are to be signed for, or that you are the person who is going to be entitled to it so that, ultimately, when the new regime comes in for considering things such as electronic registration where the conveyancer or the lawyer signs for you, they are be satisfied that their client is the person that is entitled to that interest—and so we have this new regime.

Here is the practical problem: if you live at Coober Pedy and you do not have a local conveyancer or lawyer to provide this service, the verification process still demands that you attend the Adelaide premises to get that verification. The sort of concerns that have been raised with us—and perhaps on the other side as well—is the obligation on the interested purchaser or prospective purchaser to come to Adelaide to have that verification done, because there is no immediate person within the category of authorised persons to do the verification which will provide for that. I am sure I am not the only one who has had this concern raised with them.

It is a little bit like when governments say, 'Well, look, that's not really inconvenient. It might be just one trip to Adelaide'—but that is what they say about hospital services; that you only have to go once to Adelaide to have your knee operated on. However, they forget about the fact that relatives want to visit them if they are in hospital. They forget about the fact that it can be very costly because there is no public transport. They forget about the fact that there has to be pre and post-operative trips, and the cost of this sort of thing is quite oppressive.

I say to the government, who I know are either completely ignorant or insensitive to the cost to people who live in regional South Australia, that they have to get this right. If they are going to progress a verification process, which on all accounts, on the face of it, is a good thing and important to protect against that evil minority, they must understand that there has to be the capacity to recognise those living in the outback of South Australia—and I am talking about anywhere outside the 100-kilometre limit because, frankly, we have pretty limited public transport in metropolitan Adelaide, but wait until you live outside Adelaide and in remote parts of South Australia. I think we have a way to go in making sure that this process is not too onerous on people living in the country.

I want to say this: at the moment, I think this process is to apply to discharge of mortgages and transfers of mortgages, and there is an enormous amount of activity that happens on certificates of title. Whilst we in this place might only deal with these things a few times in our lifetime for our principal place of residence perhaps, out there in the real world, in terms of the use of the home, let alone other pieces of real property, for the purposes of staying in business, starting a business, developing a business, paying for kids to go to school, paying for hospital services, there is a lot of activity that goes on the certificate of title as security either for those opportunities or necessary purchases.

Even though certificates of title are electronically kept and all those sorts of things these days, they can become very busy documents, and certainly lots of transactions can go off and on them. This is not just a one-off for that young couple I talked about earlier in today's contribution; it can happen multiple times on just one piece of property, let alone others. Of course, as most of you will know, if you own more than one piece of property banks are never happy with having security over one piece of property; they want it over everything you have, so there are multiple documents that are prepared over multiple pieces of property to secure the one loan.

I might sound a bit anti bank—I could tell lots of stories about banks, but I will not today, you will be mercifully pleased to hear—but I will say this: they are in business too and they are highly geared to protecting their interests, as you would expect. However, rest assured that if they are accommodating processes which are cheap for them to accommodate in their highly sophisticated scheme it does not mean that they are cheap to implement for the ordinary person in the street who wants to acquire an interest in real property, use it as security in some way or have access to someone else's property to secure their lawful interest.

We have a bit of a David and Goliath situation again. The registrar provided me with some data in respect of the verification of identity, which again I thank him for. It appears that the number of transactions lodged since the introduction of the VOI policy (which I think, from memory, was about March or April last year) on transfers was 36,066; mortgages, 42,157; transmissions, 2,544; deaths, 2,490; and substitute certificates of title, 718. Mercifully, there are not as many deaths but, as most people in this chamber would know, the registration of death is still a process, and we have more people who die in this state than are born, and a significant number of them own a piece of real estate. Even that is a process that this verification procedure needs to go through.

I bring to the attention of the house transfers and mortgages. We are talking about tens of thousands of transactions just in the last 10 months or so and each of these are obliged to go through a verification of identity and an upgraded standard for that to occur. These people who might arguably easily be able to go into their city conveyancer to deal with this do not all live in Burnside. Although at the moment they do not want to do it because the Clipsal makes sure they cannot get through the east Parklands, but anyway, in any event, I make this point: the government has to take into account when they introduce these schemes and they sign up to these national deals that at least a third of the population live outside of the greater metropolitan area of Adelaide.

There is a huge amount of land out there which is under ownership or lease and which is subject to our registration and pretty stringent regulatory regime to protect the lawful interests from

the same. When they tamper with it, or they think they are introducing something that is going to be good for everybody, remember the little person. Remember the individual who is not in a position to have an army behind them, whether they are in a government department, or a bank, or a large law firm, but is just a little operator who wants to go about their lawful business, who has worked hard to buy a piece of property and ought to be able to utilise it for their benefit the same as any other person.

At the moment I fear there are a few too many who are caught in that who are, of course, in a situation where they are bound to do it. Why? Because it is good for everybody. Once size fits all, so it is good for the majority. What do the stakeholders say about it? The Real Estate Institute and others have been consulted, I am reliably informed, and we have not heard from them individually, but remember, again, stakeholder groups represent the big and the little frequently.

If you are a member of a restaurant organisation, for example, it can represent the really top end of the market and it can represent the little person who is down at the other end who is close to a popup or whatever. They have vastly different interests, and guess what happens unfortunately in a lot of stakeholder situations? The big guys dominate the representation on a number of stakeholder groups, and someone like the Real Estate Institute is not exempt from this, of course. They receive powerful and well-prepared submissions from large conveyancers, lawyers and the like, but the little guys probably do not even know that there is a review going on.

Some of them do not even know until the last minute that something is coming into play or they might have picked it up in the local newsletter. So they go along to do some extra training and then they find out there is a whole myriad of extra things that they have to do. That is the concern I have for small business and the small landowner who frankly get caught up in what can become a national scheme which has all of the good aspirational targets in it and may be very meritorious on a number of them, but ends up costing a lot of money, further delay and greater inconvenience.

So I wish the Lands Titles Office well in the transition into the new federal regime. I accept that it is reasonable to bring into line the paper transactions with the new electronic regime having signed up to it because that just causes another level of confusion, but it is not without casualties along the way, and that should not be underestimated.

Finally, I have received notice of an amendment to deal with the circumstance of ensuring that the time that is to apply from the date of registration of a priority notice to its expiring automatically is to be extended to facilitate the time of lodgement at the Lands Titles Office until it is actually registered on the title. Because of weekends and the like, overnights, etc., that can be a few days' delay and so the amendment is to remedy the potential for someone slipping in at the last minute. That is possible, but all it does is make me hark for the days of the pencilled clerk.

Mr PEDERICK (Hammond) (12:55): I rise to speak to the Real Property (Priority Notices and Other Measures) Amendment Bill. I note that this follows on from the Electronic Conveyancing National Law (South Australia) Act 2013, and it goes along with the fact that the national electronic conveyancing system has already commenced in a number of states. Prior to the commencement of electronic conveyancing in this state, significant amendment of the Real Property Act 1886 and other legislation is required, and from what I understand, this bill provides for the first stage of those amendments.

I understand that this bill addresses two of four significant reforms that need to happen for electronic conveyancing: strengthening the verification of identity regime, and the introduction of priority notices so that industry can get on board in regard to getting organised for the operation if this bill becomes an act. I note that, according to the minister's speech, the verification of identity requirements are consistent with the nationally agreed standard for verification of identity, and they will be mandatory for electronically lodged instruments when electronic conveyancing commences. it does cause a lot of grief.

I know the deputy leader has already addressed this, and to get people in the same place with all their documents, especially from far-flung regions of the state, can be an issue, and there are already enough issues. I know this from personal experience in buying a property. You think you are lined up, and you have two other parties lined up, and the cascade has to fall on the same day when everyone is going to move their things, and your bank falls over on the documents. I will not name the bank, but I am sure they all make mistakes. You feel a bit guilty because two other people have

moving trucks ready to go and you have to contact them and say, 'Hold your fire because we're not going anywhere until the documents are signed.' That is another issue, but it is certainly an issue that needs to be taken notice of.

I note that crown leases are involved in this bill. A priority notice is a notice which is lodged against a certificate of title or crown lease. I will be interested in a bit more conversation around that. The minister said in his speech that this bill will clarify that crown leases and instruments dealing with crown leases can be—and obviously always could be—registered or recorded in the Register of Crown Leases in the same way as dealings with other land registered in the register book.

Obviously, that can be done, but in the few minutes I have I want to talk about an issue I have down at Currency Creek, which is related to some issues around the Currency Creek survey of 1840. The survey was drawn by P.L. Snell Chauncy (land surveyor in Adelaide) in conjunction with Standidge & Co., Litho, London. I took this to the Minister for Planning last year. The issue I have is about Gawler Square, which was surveyed all those years ago back in 1840, and is on crown land and has a native title claim over it. I am still trying to work out whether the native title claim is because the Ngarrindjeri people have a claim over it or because it is crown land.

Anyway, from my conversations, meetings and correspondence, everyone keeps saying that that land cannot be handed back to the forepeople who are using that land, even though, when I did meet with minister Hunter's advisers when he was minister for Aboriginal affairs, they were quite keen that we could get rid of native title on that section of land. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Education and Child Development (Hon. S.E. Close)—

Breakaways Conservation Park Co-management Board—Annual Report 2013-14

Ministerial Statement

O-BAHN TUNNEL

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.C. MULLIGHAN: Today, the Premier and I have announced the next stage of the O-Bahn city access project. The O-Bahn is one of our most important pieces of public transport infrastructure, carrying over 31,000 commuters to and from the city on any average workday. Currently, between 7am and 9am, we have 150 bus services carrying thousands of commuters along the busway and along Hackney Road, often suffering delays at the Botanic Road intersection. In February last year, the government committed $160 million to build an O-Bahn to take bus services more quickly into Grenfell Street and to provide more road space for the road users on the inner city ring route.

After further planning and scoping works, today we have announced an improved project which has benefits not just for bus commuters and for motorists but also for our Parklands, our East End precinct of Adelaide, for event organisers and for pedestrians and cyclists. This innovative project outlines a tunnel for O-Bahn buses and realigning Rundle Road, both to link directly with Grenfell Street. This improved project, to be delivered within the original budget of $160 million, provides important time savings for commuters and further improves the reliability of the O-Bahn bus services.

This realignment of Rundle Road means that the state government can return over 3,000 square metres of Parklands and deliver bigger and better open space for events staged in Rundle and Rymill parks, such as the Adelaide Fringe. The repositioning of car parking from Rundle Road to East Terrace, and the removal of through traffic from Rundle Street, means a better environment for shoppers and diners in our East End precinct.

On the realigned Rundle Road, vehicles will have a more direct route to Grenfell Street which is where our modelling shows over 60 per cent of cars currently using Rundle Road are headed. A separated median strip will reserve the corridor for the future EastLINK tram extension, as outlined in the draft integrated transport and land use plan. New walking and cycling tracks, improved open event space, more trees and a new urban design for the eastern Parklands will today be opened up for community feedback, allowing the community to contribute to this project and tell the government what improvements they would like to see in this part of our vibrant city.

Over the following weeks, I will be offering briefings and information to other members, relevant stakeholders, businesses and residents, and of course those who rely on the O-Bahn every day. If anyone would like information on the improved O-Bahn city access proposal, including members present, they can visit the O-Bahn page of www.infrastructure.sa.gov.au. Alternatively, they can email the team at DPTI.OBahn@sa.gov.au or call the project inquiry line on 1300 443 198.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:04): I bring up the second report of the committee, concerning subordinate legislation.

Report received.

Mr ODENWALDER: I bring up the third report of the committee, concerning subordinate legislation.

Report received and read.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament students from Gilles Street Primary School, who are guests of the member for Adelaide. I also welcome students from Our Lady of the Sacred Heart College (OLSH), who are guests of the Deputy Premier.

Question Time

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07): My question is to the Minister for Health. Does the minister's proposal for the Noarlunga emergency department meet the criteria for classification as an emergency department under the Australasian College for Emergency Medicine guidelines?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:07): I have had no advice otherwise.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07): Can the minister advise the house what level emergency department will continue at the Noarlunga Hospital? Will it be a level 4 emergency department?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:07): Essentially, as I have said many times in this place, it will continue doing primarily what it is doing at the moment, and that is, seeing, treating and discharging patients who present. That is not to downplay the important nature of the presentations that go to Noarlunga Hospital, that most people are requiring

urgent medical treatment, it is just that they are able to be given that treatment and discharged and they don't require admission to hospital. Any changes that we are talking about with regard to Noarlunga Hospital are with regard to those patients who need to be admitted, about half of whom who are actually admitted not to the Noarlunga Hospital but to the Flinders Medical Centre.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:08): Can the minister advise the house what the current level classification emergency department we have at Noarlunga is and whether that will be maintained going forward?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:08): I can't add any more to what I said in my previous answer.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:08): Supplementary, sir.

The SPEAKER: Let's just make it another question.

Mr MARSHALL: Does the minister know at what level the Noarlunga Hospital currently operates under?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:09): What I know is what I have said to the house and that is, of the presentations at Noarlunga Hospital, about 87 per cent are treated and discharged and they don't require admission to hospital. Of the remaining 13 per cent, about 7 per cent are admitted to hospital but aren't admitted to Noarlunga Hospital, they are admitted to Flinders Medical Centre, and about 6 per cent are admitted to the Noarlunga Hospital. I think that gives the Leader of the Opposition any answer that he needs to his question.

The SPEAKER: Before the leader asks the next question, I call to order the leader, the deputy leader and the members for Bright, Adelaide, Schubert and Morialta. Shame on the member for Bright: I don't think he has ever been called to order before. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): Thank you, Mr Speaker. As I'm sure you, sir, would be aware, and as the minister would be aware, there are four levels of emergency department delineation under the national standard, starting from level 1, emergency department for rural emergency service, going up to a level 4 emergency department. What we would really like to know is: what is the current level provided at Noarlunga and what level will be provided post the Transforming Health proposal that the minister has now signed off on?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:10): I don't care about numbers—

Members interjecting:

The Hon. J.J. SNELLING: —and I don't think anyone out there in the public cares a squat about what number may be assigned to what emergency department. What they are interested in is the services that that emergency department delivers. That's what they are interested in, not some classification for emergency department specialists. They are interested in the services that that emergency department offers. Let me be quite clear: we want the Noarlunga emergency department to continue delivering the high-level services that it currently does.

Members interjecting:

The Hon. J.J. SNELLING: It is very, very good at seeing, treating and discharging almost nine in every 10 patients it sees. Whatever we do, I don't want to do anything which is going to interfere with the ability of Noarlunga Hospital to continue to do that.

The SPEAKER: Before the leader asks a further question, I call to order the members for Kavel, Chaffey, MacKillop and Flinders; I warn the member for Morialta a first time; I call to order the member for Heysen; I warn the leader for the first time; I warn the member for Schubert for the first and second time; and I call to order the member for Hammond and warn him for the first time. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): Can the minister clarify for the house whether the new arrangements at Noarlunga will meet the level 3 criteria, which include: availability on site to radiology; pathology; pharmacy services; general surgical services; orthopaedics; anaesthetics; critical care (intensive care unit, coronary care unit and high dependency unit); general medicine; medicine subspecialties; obstetrics and gynaecology 24 hours a day, seven days a week; paediatrics and mixed departments; allied health; mental health services; and community services?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:12): It's a rather extensive list.

The SPEAKER: Did you get that?

The Hon. J.J. SNELLING: I didn't quite get it all, but certainly it is the intention that the emergency department at Noarlunga Hospital continues doing primarily what it does now, and that is seeing patients who present, who don't need admission to hospital and who are able to be discharged the same day.

Mr Pengilly interjecting:

The SPEAKER: It's very sporting of the member for Finniss to point out that the clock hadn't started.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): Can the minister perhaps clarify for the house what he means by 'primarily'? Can he perhaps tell us the difference between what is currently operating on the site and what will not be operating on the site—not what primarily will be the same but actually what will be the difference?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:13): The difference will be with regard to people who require admission to hospital. As I have said, about 13 per cent of patients who present to the Noarlunga emergency department are actually admitted to hospital. Half of those patients aren't admitted to Noarlunga hospital: they are transferred to Flinders Medical Centre because Noarlunga Hospital doesn't have the ability to look after patients of a certain acuity.

Members interjecting:

The Hon. J.J. SNELLING: Noarlunga Hospital simply is not able to look after those patients, so an ambulance is called, generally, and those patients are transferred up to the Flinders Medical Centre. There is a problem with that. It is not desirable. It is far better that those patients go directly to the Flinders Medical Centre, where they are able to get the definitive treatment that they require the first time, rather than being double handled. Why this should be objectionable to members opposite, I am not quite sure. I would have thought that they would be open to any way that we could improve patient care. This is certainly one of them.

So, with regard to what the differences will be, the differences will be for those patients who at the moment present to Noarlunga Hospital and are admitted to hospital. Those are the people for whom there will be some difference but, of those, half are actually transferred and admitted into Flinders Medical Centre anyway, so we would hope through this process that, as much as possible, those patients are taken directly to the Flinders Medical Centre, not having to be double handled by presenting to Noarlunga Hospital in the first instance.

The SPEAKER: Before the leader asks a question, I call the member for Hartley to order and warn him for the first time. I also warn for the first time the members for Heysen and Adelaide, I

warn the member for Hammond for the second and final time and I call to order the members for Mitchell and Goyder. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): My question is to the Minister for Health. Will the Noarlunga emergency service be nurse led?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:15): We still have to do work on the model, but I do know that there are nurse-led emergency clinics around the world. In fact, I understand that there is one in Perth and one in the ACT and that it is a very successful model. But, obviously, we will be guided by the health needs of the community in the south as we refine the model.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): Clarification: are you saying that, even though the consultation period ends this Friday—

The SPEAKER: No, the Minister for Health is saying it.

Mr MARSHALL: Indeed he is. I haven't heard you say those words once, sir. But is the minister suggesting to the house that, despite the fact that consultation ends on Friday, the department and the minister have not made their mind up regarding the workforce arrangements for the new arrangements at the Noarlunga Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:16): We haven't made our mind up about anything because we are going through a consultation period.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): I asked the minister whether he thinks it is fair to people to make a comment during the consultation when we are not clear about what we are going to be consulting about. What are we agreeing about? What are we talking about? What are we consulting about in this situation?

The SPEAKER: Could the minister address that stream of consciousness.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:17): I shall try, sir; I shall endeavour. In any reform process, we first need to establish some principles before we can go on and work through the detail. There is nothing new in that, nothing unusual. We have a series of proposals there. Of course, all those proposals are going to need an enormous amount of work to be done to ensure the successful implementation of those proposals. There is nothing unusual in that, but the first thing we need to do is establish what the decisions are, what the framework is going to be, and from there we can start to work through the detail.

This is a process which is going to take about four years. None of these reforms are going to happen overnight. They are going to take a significant period of time for us to implement. This is a significant shake-up of our health system and it is going to take time to work through the detail. As we work through that detail, we will consult with interested parties, whether they be unions, health consumers and carers and, of course, the clinicians in the system themselves. We will work through the details of these things and come to a successful conclusion.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): Supplementary: will emergency medicine training positions continue to be offered at the Noarlunga Hospital post the Transforming Health changes?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:18): The College for Emergency Medicine has raised this issue with me, and what we envisage will be able to happen is

the training positions will operate on an LHN level. So, we will have the same number of training positions, but they will be done by the local health network. We would expect that the trainees for those emergency positions will rotate between the two departments within the LHN—so yes.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): Will the emergency department have a director who is a fellow of the Australasian College for Emergency Medicine?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:19): As I say, this is detail we still have to work through, but my expectation is, yes, they would.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): An emergency specialist doctor on site 24 hours a day, seven days a week?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:19): It actually is not now; in fact, in most of our emergency departments there is not necessarily an emergency consultant 24 hours a day. We've been talking about this for the last six months, that this is a concern that we have, that our emergency departments don't have senior clinicians 24 hours a day. If the Leader of the Opposition wasn't playing catch-up in this debate, he'd realise that.

The SPEAKER: Well, the last remark of the minister is gratuitous, and I call him to order. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): Will the minister release the 300-page business case for Transforming Health that Professor Keefe told the Save The QEH forum last night was cabinet in confidence?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:20): We have released a document—I sent a document today to the AMA—which goes through the business case. Obviously it is a significant document. All the interested parties have been speaking to us. We've walked them through the business case which underpins this reform.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): What is contained in the 300-page business case, which is yet to be released, that is over and above what already has been put up on the website?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:20): Well, it's simply the work that's been done by the department and the other experts that have been engaged with this that underpins these reforms. There is significant capital investment as part of the transformation of health process, so there obviously have to be business cases to underpin those. There's issues to do with patient flows, there's issues to do about the assumptions that are made with regard to getting our discharges out earlier, so there's a whole lot of detailed work which underpins it, but with regard to the decisions or the proposals we're putting and the rationale for those changes, it's all in the document we've released.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Does this document contain financial modelling?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:21): As I said, there is work that's been done with regard to the capital investments we have to make as part of

Transforming Health. I think it's a $250 million investment in our health system as part of Transforming Health, so of course it includes financial modelling.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21): Just for clarity, is the minister suggesting that the only financial modelling that is contained in this cabinet in confidence report is to do with capital expenditure?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:21): Obviously there's not just capital expenditure, because when you have capital investment you don't just build the building, you also need to staff it as well, so of course there's the operating costs associated with those capital investments.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Therefore, has there been modelling done regarding the changes that are envisaged in the report for the Noarlunga emergency department?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:22): Has there been modelling with regard to the changes that are envisaged? Yes.

Members interjecting:

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Why did you inform parliament yesterday—

The SPEAKER: The deputy leader is warned and the member for Heysen is warned for the second and final time.

Mr MARSHALL: Why did the minister inform the parliament yesterday, when I asked the question regarding the modelling for the changes, that no modelling has been completed?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:22): I think the question from the Leader of the Opposition, if I recall correctly, was what are the savings that we would expect from it, and I stand by the answer I gave.

KANGAROO ISLAND

The Hon. S.W. KEY (Ashford) (14:22): My question is directed to the Deputy Premier. Deputy Premier, can you inform the house about recent state government initiatives on Kangaroo Island and how these have fostered an environment of collaboration between island businesses?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:23): Can I thank the honourable member, who I know for many years has had a great interest in Kangaroo Island, and the committee that she chairs has a long-standing interest in it.

Ms Chapman: At least she's done something useful about it.

The Hon. J.R. RAU: And, yes—

The SPEAKER: The deputy leader is warned for the second and final time, dear though this is to her heart.

The Hon. J.R. RAU: I agree with the member for Bragg, the deputy leader, that the honourable member's committee has done great works for Kangaroo Island, and they all deserve to be congratulated. Mr Speaker, as you are aware, the Commissioner for Kangaroo Island Act 2014

came into operation last month. That act provides for a framework for a commissioner to be appointed to provide for the development of management plans in relation to the coordination and delivery of—

Mr Pengilly: How'd the interview go yesterday?

The SPEAKER: The Deputy Premier will not taunt the opposition with silence.

The Hon. J.R. RAU: I apologise for my unparliamentary silence, Mr Speaker. In relation to the coordination and delivery of infrastructure and services on the island, I recently visited Kangaroo Island to attend a board meeting of the Kangaroo Island Futures Authority.

I am pleased to inform the house that the role of commissioner has been advertised nationally and applications closed on 13 February this year. The selection process has now commenced. Although I play no role in the selection process, which will be overseen by a panel of representatives from the state government and the island community, I am led to believe that some strong names have expressed interest—very strong names, I believe.

Mr Pengilly interjecting:

The Hon. J.R. RAU: You haven't applied? No, okay.

The SPEAKER: The Deputy Premier will not respond to interjections.

The Hon. J.R. RAU: Very well, Mr Speaker. I will respond to them with silence, Mr Speaker.

The SPEAKER: Not prolonged.

The Hon. J.R. RAU: Not prolonged silence. Very well. Brief silence. While visiting the island I also met with a number of business leaders. The meeting was held in a shearing shed near Kingscote, for those who are interested, and provided an open forum to discuss various aspects of island life and how the government was assisting. One particular aspect was especially exciting. I was informed that a core group of island businesses called a public meeting at the racecourse in October 2014. Over 140 people attended on that day and nearly 100 businesses from industry sectors all over the island made a statement of support for a dedicated business group on Kangaroo Island and signed up to a group called Business Kangaroo Island.

The chairperson of Business Kangaroo Island has said that the organisation recognises the great work which has been done by the Kangaroo Island Futures Authority, with the support of the state government, as well as the appointment of the Commissioner for Kangaroo Island in the near future. Business Kangaroo Island has identified that it is essential that Kangaroo Islanders not only have a say in what happens on Kangaroo Island but that they show support for the many great initiatives that are in the pipeline.

I have said this before, but the state government's support for Kangaroo Island is not about politics or votes, it is about doing what is right by Kangaroo Island and South Australia.

The Hon. J.W. Weatherill: That's because it hasn't led to any.

The Hon. J.R. RAU: Yes, as the Premier said, it certainly hasn't led to a great many. It is about doing what is right by Kangaroo Island and South Australia. I applaud those who have joined Business Kangaroo Island, who have seen the time and the resources the state government has invested in their community, and have been willing to roll up their sleeves and work for the good of the entire island. I wish Business Kangaroo Island every success and look forward to updating the house as to the progress of this organisation and, of course, the selection in due course of the Commissioner for Kangaroo Island.

SAVE THE QEH FORUM

Dr McFETRIDGE (Morphett) (14:27): My question is to the Minister for Health. Will the minister assure the house that the digital recording of a SA Health employee's involvement at the Save the QEH forum last night by a member of the ministerial office will not be used in any action against the employee?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:27): I am glad that

the member for Morphett should raise the forum last night, because I was invited, I understand, and I think the Premier was as well, to go along to that forum. We were not able to attend, but I asked Professor Dorothy Keefe to attend, to provide information to the forum about what was proposed for The Queen Elizabeth Hospital.

I have to say the treatment of Professor Dorothy Keefe at the hands of Kirsten Alexander was nothing but disgraceful—absolutely disgraceful. For someone of Dorothy Keefe's eminence to be heckled by a ridiculous character like Kirsten Alexander just defies belief—absolutely defies belief. Dorothy Keefe does more in her morning to save the lives of South Australians with cancer than—

The SPEAKER: Point of order.

Mr GARDNER: The question was in fact in relation to the actions of a member of the minister's staff.

The SPEAKER: I do not uphold the point of order. Minister.

The Hon. J.J. SNELLING: Professor Dorothy Keefe would do more in her morning for the lives of South Australians than Kirsten Alexander would do in a lifetime, and to be heckled down, to be screamed down, by someone like that is just absolutely appalling. I do not know about my staff recording or otherwise what happened out there but, I tell you what, I would be very, very interested to see it if they have, because I would be very interested for the South Australian public to see the behaviour of Kirsten Alexander and the disrespect that was shown to someone of the eminence of Dorothy Keefe. It is absolutely disgraceful, and if the opposition want to side with Kirsten Alexander as part of this they are more than welcome to.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:29): My question is to the Minister for Education and Child Protection. Can the minister inform the house whether the government will now implement the commonwealth's compulsory income management scheme in cases where children are at risk in line with the interim recommendation from the Coroner?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:29): I acknowledge the very serious nature of this subject matter. My understanding is that the Coroner recently said as an interim recommendation that the department should look into the use of compulsory income management. We naturally take that very seriously and will do so.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Supplementary: does the minister support splitting child protection from the education department?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:30): The decision to—

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel is warned for sighing.

The Hon. J.W. WEATHERILL: The decision about the way in which the disposition of the machinery of government occurs is a matter for me and it is a decision that we have taken advisedly. It is, in our view, the best practice to have the care and protection and the healthy development of children and their learning trajectory dealt with in one agency. If there is one lesson to be learnt from any of the events—

Mr Pisoni: Is that it doesn't work.

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

The Hon. J.W. WEATHERILL: If there is one lesson to be learnt from any of the experiences around the world, around the nation, and indeed in our own state, about child protection and the links more generally with the welfare and health of children, it is that agencies need to collaborate and work more closely together and so we have always taken the view that that is most sensibly done

within one agency. Now, I know that it is fashionable for those opposite to play politics with the questions of child sexual abuse and the questions of—

Ms CHAPMAN: Point of order: that is clearly debate. The question was very simply: does the minister agree with the splitting of the department?

The SPEAKER: I am sure the Premier will address himself to the substance of the question very shortly, but it is the opposition's policy to split the departments and so naturally the Premier will have some leeway to comment, compare and contrast the two positions.

The Hon. J.W. WEATHERILL: It is relevant I think to talk about some of the more celebrated cases recently which have tended to focus on questions of child sexual abuse and those awful matters that have occurred because it is from that point that the opposition's opportunistic policy springs and it is no doubt—

Members interjecting:

The Hon. J.W. WEATHERILL: Let's be really clear about this.

Mr Marshall: You won't even let the minister answer the question and give us her opinion.

The SPEAKER: The leader is warned for the second and final time. I like to give the leader lots of leeway, but he will not shout over the minister answering.

Ms REDMOND: Point of order: I put it to you that it is debate nevertheless in terms of compare and contrast to call the opposition's policies opportunistic.

The SPEAKER: If you can't stand being called opportunistic, you have fairly thin skin regarding question time.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. J.W. WEATHERILL: It is an important point because I know these matters do attract an enormous amount of attention in the media, and they do so rightfully I think because they are horrible things and they interest the community and it is proper that there is debate about them.

But one also needs to remember that the overwhelming number of cases that concern the protection of children are actually about matters that go to questions of neglect and poor parenting and all of the things that are best dealt with in the context of our mainstream services and systems. So the precise platform that you want to reach these families and get them to be better parents, to reach out with them and make sure you do connect up the healthcare services, the education services, the disability services, and the family support services that sit within this agency, is the education and universal platform for that purpose.

If you compartmentalise these things and take them off into a child safety silo, you always get the approach that we have seen in other jurisdictions which demonstrates that families have the ruler run over them for the purposes of seeing whether they actually are able to care for their children, and then you get into the paradigm of removal of children from families in circumstances where we should be focusing on supporting those families to actually care for those children.

Of course we need a clear-sighted view about removing those children who are at great risk as soon as we can, but the overwhelming majority of the work of these agencies is about strengthening families. We cannot let these few horrible cases completely throw us off balance to the adverse interest of our children in our systems. That is why we have taken this decision. This is a difficult debate, and we await the Coroner's inquiry, and, indeed the royal commission, before we make judgements about these matters.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:35): My question is to the Minister for Education and Child Development. Can the minister guarantee that no other students are working on cases of at-risk children, as occurred with Chloe Valentine?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:35): I will take that on notice.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (14:35): My question is again to Minister for Education and Child Development. Can the minister detail to the house whether any other parents of at-risk children have been given a safety plan that condones the use of drugs, as occurred with Ashlee Polkinghorne?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:35): Again, that is a matter I will take on notice.

ARTS FESTIVALS

Ms WORTLEY (Torrens) (14:36): My question is to the Minister for the Arts. Minister, what are some of the events happening as part of our major festival season, and what are the expected economic benefits to the local economy?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:36): I thank the member for Torrens for her question and her dedication and interest in our vibrant arts sector here in South Australia. Mr Speaker, with the—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is very close to being ejected under the sessional order.

The Hon. J.J. SNELLING: With the Fringe now into its second week, the Australian International Documentary Conference this week, and the Adelaide Festival of Arts and Writers' Week kicking off this weekend, it is fair to say the festival season is well and truly upon us. By the close of the first week of the Fringe, over 85,000 Fringetix have been sold—around 8 per cent more than the same time last year. Our Fringe parade, featuring seven stunning sirens, 80 floats and 850 Fringe artists—

Mr Pengilly: Have you been to see them?

The Hon. J.J. SNELLING: I have; there is a striking resemblance to the member for Finniss—'the member for Finniss in drag' I think is what I thought when I saw them. Our Fringe parade, featuring seven stunning sirens, 80 floats and 850 Fringe artists drew record crowds on opening night, with around 57,000 people lining our city streets. Of the 1,000 events taking place during the Fringe, we have struck a great balance of local, interstate and overseas shows across every art form. I would like to acknowledge the outgoing director, Greg Clarke, who has brought together what is shaping up to be a successful Fringe.

Under the direction of Joost Den Hartog, the Australian International Documentary Conference, with its new branding, Net-Work-Play, has been taking place this week at the Convention Centre. Attracting around 450 delegates from 12 countries, as well as local established and up-and-coming producers, the conference has a great program which focuses on how documentary makers can benefit from the changing media landscape. Running in conjunction with Net-Work-Play, the Media Resource Centre hosted Doc Week at the Mercury Cinema, which has showcased some of the best local, national and international documentaries.

The Adelaide Festival of Arts, our internationally renowned event, kicks off on Friday. Under the direction of David Sefton, the festival will hit the accelerator on the festival season. While each festival has its own role to play, the Adelaide Festival consistently delivers the highest number of visitor nights, most airport traffic, and the largest economic impact in terms of new money into the state, valued at around $25.3 million over 17 days and nights. The festival incorporates Writers' Week, which, under the direction of Laura Kroetsch, is again developing a predominantly free program of wonderful writers and thinkers from across Australia and overseas.

Of course, although it is still a couple of weeks away, one of the highlights on the Adelaide arts calendar, WOMAD—I look forward to seeing the member for Finniss in his kaftan—is shaping

up to be a great event. I understand that their presales are above average compared to the same time in previous years.

Mr Speaker, from comedians to writers, documentary makers to visual artists, world music and everything in between, our festival season really does have something for everyone. I encourage everyone to get along, support our festivals and experience something different. Get along, indeed.

CITY HIGH SCHOOL

Mr PISONI (Unley) (14:39): My question is to the Minister for Education. Was the minister briefed about the progress of Labor's election promise to build a new city high school on the old Royal Adelaide Hospital site by 2019 as part of the minister's incoming portfolio briefings?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:40): Mr Speaker—

Mr Pisoni interjecting:

The SPEAKER: Member for Unley, please don't interject. Deputy Premier.

The Hon. J.R. RAU: Thank you very much, Mr Speaker.

An honourable member interjecting:

The Hon. J.R. RAU: Yes, somehow I have to get her into the conversation now. Mr Speaker, even Kirsten Alexander would have realised that yesterday these questions were all asked and comprehensively answered and I don't wish to add anything to what was said yesterday, but can I say this: in the not too distant—

Members interjecting:

The Hon. J.R. RAU: Can I say this: I know there is an element of anticipation swelling in the heart of the member for Unley and others—

The SPEAKER: And the Speaker.

The Hon. J.R. RAU: And the Speaker, indeed—about this matter. What I can say is that if he and others can just hang on that little bit longer all will be revealed and I expect that the member for Unley and other people will be positively reacting to the thing. At this stage—

Members interjecting:

The Hon. J.R. RAU: I assure you it's not a joke.

Members interjecting:

The Hon. J.R. RAU: No, it's not. It is not government policy to go around explaining to members of the opposition in question time what might be in an incoming brief which is matters, all of which—

Members interjecting:

The Hon. J.R. RAU: Anyway, can I return to where I started, I think that was better, which is: we have answered all of these questions as far as we can answer them at the present time. As soon as there is something more that we can share with members that will be done.

The SPEAKER: Splendid, because the member for Croydon will be interested in when children in Bowden and Brompton and Ovingham can go to a new city high school. Member for Unley.

Mr PISONI: Am I allowed to make an impromptu speech as well, sir?

The SPEAKER: No, you're not.

CITY HIGH SCHOOL

Mr PISONI (Unley) (14:42): Thank you for clarifying that, sir. My question is to the Minister for Education. Does the minister stand by her claim to the parliament yesterday, and I quote, 'That was the commitment made at the election and that commitment will be kept'?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:42): Mr Speaker, I think I did explain to honourable members yesterday that this matter presently is a matter over which I have immediate carriage and I say again, I have yet to actually bring to cabinet any particular proposition which resolves this matter. That is the present state of affairs. These questions were asked yesterday by the member for Unley. I thought I'd answered them yesterday. In fact, after I left the chamber yesterday, and it's a matter that I'm not drawing to your attention as a matter of privilege, Mr Speaker, but I was prevented from accessing stairs over there in circumstances where I am reliably informed I looked like either Tattoo from *Fantasy Island* or Frodo Baggins and asked the same questions yet again, and the answer remains the same.

CITY HIGH SCHOOL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:43): Supplementary, sir: can the minister confirm that the first time the Minister for Education and Child Development was made aware that the second campus for the Adelaide High School may not be going ahead on the old Royal Adelaide Hospital site was indeed yesterday during question time?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:43): Can I just repeat everything I've already said.

The SPEAKER: No. No, you may not. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:44): My question is to the Minister for Police. Is the minister aware that the rezoning of land at Gillman and Dry Creek is a prerequisite to Adelaide Capital Partners buying 407 hectares of land from the state government?

Mr van Holst Pellekaan interjecting:

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

The Hon. P. Caica interjecting:

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

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:44): My role as the minister who has been delegated authority to have carriage of the DPA is that alone.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:45): Supplementary, if I may.

The SPEAKER: Deputy leader.

Ms CHAPMAN: Has the minister, at this stage, had any discussions with the Minister for Planning regarding the rezoning of land at Dry Creek and Gillman?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:45): I think it would be useful for everybody to remember what was said about this yesterday, and I will repeat the pertinent bits of it. The reason that I am not, as Minister for Planning, dealing with this matter is because in an effort—I can't remember the exact words I used yesterday, but so that not only the right thing be done but be

seen even by the most critical person to be done, to separate the situation where the carriage of the Renewal portfolio, and indeed some knowledge that may have come into my mind by reason of that, whether by osmosis or reading or whatever, was not able to in any way be seen by the most critical people, of whom there are some in this room, as contaminating any decision about planning.

So, the situation is that part of the reason the Minister for Police is assisting in this way is because the Minister for Police has not, by reason of his ministerial responsibilities or any other thing, been anywhere near this. More to the point, people would appreciate, I hope—and I know the member for Bragg would appreciate this—that, in him discharging his particular function under the Development Act to assess as to whether a matter should proceed or not, he is to be informed by the officers in the planning department of the process that has gone on, the submissions that have been made, the arguments and whatever, and then he is to exercise his judgement, as the responsible person, to make a decision.

That judgement is his judgement and his judgement alone. It is not something upon which ministers ever enter into conversation about because it is not something ministers enter into conversation about. So, the Minister for Police stands quite apart from any of the process that has gone on, in his ministerial sense, in connection with the Renewal function; but, of course, necessarily, as minister delegated to deal with this matter, officers of the planning department would necessarily have and must, in order for him to do his job properly, sit down with him and provide him with information, answer his questions and provide him with any further matters he requires but pertinent to the planning decision alone.

The SPEAKER: The minister has sedated the house again. Deputy leader.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:48): I am still awake, sir. My supplementary to the Attorney-General is: given the importance of the separation of these responsibilities and your indication that it would be inappropriate for there to be communications between the ministers, can you assure the house that you haven't had any discussions with the Minister for Police about the role which you have transferred responsibility on?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:48): Unfortunately, the entree into that question added a few little elements which were not part and parcel of what I had had to say. All I had had to say, and I say it again, was that, viewed from a hypercritical perspective, if I were to be the person doing both the management of Renewal at the present time (although not at the time of the initial arrangements, and making the decision) it could be said by a supercritical person that there was some issue there. I am not suggesting that there would be, objectively or legally, anything wrong with that. I am just suggesting that, from the point of view of being absolutely—

The Hon. P. Caica interjecting:

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

The Hon. J.R. RAU: I have not sat down with the Minister for Police.

Members interjecting:

The Hon. J.R. RAU: Okay, I haven't sat down or stood up or bent over or leaned over with the Minister for Police.

Members interjecting:

The Hon. J.R. RAU: I am more positive about some of those angles than others in relation to this matter.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50): A further supplementary if I may.

The SPEAKER: Deputy leader.

Ms CHAPMAN: My further supplementary is to the Minister for Police. When did you first find out that you were going to have responsibility—

The SPEAKER: No, when the did the minister first find out.

Ms CHAPMAN: When did the minister first find out that he was going to have responsibility for the DPA of the Gillman site and by whom?

The Hon. T.R. Kenyon interjecting:

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

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:51): The Minister for Police has in the past on at least one occasion that I can think of—

Mr Pengilly: Let him get up and answer it, John.

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

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is called to order.

Mr Williams interjecting:

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

The Hon. J.R. RAU: The Minister for Police has, to the best of my memory, at least on one other occasion been prepared to assist in matters relating to the determination of planning matters. The process, as best as I can understand it, is that when I have formed the view that for the sort of reasons that I have already explained to the house, for reasons largely of apparent separation of decision-making, I have asked my staff to communicate with the staff of the Minister for Police and asked—

Members interjecting:

The Hon. J.R. RAU: Mr Speaker, I would like to finish this sentence. My staff—

Members interjecting:

The Hon. J.R. RAU: Even Kirsten—I asked my staff to communicate with the Minister for Police's staff to see whether he would be available to assist. In the event that I am advised by my staff that he is available to assist, I then ask my staff to arrange for the necessary staff from the Department of Planning to communicate with the Minister for Police's chief of staff or other nominated person, whoever they might be, and then they, independently of me, arrange to meet with the Minister for Police at a time and place of his choosing, and they tell him whatever he asks them to share with him, and I have no part in that process at all.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): A supplementary, if I may, to the Attorney. In the course of the briefings from your staff to the Minister for Police in respect of his imminent responsibility, do you know whether a copy of the option deed with ACP was provided and, in particular, brought to the attention of the minister that it's a condition of that deed that there be a rezoning of the industrial land?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (14:54): I do not know because I wasn't present during those conversations. I didn't participate in those in any way. I would be absolutely astounded if such a thing had occurred—provision of a copy of the deed or anything of that nature—but I will make inquiries of my staff.

COUNTRY FIRE SERVICE

Mr DULUK (Davenport) (14:54): My question is to the Minister for Emergency Services. Can the minister confirm that new firefighting equipment and a compressed air foam tanker appliance for the Sturt CFS group will be funded this year as per the government's Davenport by-election promise?

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned a first time. Minister.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55): Thank you, Mr Speaker, and I would like to thank the member for his first question to me. I will confirm these details but I do recall just recently reading a brief which had been an ongoing issue. I think the Sturt group had raised this issue with me when I went to the 70th anniversary of Coromandel Valley CFS, from memory, of an additional tanker because the group had actually raised some funds themselves; and would we at that time put in the balance of the money? At that time, the advice from my agency was it wasn't a priority and to allocate funds there would be—

Members interjecting:

The Hon. A. PICCOLO: Let me finish. Since that initial advice, there have been further discussions, as there always are between the agencies and the various brigades and groups, etc. I understand, but I will confirm the exact details, that we are now trialling a new type of tanker and we are putting some money into it. So the answer is: the tanker is on its way, subject to some conditions being met.

Mr Marshall: By Christmas.

The Hon. A. PICCOLO: I can't remember the exact dates but I can confirm that those discussions have taken place.

SAMPSON FLAT BUSHFIRE

Mr KNOLL (Schubert) (14:56): My question is to the Minister for Emergency Services.

Members interjecting:

The SPEAKER: The Treasurer is warned for the second and final time.

Mr KNOLL: Can the minister please confirm exactly who paid for the sponsored Facebook posts depicting SES volunteers, CFS volunteers and the minister on his ministerial visit during the Sampson Flat bushfires?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:56): I thank the member for his question. One thing, though, that the new member should do, if he is going to do push polling with journalists, is perhaps be careful which journalists he talks to. If the member for Schubert is going to suggest to journalists that I have inappropriately spent public money—

The SPEAKER: What's the point of order?

Ms CHAPMAN: On the question of relevance: the question was to the minister specifically—

The SPEAKER: The question was specifically about who paid for it and the minister is addressing that question.

Ms CHAPMAN: He is talking about an entirely different matter.

The SPEAKER: Point of order, member for Morialta.

Mr GARDNER: In suggesting that the member for Schubert may have had conversations with journalists, or anything else, the minister is imputing improper motive, which is against standing orders.

The SPEAKER: As far as I know, conversations with journalists are still licit—not that I have many myself. Minister.

The Hon. A. PICCOLO: When the member for Schubert tried to convince this particular journalist that I didn't properly use public moneys and that—

Members interjecting:

The Hon. A. PICCOLO: Let me finish: I'll get there. It's interesting that the member for Schubert has gone bright red now. He thought he could be anonymous and that—

Members interjecting:

The Hon. A. PICCOLO: He's not the only one, though. A few others did it, too. Having said that, I did boost, personally, that particular Facebook—

Ms Chapman interjecting:

The Hon. A. PICCOLO: Yes, personally—and in that Facebook message there is also a picture of Jamie Briggs and me. I was boosting Jamie because it was a party political theme. In addition, in that same Facebook entry—and you would know because you've read it—is also Mr Jamie Briggs. So, I was boosting Jamie. He was there. I was also boosting all the women from the Salvation Army who were helping out in the kitchen, and also boosting a whole range of other people who were at the event. Just to finish, Mr Speaker, the—

Ms Chapman: He paid for it personally.

The Hon. A. PICCOLO: I paid for it personally, that's right, and I boosted it personally. Also, in addition, what the Liberal Party seems to object to is the Facebook message where I actually thank everybody for their great work. Compare and contrast that with the entry on Facebook by the Leader of the Opposition on the same day where he talks about himself and the member for Morphett. My entry talks about what other people have done and on the same day—

The SPEAKER: Point of order, member for Schubert.

Mr KNOLL: Point of order, Mr Speaker: 127. The minister is making a personal reflection on other members.

The SPEAKER: If the point of order is the minister is now not answering the substance of the question, I would have upheld it, but that point of order I cannot uphold. Minister.

Mr GARDNER: Point of order, sir.

The SPEAKER: No second prizes. Could the minister wind up?

The Hon. A. PICCOLO: I can. On the same day, 5 January, on two Facebook pages: I am actually thanking all the people involved, all the volunteer staff, etc., and the Leader of the Opposition has an entry with himself in it—

Members interjecting:

The Hon. A. PICCOLO: Let me finish—

The SPEAKER: Yes, I think the minister has made his point.

The Hon. A. PICCOLO: No, I haven't quite yet, Mr Speaker.

The SPEAKER: I think we'll leave the answer there. The member for Morphett.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:00): Thank you, Mr Speaker, and just for the record, I did a 17-hour shift that day, mate—a 17-hour shift. My question is to the Minister for Emergency Services. Did the minister issue a ministerial direction to the SAFECOM board to supply Mount Barker CFS brigade with two type 1 pumpers, 25 sets of structural PPE and extra structural firefighting equipment and, if so, when will he table that ministerial direction?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01): Mr Speaker, can I just have those numbers again?

Dr McFETRIDGE: Two type 1 pumpers, 25 sets of structural PPE (personal protective equipment) and extra structural firefighting training.

The Hon. A. PICCOLO: The Mount Barker CFS has approached me, as has the member for Kavel, as a good member—

Mr Goldsworthy interjecting:

The Hon. A. PICCOLO: —about the Mount Barker CFS—you spoke to me about it earlier in the piece—about additional support and services, as did the member for Heysen raise with me the issues about Stirling CFS, etc. Both those brigades have had ongoing discussions with the CFS about getting additional support. They believe, in their opinion, that they do not have the equipment, etc., to provide the proper protection for their community, and these discussions have been going on for some time.

As a result of those discussions—and they have approached me a number of times, the first time at the Hahndorf forum and I have had two subsequent meetings with them—it was in their view—this is the CFS volunteers, who are highly regarded by the opposition, but I do note in more recent days a bit more critical of the CFS volunteers—they believe the role they play as a peri-urban CFS brigade is one which can neither compare to a rural CFS nor Metropolitan Fire Service, and they have been seeking additional support.

As a good minister, I have listened to their claims. As a good minister, I have listened to what they said and I have asked the SAFECOM board to consider their request. My understanding is that SAFECOM considered that request at its recent meeting. If you are asking, 'Did I give a direction?', that is incorrect. As you mentioned, I would be required to table that. But certainly I have indicated my support for that request, because I think the volunteers deserve it and also support our community. Now, if the Liberal Party do not wish to support the Hills community, if the Liberal Party do not wish to support the Mount Barker CFS, they should say so.

Mr PEDERICK: Point of order, Mr Speaker.

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

Mr PEDERICK: I think the minister is finished, but he is not responsible for anything that the Liberal Party thinks.

The SPEAKER: No, indeed. I uphold the point of order.

O-BAHN TUNNEL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:03): My question is to the Minister for Transport. Does the $160 million set aside for the O-Bahn redevelopment announced today include the cost of remediating the road and returning it to Parklands and changing East Terrace?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:04): We are confident we can deliver the scope of the works as the Premier and I outlined them today within the budget.

HEALTH REVIEW

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:04): May I ask a question to the Minister for Health? Can the minister explain why the consultation period for the O-Bahn tunnel is five weeks while the consultation period for the biggest shake-up, to quote, to the health system in history is only three weeks?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:04): Sir, as I said yesterday, this consultation period has been going on for at least six months. There's been an initial

consultation paper; we've received over 2,000 submissions to that. We've got the most recent consultation paper—1,000 to that. We've had the Transforming Health Summit last year—600 delegates. We've had extensive consultation with clinicians. At some point, these decisions need to be made and we need to get on with it. No, I won't be extending the consultation.

COUNTRY FIRE SERVICE

Dr McFETRIDGE (Morphett) (15:05): My question is again to the Minister for Emergency Services. Did the ministerial request to the SAFECOM board (or was it a direction or an instruction) give the CFS and MFS chiefs six weeks to deliver the two extra pumpers, extra PPE and extra training?

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland is warned. He's been doing it all day.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:05): I thank the honourable member for his question. Mr Speaker, to my disappointment, when I became minister—

Ms Redmond: To our disappointment, too, Tony.

The Hon. A. PICCOLO: Yes, I'm sure it's your disappointment, but you're still there. I may be a junior assistant minister, but I'm not a shadow for 16 years either. The issue of Mount Barker was obviously one of the briefing notes I received when I became minister in March/April last year. As I said, I had direct discussions with them about Mount Barker late last year when I met them in Hahndorf. They have also written to me subsequently that we should have a very hardworking CFS volunteer brigade working in the areas of structural fires and in the area of bushfires and rescue work, which they do quite well, and to point out that they were very unhappy with their state of affairs. The fact that I responded to that request from them and that I should be criticised by the Liberal Party opposite for doing so indicates what little support the CFS have from the member for Morphett. The reality—

The SPEAKER: The minister will cease debating the question.

The Hon. A. PICCOLO: I raised the matter at a SAFECOM board meeting, and I indicated to them—if they had taken it that way—that I would be meeting with the Mount Barker brigade within six weeks and it would be good to provide a progress report. I think that is quite reasonable to provide somebody with a progress report.

The SPEAKER: The minister has answered the question. The member for Colton.

CRICKET WORLD CUP

The Hon. P. CAICA (Colton) (15:08): I've been hurt today, sir. My question is to the Minister for Tourism. Can the minister inform the house about the expected economic benefits and wider impact of the India versus Pakistan ICC Cricket World Cup match?

The SPEAKER: Ah, the night watchman. Minister.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:08): I thank the member for Colton for his question. The International Cricket Council World Cup matches, four of which will be played in Adelaide, will bring about $31 million into the state's economy, but there will be many more benefits that we'll be reaping for years to come because of the relationships that we built out of having the biggest game in world cricket here at the Adelaide Oval on 15 February. It was terrific to have 35,000 people from interstate and overseas come to Adelaide to see our brand-new Adelaide Oval and to see that beamed out to 1.2 billion people around the world.

I had a text message from Vinod Advani, a gentleman in Mumbai who does so much great work for the South Australian Tourism Commission. He sent me a text during the match saying that Mumbai had fallen eerily silent as everyone went indoors to watch the game between India and Pakistan being played out at the Adelaide Oval. I was talking to some of the business people at the

Adelaide Oval. One gentleman has invested $150 million in New South Wales and he wants to make a similar investment here in South Australia.

I know the Premier, the Deputy Premier, the Treasurer and the Minister for Trade were all down at the Adelaide Oval that day and the day before talking to these business leaders from India and really trying to let them know that the door of South Australia (just like our logo suggests) is wide open for business. Some of the people I met had come from the US, from Singapore, from all parts of the world. Many had come out from the UK, expat Indians who love their cricket, and it was that match that drew them here.

I think we should place on the record our thanks to Rik Morris. When we were working out which games we would go after about two or three years ago, it was Rik who was working in the South Australian Tourism Commission who identified Pakistan-India for being a great game not only in terms of drawing a crowd but in terms of building on our economic credibility and our economic opportunities. I know there were some people opposite who whinged that we did not get an Australia pool game—

Mr Whetstone: Rightfully so.

The Hon. L.W.K. BIGNELL: Yes, we could have got Australia versus Bangladesh. Now, how many tourists would that have brought in?

Mr Whetstone: Well, you should have negotiated it.

The Hon. L.W.K. BIGNELL: We didn't want to get Australia versus Bangladesh. The member for Chaffey wanted Australia versus Bangladesh. We got the biggest game in world cricket with a television audience of 1.2 billion. We had around 35,000 people here from interstate and overseas and those opposite wanted us to get Australia versus Bangladesh, which would have drawn a crowd of about 10,000. As it turned out it was in Brisbane—

The SPEAKER: Point of order.

Mr GARDNER: The minister is now debating.

The Hon. L.W.K. BIGNELL: The game did not progress up there, but we have got Australia—

The SPEAKER: The minister must not debate a Dorothy Dix.

The Hon. L.W.K. BIGNELL: Never, sir. We do have Australia coming here. The game that we guaranteed was Australia in the quarter final, provided Australia makes the quarter final. I think, the way they dealt with England the other day, they probably will make the quarter final, which is what we were putting our money on. I think that is a great win for South Australia and for the Adelaide Oval.

Again, thank you to Hitaf Rasheed and all the team at Events SA and the South Australian Tourism Commission, to the Consulate General of India and to everyone else who was involved. Brian Hayes QC, who is on the board of the South Australian Tourism Commission as well as being our Special Envoy to India, did a remarkable job. There was a lot of work that went into this match in the year or so leading up to it. It has been interesting to hear in the last six or seven months from our sources around Australia that people like the Queensland Cricket Association were going, 'How come South Australia got India versus Pakistan?' The reason we got it was that someone identified it, they sold it to the Premier and the rest of cabinet, they agreed on it and it was a great outcome for South Australia.

Parliamentary Committees

STANDING ORDERS COMMITTEE

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:12): I move:

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

Motion carried.

Grievance Debate

WINE CASKS

Mr WHETSTONE (Chaffey) (15:12): I rise to speak about an Australian icon, invented in the Riverland, which turned 50 this week. I refer to none other than the wine cask. The wine cask has played a prominent role in the wine industry, and every third glass of wine consumed in Australia comes from a wine cask. Some of the snobbery within the wine industry say that bulk wine only comes out of a cask, but that is certainly not the case.

Back in 1965, a Renmark-based family winemaker, the late Tom Angove, radically changed Australian wine packaging when he invented the one-gallon wine cask while researching for an alternative for the half-gallon flagon. For those of you who maybe could reflect back on the one-gallon flagon, they were cumbersome, very hard to put in a box and very hard to transport. Once you opened it, you would have a glass and the next day when you went back that wine was badly oxidised.

Tom had an inquisitive nature. He was always prepared to think outside the box—pardon the pun. When he originally brought that cask idea to the table, there were a few problems early on. Obviously there were leaks and pouring issues, but improvements were made over the years. It was a bit like inventing the car or anything: we start off with something a little raw and refine it as time goes on. Those improvements over the many years came along, including the new tapping device once upon a time. When that box was first devised, it was a clothes peg that used to clip on the edge of the bag, but today we see more and more technology coming and those new tapping devices are now part of today's world.

The original packing, as I said, required cutting the corner off the bag and it was resealed with a clip or with a peg. The managing director for the Angove family winemakers, John Angove, was the ripe old age of 18 when his father came home with this invention or this idea that he brought to the kitchen table. John said to him, 'I accept it, but I think it is a crazy idea.' The idea evolved from Tom's creative mind and it was based on ancient times, when the wine was stored in old goat skins.

I am sure some members here might remember going to some of their outings as young ones with some of the old goat skin bags with a pull-off cork and a shoulder strap. The goat skin was basically the origin of the idea and Tom decided to refine it. While it was being trialled with the plastic bag inside a cardboard box, over the years it has become now more widely renowned as a packaging concept. It is very easy to transport and does not have wasted space, but it is now one of the famous icons that is worldwide.

Obviously over the years the wine cask has evolved; the concept remains in wine markets right across the world and has played a major part in the Australian wine export market. Unfortunately, boxed wine has been perceived as being a cheap way to drink wine, but winemakers are now working hard to change that with the quality of the bag, improving the tap, and also the packaging. The marketing techniques are obviously playing a role.

Many people today still find that boxed wine is a convenient option: it is easy to transport, it stays fresh for longer than a bottle, it offers value for money versus the bottle, and obviously the way the wine is drawn out of the box means it does not oxidise and stays fresher for much longer. Tom invented it and it is well suited for many social occasions. The wine cask offers good value and it is convenient when you only want a glass or two and not the whole bottle. For his contribution to Australia's winemaking industry, in 1994 Tom Angove was awarded the Order of Australia and the Angove wine cask was recognised as a BankSA Heritage Icon in 2006.

So, 50 years on the wine cask created by an entrepreneur in the Riverland has evolved to the point where it is a valuable part of our export industry and still an essential item for many households. Who would have thought such a creative invention 50 years ago would still be an important part of today's world? Much like other inventions here in South Australia, such as the termite-free Stobie pole, the Hills Hoist, and the stump-jump plough, the wine cask is another successful invention from South Australia.

MODBURY HIGH SCHOOL

Ms BEDFORD (Florey) (15:18): I also want to recognise a golden anniversary today. This year sees a significant milestone being celebrated in the Florey electorate—the 50th anniversary of the founding of Modbury High School. A whole school assembly, the first for this year's 1,000 students and staff, was held on Thursday 19 February to begin the year's activities to mark this occasion and acknowledge the remarkable results achieved by the Modbury High class of 2014.

The assembly was attended by many special guests: the federal member for Makin, Tony Zappia; Mayor Kevin Knight, from Tea Tree Gully; DECD CE, Tony Harrison; and it was my honour to represent the Minister for Education. There were also some pioneering class of 1965 students, their parents and four inaugural teaching staff, as well as many of those who have followed in their footsteps in other varied roles, along with current-day students, parents and supporters. We were welcomed by 2015 school captains, Paul Hammond and Geena Ho, who introduced current principal, Mr Martin Rumsby.

In his address, Mr Rumsby made references to some of the many achievements of Modbury High and its student body. The principals who have led the dedicated and talented teaching staff who have inspired so many were present in portraits painted by school artists. Gordon Strawbridge from 1965-75 focused on the three Rs, so much that the first PE lesson at Modbury High School was pulling weeds from the paddock that eventually became the oval. John Deer was principal between 1976 and 1985 and Robert Hill (my first Modbury high principal) from 1986 to 1999. Jay Strudwick was appointed in 2000 but, sadly, died in 2009 and was succeeded by present-day principal, Martin Rumsby, in 2010, already a 20-year veteran at Modbury High School. The theme of Mr Rumsby's speech was 'The old school tie', the connections that bind us all together.

The school was built to address the demands of several fast-growing primary schools in the Tea Tree Gully area in the communities of Modbury, Hope Valley, Golden Grove and Tea Tree Gully. Local students had been forced to seek secondary education a long way from home, either in the city or at Campbelltown, or at the tech school at Strathmont. A parcel of land was purchased from the rural holdings in the area used for either dairy or cropping. Some of the holdings were as small as two acres and some as large as 80. The land where Tea Tree Plaza stands was still a paddock, and there was no hospital and no streetlights.

Under Mr Jake Jacobsen, the chair of the district council, the Harkness Dairy became the site of the building effort that saw the whole school campus ready for the start of the 1965 school year, although only year 8 students enrolled on that day. By a strange twist of fate, the newly constructed Modbury South Primary School, adjacent to Modbury High School, was not ready at the start of the school year and so the primary students occupied the south wing until their accommodation was completed.

Much of the above information was included in the marvellous speech by Mr Dean Stringer, who addressed the gathering on the early days of Modbury High. Dean is now 87, and his eldest son was a pupil on that very first day. Dean was a member and chair of early governing councils. He helped set up the Gilles Plains TAFE and played footy for North Adelaide. Dean is a fine example of what sort of inspiration and individual can be. Just as he no doubt was at the time of Modbury High's beginnings, so he was on the day of our assembly, and his impact on those who heard him speak was obvious.

Old scholars have been connected to the celebration by a Facebook page. Many old scholars from Modbury High have gone on to achieve great things. These include: Trevor Hearn, an emeritus professor of biomechanical mathematics; Christine Blacker (formerly Edgcombe), who has been a leader in Port Lincoln for 35 years; Raija Linkers (formerly Vanannen); Randy Bulpin, who played with Australian rock band Mondo Rock and lives the life of a professional musician; and, of course, Brendan Nelson, former leader of the federal Liberal Party and currently Chief Executive of the Australian War Memorial in Canberra.

The achievements of last year's year 12 students, now old scholars themselves, were recognised at the assembly. State winner of the English competition was Nathan van der Hoek. A levels in multiple subjects were achieved by 13 students, and five achieved merit awards in at least one subject area. Sixteen students achieved outstanding ATARs in the top 15 percentile; among

them was school dux, Tajwar Tahabub, who received a 99.95 and addressed the assembly on the topic of 'The next 50 years'. His thoughts were as exciting as his prospects. While clearly a high achiever, he has been inspired by great teachers.

Modbury High upholds the best and finest of educational traditions. It provides so many opportunities to students in academia; a vast array of sports; one of my favourite programs, the Pedal Prix; and visual and performing arts, including the iconic Generations in Jazz. Modbury has produced many fine musicians, among them Sam Leske and Cam Blockland who performed two musical numbers for the assembly, one a personal Stevie Wonder favourite called *Isn't She Lovely?* The assembly was treated to a wonderful music compilation of past decades which accompanied a visual presentation of Modbury High over the years.

I would like to acknowledge the wonderful planning and work of the Anniversary Committee, so capably led by governing council chair, Julie Caust, herself a Modbury old scholar and now in her seventh year of governing council, who is proud to carry on a family tradition and send her children to the public school that has played such an important role in so many local lives.

Time expired.

CENTENARY OF ANZAC COMMITTEE

Mr TARZIA (Hartley) (15:23): Last year and early this year I was part of the local centenary of ANZAC grants committee, and it is for that reason that I rise today to talk about the ANZAC Centenary local grants in my area. The Australian government's ANZAC Centenary Local Grants Program assists and encourages communities all across Australia to undertake their own ANZAC Centenary projects that commemorate the service and sacrifice of Australian servicemen and women in the First World War.

That program is certainly a key element of the Australian government's ANZAC centenary program through which funding of up to $125,000, as members might be aware, is made available for each federal member of parliament to support projects in their electorate commemorating the First World War. In January this year, the federal government approved a number of grants to improve our local war memorials and projects in our area. It is certainly an excellent result for families not only in Hartley but across the state whose relatives have fought and served in conflicts across the globe, as we lead into the centenary of ANZAC.

I am proud to say that successful applicants, both in my area and also close to my area, were the following: Kensington Park RSL Sub-Branch, which aims to refurbish and replace the current Soldier's Memorial Grove with a new plinth and stone wall, and they were awarded $25,152; St Martin's Anglican Church, which aims to construct a memorial pathway and garden as a tribute to the members of the local community who served in the First World War, and their grant was $30,000; Campbelltown City Council, which will upgrade the First World War memorial at the intersection of Lower North East Road and Gorge Road, Paradise, and their grant was $21,000; St George's Church Historical Group at Magill, they will make a First World War commemorative booklet and service statue, I believe, as well, and their grant was $5,000; followed by the Payneham RSL Sub-Branch—of which I am a member, Mr Acting Speaker, and you are always welcome to come there for a drink on a Tuesday afternoon—they will attach a bronze—

The ACTING SPEAKER (Mr Odenwalder): A bit early for me, member for Hartley.

Mr TARZIA: A bit early for you? They will attach a bronze sword to the Cross of Sacrifice within the Garden of Remembrance, and they were awarded $6,497. Obviously, 2015 is an extremely important year to not only remember but reflect on the courage and the sacrifice of our servicemen and women and I congratulate all of our successful applicants on this achievement.

As a member of the local Centenary of ANZAC Grants Committee, we worked cooperatively and hard to ensure that our community received the necessary grants. I would also like to take this opportunity to thank the many groups, clubs and organisations in our area which do so much for the ANZAC tradition. There are many services on Remembrance Day and ANZAC Day across the area and I sincerely thank the men and women, the volunteers, who are a part of these great organisations. They are the backbone of our society and I thank them for the wonderful work they do in our community.

INDONESIAN JUSTICE SYSTEM

Ms HILDYARD (Reynell) (15:27): I rise with a heavy heart to speak about two young Australian men, Myuran Sukumaran and Andrew Chan, who are both currently sentenced to execution by firing squad in Indonesia. Should their appeal against a failed bid to challenge their execution not be successful within two weeks they will both be taken to a field on an island, asked to choose whether they wish to sit or stand, asked whether they want their eyes covered, clothed in a white shirt on which a mark above their heart will be placed and they will be shot dead by a firing squad of 12 people standing five to 10 metres away.

I do not believe that killing people is ever justified. I do not believe that we should permanently lose hope about any human being. I do not believe that if you make your bed you should forever lie in it. I believe the death penalty is a violation of the right to life, an inhumane punishment and a mark of a society that has lost hope. Along with millions of others around the globe, I believe that these two young men, along with the eleven other people who currently face impending execution, deserve mercy.

Myuran is 34 and Andrew is 31. When they committed their terrible drug offences they were in their early 20s. In 2005, they were both convicted of drug trafficking as the alleged co-ringleaders of a heroin smuggling operation from Indonesia to Australia. Heroin is a terrible drug that destroys the lives of those who become desperately addicted and has a devastating and heartbreaking impact on their families, friends and communities. These two young men committed a terrible crime. They engaged in conduct which contributed to damaging other people's lives. They made an awful mistake for which they must be punished, for which they had to be removed from our community to prison, for which they had to show remorse and from which they had to be rehabilitated and reformed so that their lives were focused in a different direction so that they never engaged in this conduct again.

Many of us in this place have children, nephews, nieces, friends, cousins who are of a similar age as Myuran and Andrew when they committed their crime. I have no doubt that we have all witnessed the mistakes the young people in our lives have made and have supported them to turn that mistake into an opportunity to move forward in a new and positive direction, as we should. The death penalty provides no such opportunity. From every account, these two young men are deeply remorseful about the grave mistake they made. They have repeatedly demonstrated the role they can play in our global war on drugs. Whilst in gaol over the past 10 years, they have done much good, and their story of rehabilitation is known in Indonesia and across the globe.

They have been spoken about as a credit to the Indonesian penal system which has facilitated their rehabilitation. They have repeatedly helped other prisoners to rehabilitate, and they are role models for many of them. They demonstrate why we can maintain hope that young people can change and move their lives in a positive direction. Should their lives be spared, they can demonstrate to other young offenders that genuine remorse and rehabilitation is the only pathway.

The Indonesian President's policy position is to refuse clemency for every drug offender without reviewing each individual case. His policy is bereft of hope and in contravention of rights set out in Article 6 of the International Covenant on Civil and Political Rights, to which Indonesia is a party.

Amnesty International, amongst many others, have written to President Widodo, stating that the executions will contravene human rights law and standards, and advising that, whilst the resumption of executions in Indonesia is being presented as a response to crime, there is no compelling evidence that the death penalty prevents crime more effectively than other punishments. There is indeed no conclusive evidence that the death penalty deters potential offenders; however, it is certain that, if Myuran and Andrew are executed, other drug offenders may be deterred from rehabilitation.

My heart goes out to Myuran and Andrew and every member of their extensive family who, for 10 years, have sustained hope that their young people will not be killed. I urge every one of us in this place and every South Australian to do whatever we can to ensure the lives of two of our young people are spared and, in doing so, to speak up for and commit ourselves to a community that is humane, compassionate and always hopeful.

SAMPSON FLAT BUSHFIRE

Ms REDMOND (Heysen) (15:31): I rise today to raise an issue of concern regarding the recent bushfire. During and following the Sampson Flat bushfires in early January 2015, the media took great pride in the fabulous job they did in providing coverage of the events. Indeed, in the days following, they could not praise each other enough for what a fabulous job they did in their reporting of the unfolding events. There is no doubt that much of their self-praise, though often said to be no recommendation, was well deserved and justified but it seems that, in their enthusiasm, at least one TV crew may have overstepped the mark.

I have spoken at some length to one of the victims of this fire—a lady who lost her house. This lady was at work when the events of Friday 2 January unfolded. She did receive one standard warning message from the CFS on her phone at eight minutes to four. It is believed that her house burned down between four and five. This timing can be fairly accurately pinpointed as her husband—a CFS member—was at home, and he was checking the CFS website on the computer when his neighbour phoned and said, 'Look out your window.' The fire was upon them and, in spite of his best efforts to defend the house, it could not be saved, nor, I understand, could the neighbour's house.

For obvious reasons, those in charge of fighting the fire put a cordon around the area so that no-one could enter. As a result, although she had obviously been told that without any doubt her home had been one of the ones lost to the fire, this lady was unable to go back there. Anyone who has ever been close to the devastation caused by such events knows that it really is important for people to return to their home and view the place, even pick through the rubble and find tiny pieces that might have survived, in order to begin the long, slow and very often painful path to recovery. Indeed, I would suggest that common sense and a modicum of empathy, even from those who have never been close to such events, would lead anyone to conclude that this is an important first step.

Imagine this lady's distress then when, on Sunday 4 January, still not being allowed to enter the active fireground, she went to a friend's place to borrow some clothes, because she had none, and there on Channel 9 was her house. The sight of this added greatly to her distress at an already extremely difficult situation. After all, if she could not be allowed to get in there to go to her own house, how on earth was Channel 9 able to do so, and how was it that they were able to show her house without any permission being sought or given? She subsequently found out that they had even shown this vision of her destroyed home on Saturday 3 January.

On Monday 5 January, shortly after she did get to her house finally, who should turn up but Channel 9. The young female reporter asked to do an interview. After some consideration and discussion, the lady agreed to do an interview on camera but made it clear that she would only agree if she could say what she wanted to say because she wanted to express some concerns about notifications, aerial firefighting and so on. The young reporter agreed to the conditions.

The interview was done. The reporter's word was not worth the paper it was not written on, and a heavily edited version went to air deleting the parts this lady really wanted to say. I am prepared to put that aspect down to the inexperience of the reporter. For all I know, she did try to get the whole thing put to air and others higher up the food chain vetoed that. More importantly, however, and back to the original Channel 9 coverage of the event, why was this not a breach of the Journalists' Code of Ethics? I have taken the trouble to read the (so-called) Journalists' Code of Ethics and it begins with a general statement which includes the following:

> Alliance members engaged in journalism commit themselves to
>
> Honesty
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> Fairness
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> Independence
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> Respect for the rights of others

The relevant standard thereunder (No. 11) states:

> Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.

This statement is extraordinary in two outstanding respects: I am yet to meet or observe any journalist who does 'respect private grief and personal privacy'. Watching TV news or current affairs programs

on any day soon gives the lie to this so-called standard but, secondly, the most extraordinary thing about this statement is the second sentence:

> Journalists have the right to resist the compulsion to intrude.

Since when is an ethical obligation expressed in terms of the rights of person upon whom the obligation is imposed, not the rights of the person it is supposedly designed to respect? I have read codes of ethics of all sorts of occupations and professions over the years but never before have I seen anything couched in those terms.

But of course it does not matter to them how much distress they cause as long as they get their story. Indeed, they probably count greater distress as more newsworthy. The person I spoke to tells me that at least three or four other families had the same or a very similar experience and, of course, she spoke to me because she knows that making a complaint to people in the media will fall on deaf ears. It will not even get coverage; it will not lead to an apology and it certainly will not change their future behaviour. In my view, it is well past the time when we need privacy legislation in this state.

VOLUNTARY EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:36): I was interested to read the ninth and most recent SAVES newsletter, titled 'End of Life Choice', for this month. The newsletter was penned by the co-founder of the Christians Supporting Choice for Voluntary Euthanasia, Ian Wood. This group identifies themselves in the following manner:

> We are Christians who believe that, as a demonstration of love and compassion, those with a terminal or hopeless illness should have the option of a pain-free, peaceful and dignified death with legal voluntary euthanasia.

Mr Wood says:

> According to a 2012 Newspoll, a substantial majority of Australians who identify as Christian support the right of doctors to provide a lethal dose [on request from their patients at the end of their life].

He goes on to say that this poll also identifies support for voluntary euthanasia by nearly nine out of 10 Anglicans and three out of four Catholics. The group finds that there is a dichotomy between the views of many senior church figures and their congregation members on the right of people to choose voluntary euthanasia or medically-assisted dying when their life becomes intolerable.

Mr Wood cites various Anglican leaders' views on these matters. He quotes Archbishop Desmond Tutu, Lord George Carey, a former Archbishop of Canterbury, and senior Anglican Canon Rosie Harper. I was very interested to hear, particularly being a fan of Archbishop Desmond Tutu, what he is reported to have said. As Mr Wood identifies:

> Archbishop Desmond Tutu, one of the world's more eminent religious leaders, has made an extraordinary intervention in the debate over assisted death by backing the right of the terminally ill to end their lives in dignity. He writes: 'I have been fortunate enough to spend my life working for dignity for the living. Now I wish to apply my mind to the issue of dignity for the dying. I revere the sanctity of life—but not at any cost.'

I think they are very strong words from Archbishop Desmond Tutu.

Lord George Carey, again a very interesting leader, former Archbishop of Canterbury and head of the worldwide Anglican Church, was speaking in support of the Falconer Assisted Dying Bill before the UK House of Lords last year. 'It would not be anti-Christian' he said, to ensure that terminally ill patients avoid 'unbearable pain', and:

> One of the key themes of the gospels is love for our fellow human beings…Today we face a terrible paradox. In strictly observing accepted teaching about the sanctity of life, the church could actually be sanctioning anguish and pain—the very opposite of the Christian message.

I do not know very much at all about senior Anglican Canon Rosie Harper, to my shame, but she is reported to have talked about her experience when her uncle died with the assistance of Dignitas in Switzerland, saying that:

> My uncle had a beautiful death, with his family around him—good music, good wine, and a pain-free end. The days that would have followed as he struggled through the end stage of a brain tumour would have been terrible. He had no choice about dying. He did have choice about the manner of his death. That's all this bill is offering.

I think she is referring to the Falconer bill. She argued that a God who offered freedom of will would not insist of us having extreme suffering at the end of life when there was a different way.

Bills

REAL PROPERTY (PRIORITY NOTICES AND OTHER MEASURES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr PEDERICK (Hammond) (15:41): I rise to continue my remarks in regard to the Real Property (Priority Notices and Other Measures) Amendment Bill 2015. As crown land is discussed in the bill, my preceding remarks before the lunch break were about an issue I have with crown land in my electorate, that is, a place called Gawler Square, which is part of the Currency Creek survey which was initially done in 1840. This is about the council trying to amalgamate title in the old Currency Creek planning area to get some clarity into the future, and it has been a difficult process.

The issue is that someone did not get their survey done appropriately and built a shed right where a roadway supposedly needs to go to this Gawler Square, but this Gawler Square is a town square that will never function as a town square. These are all rural living blocks and the Gawler Square, which is about four acres in the old language, is split four ways, essentially, between the four neighbours and being used by the four neighbours as part of their properties. The issue is, because this landholder has his shed in the wrong place, legally, access needs to be maintained to a planned town square.

The reality is no-one is ever going to go to this town square, at all—no-one. There is a Ngarrindjeri native title claim over the crown land, which is the town square. I am still seeking clarity between various ministers, as I indicated earlier in my speech, about whether native title is automatic because it is crown land or whether there is a separate native title claim by the Ngarrindjeri people on that. That is the difficulty we have.

The difficulty I have in a practical sense is: why does this landholder, even though he did have some survey issues (and he admits that), need to pull down half a shed so there can be a road to nowhere? I think it is ridiculous, quite frankly, that it cannot be resolved. I wrote to the planning minister on 24 April 2014, and I quote from part of his reply:

> I am advised that records held by the Department of Environment, Water and Natural Resources indicate that in 2008 council sought information about the revocation process of Gawler Square with a view to subdividing the land and merging it with adjoining certificates of title. In April 2009 the department advised council that, as native title had not been extinguished from the land, Gawler Square could not be disposed. Advice was also provided regarding the requirement for maintenance of legal access to the land following any merging of road reserves into the adjoining freehold land.

I would like to note that the council involved is Alexandrina Council and, if native title can be extinguished, they will be more than happy to go on with the process of those four parts of crown land being merged into the other titles of the adjoining property owners.

I have a letter from minister Hunter, who is the Minister for Sustainability, Environment and Conservation, which talks about a meeting I had with my staff and some of his departmental staff that was held on 30 October 2014 regarding Gawler Square, Currency Creek. I quote a paragraph from the reply from minister Hunter:

> DEWNR is unable to dispose of Gawler Square as the site is subject to an unresolved Ngarrindjeri native title claim. However, I am pleased to advise that an interim solution has been identified whereby adjacent landholders may apply to DEWNR for licences to occupy the Gawler Square land. This will authorise their current use the land.

'Well, that's fantastic. They're doing it anyway, so why should they get it authorised?' you may say. That is fine, they are going to use it anyway, but at the end of the day what I am disappointed about from the meeting I had with the advisers that day—I note the minister was not there—is the fact that they did say that native title could be revoked. It could be through a process, and I think they indicated to me that there were several cases that had been resolved recently. I know the council and the adjoining landholders are keen for that process to go ahead, but the letter is quite different to the advice I got from advisers on the day of the meeting.

I note my most recent advice from Alexandrina Council, which is dated 10 February 2015, and I quote from the letter one paragraph:

> Should Council receive formal notification that the native title claim is able to be resolved in a timely manner, Council will be in a position to review its current offer to [my constituent] and determine the most appropriate long term resolution for all parties concerned.

I urge the government and ministers involved—and I have verbally communicated to the new Minister for Aboriginal Affairs, the Hon. Kyam Maher from another place—that this needs to be worked through. I think it can be resolved appropriately. Perhaps it is just too simple, but I think it is madness that we may cause a couple of people in my electorate to pull down part of their shed to have a road to nowhere.

Mr GRIFFITHS (Goyder) (15:47): I also wish to make a brief contribution to the Real Property (Priority Notices and Other Measures) Amendment Bill and put on the record from a personal perspective some experiences I had last year in relation to the verification of identity requirements, which is in clause 18 in this bill.

Like most people, I am an aspirational property owner. I am blessed to own a couple, all of which are on the parliamentary record of members' interests, so they are there. With them, of course, comes the debts associated with property ownership and the ongoing liability for land tax. We shall not talk about that, but I did contribute to stamp duty quite significantly last year when I bought a property. The saga associated with the transfer of that, though, opened my eyes about the challenge that legislation and regulation presents to people, particularly those in regional areas.

In my case, negotiation occurred with a conveyancer based on Greenhill Road about an opportunity for me to attend. It was physically impossible for my wife, who is a co-owner of this property, to be at this meeting. I had sought an opportunity to do it in a more local lawyer's office close to where I live, but at the time of that there was no agreement in place for it. It had been a target, as I understand it, for conveyancers to have arrangements in place with legal firms in regional areas for this to be achievable, but it was not, so I duly attended, as I was required to do, for the conveyancers, and presented my identification to prove that I was who I said I was.

I do put on the record that I understand it is absolutely important that verification be obtained, but we have to ensure that it is in a practical way. In my wife's case, as a co-owner of the property, she was able to make a subsequent arrangement to visit a regional legal firm, but that comes at a cost also. For the life of me I struggle to remember what it was, but I think it was about $80 or thereabouts for presumably a five-minute visit to identify who she was and to sign the form. So, when the shadow minister, the deputy leader, in her forensic examination of this bill earlier in the morning talked about quite a few things, this one did tweak my interest. I just wanted to put on the record in a very brief way that, while I respect the fact that the legislation will go through, for me it is the practical implementation of it and the impact upon people, particularly those in regional areas.

I hope that, from the variety of contributions that will be made and from the feedback that has been provided by people who have purchased property and dealt with verification requirements and, in some cases, the challenges that presents, every effort is made to ensure that a practical correction is made to ensure that the outcome is a better one for people. They are making one of the most substantial financial decisions ever in their life. They want the process to work smoothly. They certainly do not want it to be held up in any way, but they also want to make sure that it does not cause them more anguish than the concerns associated with a long-term debt repayment plan, which we all live with too. I look forward to the passage of the bill and I look forward to ensuring that, when people contact me, it is not about the concerns I expressed last year.

Ms REDMOND (Heysen) (15:50): I rise also to make a contribution on the Real Property (Priority Notices and Other Measures) Amendment Bill, and, indeed, it is actually the other measures and verification of identification about which I primarily wish to speak. In beginning those comments, I would say that I probably have a longer history in the conveyancing area than anyone else in the room, having commenced in the Crown Solicitor's Office in Sydney in 1972 and having become immediately involved in conveyancing. As perhaps the advisers, if not the ministers and others here, would be aware Sydney of course had old system title. In this state we famously have the Torrens title.

Out in the corridor, immediately adjacent to this chamber, is a wonderful portrait of Robert Torrens, painted by Andrew McCormack, whose son owned the house that I now live in back in the 1920s. Andrew McCormack painted a lovely picture of Robert Torrens and various other people around this parliament. The very essence of the way we do titles in this state is based on the system that he originated all that time ago. It is a system which has been widely adopted around the rest of the world.

Under the old system, you had to trace the title back from its original grant from the King or whatever it was, and then you had to check every document down through the ages to make sure that it had been validly transferred all the time. Of course, with Torrens title we have a certificate of title for any given piece of land, and on that title is the registered owner and any other things like a mortgage or whatever might be registered on the title. Once that registered owner is on there, that title is indefeasible against the rest of the world. That person is the owner of the fee simple. The system works very well and has done since the early days of this colony.

This new proposal seems to me to be fraught with difficulty. I recognise that there has to be some changes. I practised as a lawyer doing a fair bit of conveyancing in this state; indeed, the first time I ever held a cheque for an actual million dollars was when a client of mine was selling a property in Stirling some fair few years ago now, and it was for more than $1 million. Of course, people who could afford to buy that sort of thing did not need bank finance, and I just got a bank cheque from the other side for $1 million that I had to carefully take home.

The circumstances of our settlements were crazy. I have been in this place for 13 years, and well before I came in here we got the new settlements room in Grenfell Street. The excuse given for its small size at the time was that we were about to change to electronic conveyancing, and so we did not need a settlements room any more. We had this very small room, and everyone used to pack in, and if you could understand what has to happen—the member for Bragg spoke about it in her contribution earlier—if you are selling a property, normally there is a mortgage, so you have to find the bank that has the mortgage, get the mortgage and their discharge of that, and the title they are holding. They do not want to hand that over, of course, until you give them a cheque, but in order to get the cheque you have to give all of those documents to the purchaser whose bank is going to take the money and provide the money back.

In this room you had to find the people who were involved. Usually there would be a bank on either side and a purchaser and vendor, and often there could be other settlements connected, so that someone might be selling their house and buying their next house, and they would have to have their people lined up as well. On the most simple one, you would often have four parties: the two banks, the purchaser and the vendor. You would have to locate who they were by yelling out and all that sort of thing and then try to make your way across the room. It became so farcical that the crowding in that room was just ridiculous.

At one stage, what they decided to do was to put a $20 extra fee if you had a settlement on a Friday, because most people settle on a Friday so they can move house on Friday night and over the weekend. They put a $20 fee on to say, 'You can't settle on a Friday, other than by paying this extra fee,' to try to reduce the numbers. Indeed, on one occasion we got the then registrar-general to come down into that room, and we made sure that everyone who was there was actually in the room, because we used to spill out into the foyer area, and tried to impress upon him how difficult it was.

That is by way of background to say that I understand the need for a change and that I recognise, although I am not a fan of technology, the need for a recognition of technology. I still worry. Indeed, I cry still about the fact that they have got rid of the beautiful old parchment titles and that we now have a little green A4 piece of paper that is so easy to throw away because it does not even look like a certificate of title any more.

There are a couple of things I want to note and get a comment from the minister on, when the other minister comes back and reads all these comments later on. Firstly, I note that under the amendments, proposed new section 154A, subsection (10) states:

The Registrar-General is not required to inquire into the content of a priority notice in order to determine whether that content is correct.

From what the member for Bragg said in this morning's contribution, I gather that is because it can just be lodged by computer, so there is no-one actually checking to say whether it is correct. In proposed subsection (11), it goes on to say that, if a notice is lodged, the Registrar-General has to record on the notice the time of receipt and a record of the lodgement, but the Registrar-General:

…is not required to advise the registered proprietor of the land to which the priority notice relates, or any other person, that the notice has been lodged.

That seems to me to be an extraordinary situation, that you can have someone lodge a priority notice on your property and there is no requirement to give notice about it.

Interestingly, under proposed subsection (14) it says that a priority notice may be lodged in relation to land in a single certificate of title, more than one certificate of title or 'a portion of the land comprised in a certificate of title', which I think is quite extraordinary. In proposed section 154B—Effect of priority notice, it goes on to say:

If an instrument affecting land is lodged in the Lands Titles Registration Office or served on the Registrar-General while a priority notice is in force…the instrument—

that is, your new transfer or mortgage or whatever—

may not be registered or recorded in the Register Book or the Register of Crown Leases until the priority notice ceases to have effect.

I think there are considerable concerns about what impact that is going to have on indefeasibility of title and the rights of owners of property and, indeed, mortgagees. I also want to express some concerns about proposed new sections 154C and 154D. Proposed new section 154C provides:

Instruments identified in a priority notice are to be registered in the order in which they are given priority in the notice unless the Registrar-General considers there is good reason for registering the instruments in a different order.

There is no indication given in that section as to the basis upon which the Registrar-General is able to exercise that great discretion, and it is an extraordinary discretion. It seems to me that it is, by its wording, an unfettered discretion, and that strikes me as extremely dubious. Secondly, proposed section 154D states that the lodging party need not be informed that an instrument cannot be registered or recorded. That is:

The Registrar-General is not required to inform a person who lodges an instrument affecting land in relation to which a priority notice is in force that the instrument cannot be registered or recorded in the Register Book…

Again, I think that is an extraordinary provision. As I said at the outset, the main thing I want to talk about is this issue of the verification of identity documents, and I do so on the basis of a lengthy letter that I received a year ago; indeed, I think it was also sent to the Attorney-General, but he sent back a very dismissive reply. It is quite a lengthy letter and I will put a fair bit of it onto the record, but it is signed by not just the author of the letter who is a registered conveyancer, but indeed by another 12 and it was forwarded to me by yet another person also involved in certificates of title, conveyancing and so on. The author of the letter to Brenton Pike, the Registrar-General, is:

…writing to express my profound concern about your office's VOI—

verification of identity, and I will refer to it from now on as VOI because that is the abbreviation it is given—

Policy and requirements relating to RPA [Real Property Act] documents, clients and conveyancers. …it would appear that little or no consideration has been given to the people who are directly affected by it and who will bear considerable cost (time, money, inconvenience and angst) because of its implementation. A verifying fee is payable for each person being verified. The starting price is $39 per person but how and who will be controlling price increases? Once the system is established, the public will have no choice but to pay whatever the fee becomes.

It is very important to me that your office is aware of the serious problems which will be caused by the implementation of the Policy.

Some of my concerns relate to issues out of the control of your office but they nonetheless are becoming issues only as a direct result of the VOI policy... I would very much like to know whether you or your office gave any thought or consideration to the impact the Policy would have on clients and on Conveyancers, their respective businesses, profitability, additional time required to attend to the extra work and the stress created by all of those issues.

To the best of my knowledge the Policy is merely a policy and not a change or addition to any legislation.

Now, because of this, it may be a change to the legislation. The author goes on to talk about the fact that:

Conveyancers are trained in conveyancing.

They are not trained to detect fraud. I think that is another point that the member for Bragg made in her contribution this morning.

Conveyancers acknowledge and accept responsibility and liability as regards conveyancing work but should not be forced to take up the responsibility and liability which properly belongs to and should remain with your [the Registrar-General's] office. In the future there will be no RPA documents to examine and I understand there will be zero liability placed on your office to ensure each transaction is legitimate. Is that correct?

Of course, there has never been a response to that.

The mishandling and mismanagement of the introduction of the Policy is nothing short of ludicrous, the proof being in the inability to find and implement any workable, satisfactory and safe solution.

The letter then goes on firstly to deal with the issues with Australia Post and the fact that it is claimed that people can just go to an Australia Post outlet, but of course only Australia Post outlets with passport facilities can do the verification work and there are only about 1,400 of those nationally and indeed there may be fewer now than there were a year ago. The author then goes on to point out:

I have many clients in Roxby Downs, Coober Pedy, other remote areas and also interstate cities, remote farms and towns. I have had clients in Karratha, Barrow Island and one client on a ship at sea. I have also had a client in, at that time, war torn Lebanon. It would be impossible for them to have a face to face interview with a verifying agent.

Indeed, I have another piece of information I probably will not get to about a professor in Canada who needed to have his identity verified and it was going to involve something like 2,000 kilometres of travel to get the documents signed. The letter continues:

Australia Post refuses to allow its staff also to witness the signatures on the RPA documents for which verification is required. The documents then need to be signed and witnessed quite separately from the verification documents…In order for Conveyancers to be allowed to use Australia Post (or another verifier), an agency agreement has to be entered into.

The document that they had prepared at that stage:

…states in part that Conveyancers are fully liable for any errors made by Australia Post staff. That situation is totally unacceptable and no-one should have to be subjected to it…Secondly, the Australian Institute of Conveyancers…has sourced, recommended and according to its CEO, Geoffrey Adam, is supporting and backing a group known as ZIP ID to undertake the verifying agency work.

When they went to an information session about it they found out about this service that, firstly:

It only operates in suburban South Australia. It will not allow its staff to witness RPA documents…It has teamed up with the Toll courier business. Toll's courier drivers will attend on clients (but only in the suburbs) at which time clients are required to hand over their original passport, driver's licence and any other highly personal and sensitive documents so that the courier driver can scan and electronically send them to all corners of the known universe via the internet. The courier driver will also photograph the client and send the photograph via email to ZIP ID.

- Keep in mind that courier drivers are employees or contractors of Toll and earn their living by delivering the most number of parcels and documents whist taking the least amount of time during any given day….

A range of issues was suggested. What do they do about a client:

1. whose first language is not English;
2. who may be vision impaired;
3. who may be hearing impaired;
4. who may be speech impaired;
5. who may be illiterate;
6. who may be frail and/or terminally ill (with the very real possibility they [won't] bear any resemblance to their [actual] photo ID…

She goes on to state they may be confined to bed at home or in hospital. They may be a shift worker. They may be affected by drugs or alcohol. They may be in prison or a secure facility. They may be a minor who has no photo ID. They may need to collect children from school and not be able to wait around for a courier driver if they are late. The letter continues:

- There was no indication as to whether or not the courier drivers' first language will be English or even if it is, whether or not he or she will have the ability, time and/or inclination to provide meaningful advice relating to the verification documents and/or properly communicate with clients.
- A passport and driver's licence can be up to 10 years old and signatures on both can be vastly different—

especially because they squeeze them down. She continues:

How can Conveyancers be expected to compare the signatures on copies of copies with an original signed document in full size? Conveyancers are not handwriting experts. Is close enough good enough to satisfy 'reasonable steps'?

- I understand that only a current passport, driver's licence etc is acceptable for identification purposes. If my passport expired yesterday, I am still the same person today. It seems absurd that an expired passport cannot still be useful for identification. Perhaps a five year time limit should [be used].

I will not go through all of this, because I will run out of time, obviously. The letter continues:

No reasonable person would believe the above process is actually going to eliminate the opportunity for fraud, identity theft etc. Anyone with even the most basic insight into and sensitivity as to human nature can see the opportunities available for fraudsters to take advantage of South Australians. It is an open door to assist fraudsters to gain access to the property, safety and security of innocent persons who place their trust in your office—

she is referring to the Registrar-General—

the South Australian Government and Conveyancers. In a nutshell, any problem which may exist has not been solved, it has only been moved.

In the event anyone suffers as a result of fraud by the verifier or any person employed, contracted or otherwise connected with the verifier's business or any person who gains access to the documents scanned by the courier driver and stored by ZIP ID (or other agency), the client will place responsibility on the Conveyancer for having introduced the verifier's service. This may not concern personnel at your office but it most certainly causes me a great deal of concern.

She goes on to ask the Registrar-General whether he would hand over his original passport, driver's licence, etc., to a courier driver to be scanned. I will not have time to do all of this, Madam Deputy Speaker, but she says:

It is not appropriate, in any event, for your office to absolve itself of all liability relating to the integrity and proper maintenance of the Register 'Book' by forcing Conveyancers to take on the responsibilities of your office and further make it the responsibility of Conveyancers to find a solution for the problems your office has created.

If your office wants its 'policy' implemented, your office must find a satisfactory solution which will enable all clients to comply with it easily, safely and at no cost to Conveyancers and clients.

I am about to prepare a Transfer for sale of a property by a guardian pursuant to a Guardianship Order. In that situation [after this is introduced] and bearing in mind one purpose of the VOI is to confirm that the correct owner is selling the land, would I have to obtain VOI for both the guardian and the mentally impaired land owner? If so, how would a courier driver go about handling that situation and why should a mentally ill person be subjected to that process?

I have not been able to find a way to verify a client's identity who, for example, lives in Andamooka or Roxby Downs, is confined to bed because of illness…or who works away from town in a mining camp. Perhaps your office can [offer] a solution for that and similar problems.

I am just trying to summarise this as I go. She continues:

Relatively recently I was contacted by a person whom I understand…has been in prison for fraud and apparently who makes a habit out of defrauding innocent people—

I won't name him—

When I told him, politely, that I would not be acting for him, he became aggressive and threatened me, both at the time and by leaving a menacingly threatening message on my office voice mail. I am a sole practitioner and I was genuinely fearful of his threats.

She goes on to say that if she refuses, as a conveyancer, to continue with a transaction because of these VOI requirements, she believes she may be placed at risk.

I do not understand why, when a Real Estate Agent is acting for a vendor, that it is not that agent's responsibility to verify the bona fides of the person(s) purporting to be the vendor(s)/owner(s) of the property and to note the verification on the contract document.

I would have to say that there is some sense in that, that they are going to have a much longer association with the person generally. It continues:

I understand it is done that way in W.A. The CEO of the [conveyancing institute] believes Real Estate Agents *would not co-operate because they are only interested in collecting their commission*…

I make no comment on that. Furthermore, this author makes the point that:

I have been advised that there is no legal requirement for people to purchase property in his or her legal name. It is not illegal to have an alias, people can call themselves whatever they want. Providing they are not using aliases for the purpose of defrauding the Commissioner of Stamps, Land Tax etc, people are entitled to own property as they see fit. It is not ideal for many reasons but it is not illegal. I therefore do not understand how your office can deny law abiding citizens from using whatever name they wish and owning property in that name if that is what they wish to do.

I will hand to my colleague.

Mr GARDNER (Morialta) (16:10): To enable the Attorney-General to completely respond to the member for Heysen's suggestions and questions that she has raised, I will continue to put on the record the rest of the correspondence from the conveyancers. I particularly note the president of the conveyancers at the time, Geoffrey Adam, who is one of my constituents and who I served with on the Campbelltown Residents and Ratepayers Association for a couple of years—a fine individual and a significant contributor to my community. So, I am pleased to be able to help the member for Heysen, whose time has expired. The letter goes on to say:

At the recent AICSA information session, Geoffrey Adam announced that *Conveyancer's Professional Indemnity insurance premiums definitely will increase because Marsh has already identified the additional risk to Conveyancers as a direct result of the implementation of the VOI Policy*. Was any thought or consideration given at all in that regard by your office? If so, does your office expect Conveyancers to absorb the additional cost or is your office happy for Conveyancers to bear the increased liability or for the increased costs to be passed on to the South Australian public?

Because of the extra time required to comply with the Policy, there no doubt will be settlement dates which simply cannot be met. Most vendors and purchasers have full time jobs which is why they are able to purchase and own real property. Most vendors and purchasers cannot simply "down tools" and take time off from work to attend to the verification requirements. Real Estate agents, lenders and the LTO are not parties to contracts so they are not liable for the payment of any default interest and/or other expenses incurred due to a delay in settlement. Again, is your office happy that those extra costs will be paid by clients?

In June 2013 I paid $90.00 (plus GST) and invested my time to attend an afternoon seminar to learn about the Government's new VOI Policy. I understand some conveyancers paid considerably more to attend other seminar(s). All such seminars should be free of cost to Conveyancers and the respective amounts paid should be refunded.

I note that the SA Government has done very little in advising the public of the implementation of VOI. There does not appear to be anything like an effective media campaign and additionally the Government has not even assisted legislatively in that it could have regulated in the recent updates to ensure Real Estate Agents are required to provide vendors and purchasers with an information sheet (similar to the R3) with the Form 1 disclosure statement which advises *"Your settlement will be delayed unless you are able, immediately, to arrange VOI"* (or something similar to that wording).

Conveyancers understand that with the new electronic conveyancing system, clients will not be required to sign RPA documents and instead conveyancers will bear 100% of the burden and liability of having to sign on behalf of and vouch for their clients which is why the necessity has been "created" for Conveyancers to verify the identity of their clients. Unfortunately not all clients possess the ID evidence required, they do not all live in metropolitan Adelaide and not all are available during business hours to attend at the office of their Conveyancer. Not all Conveyancers have a spare half hour or more (per client) in which to stop working and sit down with the client to complete the process necessary to comply with the VOI Policy.

Many clients will have to expend a considerable amount of money (at other Government Departments) and wait an unreasonable amount of time (remember contracts have settlement dates and default clauses) in order to obtain the ID required to comply with the Policy. I can see problems occurring when clients attempt to obtain copies of their ID documents in a short period of time.

I am asking you, in the interests of Conveyancers and the Australian public, to consider all of the points I have made, for common sense to prevail and for the VOI Policy in its current proposed format to be abandoned as being unworkable and unsafe for Conveyancers and for the majority of clients. The VOI Policy will cause additional risk and expense for Conveyancers and clients and it will seriously jeopardise the timely completion of many contracts which will cause considerable hardship for clients who have other commitments and who may not be able to change moving arrangements when settlement is delayed.

Yours Faithfully,

It indicates a number of conveyancers who attach themselves to the concerns raised in the relevant letter. I indicate to the Attorney-General that I am pleased I have been able to assist the member for Heysen in her comments and in sharing the concerns raised by the conveyancers. I am sure that he will take the time now to respond to these issues in his summing up of the debate. There is of course the opportunity for the member for Heysen, who has raised these concerns, to pursue that issue further in committee if the Attorney-General chooses not to, but I indicate that he may have made this a lot simpler by addressing these concerns in his initial correspondence with the conveyancers concerned.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:16): I have a couple of things in no particular order. The first one is in relation to some of the comments the member for Bragg made. I do not think it is any secret that I am not a big fan of national competition policy or some of the mandated oddities that have emerged from that place.

I remember that, for the first couple years I was in this place, the member for Bragg's good friend and my good friend the former member for Stuart and I spent most of our time arguing about the proposition which was bizarrely, from my point of view, being pursued by the farming community. They wanted the barley board dismantled so that we could have market forces in there, and hasn't that been a ripper of a success!

I gather there were some particular points raised by the member for Bragg, and I will just go through them very quickly. On the impact on the Lands Titles Office, the vast bulk of the work is automated, so the impact upon the office is limited. On the impact on consumers, priority notices remain an optional measure although take up of the notice is expected to be quite high.

Priority notices will have a fee consistent with other states, and the fee will be minimal. I am advised that is presently around the $20 mark. Incidentally, it would not be reasonable for one jurisdiction to get completely out of whack with others either. That would transparently mean there is a problem in that jurisdiction. Elsewhere it is around $20 so, unless we are completely hopeless, which I am assured we are not, we would be landing at around the same spot.

On the impact on consumers of verification of identity, the introduction of the policy was in April last year, which is something I think Mr Adam and others who are agitated about this bill are not actually picking up on. This bill is not what introduces that change. That was something that came in in April last year as a result of legislation that came in some time ago, so there is not much point in—

Ms Chapman interjecting:

The Hon. J.R. RAU: Sure, but the fundamental principle of verification is something that is already in place, and this is not an appropriate vehicle for re-agitating that proposition. Anyway, since the policy came in: transfers, 36,066; mortgages, 42,157; transmissions, 2,554; deaths, 2,490; substitute certificates of title, 718. These stats show that there are many transactions that have occurred with VOI requirements in place. There has been little complaint from industry or consumers about the requirements, I am advised by the registrar. It has been in place now for 10 months. All that this legislation does is confirm that the Registrar-General has the power to implement the policy and to enforce the policy.

On the impact on the Lands Titles Office, verification of identity checking is conducted by the agent to the transaction in most cases. There is very little resource impact on the government to enforce the policy. As far as crown leases are concerned, this component of the bill simply updates the Real Property Act to clarify that there is an express power to register or record dealings with

crown leases which reflects the current and historical practice of the Registrar-General. The bill also clarifies the fact that crown leases are indefeasible. That is a word I remember from my days at law school.

Ms Chapman interjecting:

The Hon. J.R. RAU: Osmanovski and Rose, Tadeo and Catalano and so on.

The DEPUTY SPEAKER: Is that Latin for something or are you quoting?

The Hon. J.R. RAU: No, they are just four unfortunate people. It is subject to being consistent with the act under which they are granted. I hope that addresses many of the matters raised by the member for Bragg. As for the lengthy correspondence from Mr Adam that was read into *Hansard,* in fact all of the matters are not pertinent to this particular bill, they are to do with the establishment sometime ago of the validation process.

Many of the issues raised by Mr Adam are not issues that have been raised by the governing body of that group of people, in fact, they are supportive of this. It is my understanding, from what I have been told, that the views expressed by him are not necessarily the views of the management in terms of the sector that he is involved in. Some of the comments raised in that rather lengthy contribution amount simply to questions about 'Why don't we shift the cost or the responsibility onto somebody else like a real estate agent or whatever?' Again, those issues are basically trying to re-agitate what has been the status quo.

Let us bear in mind that the introduction of the validation provisions has not actually, as I understand, changed who has to do what. In other words, it has not moved responsibility for the establishment of identity from the agents who used to have it onto the conveyancers who never used to have it. It merely recognises the then established fact that conveyancers were always supposed to do it, but in some cases the practice had grown up of them being satisfied by sending a letter to somebody they had not met, and receiving a signed letter back from somebody they had not met and assuming that was okay.

The fact that they had adopted what objectively was a fairly suboptimal practice in the past, and they were enabled to get away with that without there being anybody getting particularly upset about it and, incidentally, I guess, not a great deal of fraud perpetrated as well, otherwise we would have heard about it, nothing in that respect has changed. The goal posts in terms of the relative obligations of land agents versus conveyancers in any transaction has not been disturbed at all. It is simply the process by which the identity of the individual who is seeking to be registered officially as the title holder is established. That is the only bit that has changed; not who is doing what.

With those few words, I think probably the best thing is to go into committee but, before we do that, I have one amendment. I know the member for Bragg has indicated, and I thank her for that, that the opposition will be at least in here supporting this. I can say this to the member for Bragg and the member for Heysen and anyone else who has outstanding issues, if there are things that occur to people between here and the other place, I am happy to arrange for the Registrar-General to sit down with you and answer any questions you have.

He is a very accommodating fellow. He has come and sat down with me several times. I usually start with, 'Why are we doing this?' He says 'It's a national competition thing,' and I go, 'Oh my God, not another one of these.' Then he says, 'Well, it's actually your fault,' pointing at me and I say, 'It's not my fault,' and he says, 'Well, it's not my fault.' But, anyway, somebody decided this a while ago and everybody is on this train. I think the member for Bragg did acknowledge, and she is right, as occasionally she is, that we do now live in a digital age and there are those of us who wish to cling onto our parchments and quill pens and those quaint little rituals in the Lands Titles Office.

The Lands Titles Office was absolutely terrific. I can certainly remember, as I know the member for Heysen and the member for Bragg would recall, as a very junior member of the legal profession that you got sent down there and, in my case at least, I had very little idea what I was doing, and there were people there who would.

Ms Redmond: That's stayed the same, John.

The Hon. J.R. RAU: As the member for Heysen says, not much has changed. Perhaps she is right. Then they had people who were conveyancers who seemed to know everybody and exactly what was going on. The place had a certain smell of dust, old leather, old parchment and very large leather-bound volumes. There was something sort of—

Ms Redmond: Magical.

The Hon. J.R. RAU: Magical, yes. It was almost a *Harry Potter* Diagon Alley place to go, and I am sad that that is all to go.

The DEPUTY SPEAKER: We're all getting nostalgic now.

The Hon. J.R. RAU: We are. The thing is that, if there is anything that I can do and that the Registrar-General can do to provide information or answers to questions between here and the other place, I make that offer. I just would ask that we make a reasonably swift disposition of this matter here, and then the Registrar-General—I am going to make a commitment on his behalf—will sit down with all of you for as long as it takes to make you happy. How is that for a commitment on his behalf? He knows all the answers and he is absolutely chapter and verse on this. That is the offer—as much briefing and as many answers to questions as necessary. If anything emerges from all of that which can be resolved without making us completely out of sync with the national scheme, which would defeat the whole thing—

Ms Redmond: Why does it matter?

The Hon. J.R. RAU: A bit like the member for Heysen—so what? But, there you go, that is the object, that we—

Ms Redmond: Dare to be different.

The Hon. J.R. RAU: Unfortunately, in this case I suspect the moment for that was some time ago.

Ms Chapman: It's been four years, five years.

The Hon. J.R. RAU: This predates me.

Ms Chapman: No, 2013.

The Hon. J.R. RAU: No, the critical decisions about these things. I do think we have to accept we are in a digital age. There is a whole bunch of things that are going to have to change, and this is one of them. I thank all members for their contributions.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: This bill incorporates a verification of identification, a priority notice reform and some tidying up of some other areas, including the registrar's responsibility to be the keeper of the crown leases list. There are other reforms that are on their way to us, which include the question of how we deal with the client authorisation on the basis that, ultimately when we have electronic conveyancing registration, it will not be the client who signs: it will be the lawyer or conveyancer who signs on behalf of that party, and how are we going to deal with that. We have to bear in mind that courts around Australia already have electronic lodgement of documents which frequently do not have a process which incorporates even the scanning of a signature—there is an authorisation process electronically on behalf of the settling party of the document, for example.

The second area, of course, is—and I think it will be a very sad day—that we get rid of duplicate titles altogether. We have heard a bit about those great big dusty books which have the original B type; I cannot remember what size they were, but it was bigger than the normal in those great big books. The keeper of the records had one and the lawful owner had the other one, and if you lost that beautiful document you went through a process to get a new one. Everyone had their copy as such.

To be fair, with the indefeasibility rules, that was in fact the very important signature of South Australia's development through the Torrens title system that has been adopted around the world, and we should be proud of it. This question of moving to not having a title but just having an electronic record with the keeper of the rolls, as such, is obviously coming to us soon. When is this going to occur, Attorney?

The Hon. J.R. RAU: I am advised that the actual dispensing with the duplicate CT is something which has yet to be determined as a matter of policy. It is certainly something which is sitting around the place as a proposition and it is something that the Registrar-General and I have had a conversation about. I am a little bit of a nostalgia type—a little like the member for Bragg I expect—and I certainly said to the Registrar-General about the notion that people should at least be able, if they wished, to get some piece of paper which may or may not have legal standing in the same way as a current duplicate. That is a policy issue again.

I have expressed the view (my personal view at this stage only) that I see some merit in that. In fact, I did suggest, I think, to the registrar that, if I were given the time, I would do something in the way of designing what it might look like, with some sort of heritage look about it. I am all for it personally, but it is a policy conversation we have to have.

Ms Chapman interjecting:

The Hon. J.R. RAU: Same thing, I am told.

Ms CHAPMAN: When that is introduced, Attorney, perhaps you can indicate where it is actually operational in other areas and what review has been done of that, on those two areas which of course are—

The Hon. J.R. RAU: If I can summarise what I have just heard, New South Wales and Victoria are further down the track with the electronic thing. They have as yet not removed the duplicate certificates of title, but they are working down that path. Apparently, there is some national consensus to the effect that duplicate CTs do not have a role in the future.

Ms CHAPMAN: Aspects of this which, of course, I suppose to some degree act as protection for the Lands Titles Office have been presented to us really as though this is protection for the consumer, these processes that you are introducing. Minister Gago is the Minister for Consumer Affairs. Has she or her department been consulted on this in respect of the element of protection to consumers?

The Hon. J.R. RAU: I understand that there is an internal working group within the Registrar-General's place which has a representative from that department on it, and obviously there would have been, in the context of the cabinet process, a circulation of this proposal and an opportunity for that department to make comment. I do not think the Registrar-General recalls having sat down specifically with minister Gago and gone through this. I can say that, as a matter of proper cabinet process, which this did go through, the process is that the document is circulated and opportunities are there for other agencies to make whatever comments they might wish to make, and that would have obviously included hers.

Ms CHAPMAN: The reforms in relation to crown lease, which are referred to in the bill, also make amendments to the Pastoral Land Management and Conservation Act 1989. During the course of my contribution, Attorney, I raised the question about the fact that there is a crown tenure unit within the Department of Environment which substantially deals with the pastoral leases in the state to the extent of setting whatever the fees are to apply to pastoralists, stocking rates, and pest control management, etc. For reasons that I explained, we do not take issue with that except that we are not overly happy about them getting rid of the Pastoral Board under another piece of legislation before the house, and we will be voting against it.

What I have raised is how this is going to work in respect of pastoral leases. How does it work now and will this change it? Crown leases are dealt with by the Registrar-General to the extent that he has a role in keeping a register of them as part of the whole registration process. Again, we do not take issue with that, but I just want to know how it currently works in relation to pastoral leases. Are they included in that (clearly, you are going to be amending the legislation), and is there any

proposed change for them? At the moment, one is the keeper of the rolls, as such and the other one sets rules in relation to it.

The Hon. J.R. RAU: I am advised that the role of the Registrar-General's Office is simply to maintain a register of any such lease. They do not regulate the terms, or whatever; they simply record the fact of there being a lease, who the leaseholder might be, the term, the registered mortgage, or something of that nature, but that is all. They are not responsible for stocking rates or anything else.

Ms Chapman: Nor would they want to be.

The Hon. J.R. RAU: No.

Ms CHAPMAN: My only other concern about this bill is the verification of identification process, Attorney. As you have rightly pointed out, for electronic conveyancing purposes, you are putting into statute the current policy which applies for paper transactions. I understand that, but now we are being asked to consider, under the 100 point system, the formalising of the use of passports and driver's licences for the purposes of that identification process as the two primary documents. Obviously, over the last 100 years, passports have developed, principally since World War I, and more and more people have them. They are not universal, obviously, and they are quite a valuable document for identification purposes and are used. They attract, in this 100 points scheme for banks, taxation requirements and so on, quite a value.

Then we have driver's licences. Driver's licences are issued by the Registrar of Motor Vehicles and they expressly provide on them that they are not authorised to be used for identification purposes. I am sure the Attorney would have seen what is written on the back of his driver's licence. Whilst it might be a process which is commonly used, you are the Attorney-General as well, so I will place on the record what it says on the back of a driver's licence. In particular, it says:

> Use of this permit/licence for identification purposes, other than for policing road traffic laws, is not intended or authorised, and is solely at the risk of the user.

My question is: whilst this has been an informal and commonly used form of identification, we are now being asked to put it into statute. Is there some sort of memorandum of understanding or some sort of internal document in which the Registrar of Motor Vehicles approves, in this instance the register in relation to documents and records surrounding real property, its formal use for identification? If not, why are we putting into statute a particular document for which notice has been expressly given that it is not authorised to be used?

The Hon. J.R. RAU: The answer to the first question is no, there is no memorandum of understanding or otherwise with the Registrar of Motor Vehicles. The second point is that, as the honourable member has pointed out, a passport, which is obviously a pretty serious document issued by the Australian government, even these days is not something held by everybody. To provide for a scheme which only operated effectively for those people with a passport would in effect disenfranchise or discriminate against those people who did not have one. One could speculate on which group in the community is more or less likely to have a passport, but clearly that would not be satisfactory, so some other reasonably common alternative source of some degree of validation is obviously desirable.

Whilst the passage that the honourable member read out from the back of her licence acts as a disclaimer, I think that is basically a disclaimer issued on behalf of the Registrar of Motor Vehicles to other people seeking to rely on the verification processes of the registrar that they do so at their own risk. I interpret the way in which this is proceeding that the Registrar-General in this instance is of the view that by and large the provision of a driver's licence is a reasonably robust composite element to an identity validation process and that there is at least some rigour attached to that process, just as one would accept a bank account, a MasterCard or whatever as another one, where you can be pretty confident that some rigour has been attached to it. If you have a number of these things or a cluster of these things, taken collectively, they represent some sort of reasonably strong indication of identity.

To go back to the earlier point, bear in mind that this is in the context of where, up until recently, the practice though not the law has been that somebody is sent out the transfer documents in the post, they execute those documents with an appropriate person—maybe or maybe not, but

the only person who knows whether they are the appropriate person is the person standing next to them or indeed the person themselves—they affix a stamp, and that is only as good as the truth of what it says, and there is nobody checking that. That pops in the post and that goes back to the conveyancer, who then does something.

The only point I am trying to make is at least the requirement of the provision of a driver's licence and, for example, a credit card or something actually has more rigour than that. I accept the point that it is not perfect, but if we get to the point where we are saying passport only, you would get to the absurd situation where somebody would have to obtain a passport in order to buy or sell a house which would be a bit perverted.

Clause passed.

Clauses 2 to 10 passed.

Clause 11.

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

Amendment No 1 [AG–1]—

Page 10, lines 18 to 28 [clause 11, inserted section 154G(1)]—Delete subsection (1) and substitute:

(1) A priority notice ceases to have effect if it is withdrawn under section 154E or cancelled under section 154F.

(1a) If the instruments identified in a priority notice that has not been withdrawn or cancelled are lodged in accordance with section 154A(4) before the end of the applicable period following the day on which the notice was lodged, the notice ceases to have effect when each of those instruments has been registered, recorded, withdrawn from registration or rejected by the Registrar-General.

(1b) If the instruments identified in a priority notice that has not been withdrawn or cancelled are not lodged in accordance with section 154A(4) before the end of the applicable period following the day on which the notice was lodged, the notice ceases to have effect at the end of that period.

(1c) Subsections (1) to (1b) operate subject to any order of the Tribunal under section 221.

Amendment No 2 [AG–1]—

Page 10, line 29 [clause 11, inserted section 154G(2)]—Delete 'subsection (1)' and substitute 'this section'.

I think I might have done Mr Adam a disservice in my earlier remarks and for that I wish to apologise. Mr Adam, as I understand it, is in fact a supporter of these changes and I think the comments I made might have suggested otherwise. To the extent that Mr Adam may be hanging off his crystal set listening to this and upset by what I said, Mr Adam, I apologise.

Ms REDMOND: I have some questions on clause 11. I think, yes, the Attorney is correct that Mr Adam as the then—I do not know whether he still is—president of the South Australian Institute of Conveyancers was one who was in favour of it. The letter that I was reading and that the member for Morialta was kind enough to continue reading was, in fact, by a dozen other very well known conveyancers, and with no disrespect to Mr Adam, it was clear from the number of signatories of the number of people who endorsed the views of the conveyancer who wrote the letter, it was by no means settled that the conveyancers of this state were satisfied with that situation.

In clause 11 and in particular 154A(10), I would like to explore the ones that I referred to in my contribution and they are subsections (10), (11) and (14) of 154A. Firstly, the Registrar-General in subsection (10) 'is not required to inquire into the content of a priority notice in order to determine whether that content is correct'. I just wonder if the Attorney could explain to me how that will actually work in practice. Is it, as the member for Bragg may have suggested this morning, that the lodgement will simply be by an electronic means from a conveyancer's office and as soon as the button is pressed in the conveyancer's office then that will effectively create a priority notice?

The Hon. J.R. RAU: I am advised that the answer to that question is yes.

Ms REDMOND: I am a little puzzled as to how there is any checking. We are going into all this detail about the verification of identity. I know there is a provision in there that says the Registrar-

General can decide that someone is a nuisance lodger. Heaven forbid there might be a conveyancer who is going to become a nuisance in lodging priority notices, but what is to stop someone who might just have a beef against a particular individual from lodging a one-off priority notice onto a property, given especially that it goes on to say, of course, that the Registrar-General under subsection (11) is not required to advise the registered proprietor of the land or any other person that such a notice has been lodged?

The Hon. J.R. RAU: I thank the honourable member for her questions. I am advised as follows. There are two elements that might be of assistance. The first thing is that, if you look at subsection (12), you can see that the Registrar-General can 'determine that a person is a vexatious lodger of priority notices'. It is a terrible thing to have hanging around one's neck, I would have thought. He also can actually cancel such a notice if he forms a view that it is not appropriate. If I can take you to page 11 of the document, to 154I, you can see that there is a consequence for somebody that goes about doing that.

Ms REDMOND: I said in that question that I am aware of that provision of subsection (12), that a person might be vexatious, but how is anyone going to know that it is a vexatious lodgement if it is simply a button pressed in a conveyancer's office that nobody on the receiving end receives or checks, and there is no obligation to let the person whose property it is know? Where do you get to the point that you know there has been something?

I would suggest, in fact, that to be vexatious, as with a vexatious litigant, you would have to have more than one occasion, for a start. If there is only one occasion, because someone has some beef against another person and they get this priority notice lodged, where is it ever checked? When is the person who owns the land told that this notice has been lodged, without impediment, and that it affects their land?

With respect, I would suggest that, notwithstanding 154I, the idea that what we used to call a bona fide purchaser for value without notice—the innocent party in this transaction; the owner of the land who is adversely affected—then has to take a court action to enforce their rights under section 154I, seems an extraordinarily cumbersome thing for the response to what could be avoided, it would seem to me, if there was some sort of testing process on the priority notice lodgement in the first place.

The Hon. J.R. RAU: I think the answer goes something like this: between the moment of the lodgement and 60 days, if a person discovers, because they are wishing to deal with their property in some respect—you would not necessarily discover it otherwise—that there is a notice, and a person believes that notice is not appropriate, vexatious, or whatever it might be, they need to notify the Registrar-General, who would immediately investigate that matter. If they were satisfied that there was doubt, or that it was not appropriate, they would immediately revoke the notice.

After 60 days the notice lapses anyway. So, we are dealing with a particular window of time during which, if the individual becomes aware of the notice and is adversely impacted or decides that it is just not the right thing, the recourse in the first instance is not, member for Heysen, to the court; it is to the Registrar-General. Later on, if it turns out to be a consequence, like a settlement was messed up, or whatever happened, then they are given a right of action under 154I.

Ms REDMOND: How does the Registrar-General make that determination, and is it going to be made in person by the Registrar-General, or is that authority delegated to other people? To what extent is the Registrar-General authorised to inquire, and how does he go about it? What authority does he have to require documents and evidence to be produced to substantiate whichever side is claiming the right or the wrong to be done?

The Hon. J.R. RAU: I am advised by the Registrar-General that, first of all, he does it himself. Secondly, the relevant provision, operative provision, appears to be 154F(1). The other point that has been made to me is that, apparently, in Tasmania these sorts of notices have been in operation for 20 years and, apparently, there have been no applications there. Now, let us not speculate as to why, let us just take that as a fact.

Ms REDMOND: Thank you, that inspires a lot of confidence, I am sure. The Registrar-General will, no doubt, be pleased to know that when I progressed from my early adventures in

conveyancing I progressed to being an adviser sitting in one of those boxes in the New South Wales House of Assembly. Attorney, subsection (14) of that same 154A, and I mentioned it again in my speech, refers to the fact that a priority notice may be lodged in relation to a single certificate of title, more than one certificate of title (no problem with those), but I am really curious about how you lodge a notice over 'a portion of the land comprised in a certificate of title'?

The Hon. J.R. RAU: I am advised that this deals with, in particular, two things: a community title, where you might have, as you would appreciate, a part of an undivided whole, and likewise with a lease, where the lease may be a lease over a part of a certificate of title's land but not the whole of the land.

Ms REDMOND: If you could possibly provide me with an explanation of the provision of section 154B, the effect of the priority notice, where it says that, if there is an instrument, so a transfer, mortgage, or whatever, lodged in the Lands Titles Office or served on the Registrar-General—and I would like to know what documents are lodged in the Lands Titles Office as opposed to what documents are served on the Registrar-General—while a priority notice is in force the instrument may not be registered or recorded until the priority notice ceases to have effect.

Am I right in assuming that, from what you have said, that either means that you put in your document and it will not be registered until the expiration of 60 days from when that priority notice went in, or until you are given notice that, 'Hey, you've lodged your transfer, mortgage, whatever, but we're not going to register it'? I want to know whether there is notice then given to the person, because all of the stuff until now says this priority notice has not been notified to the owner of the land? Do you, at that point, get notified that you are not going to get your document registered, or is it just going to sit there and not happen until the 60 days is up?

Having got that far, you have got, I assume, some sort of notification from the Registrar-General that you are not going to get your document registered, either until the 60 days expires or, if you get the notice and you object to the priority notice having been received, you then have the chance to, presumably, go in and talk to the Registrar-General and say, 'Hey, this is all because my ex got angry with me and has done this thing that shouldn't have been done,' and satisfy the Registrar-General that the priority notice should be removed. Am I correct in my understanding of all of that?

The Hon. J.R. RAU: I am advised that what you have just said, member for Heysen, is correct and that the policy would be that, in the event of the office becoming aware of the fact that there is an unregistrable instrument sitting there by reason of one of these notices, the practitioner who has filed the instrument would be notified that the instrument will not be able to be registered by reason of the existence of a notice.

Ms REDMOND: Can the Attorney advise me what then is the impact of proposed new section 154D on page 9, which provides:

> The Registrar-General is not required to inform a person who lodges an instrument affecting land in relation to which a priority notice is in force that the instrument cannot be registered or recorded…

That seems to fly in the face of the idea that, when you put in your instrument, you will get notification that there is a priority notice on that, it will not be registered, yet section 154D seems to say exactly the opposite.

The Hon. J.R. RAU: I am advised that that apparently is there to give them the flexibility of doing basically what they want—

Ms Redmond: Like Tasmania.

The Hon. J.R. RAU: —possibly—but their intention is that their policy would actually be as I indicated in the previous answer. I do get the member's point, and it is a very good point, quite frankly. If the member wants to talk to the registrar and/or me about this between the houses, I would be happy to have that conversation because it does strike me that a person who is being disadvantaged by reason of one of these notices appearing should be aware, or at least an attempt to make them aware should be made by the registrar. That does seem to me to be basic fairness.

Ms REDMOND: It is a long time since I have done any conveyancing, but my recollection is that caveats, for instance, would be notified, and it strikes me that this should be no different, in practice. One other question on this clause is on the paragraph immediately above that, 154C. It gives an incredible level of discretion to the Registrar-General:

> Instruments identified in a priority notice are to be registered in the order in which they are given priority in the notice unless the Registrar-General considers there is good reason for registering the instruments in a different order.

On the one hand, I can see that that is a perfectly sensible provision because, if someone happens to hand in or press the button in the wrong order or whatever it might be and you have the transfer and the new mortgage before the discharge of the old mortgage, obviously there is a need to be flexible. But what guarantee do we have that that provision will not be used, with no offence to the Registrar-General—say another Registrar-General in twenty years' time—to disadvantage someone who should have priority and, by dint of the fact that the Registrar-General has complete discretion as to what order these things are going to be in, that provision enables the Registrar-General to prejudice the rights and entitlements of the person who should have priority?

The Hon. J.R. RAU: I am advised that this is to deal with the first point the member for Heysen made in her question and that other provisions in the legislation would still mean that, as a matter of practice, a discharge document would need to precede a transfer document and so forth.

Ms CHAPMAN: I thank the member for Heysen for raising some of the matters in the new part 13A—Priority notices. There are a couple of things I would just like to clarify. Firstly, of the list of exempt transactions that will not be affected by priority notices (and they are quite extensive), I have not specifically seen in there provision for debts owed to the commonwealth. Are they covered under paragraph (i), that is, an instrument lodged by the Crown? I am talking particularly in relation to income tax liabilities, which have certain priorities too. Is there some provision for that or not?

The Hon. J.R. RAU: I am advised that that one needs a little more time. We will look at it between the houses and we will get back to you.

Ms CHAPMAN: Under proposed part 13A, which, as I say, sets out the arrangements for how priority notices are to be treated and to operate, is this the same as the regime that applies in Tasmania, where it has now had a period of time to operate? If there are any differences, what are they? If it is a long list, I am happy to have it between the houses.

The Hon. J.R. RAU: I am advised that broadly speaking it is similar to the Tasmanian scheme. However, there is apparently a reasonably substantial difference in Tasmania, in that the exemptions that are provided for in this, I think, do not exist there, and they have pretty well an absolute priority notice situation, so there are differences in that respect.

Ms CHAPMAN: My understanding is that in Tasmania their priority notices only relate to and are capable of being registered in respect of mortgages and transfers; is that right or not?

The Hon. J.R. RAU: No.

Ms CHAPMAN: No. In any event, if we can have some—

The Hon. J.R. RAU: We will have a look at it between the houses, if you wish.

Ms CHAPMAN: If we could get a response on that.

The Hon. J.R. RAU: Yes.

Ms CHAPMAN: In relation to some matters which arise out of the questions from the member for Heysen, the caveat procedure, I think it is fair to say, is an important notice—'buyer beware'—to the process for the protection of certain interests or at least notice to people of prospective interest. I think it is fair to say that it is one which has been pretty effective, but it has been open to abuse by people who are vexatious, or mischievous or just generally pains in the neck, and who want to cause some inconvenience at the least to the registered proprietor.

The process, as I understand it in short, is that, provided you have a caveatable interest that is pretty much defined by the law and you can register your notice, the registrar is obliged to give notice of that to the registered proprietor within a certain time frame. A notice to remove can be

lodged by the aggrieved registered proprietor, who says, 'Well, it's a nonsense. They've got no caveatable interest,' and, essentially, there has to be then some justification by the person lodging the caveat to confirm that they have a caveatable interest. It is a process where you can put a notice on, it does not just expire automatically, but it can be removed with another simple process if the registered proprietor is aggrieved, and then the heavy duty end of it comes to establish that you have a case to justify holding it on there.

I appreciate that that is often for a substantial interest that is claimed, but clear notice is given. In this instance, it is not registering a caveatable interest; it is just simply telling the world that you are going to take priority over someone else's registration for another mortgage or whatever; nevertheless, it can be open to abuse if there is no notice given to the registered proprietor. Even if there is no notice under the Tasmanian system, I think it is reasonable—we are in the electronic age—that the registered proprietor at least receive a letter by prepaid post and/or email and that would help to resolve in our mind, on our side of the house, some of the concerns that we would have.

If the priority notice is to register a proposed borrowing from a bank, for example, and a notice comes to the owner of the property to say that that notice of priority is going on and they know that they are selling it, etc., they may say, 'No problem, I won't be acting on it to take it any further. I know that the prospective purchaser has signed a contract with me and that they are getting a bank loan, etc.' It will not cause any inconvenience other than a very simple notice to the registered proprietor which, if not acted upon, then would follow this process of cessation by the elimination of time. I would like the Attorney to consider that between the houses and it might help resolve some of the problem.

The Hon. J.R. RAU: Can I say that I am very sympathetic to that proposition because the notion that any individual has some interference with the dealing that they might otherwise wish to do with their property descend on them without knowing anything about it and without having an opportunity to agitate either with the Registrar-General or the person putting up the notice seems to me to be inherently not good. I am happy—

Ms Redmond: That's natural justice.

The Hon. J.R. RAU: Yes. I am happy to have a chat with people about that. I think it is a good point and it is worth looking at.

Amendments carried; clause as amended passed.

Clauses 12 to 14 passed.

Clause 15.

Ms REDMOND: I want to ask one question about clause 15 and the provisions of section 232 certifying incorrect documents. My concern is simply that subsection (1) at the very beginning says, 'If a person falsely or negligently provides a certification'. I worry about the use of the term 'falsely' because there could be a false certification with no intent, it seems to me. Whilst my assumption is that the provision is intended to catch someone who either deliberately or negligently falsely certifies, the wording, it seems to me, potentially could catch someone who is not necessarily going to be found negligent but falsely does certify. I just worry about that and I wonder whether consideration has been given to any other wording.

The Hon. J.R. RAU: I would be happy to have a look at that. We can all read these things in different ways, arguably, but I would think they are trying to capture two circumstances—the person who, without any negligence at all, deliberately falsely does something and then, secondly, the person who does not set their mind to doing it but is either so incompetent or reckless about what they are doing that they wind up doing something that is false. It might be a bit inelegant that those two different concepts are wrapped into a single sentence, and I will ask parliamentary counsel to have a look at that at some stage.

Clause passed.

Clauses 16 and 17 passed.

Clause 18.

Ms REDMOND: I will ask just a general question to the Attorney and perhaps it could be attended to between the houses. The Attorney, although he was not here for some of it, would be aware that I read into the record, with the assistance of the member for Morialta, a very extensive letter, which was not from Geoffrey Adam but from a dozen conveyancers—in fact, 14, I think. There were 12 who acceded to what was said by the original conveyancer and the whole lot was sent to me by yet another conveyancer, and they were 14 relatively well-known and large firms who raised a series of issues. I would appreciate it—I do not want to hold the house unnecessarily—if the Attorney could undertake to address back to that conveyancer the specific issues raised in that letter so that we do not have to spend time going through that letter again now and have me ask all of those questions again.

The Hon. J.R. RAU: I find the proposition advanced by the member for Heysen irresistible.

Clause passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (17:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 February 2015.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:16): I speak on the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill 2015, and I picture the Attorney-General being a bit like that Monty Python skit where he has come out with a sword, having a fight, and he loses one arm, then the other arm, then one leg and then the other leg. It is incredible. I will give him this: three times he has been to the house with his bill, as original, without any amendment, and he still keeps coming back. He is bloodied, he has been beaten up, it is only a flesh wound, but he is fighting on. I will give him that.

This is the third time the government has come to us with a bill which has its origins in a promise they made in the 2010 election—admittedly before the Attorney was the Attorney, but shortly after that he became the Attorney—at a time when the then premier, the Hon. Mike Rann, had made a promise to do a number of things in respect of confiscating assets for very serious drug offenders where there had been a serious offence or multiple offences over a 10-year period. He said to the people of South Australia, 'I am going to take all the property of these people, and what's more, I am going to make sure they can't own anything for five years.' That was the promise.

We have raised in this house before the fact that, when they came into the parliament with this, they followed through on No. 1 and completely abandoned No. 2. The idea that, as they told the people of South Australia, they were going to be so tough on these people that they were going to stop them having assets for five years completely evaporated. That idea obviously disappeared, and so did the premier, of course, not that long after.

In any event, we raised at the time (that is, the opposition and in particular the Hon. Stephen Wade on our behalf) a number of concerns about the constitutionality of the bill as it was (this bill in its first form) and whether that was going to offend the Kable principle. Essentially, that issue resolved over a period of time because, although we felt the government was jumping the gun a bit, High Court decisions which have occurred since that time sorted out that issue and it was no longer a problem.

We have had a long history in the 12 or 13 years that I have been here (as long as the member for Heysen) of the government jumping the gun on some of these things, going off to the High Court, getting smacked around on it, and sent back. We have spent a whole lot of time and money, and embarrassment in the bikie legislation, for example, where alleged organised criminals just made the South Australian parliament, in particular the government, a laughing stock over some of the legislation that they pushed through. The government had form in this regard, and we were concerned that we have some authority to deal with these things and get it right before we are embarrassed by the situation again.

The other thing that concerned us, through the course of the incubation period of this idea and its initial argument, was whether there was some inherent fairness in aiming to confiscate assets of drug offenders essentially to the brink of bankruptcy, even if it was able to be proved that these people had legitimately acquired the assets and, of course, our concern for the impact on others that might jointly own or have some other interest in property. On balance, we could see that there was some merit in a very narrow group of people, the serious bad guys, to lose the right to have their assets in those circumstances. So, we supported the government essentially in relation to that principle.

The third thing is that my understanding of the confiscation law that we already have, which was fairly penetrating and which already raises some millions of dollars a year in assets that are confiscated, is that frequently in these cases a notice goes out and a fair bit of research is made about the fact that not only are assets owned and in the possession of these parties but that in every likelihood they are not likely to defend them; in fact, most often, they do not turn up to defend them and they let them go.

One could say that is because they do not have any legitimate basis upon which to satisfy any court that they should not be confiscated, and they walk away. It may be that some of them just do not like the inside of courtrooms, for other reasons, and they are not about to rush back there to try to present arguments. When the processes for the current confiscation law occurs, often there is no defence made or attempt to claw back or recover those assets, especially where there has been a conviction.

In the current processes, the proceeds go to the Victims of Crime Fund. This is a fund under our victims of crime law, which is designed to be available for a number of purposes, but the most significant I think and the most important is to ensure that victims of crime are able to claim some compensation from this fund without having to go through the ordeal of seeking money under a civil claim against the offender.

Sometimes the offender is unknown. More often than not, the offender is known, but they are not a person of means who is easily able to be identified, so the victims of crime have a fund from which they can seek some compensation. It has limitations on the amount you can have and on the circumstances; for example, it is a victims of crime fund which is not available for property damage—we are talking about personal injury here—and so on.

That is the way it currently works. We said that it is very important to us, if the government is going to move to this next level and it is justified in these extremely limited cases, that whatever money it gets ought to go into the victims of crime fund. That has really been our position throughout.

The other thing that is a little more unique in relation to this legislation is that it was going to be managed and applied as a decision of the Director of Public Prosecutions (DPP). The person in that position would have the responsibility to declare whether there would be an issue of a confiscation made against this group of major drug trafficking offenders. This is one of the issues, of course, that relates to whether this is an administrative or a judicial role and whether the DPP is the appropriate person to do that.

We said about that aspect of the legislation that we accept that the DPP could have this role. We think it is reasonable that they have a published set of guidelines about when they would apply it, just as they have a KPI and a standard as to how they make determinations about whether a case is prosecuted or not. They have prosecutorial guidelines. Similarly, in this area we should have a set of guidelines, bearing in mind, as I am sure most members would appreciate, that the Director of Public Prosecutions is a person, and Adam Kimber QC is the current DPP for South Australia. He

has a department under him in which there are a number of prosecutors. They all work on files, depending on how senior they are, for all the prosecutions within their jurisdiction. Alongside that the police have a role in relation to prosecutions in this state, but I think it is fair to say that the DPP deals with the serious end of matters in the sense of ultimate penalty, and these are defined in the major indictables, etc.

The DPP himself has a role which is designed to keep independent from any government or potential executive interference the whole question of who should be prosecuted. It works pretty well. We previously had a different structure where that was not a totally independent process, with legislation giving it that protection of independence, and I think largely it works pretty well. However, in the discussion of this debate we made it pretty clear that we felt, if we are going to give the DPP this role and we are going to do it in a manner which has a set of guidelines to go with it, at the very least we should have the opportunity of a review process—some form of judicial review.

I think the Attorney would agree that we met with the DPP and other representatives of the government to try to work out what would be the best structural review process that would be acceptable. We understand that, whilst the DPP was not privy to or responsible in any way for the policy in this matter—that is obviously a government decision—he had been consulted about process and we were happy to look at that aspect as well. As reasonably as could have occurred, we came up with a formula of review which would be workable from the DPP's point of view, and would be appropriate, after discussions with the Commissioner of Police. It may have been a deputy commissioner but, in any event, it was at a high level of the police department. I think overall there was a pretty fair compromise.

After the second swing of this into the Legislative Council, and obviously other parties and Independents in the other place put their priorities on the table, it filtered down to really four key areas of difference about how we might progress this matter—catch the bad guys, its narrow application, and we have an administrative process to determine it—but here are the key points for us.

Firstly, there had to be some form of judicial review against any DPP direction, and that had to be in the narrow circumstances of there having to be an interest to justice to do so. The second was to require that the DPP publish confiscation guidelines similar to the prosecutorial guidelines that I have referred to. The third was that the proceeds not go into the Treasurer's/government's general revenue fund but that they be applied—as currently applies to victims of crime fund, moneys already taken under confiscation orders—into that victims of crime fund.

We were agreeable to, and we canvassed this as an opposition in the other place, half those proceeds being paid into a drug rehabilitation fund. This was particularly important to the Hon. John Darley. He had put forward a number of areas of improvement that he felt were important, including that there be money paid into a drug rehabilitation fund. After all, it is these drug trafficking people who needed to be punished and we ought to be looking at the victims and how we might deal with the rehabilitation of those who, frankly, are the real legacy, the real victims of drug sales—and, largely, that is our children. Sometimes they are older children obviously but, at the end of the day, drug addicts, whether they are 15 or 50, have parents and they, of course, are very concerned about this ever increasing and escalating problem.

The fourth area was that we needed some kind of review and reporting because it is a groundbreaking area. A couple of other jurisdictions, Western Australia and the Northern Territory, have considered it and are applying it. We feel that it needs to have a reporting process to the parliament. There are plenty of other situations where we have a one-page or sometimes a one-paragraph report—for example, surveillance operations of covert police operations—raw data that comes into us in an annual report from the DPP. He has to report to the parliament, so it would be logical, as he is the officer in charge of the directions under this, that it be in his report and that that should occur with his annual report. The other review process was that we look at this legislation again at a three-year expiation.

Other members in the other place also were more comfortable with allowing this type of legislation to progress for all the reasons the government has advanced but with those protections. That is and remains the view of the opposition—that, although there is some meritorious aspect of actually advancing this penalty to this very narrow group, it should be done strictly within that

envelope. It is extremely disappointing that there has been no movement, not one little comma of movement, from the government to allow this to occur.

The other thing that has occurred since I last spoke on this matter, and I bring this to the attention of the house, is that I have learned that the outpatient drug and alcohol services at the Glenside site of the Royal Adelaide Hospital, which is now a campus of the Royal Adelaide Hospital, does not even exist.

Members might remember that it was proposed by minister Gago, then minister for mental health, four or five years ago, that when they rebuilt the Glenside hospital on Fullarton Road there would be inpatient drug and alcohol services. This was part of the government's new model of care, as being up to date, world class, blah, blah, blah.

It went through a select committee which said some of that was a nonsense, but on this aspect we agreed with them—to the extent of saying that the co-location of drug and alcohol services with mental health services, given the high comorbidity of people who often needed these services, was actually a sensible thing. We needed to have specialist drug and alcohol services there to assist with a number of patients who also had mental health requirements.

The government announced that they were going to sell their three sites at Norwood, Joslin and, I think, North Adelaide, and that they would relocate those to Glenside. So, some in-house services came into the new mini hospital, which is now being built at the back of the Glenside site. But they either forgot about, did not do, or ran out of money to deal with the provision for outpatients for drug and alcohol services. In fact, they then tried to negotiate with a company which had an option on the property to do a retail and commercial development on Fullarton Road, and they were given a first option in relation to that.

The government then attempted to negotiate with them to build it when they built their supermarket and then lease it back to the government. That fell in a heap. That is no longer progressing, and of course we now know the government is going to sell it all off for prestige housing with a tiny lick of affordable housing in it. They will be mini houses because, given the value of property there, that will be a room on top of a garage.

Nevertheless, for obvious reasons, not only has it not been provided, but the government have no intention of providing it. Renewal SA, which has the charter and instruction to get on and provide the housing on that site, will hardly want to have an outpatient drug and alcohol service, with people coming in day and night down the driveways of prestige homes the government wants to sell at a premium price. It is hardly surprising that they are not about to do that.

Here is the problem: it is a statewide amenity to provide for drug and alcohol services. It has been diminished. There is still a service that is available at Norwood, in the Warinilla facility, but there is no provision of service of outpatients at the Glenside site. We do not have anything there, and we have no commitment from the government for any extra drug and alcohol services to deal with the current demand and the expected demand.

I am very sympathetic to the Hon. John Darley's motion—and our side of the house has expressed this—that at least half these moneys should go into a drug rehabilitation fund. It is almost unconscionable that we would be saying, 'These are the pointy end of the pencil of bad drug dealers and we're not going to apply any of this money to drug rehabilitation,' in an environment where there has been a slash and burn of drug services.

I am very concerned about that, and I know the Hon. John Darley is too, and I think it is unconscionable of the government not to accommodate this windfall of money that they expect to get from this legislation into that fund. The rest of it, at least, should go into the victims of crime fund. We have been consistent from day one in saying that that should not be going into general revenue.

Another aspect of this that I think is important to bring to the attention of the house is that in asking the DPP, who gets a budget every year (and I read his annual report carefully) to do this—I think it is fair to say that not just him in that office, but prior DPPs, such as Mr Paul Rofe QC, now passed away—

Mr Gardner: DsPP.

Ms CHAPMAN: DsPP, that is good. It is a bit like, Your Worships, or something. So, Wendy Abraham QC. I cannot remember—we had that fellow from Victoria?

Mr Gardner interjecting:

Ms CHAPMAN: No, we have dealt with him. Pallaras, I think, from—what was his first name? Stephen?

Mr Gardner: Who was the Eliot Ness of the—

Ms CHAPMAN: He was the Eliot Ness, of course.

The ACTING SPEAKER (Mr Odenwalder): Yes, that is right.

Mr Gardner: Was he from Western Australia or—

The ACTING SPEAKER (Mr Odenwalder): He was 'the untouchable'.

Ms CHAPMAN: 'The untouchable', exactly. I did mention to the Premier at the time that Eliot Ness was actually a policeman in that TV series, he was not a prosecutor, but it seemed to be academic to him at the time. In any event, we had Mr Stephen Pallaras QC and, more recently, Mr Kimber. In the time I have been here I have been reading their annual reports and they say, in short, 'Look, every year we're asked to do more with less.' Whilst they might have a growth in their fund to cover the cost of increased wages, etc., of the prosecutors and staff in the DPP's office, every year they point out that they are being asked to do a higher load of work and they really do need extra funds. They are not saying, 'We're swimming in money over here.' They are saying, 'We need money.'

So, if you ask the DPP, who is dependent on the government to pay the funds to carry out the duties that they are required to do, to have a role and to make directions for confiscation then I think that does raise a very concerning aspect of this legislation, that it will lead to the potential for the DPP to be in a conflict situation about whether he needs to act as a debt collector for the government, or as a fundraiser for the government, to flush the coffers of the Treasury office to then support their bid for extra money.

I think that is an unconscionable position for any DPP to be in. They have an independent role. They have a very important role to make decisions about who gets prosecuted and to follow through and prosecute those cases in that role. This is an extra role the government is giving them and it is a little bit like the police and how they are expected to go out there day after day and get money from people who speed or commit traffic offences and monitor cameras to identify illegal behaviour and be debt collectors for the government. It is exactly the same.

To me, it raises a conflict of interest situation and I think it will place the DPP in a very difficult position because what is he going to do? Let us face it, he is thinking, 'Well, there's a bad egg come through the system. We've successfully prosecuted him, or we think that he's guilty of various offences and we've got this process, so look, I'm just going to nab this bloke. I'm just going to tap this bloke on the back. He's got some assets. He's got some beautiful houses. He's got a girlfriend living in one, he's got a wife living in another, he's got his mother living in another one, we're just going to go in there and take the lot.' Why? Because it will give him something to be able to say to the Attorney-General, 'Well, you know, I've got an extra $8 million, $10 million for you this year in confiscated assets. Fair crack of the whip, I want to have some extra funding for my department.'

Even the cost of him doing that, his time, or his senior officer's time in carrying out the investigation, making the assessment, giving the direction, it is all going to cost money for his department anyway, so of course he is going to go to the Attorney-General and say, 'Look, we've got an extra $8 million for you but, frankly, for the time and effort that we've put into all of this, I've issued these directions. It's been served. We've recovered the money for you. Our costs of recovery are this.'

So, we are going to get into the situation where the DPP has this role. If the government wants it that way, rather than as a court process—and we have all accepted that it be that way, provided we have a review in it—then so be it, but we want that review process. We do not want the otherwise situation where the DPP is under some obligation to do debt collection in the knowledge

that this money is going into general revenue. That is an unconscionable situation and a potential, as I say, conflict of interest for the DPP.

If, on the other hand, the government were sensible in accepting that confiscated assets, like every other confiscated asset that we have in this realm, can go into the Victims of Crime Fund with half of it going into a rehabilitation fund, there is no conflict of interest. There is no potential conflict of interest, and the DPP can grant that direction in the full knowledge that the Treasurer, including his department, is not going to be dependent on it or feel some obligation to issue those directions and recover those funds as some morsel of invitation to entreat the Attorney and/or Treasurer, when they put in submissions to get more funding for their department. I think that it is terribly important. Whatever those proceeds might be—they might be nothing, they might be a couple of million, they might be $10 million in a year—let us make sure they go into a fund which can better use them.

Finally, can I say this: when we last debated this matter last year, the government announced that they were going to review the victims of crime legislation. They were going to introduce legislation which would allow for the $50,000 cap on applications to the Victims of Crime Fund to be increased to $100,000, and they did that. The Attorney-General came in here and laid on the table a victims of crime bill which incorporated that. It had a whole lot of other defects in it, I will say at this point, but I will not go into the detail of it.

He laid it on the table to increase it from $50,000 to $100,000 and this was consistent with his commitment to do that, but what has happened with it? That was months and months ago. He said he would lay it on the table for some general consultation. Promises had been made for months before that. In the meantime, the Victims of Crime Fund has just kept accumulating. I think it is up to about $175 million.

Whilst there is the power for that fund to be accessed for certain other specific purposes, its principal purpose is to be a reserve, as I said, for those who are victims and to be the first point of call for them to recover up to a certain amount of money. It also prescribes the circumstances in which the government can then go and chase the offender, where they are known, when they get out of gaol or when they have found some other assets or whatever. Sadly, in a lot of these cases, the person who is the offender often does not have much in the way of assets, so the recovery rate is not that good.

Of course, we have another little circumstance which has plagued the government's management of the Victims of Crime Fund in recent years, which was ultimately discovered, and that was the fraud on the Victims of Crime Fund from within the Attorney-General's Department, where the principal offender and his accessories, including his wife, were found to have committed a fraud. It has been through the court process.

The government have recovered some of that money. In fact, I had a notice from the Attorney just the other day that the figure he had given me some months before, I think at estimates, was not the total amount. In fact, it was quite a bit more of that money, but we are talking a $1 million fraud here where it was exposed that people who were managing these claims were taking off the top, essentially. Fraudulent claims had been identified and exposed, and various attempts have been made to recover that money.

Apart from having a bit of a hiccup in that regard, I have heard more recent complaints which continue to come in, which is why we are hoping the government can hurry up and get on with the legislation which they have promised. The processing now of very simple victims of crime applications for compensation is just taking an impossibly long time.

Recently, at a public function a practitioner came up to me and said, 'I do some victims of crime cases. We had a settlement of a victim's of crime claim for a quite severely injured victim back in September last year. We are now in February, and they still have not got the money.' What is going on in that department?

That is a four-month delay since the agreement of what the money would be. I am sure the member for Heysen has had a number of complaints—I certainly have—as to even the processing of the application, bearing in mind that the solicitors who largely attend to the victims of crime applications for people are very mindful of the delay for their clients, and they do it on a shoestring.

That is another issue, of course, that we will not even hope to remedy, that is, the scale of fees that are able to be recovered is miniscule. It would not even pay for the filing and photocopying of most of these applications, and the fairness of that has been debated in this house a few times, but it is decades since that issue has been reviewed and, understandably, for the few practitioners left who are prepared to even do this—generous as they are in doing it—the costs are prohibitive. It should not be an expensive exercise in time; it should be resolved.

These are the sorts of things that we are very anxious to get on and resolve with the victims of crime bill, if it ever hits our desk, so we urge the Attorney to get on with that. I will add one other aspect which has come to me, and I hope it has gone to him in the course of his apparent consultation on this. The question of dealing with victims of crime levies that are paid by juvenile offenders has been raised with me and, as I say, I hope it has been raised with him.

We have an absurd situation, really. A juvenile, a 14 year old, is charged with four offences, they get four sets of levy imposed on them, which can be several hundred dollars adding up to $500, $600 or $700, and guess who pays it? Not the 14 year old, I can tell you. Parents may pay it or it may remain unpaid but there is no discretion, I am told, to be able to provide for some dispensation in respect of this levy in multiple offences and for children. There is a continually perpetuated absurdity in relation to that.

The other thing that has become apparent is that, when property damage has occurred as a result of an offence, what happens, as I understand it—and I have never been involved in these cases; I have done plenty of victims of crime claims but not in relation to this—is that, say somebody has smashed the door in a robbery or a house break and damage is caused, they go off to court, the offender is brought to the justice, they are given a fine, they are ordered to pay a victims of crime levy, then they are ordered to pay the $500 for the prosecution costs, sometimes that is added in at that point, and then they are ordered to pay compensation to the victim of the owner of the door—$500, whatever that is—and it comes in after the levy.

The absurd thing about that is that the very victim of that offence, who cannot go to the Victims of Crime Fund because it is a property damage claim, gets lower priority to the taxpayers' fund, the prosecutors' fund and the levy fund, which they cannot even access. Again, judicial officers have raised this with me and I hope with the Attorney too, and when we finally get on to that legislation, it is going to be a long debate.

In the meantime, we do need money in that fund and we do need to be ready for it, and I ask the government to wake up to its importance. If they are serious about this legislation, these are very sensible reforms. The other house has accepted those reforms in a general sense. The petulance of the government in not accepting them, I think, is juvenile and suggests that they are insincere about the real reason for progressing this, or saying, 'If we do not get what we want then it can fall.' That, I think, is just childish and I think the government should grow up.

Debate adjourned on motion of Ms Digance.

Personal Explanation

TRAMLINES

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (17:54): I seek leave to make a personal explanation.

Leave granted.

The Hon. S.C. MULLIGHAN: Yesterday, in question time, I was asked a question regarding the tram electrification/Coleman Rail issue. I advised that, to my knowledge, my predecessor had not been briefed about the matter. I am now advised that my predecessor's office had been provided a briefing note about this matter in 2013.

At 17:55 the house adjourned until Thursday 26 February 2015 at 10:30.