HOUSE OF ASSEMBLY

Tuesday, 24 March 2015

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Bills

CRIMINAL LAW (EXTENDED SUPERVISION ORDERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 March 2015.)

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) (11:03): I sought leave to continue my remarks. I probably covered off most of the points when I was speaking before, but, essentially, the proposition comes down to this: there are a small group of people who represent a risk to other members of the community and who are not currently serving either a term of imprisonment or on parole in respect of a term of imprisonment. When those people are released from prison, it is in the interest of community safety that there be some orders placed in respect of their behaviour.

We believe this is an unfortunately necessary additional opportunity for authorities to exercise some control over violent (in particular) and sex offenders, where community safety might be at risk. Just to emphasise again: we have the very extreme situation under section 23 of the legislation which says that, where somebody is deemed by a court to be incapable of controlling and/or unwilling to control their sexual urges, that person can, in effect, be detained indefinitely.

Needless to say, that is a very high bar, and so it should be, because indefinite detention without conviction of any current offence is a very, very serious matter and society should be very loath to do that. However, there are one or two people floating around the place in respect of whom that is an appropriate order, because we do know, given the way they have behaved and their complete lack of insight and contrition, that they, if released, will inevitably reoffend and do that again. That is one category of person.

We then have the people who commit offences which are of a violent or sexual nature, their behaviour is not such that they are a candidate for a section 23 order—in other words, they are not at that level of illness—and those people sometimes decide they will sit out their sentence, they will not apply for parole, they will not be released into the community, and, of course, if they did apply for parole they would be paroled on conditions and they would be supervised. What they do is they wait out their time and then they walk straight out the door with no supervision at all.

What we are saying is there has to be some intermediate option between the section 23 order, which has a person incarcerated pretty well at the Governor's pleasure, in the old language, and a person being able to walk out the door, who we know is a risk but not that much of a risk, with no supervision at all, and that is what we are trying to deal with here.

Bill read a second time.

Mr GARDNER (Morialta) (11:07): I move:

That it be an instruction to the committee of the whole house that it have power to consider new amendments related to the Bail Act 1985.

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) (11:07): I think I indicated on the record previously that I oppose this at this point in time. I understand what the member for Morialta wants to agitate, and I have indicated on the record that I am happy to speak with him between the houses. For the sake of moving this thing along, I would not accept that proposition presently, but I want it on the record that I do understand the point the member for Morialta is making. I am very happy to talk to him between here and the other place, and I would hope that he and I can come to a proposition which we will be able to mutually support in another place, as long as it is not 'improved' by then.

Mr Gardner: 'Attorney-General opposes improvements to his laws.'

The Hon. J.R. RAU: For the benefit of those hundreds of thousands reading this in *Hansard*, when I said the word 'improved', I made finger gestures indicating inverted commas either side of the word 'improved', and if that could be recorded in the record that would be very good.

Mr Gardner: That's the technical term.

The Hon. J.R. RAU: It is a term often used by certain individuals in another place. I think the main difference between the proposition the member for Morialta would like to agitate and my concern is this: we have seen, and it is something I am looking at now across the board, that if you have a look at some of the bail conditions that are set up for people and some of the parole conditions, you will notice that they tend to be almost pro forma documents. They go for a page or two, and they are very prescriptive documents. They might be, for example, 'You have to be home at 6pm and you can't leave before 6am, you can't drink alcohol, you can't see Billy the Goose who is your old mate, and you can't do this and you can't do that.'

Some of those conditions are more, to be fair, in the nature of guidelines than they are in the nature of, 'You upset that and you should go straight back to gaol.' I am not condoning a breach of any of these conditions, but I think all of us must understand that, if you look at those conditions, it is self-evident that some conditions are ones that you would be more concerned about, if they were broken, than others. A technical breach might be, for example, a person who gets home at 6.30 but is supposed to be home by six. That is a breach, just as much as a person who has consumed amphetamines is a breach. The person who has associated with a known criminal is also a breach, and so on. They are all breaches but, of course, the nature and quality of those breaches is different.

The main conversation I would like to have with the member for Morialta is how we can somehow make sure we do not kick an own goal here and set up a bunch of trip-wires which people fall over not quite innocently, absolutely, but relatively innocently, and then we have them back in gaol and not necessarily achieving much. That is the conversation I would like to have with the honourable member. We are going to have a break during the month of April and, hopefully, we can try to work that out.

I want to place on the record that number one, I think there is common sense in the general proposition the member is talking; and, number two, I do not want us to be in a position where we have trip-wires and we get unintended consequences which basically means that people who are not really badly misbehaving are going back into gaol automatically.

Mr GARDNER (Morialta) (11:11): I thank the Attorney for his advice on the government's current intention to vote against this contingent motion that we be able to open up the Bail Act to talk about the amendments that I spoke about in my second reading speech which the Attorney identified in his comments. I am disappointed that the government is heading down this way.

On a number of occasions in the five years I have been here, the Attorney has railed and railed against the opposition presenting amendments in the Legislative Council that have not had the opportunity for discussion in the House of Assembly. The government is within its rights to vote against opening up the Bail Act in this way, and we are not going to be churlish or too stressed about that because the amendments have been circulated. But you cannot have it both ways: if you want us to debate amendments when they are here rather than debating them there then it would have been nice to at least have that debate and put it on the record. I will take the opportunity, as the Attorney did, to talk briefly on the nature of the amendments here so that—

The Hon. J.R. Rau: The argument put by the member for Morialta is so compelling that I have changed my mind and I would hope that he appreciates that the unwritten quid pro quo is we do not have a lengthy, turgid session of 'improvement' somewhere else because we have had the improvement here.

Mr GARDNER: That was a very wise point of order and I congratulate the Attorney on taking it. The opposition looks forward to having a discussion about the amendments to the Bail Act and no other matters related to the Bail Act.

Motion carried.

Committee Stage

In committee.

Clause 1.

Mr GARDNER: Attorney, in the second reading debate we spoke a little about the numbers of people this bill is likely to affect. I think it would be fair to summarise your response as, 'Probably five to 10-ish, but it is a guess.' In your correspondence to the shadow attorney-general and me, you identified that there were 101 sex offenders in prison scheduled for release during 2013-14 who fell under the definition of 'high-risk offender'.

In addition to that, there were 624 prisoners scheduled for release during 2013-14 who were serving a sentence of imprisonment greater than five years for an offence against the person but, within that, some of those would fall into the definition of 'serious offensive violence' and some would not. Can the Attorney-General update the house as to whether there is any more specific information about that cohort of 624 violent offenders? How many of those would fall under the definition of 'high-risk offender'?

The Hon. J.R. RAU: Unfortunately, I cannot because it would be necessary, basically, in respect of each one of those people, for us to actually look at the sentencing remarks at the time of their initial sentence. We would also probably not only have to have a look at those original sentencing remarks but actually have a conversation with Corrections in respect of that person, and say, 'They started off with this sort of behaviour, which was the cause of their incarceration. How have they been behaving within the correction system? Have they been responsive to programs they might have been involved in? Have they been a troublemaker?' There are an infinite number of things so, unfortunately, that would be a very substantial exercise, and it has not happened. All I can say is I cannot give any more detail than that for the reason I have just given.

If you look at the scheme of this thing, we would basically be relying on Corrections, in particular, to actually give us a flag, in advance of one of these people coming out, by saying, 'Here is a chap who has been put in here for a serious offence. We have concerns that he is just not going to be a safe person out there.' It is a reactive rather than a proactive mechanism, in the sense that we rely on Corrections to effectively flag the individuals who are going to potentially be a menace.

Mr GARDNER: I appreciate some of these questions may be specifically relevant to some clauses, but I hope that I can have the Chair's indulgence with the Attorney's happiness to unpack these numbers here.

The Hon. J.R. Rau: Sure.

Mr GARDNER: I appreciate there are two thresholds: firstly, whether the original offence meets the certain criteria and; secondly, whether Corrections identifies a person, or the Parole Board and Attorney applies all those other criteria about what the person's behaviour in prison has been, such as their self-awareness and their efforts at rehabilitation. Putting aside the second threshold for the moment, I am just interested in the core offence.

The Attorney has been able to identify 101 prisoners convicted for serious sexual offences. This second category has the 624 people who have a sentence for imprisonment greater than five years for an offence against the person. Rather than restating my question, I ask the Attorney: without consideration of their behaviour in prison, there surely will be work done through the year if this bill passes that will identify those prisoners for whom an ESO might be relevant, or is it the Attorney-

General's anticipation that Corrections is just going to look for people who they might want to put an ESO on and then check if they meet that threshold, so there is no intention of ever distilling the number from which we might check how many ESOs might come?

The Hon. J.R. RAU: First of all, those numbers I supplied in that correspondence were numbers that were supplied to my department by the Department for Correctional Services. I do not have any independent source for that material; it was Corrections.

The second point is I anticipate that, rather than Corrections going through the rather substantial exercise of analysing the whole cohort of people they have in their facilities at any one time, I suspect what they will do is say, 'Over the next six months or 12 months, who is in the pipeline to come out?'

They can then run the ruler over those people and say, 'Amongst those people, does anyone hit the first threshold?', which is a base offence which has caused them to be worthy of further consideration. They can then look at the sentencing remarks for those people and/or their behaviour in the prison system. Again, it would be a matter for Corrections how they do this, but my expectation is that that is the way they would do it: they would simply create this administrative arrangement whereby people who were of a certain category, a period of time before their scheduled date of release, would be the subject of an analysis.

Mr GARDNER: Clause 5(b) refers to four specific offences and paragraph (c) identifies 'a serious violent offender who is sentenced to a period of imprisonment in respect to the serious offence of violence'. In terms paragraph (a), that is, sexual offenders, we have a number for that. In terms of 5(d) and (e)—people who are under an ESO or are in prison for failure to comply with an ESO—we know there are none of those because there are no ESOs yet.

Clearly, the Attorney does not have a number now but, if there is any number for prisoners who are scheduled for release in the current financial year, so that we can have a better understanding of the potential cost of the system and the potential risks to other parts of the system I would appreciate if between the houses the Attorney might go back to Corrections to see if they do have a straight number of people who are either currently in prison and scheduled for release or are on parole and their head sentence is scheduled to finish under categories (i), (ii), (iii) and (iv) of paragraphs (b) and also under paragraph (c).

The Hon. J.R. RAU: I am happy to ask that question, but can I add for the record that that obviously is the first point: that is, who is a high-risk offender? It does not take into account the second point about how their behaviour might have been in prison. For the sake of the record, let us not forget that, even if those first two bars are cleared, there is, of course, the requisite application to the Supreme Court.

I do not think I am letting any cats out of the bag when I say that I would imagine the Supreme Court, in respect of its use of this power, would be quite sparing, in exactly the same way that it has made it clear that section 23 orders are to be exceptional orders. Assuming this bill passes, I guess the first few applications will be watched carefully to see how the court interprets its role. We will not really have a good idea as to how fine a filter the court is intending to put over these people fully until we have seen that roll out.

I simply make the point that, if the original catchment is, say, 100 people, of those Corrections might say, 'Having regard to their behaviour, 50 are out of the category.' Of the 50 who are left, the DPP would then say, 'Having regard to what we believe the court's approach might be, given these tests, particularly in section 7(6), we only have a hope of advancing, say, 10 of those because the rest of them we don't think are going to actually meet the standard.' However, I will try to get the primary numbers for you.

Mr GARDNER: Thank you, Attorney. I appreciate the point the Attorney makes, but I do make the further point that at the moment we know there are somewhere between 100 and 700 in that first category, that first threshold. If you are talking about the reduction in numbers, as they pass each other jump thereafter. The difference between 100 and 700—somewhere in between that is the number that it might be—is very informative for us.

Moving on slightly, one of the Attorney's significant arguments, firstly, as a policy proposition and, secondly, in his second reading explanation, was that there is a growing number of prisoners who do not seek parole and who have no experience in the community under supervision prior to the end of their parole. Indeed, I think the Attorney has suggested that some of them do so specifically with the view that they would rather not have to face the supervision of parole that might see them breach parole and go back; they would rather just serve out their term in prison and then go out.

I seek advice from the Attorney, firstly, as to whether there are any numbers or other evidence that back this up. Anecdotal evidence of course is worthy, but are there any numbers that back up these statements? Secondly, are there raw numbers of how many offenders fall into that description?

The Hon. J.R. RAU: I thank the honourable member for his question. I am not sure I said that there are increasing numbers and, if that is the impression I left, I do not wish to leave that. I do not know whether the numbers of these people are going up. I am advised by Corrections that there are routinely a number of people who, for reasons that are difficult to explain, do not ever ask for parole and literally walk out the door who fit into this category. I will ask between the houses what information I can get from Corrections about that.

In the end, the final question the member for Morialta posed, which was, 'Is there reason for not seeking parole because they are trying to evade the imposition of the type of restriction you receive on parole?' might be a very difficult question to answer in that I am not sure if these people necessarily would be volunteering their particular motives to anybody. All I can say is that I have been advised by Corrections that there are a number of people who do this. These people routinely fit into this category, and they have concerns about these people going into the community in a single jump without any supervision. That is basically the proposition.

I have thought of another matter that might be relevant to the member for Morialta's question about the 100 or 700 people. Bear in mind our first test is: do they fit into that category of offence? The second one we have talked about is whether or not they have behaved okay in prison, which is suggestive of the fact that they have been somehow rehabilitated or improved. The third point, and one we have not considered but the member for Morialta has reminded me of now, is that they may have actually said, 'Okay, we will go out on parole,' so we cannot assume that all those 700 or 100 are ultimately not going to want to go out on parole.

I think we are going to be whittling those numbers down because there will be, first, the people in that category, then the people who have not responded to things, then the people who have not asked for parole, and then the people who, after passing through all those things, are in the sort of space where they think that there can be a court order of this type. I will ask as best I can to get those numbers.

Mr GARDNER: I note that the ESO can still apply to somebody who has gone out on parole; indeed, the way that they have met the conditions of parole is one of the things that the Supreme Court can take into account. In terms of getting these numbers, I certainly appreciate the Attorney's indication.

Can the Attorney advise what costs will be incurred as a result of the introduction of the ESOs? We have talked about court costs for the hearings; Parole Board costs for their increased case load; that Community Corrections will bear a cost for their increased case load; if there are matters of electronic supervision, we have the payment to the private contractor G4S for those monitors; and for the supervision staff in the Corrections' budget for monitoring those electronic GPS monitors.

Presumably the preparation of briefs for the Attorney-General's consideration is a cost that will be borne somewhere in his department, and there are the regular Public Service costs of administration, which presumably there will not be a dollar figure on. Are there any categories of costs the ESOs will impose on the system, and what work has been done on factoring in those costs for the application of the new model?

The Hon. J.R. RAU: Again, I thank the honourable member for his question. Unfortunately, at this point in time the question is a little bit like, 'How long is a piece of string?' We do not completely

know. However, I can say that there are some agencies which we would expect, whatever the possible workload that might come from this, would be capable of managing it within their existing complements and budgets. I would expect that would apply to AGD, DPP, Legal Services, the courts—

Ms Chapman: The Crown.

The Hon. J.R. RAU: Like the Crown, sorry. Whatever the workload coming out of this is, I do not imagine that it is going to be such that any of those agencies are going to be in a position where they have to make a step up in terms of their overall complement of resources.

As far as the specific budgeting for this is concerned, I am looking at the Budget Measures Statement for 2014-15, page 17: there is an explicit amount of $150,000 for the 2014-15 and 2015-16 financial years to implement these provisions. In addition to that, on page 30 of the same document, there is a related matter concerning GPS tracking of offenders, which is specifically budget for $2.25 million in the 2014-15 year, $2.167 million in the 2015-16 year, $2.2 million in 2016-17, and $2.25 million in 2017-18.

Mr GARDNER: The Attorney has identified the two items in Budget Paper 6 that I think we both discussed in the second reading. In relation to the GPS tracking, my understanding was that those 200 devices had been identified for use in a range of areas. So, the Attorney is confirming that this is one of the areas for which those new GPS devices will be available, by my reading of his response just then.

The other costs that will be in the corrections department are related to both the Parole Board and Community Corrections costs relating to the increased case load and presumably administration within the Department for Correctional Services, and for that the Attorney has identified $300,000—$150,000 this financial year and $150,000 next financial year. Perhaps if I can pose the question like this: given that there are clearly going to be costs borne by Corrections, and without wanting to do the corrections minister's job for him and encouraging the Treasurer to be more generous to his people, why has the government made provision for these costs to be met only up until 30 June next year?

The Hon. J.R. RAU: Well, that is the way it was budgeted. I think that I have mentioned this to the member for Morialta before, but the minister responsible for police and for correctional services and I have been working for a little while on looking at a range of alternatives to try to lighten the burden on Corrections of people who are not dangerous. We are working on things such as questions about giving broader options in terms of sentencing for the courts—

Mr Gardner: Two hundred new GPS trackers.

The Hon. J.R. RAU: Two hundred new GPS trackers—indeed.

Mr Gardner interjecting:

The Hon. J.R. RAU: Some of them will be hit. I guess that the point I am trying to make is that, at this point in time, it is my expectation that there will be swings and roundabouts for Corrections in terms of our doing other things which will be able to offer some relief to pressures within Corrections.

I think that our community has got to the point now where I think we are prepared to have a grown-up conversation about the whole question of corrections, imprisonment, incarceration and the range of penalties that people are offered. The sense I am getting, anyway, is that most people in our society these days do not carry within them the sort of Mosaic code view of an eye for an eye; they do not have a vindictive element to them—some do, but most do not. The broad consensus, I think, out in the community these days is that we see the prison system bit of Corrections as being a way of the community being protected from those people who are a danger to other citizens.

I think if we, as a parliament and a community, try to focus more on saying punishment and rehabilitation have a role to play but the primary consideration is that a person who is a danger to their fellow citizens is rendered not dangerous to their fellow citizens as much as any system can do, that is the priority thing. This is completely consistent with that view.

The flipside of this is that there may be some people who are inside the corrections system now, in prison, who do not represent an enormous risk to the safety of their fellows. That does not mean they are good people, it does not mean they have not committed an offence and it does not mean they should not be punished in some fashion, but whether the appropriate way of dealing with that person is to actually have them in prison I think is a conversation we need to start having. We are doing work on that. I know it is a fairly longwinded answer to your question but I think there are swings and roundabouts for the corrections people.

Ms CHAPMAN: During the contribution to the debate on this matter, I had also referred to the data that had been provided by the Attorney in his letter of 25 February 2015 in response to a request to attempt to identify an estimate of the number of offenders likely to be captured by this legislation. I must say that it was not until I had read it in particular detail that I realised that the 101 high-risk sex offenders and the 624 above-five-years imprisonment was actually data from the 2013-14 year, so that was seven months ago that that finished. I had certainly read it on the basis that the correspondence had indicated that there will be a large number of offenders that could be potentially captured by this and then gone on to provide that data that, as you have indicated, had been made available by the Department for Correctional Services.

Now that I am alert to that, I would certainly like to know from the Attorney: in this current year, how many are in that category or, in fact, whether that was a mistake in the letter and the data that was provided was for this financial year (which I had certainly read it as). The member for Morialta has quite properly raised this question of what provision has been made for them. Could that data available? If, in fact, it is the intention under clause 2 to have a delayed implementation of this bill in any way until we are able to identify what the cohort is and what costs will be needed to deal with it, we would also like to have that.

The Hon. J.R. RAU: Perhaps I could answer that quickly. As for the first one, I will ask DCS for the most current data. I do not know what it is, but I will ask them. As to clause 2, there is no mystery. It is just the standard clause that you have in these bills. It comes into operation on a date to be fixed by proclamation. If the date to be fixed by proclamation does not occur sooner or later, I think under the Acts Interpretation Act it is deemed to come into operation after two years.

Ms Chapman: What's the intention?

The Hon. J.R. RAU: I have no intention of slowing it down.

Ms CHAPMAN: So, basically, it is published in the *Gazette* and you are expecting in the near future—post the Legislative Council, of course, but we have obviously indicated we are prepared to support the bill so any contribution that might be made with a differing view in another place would not impede its passage. So you would expect in the next couple of months that would be progressed?

The Hon. J.R. RAU: Once this goes through, we would need to check with the Parole Board and DCS that they are ready to go. As soon as they say, 'Yes, we are ready to go,' as far as I am concerned, we gazette it.

Ms CHAPMAN: Of those we are yet to identify to which the ambit might apply, have DCS or the Parole Board indicated at this stage any number of cases which they would intend it to apply to once this legislation is passed?

The Hon. J.R. RAU: At this stage, no.

Ms CHAPMAN: So, the Attorney is not aware of any particular case, and I do not need to know any names, but any particular case of which either is seeking the sort of passage of this bill to be able to, ultimately, protect the community against?

The Hon. J.R. RAU: I have not been advised of any particular person. I want to make it very clear: as far as I am concerned, this is not an ad hominem proposition, it is about a general concern about violent people—unknown to me. I do not even know who these people might be; I do not know.

Ms CHAPMAN: Of the data that is provided to date, how many of them are women?

The Hon. J.R. RAU: I do not know, but I will take a punt here and say a small minority.

Ms CHAPMAN: In the course of the progress of this matter to the other place, could the Attorney inquire of the Department for Correctional Services how many are women? It may be that, in providing this data, they went through the male prison population. I do not know whether they have, in fact, provided it to you from the women's prison population and that is included in this data, but if it is not, I would like to have that information for the current year. Secondly, if there are any children (that is, under the age of 18 years) who are currently in this category of five years imprisonment and/or a high risk sexual offender.

The Hon. J.R. RAU: As to the women's situation, I will certainly ask for that. I will ask for the other one as well, obviously. As to the children's situation, the act does not apply to youths (that is, subsection (6)), so I would hope, anyway, that none of those numbers include youths.

Ms CHAPMAN: I will just have a look at subsection (6) because if there is a youth that is being dealt with as an adult, and there are some in that category, does it capture those?

The Hon. J.R. RAU: I should not think so; if they are a youth they are a youth. Even if it did, and I do not think it does, the number of youths who are treated as adults who are in the system at any given time would be relatively few and most of those people would be in there, one would think, by reason of the fact they would have committed a murder as a 17 year old, or something—

Ms Chapman: Or rape.

The Hon. J.R. RAU: Or rape, as a 17 year old, and they would be in there for quite a long time, but their numbers are not great.

Ms Chapman: Will you inquire?

The Hon. J.R. RAU: I will ask, I will certainly ask, yes.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

Mr GARDNER: Perhaps if I ask a general question and the Attorney can answer and I will go into detail if there is anything he misses. Clause 7(1) states:

> The Attorney-General may make an application to the Supreme Court for an extended supervision order to be made in respect of a person who is a high risk offender…

Clause 5 identifies high risk offenders by nature of the category of the offence that was committed originally. The remainder of clause 7 identifies the things the Supreme Court will take into account once an application is made. So, between the offence being committed and the Attorney making the decision that he is going to apply for an ESO to be provided—we have already discussed that he is not going to make it in respect to all hundreds of the people—what is the process that takes place that leads the Attorney-General to choose to make that application for an ESO, presumably starting with the recommendation from the Parole Board or the DCS to the Attorney and then, eventually, the Attorney makes an application, what happens in between?

The Hon. J.R. RAU: My thinking on that is that it would not be dissimilar to the current process with respect to a section 23 order, which would be either the Parole Board or Corrections would write to me and they would say, 'Look, we have particular concerns about an individual. This person is expected to become free of any restrictions on whatever date.'

If they did not accompany that correspondence with some supporting material, I would obviously ask for that supporting material. I would ask for that insufficient detail so that I could then go to the Crown and say, 'DCS or the parole people have provided me with this information. Do you think, having regard to the provisions of Part 2 of this act, that this person is a candidate for an application to be made and is there a reasonable prospect of that application being successful?' I do not think it is my job to take frivolous or vexatious applications under this or any other provision. I, as the Attorney, and indeed the Crown, as the Crown, have a duty as a model litigant. So, it would only be in circumstances of having been requested by either the Parole Board or the corrections people to look at this person, having been given supporting material such as they might think is appropriate,

having sought advice from the Crown as to whether or not that material exposes circumstances that have a reasonable prospect of being successful—on that advice, I would push forward.

I can say that in the past I have had information provided to me by Corrections concerning section 23 people, or potential section 23 people (these are people unable or unwilling to control themselves), and I have read that material with some considerable concern and sought advice from the Crown. On more than one occasion the Crown has said to me, 'We don't believe that there is sufficiently strong evidence in this case, usually strong evidence in the sense of there being an unequivocal psychiatric opinion, for you to be safe in making the application.' In those instances, because I have been advised that there is insufficient evidence for me to safely make an application, I have taken the Crown's advice and not made what, on their advice, might have been a frivolous application. That is the way I would anticipate this matter would be dealt with as well.

Mr GARDNER: Obviously, whether it is the current Attorney or any previous attorney, somebody is going to be coming to it with some background, experience and views of their own. Is there capacity for the Attorney—having been given advice that any SO would potentially not be guaranteed getting through the Supreme Court—to retain the capacity to take their own initiative and proceed regardless?

The Hon. J.R. RAU: The answer to that is yes. The Attorney cannot and should not abdicate the responsibility ultimately for being the determiner of whether or not these matters go forward, but the point I am trying to make is that I do not take that lightly. There may be an exceptional circumstance that I could not foresee where the Crown formed one view and I formed another and, in that circumstance, I would back my view. However, I think it is generally prudent for me to seek advice from the Crown about these matters, and I have to say that, generally, I have felt very comfortable with the advice I have received from the Crown.

Mr GARDNER: Is there any expectation or possibility of involvement from cabinet or any other function of the executive in forming this view, or is it entirely within the personal view of the Attorney?

The Hon. J.R. RAU: There is some arcane scripture about the distinction between the Attorney and everybody else in the cabinet—

The CHAIR: Surely not.

The Hon. J.R. RAU: Yes, indeed—and it goes to the fact that there are certain powers and responsibilities that are actually vested in the Attorney personally, not as a member of cabinet. Indeed, there are some matters that it would be improper for the Attorney to actually put to cabinet. Arguably, it would be alright to raise matters and seek people's advice, but not ultimately to be in any way bound by cabinet views. Without actually researching this particular topic, I suspect this topic falls into that category.

Mr GARDNER: So it would not be improper to seek advice or points of view from cabinet but, certainly, it would be improper to seek direction from cabinet?

The Hon. J.R. RAU: To give you a definitive answer to that, I would have to do my research, but I suspect that, because this is the exercise of the Attorney's personal discretion, it probably fits into that category.

Mr GARDNER: In relation to the trigger to make the Attorney seek this advice and consider the matter, we have talked about advice from the Parole Board or the Department for Correctional Services. Is it restricted to advice from the Parole Board and the Department for Correctional Services or could anybody theoretically put a case to the Attorney that an ESO should be considered for a specific offender, even if the Parole Board and the DCS have not?

The Hon. J.R. RAU: As I understand it, I can seek information from those entities of my own motion, so whilst in the normal course of events they would come to me, if the member for Morialta, for example, became aware through a constituent that an offender was likely to be released whom the constituent regarded as being a very dangerous person (hopefully for good reason) and the member approached me, it would be entirely reasonable and appropriate for me, if there was

what on the face of it appeared to be a justifiable cause, to ask Corrections, 'Can you tell me something about this person?'

Or, as occasionally happens, it could be that some media issue was ventilated by somebody about a particular offender who might be coming out and, in the context of that being brought to the public attention, it may be appropriate for me then equally to seek advice from Corrections or the Parole Board or both as to the background and circumstances of that individual and to consider it that way. I would not consider that the Attorney of the day would be prohibited from doing something of their own motion or because their attention had been drawn to the particular offender by somebody other than those two institutions.

Mr GARDNER: We have talked a bit about the issues that the Supreme Court will take into consideration. Once it is established that they have committed the necessary offence, the threshold issue appears to be in clause 7(4)(b)—'the respondent poses an appreciable risk to the safety of the community if not supervised under the order'. Then, subclauses (5) and (6) immediately following identify a series of factors that will inform that decision, headed by subclause (5) which provides that, 'The paramount consideration of the Supreme Court in determining whether to make an extended supervision order must be the safety of the community.'

Forgive me if I am misstating it. The Attorney-General in his second reading response likened ESOs more to a restraining order, in answer to the Law Society's suggestion that it was a double jeopardy type arrangement. It is more like a restraining order. In the case of a restraining order, we establish that there is a risk to an individual and impose the restraining order. Here, in relation to extended supervision orders, there is a need to demonstrate an appreciable risk to the safety of the community and then we are looking at imposing a supervision order. I think that is the Attorney's analogy. Is it the Attorney's view that any of the matters listed under subclause (6) should be given any particular weight over any others, or is discretion as to what factors carry more weight entirely within the purview of the court?

The Hon. J.R. RAU: The honourable member has, I think, touched on some very important matters here. Can I say that in subclause (4) the term 'appreciable risk' is terminology that I was particularly keen to see in here. If you start thinking about the proposition of risk—

Ms Redmond: You wouldn't get out of bed if you started thinking about the proposition of risk.

The Hon. J.R. RAU: True, you would not get out of bed, but also risk is a relative proposition and it is relative in terms of low risk, intermediate risk and high risk, but also risk of what. If the 'of what', in other words the possible consequence of the risk eventuating, is that you might get a paper cut, you might be able to accept that it had to be a high-risk situation before any intervention occurred because of the relatively minor consequence at the end. However, when you are talking about some of these child sex offenders who are in prison who have a demonstrated career—I know it is not here, I am talking about section 23 people—because the consequences of them reoffending are so horrific for the victim and because we know so much about their propensities, the risk has to be, in my opinion, given the consequences, very low indeed before you start getting into the 'risk is worrying' category.

This is trying to provide some sort of balance there, to say an appreciable risk is meant to imply it is common sense that there is risk here, not that the risk is something which is the same risk as us being hit by an asteroid this afternoon. It is not trivial risk. It is real risk, but not so risky that it is almost inevitable this person is going to do it again. That is the first element of the thing.

The second thing is in subclause (5) which echoes some of the comments I have made before. The priority here is the safety of the community; that is what we are on about. Then we get down to subclause (6). My view about subclause (6) is that this is very much like the similar provisions in the sentencing act and, when you consider what the courts have had to say about that, they basically say that there is a word for what they call this. What is it? Visceral or something they reckon they do in sentencing, some terminology where they look at it and they just get a general sense of it. It is intuitive sentencing.

Mr Gardner interjecting:

The Hon. J.R. RAU: No. The courts talk about there being a notion of intuitive sentencing, so what we are talking about in subclause (6) is basically saying to the court, 'Look, we expect you to take all of these things into account, including anything else you think is relevant, which is the last one, and balancing all of that up in your mind, and exercising your discretion. What do you think?' None of those, (a) through to (l), are meant to be the first or the second or the third of those things, but I can tell you that in drafting this I deliberately moved subclause (5) out of one of the subplacita of subclause (6) because I wanted to make it crystal clear—and hopefully if ever this comes to court and somebody reads *Hansard* this will be one of those eureka moments—that subclause (5) was not a little subset of subclause (6), it was a stand-alone and paramount provision.

Mr GARDNER: It is the very reason we ask these questions. Subclause (3) refers to legally qualified medical practitioners to be nominated by a prescribed authority for the purpose. Can the Attorney advise what the prescribed authority is that will determine which medical practitioner makes this assessment?

The Hon. J.R. RAU: I am advised that is the same as the provision that applies to section 23 and I understand that means a forensic psychiatrist. That is the intention anyway. That is what it is meant to mean.

Mr GARDNER: The Attorney may have just answered the next question I was going to ask, but for clarity I will ask it anyway: are there any other similar pieces of legislation where such advice is sought with weight to be given in the Supreme Court?

The Hon. J.R. RAU: Section 23; and I think the Chief Forensic Psychiatrist, to be absolutely specific.

Mr GARDNER: That answers the clarity question then. The Law Society argues that the prisoner should have the right to be examined by a medical practitioner of his or her choosing and that that examination should be taken into account in the same way as any other examination, so presumably given equal weight to an examination done by the Chief Forensic Psychiatrist. Does the Attorney-General have a response to the Law Society on that matter?

The Hon. J.R. RAU: The answer is that we have basically picked up the same process as is in section 23. What we have actually said here is that it is up to the court whether it wants to have one or more opinions; that is up to the court. I know this might sound a bit odd, but in a way these proceedings here and under section 23 are quasi inquisitorial proceedings, if you wanted to characterise them that way, because it is really an inquiry about an objective fact.

The Attorney or the Crown is there as the applicant, and the prisoner or the accused person is there as the respondent, but it is a bit difficult to characterise this in the normal interparty adversarial way, so my expectation is that the court will take a significant role in making sure that the objective evidence it needs to make it satisfied that it is making an appropriate order is in its hands.

Mr GARDNER: I refer to clause 7, subclause (6)(e):

(6) The Supreme Court must also take…into consideration…

(e) any relevant evidence or representations that the respondent may desire to put to the Court;

Presumably that would include any medical examination that the respondent seeks. The Attorney confirms then that that would be capable of being taken into consideration by the court, and the court would give it the weight that the court sees fit?

The Hon. J.R. RAU: Absolutely correct.

Clause passed.

Clause 8.

Ms REDMOND: Clause 8 is relatively straightforward, simply setting out that the Attorney-General and the person to whom the application is going to apply are parties to the application. My question is simply, since it does not say that only they are parties, it seems to me that there is a capacity for the court to allow other parties, for instance, a victim or the Commissioner for Victims'

Rights or someone like that to apply to the court to be parties to be heard in relation to these orders. Can the Attorney advise whether that is the intention of this section?

The Hon. J.R. RAU: My intention was that it should involve the Attorney and the applicant. I did not intend that other people would be there, other than if they were able to satisfy the usual rules that the court applies to interventions. It may well be that in a particular case, an individual may be able to meet those rules. If they do, again that is a matter for the discretion of the court, but I was not by that seeking to intend to create an automatic right for anybody who is a victim, or the Commissioner for Victims' Rights, to bob up and say, 'I'm here; I've got a right to be heard.' I would expect that to be a matter which is particularly in the hands of the court. It may or may not be that, for example, a particular victim of a particular offender may be able to pass that test, but that would be a matter for the court.

Ms REDMOND: Just to confirm, I am correct in my reading of that section then, that whilst they are the two people who are automatically involved—the Attorney and the person about whom the extended supervision order is sought—it is, as in any other court case (or virtually any other court case) open to any person to apply to the court and if the court is satisfied that that person meets some threshold of sufficient interest, then they may be heard in relation to these applications?

The Hon. J.R. RAU: That's certainly my intention.

Clause passed.

Clause 9 passed.

Clause 10.

Mr GARDNER: The Attorney earlier identified that many of these sort of parole orders, I think, were conditions almost in a standard form and, presumably, there is some suggestion that ESOs will similarly be of a standard form. Clause 10 identifies a series of conditions that will, presumably, always be there and then further identifies any other conditions the court thinks fit and specifies in the order, and then there is further provision for the Parole Board to impose further conditions. Can the Attorney outline what he considers a typical set of conditions under an ESO might look like, conditions that a court is going to impose?

The Hon. J.R. RAU: When I said there are relatively standard conditions I might have been misleading but I was speaking in particular about bail. In the case of these things, because it will be crafted by the court, I would expect that the orders made in respect of each individual would be quite specific and relevant to that person's circumstances. To give some examples: it might include references to that person not approaching certain places where victims are known to be; it might involve that person, if they have a history of alcohol or substance abuse, containing their usage of those substances; it might contain other restraints in terms of communication with particular individuals, whether that be association with criminal people or association with people who have been victims or family or friends of victims—that sort of thing.

Mr GARDNER: In the second reading debate we also discussed clause 10(3) a little bit, particularly regarding firearm prohibition. I think the Attorney agreed that he could not imagine a circumstance whereby it might be appropriate for somebody who has an ESO on them to have access to a firearm. Given that the Attorney is the one who will be making an application for people who should fall under ESO supervision in the first place, having been convinced that an offender is so dangerous, so likely to repeat their sexual or violent offence that he applies to the Supreme Court for a supervision order to be placed on them, can the Attorney imagine there being any possibility that he would ever want to seek an ESO on somebody that he would be relaxed about whether they had a firearm or not?

The Hon. J.R. RAU: Again, the member for Morialta makes an excellent point. Personally, I have an abhorrence of firearms and I cannot foresee any circumstance, quite frankly, in which anyone should have a firearm—I am about as far away from Charlton Heston as you can possibly get on this topic—but this leaves it entirely to the court.

I am happy to talk to the member for Morialta between here and elsewhere. I can only assume that that might be there because I thought that potentially some 'improvement' elsewhere might be offered by those of a rural disposition to enable farmers who are under control from this

reason to shoot rabbits or something. I am pretty relaxed about whether this is removed because I thought it was safe enough to leave it to the court. There might be some weird extenuating circumstance that I cannot think of, but if the member for Morialta would be happier removing this so that there is no possibility at all of any of these people having firearms, he will not have a big argument from me.

Ms REDMOND: Just on that topic, it seems to me that what you have done in the beginning of the bill is to define the two basic sorts of people who are going to be affected by this legislation as sexual offenders and violent offenders, but then clause 10, particularly the provisions relating to the firearms, applies to the sexual offenders just as it applies to the violent offenders.

I can understand an argument that if someone over whom you are going to seek these orders has had a background of violence, then automatically you might want to say that that person should never have a firearm. However, if someone has been a sexual offender who has had no history whatsoever of violent behaviour in the sense of firearms, it seems to me to be a little odd that your legislation requires that that person automatically be prevented from doing something which others in the community are automatically entitled to do, whether it be to shoot rabbits on their farm, to belong to a shooting club, or just because they want to have a firearm and have target practice, or whatever. Why is it that all offenders under your legislation are going to be captured by that particular provision, rather than defining that someone who has a violent history automatically has that condition whereas someone you are seeking an order for over a sexual offences history does not?

The Hon. J.R. RAU: I think the member for Heysen and the member for Morialta are both contending for the alternate propositions around the merit or otherwise of subclause (3). The member for Heysen makes a good point: if it is a sex offender who has never had any history of violence and they want to shoot rabbits, the court may well say, 'Fine.' However I have to say, in every piece of legislation, I do not apologise for having a strong bias against firearms.

For the person the member for Heysen is talking about, it might be that that is enough to allow them to continue to use a firearm. I do not have any problem with there being a presumption against the possession of firearms for people generally, quite frankly. However, if there is a sex offender who can prove that they have an excellent record with firearms and they satisfy the court, then fine, they can have a firearm.

Ms REDMOND: Just on what the Attorney has just responded, if he were to say that everyone in the community was going to have a prohibition on firearms, there is no problem from my point of view; I would be all in favour of that. My difficulty with this is that you are taking a particular group of people and saying, 'You are not allowed to have a right that everyone else in the community has.'

When you go through them, there are not only the provisions of clause 10 and the prohibition from possessing a firearm, there is subclause (3), of course, which says that the court may only vary or revoke the condition if satisfied that there are cogent reasons for doing so, and then if you go over to clause 13 it provides that the Supreme Court may only vary a conditional order or revoke an order if an application is made. Furthermore, the person wanting to make an application must, first of all, get the permission of the court to even make the application to simply be in the same position as someone who has no extended supervision order. As I said, it just seems to be (pardon the pun) overkill to prevent someone who has a completely unrelated offence from possessing a firearm if other people in the community are entitled to hold a firearm.

The Hon. J.R. RAU: All I can say is that whoever is ultimately going to be subject to one of these orders is not going to be just your average person. There will be relatively few of these people, and they will have committed some pretty horrible crime at some point in time. I am sure that if there were a sex offender, who would have to be a serious sex offender—

An honourable member: It's inherently a violent crime anyway.

The Hon. J.R. RAU: Yes, some would argue it is an inherently violent act in any event. Leaving that to one side, that sex offender, who for some reason had a very good reason to have a gun, could have one if the court were satisfied that they had a good reason. Let us leave that to the court. I would even go so far as picking up the proposition from the member for Morialta, if indeed

that was a proposition he was putting to me, that we could delete subclause (3) altogether, because I am happy for nobody to have guns.

This is just there as an escape valve in the event of there being some circumstance that I cannot foresee where it is necessary for a person to have a firearm. I think, quite frankly—again, this is just my personal view—an individual saying, 'I want to have a firearm because I want to have a firearm—

Ms Redmond: Well, the rest of us can.

The Hon. J.R. RAU: Well, that does not add to the sum total of human happiness in any way.

Ms REDMOND: I will move off from the firearms because my proposition is simply that the rest of us can have a firearm. I have no desire to have a firearm, but I am entitled to apply and, as long as I comply with the conditions, I am allowed to have one, and that should be the case for people who do not have a firearms history, in my view. As I read clause 10, particularly subclause (1), it says that 'the following conditions apply,' so they must apply; it is not 'may apply' but these 'conditions apply'. Paragraph (a) states, 'a condition that the person subject to the order not commit any offence'.

The definitions clause does not show 'offence' as being anything. Given that we live in a state where the police can occupy their time picking up people for jaywalking, the effect of the clause at its worst seems to me to be that someone who is subject to one of these orders could be in breach and therefore hauled before the Parole Board for jaywalking or some other trifling offence. I just want to confirm that that is indeed the case.

I know that the Attorney will likely say, 'But that's not what's going to happen, and that wouldn't really be it,' but the wording of the clause actually says that the person must not commit any offence and that if they breach any of the clauses they can be hauled before the Parole Board under whatever clause it is further on. Is the Attorney able to confirm that?

The Hon. J.R. RAU: Yes, I am. I can say that terminology apparently is entirely consistent with the current terminology used in relation to good behaviour bonds. If a police officer were so vigilant—if that is the neutral term—as to haul a person before the Parole Board for jaywalking, I would expect the Parole Board to use common sense in determining whether or not that constituted a matter they wished to be spending their time on. However, if we introduce something like anything other than a trivial offence, we then get to the point of asking, 'Okay, what's a trivial offence and what's not a trivial offence?' I would rather leave that to be sorted out on a case-by-case basis by the Parole Board.

Ms REDMOND: Clause 10(1)(d) states that another compulsory condition of each of these extended supervision orders is that the supervision be conducted by a community corrections officer and that the person has to obey the reasonable directions of the community corrections officer and then submit to such tests, and it is not restricted to but including gunshot residue tests. That seems to me to be potentially quite onerous. Can the Attorney tell me what the qualifications of the community corrections officers will be, given that they are going to have an enormous amount of power to make life an utter misery for someone who has already served their sentence in full?

The Hon. J.R. RAU: They are basically the same people who are community corrections officers now. I think a point does need to be made here; that is, the reasonable directions of the community corrections officer under paragraph (d)(ii) must be viewed in light of the actual terms and conditions of the order, so 'reasonable' in order to give effect to the restrictions placed upon the individual under the order made by the court. It does not mean reasonable at large.

For example, if the court said that a person must not approach a victim, or a place or something, it would be reasonable for the community corrections officer to give directions which were pertinent to that particular proposition, such as, 'Don't live next door to them,' or, 'Don't keep riding your bike past our house every day and waving at them,' or whatever the case might be. That is what it is intended to capture.

Ms REDMOND: I appreciate that the Attorney says 'reasonable directions', but compliance with the order as under paragraph (a) means that, if they commit any offence, they are in breach. Any offence, whether it be jaywalking or kicking a garbage can or creating too much noise or

whatever it might be, which most of the community at large may consider quite trivial, is nevertheless within the ambit of a community corrections officer, because it is only reasonable that he require the person who is the subject to the extended supervision order to obey the terms of the order absolutely. The terms of the order say at the very beginning, 'you must not commit any offence'. Is it not the case that there is potential for a community corrections officer, who had a particularly warped view of what his obligations might be, to make life a misery for someone who is the subject of one of these orders?

The Hon. J.R. RAU: No more or less than is the case for a parolee today. I make one other point, too. Just bear this in mind. As to a person being subject to some of these orders, I know people are saying this is an infringement of their rights and so forth, but just bear in mind from the community's perspective the difference between that person behaving in a way which leads to their reoffending and re-entering the criminal justice system and not doing so might well be the presence or absence of one of these orders. They should not be viewed completely as being some sort of abhorrent, oppressive blanket dropped over this individual which does no good for that individual. I would argue, quite the contrary, that some of these individuals may actually be prevented by reason of these orders from reoffending and, therefore, re-entering the criminal justice system. It might actually be of considerable value to the individual concerned as well.

Clause passed.

Clause 11.

Mr GARDNER: Clause 11 is the Parole Board, but I suppose this could have been a question at clause 10. We have spoken a little bit about GPS tracking devices. In relation to a condition imposed by either the court or the Parole Board, for what duration does the Attorney anticipate that a GPS tracking device might be imposed on somebody? These orders can last for up to five years. A condition theoretically can go for that long. Is it more the intention of the legislation that if GPS tracking is to be involved it be for a shorter term as would normally be the case under intensive bail or other current arrangements?

The Hon. J.R. RAU: Again, first of all, it might be a matter that is determined by the court in the sense that the court may be persuaded at the time of the making of the original order that there is sufficient evidence before it to be able to make an order in respect of that matter. Alternatively, it may be left to the Parole Board to determine the duration.

Mr GARDNER: In relation to clause 11(4)—and this was somewhat answered in the Attorney's response but for the sake of clarity if he could assist—the Parole Board cannot exercise its powers to impose conditions unless the person, the defendant, the respondent and the Attorney-General have been afforded reasonable opportunity to make submissions to the board on the matter and the board has considered any submissions so made for clarity's sake. The Parole Board identifies to the Attorney and the respondent that they are going to be considering their case, submissions come in, the Parole Board considers all of those as they would any current matter and makes its determinations. They do not have to flag to the Attorney or the respondent what conditions they are thinking about in advance: they can just have that consideration all in one discussion and then impose those conditions and move on.

The Hon. J.R. RAU: I do not think they have to, but I would guess that from time to time the Parole Board might find it convenient to put a draft or suggested proposition to the parties and say, 'Look, do you have any particular violent objection to this for any reason', but that would be a matter for them.

Mr GARDNER: I am pleased to hear it. A bit earlier in clause 11(1)(c)(iv), in relation to conditions the Parole Board might apply, it says that they can prohibit or restrict the person subject to the order from 'engaging in specified conduct or conduct of a specified kind', and subclause (vii) refers to 'engaging in any conduct of a kind specified by the Board'. I do not mean to make light of this, but is there any distinction between 'specified conduct', 'conduct of a specified kind' and 'conduct of a kind specified by the Board', which are all listed as three separate things they can deal with?

The Hon. J.R. RAU: Potentially, yes: 'specified conduct' might be, for example, consuming amphetamines or whatever it might be. Likewise, 'conduct of a specified kind', I guess, is capable of traversing the same ground, so the two undoubtedly have some overlap, but whether they are

completely coextensive is an argument that philosophers could muse on for a long time. On the last one, yes, the Parole Board is able to do things that it considers relevant.

Mr Gardner: 'Conduct of a kind specified by the board' as opposed to 'specified conduct by the board' or 'conduct of a specified kind as determined by the Board'.

The Hon. J.R. RAU: I agree that there is a lot of specifying going on, but for the sake of completeness we are specifying as much as we can.

Clause passed.

Clauses 12 to 18 passed.

Clause 19.

Mr GARDNER: I would like to specify that in his conduct the Attorney-General answer me. In relation to clause 19, the opportunity for appeal cannot be commenced after 10 days from the date of the decision against which the appeal lies. The Law Society argues that should be 21. I appreciate that there are other matters that have the 10-day limit, but can the Attorney identify why he has chosen the 10-day limit this time rather than the Law Society's preference for 21 days?

The Hon. J.R. RAU: We have simply replicated section 23's equivalent provision. If the member for Morialta wishes to have a talk about that, I am open to discussing that, although in general terms I think the sooner the person identifies they have a problem with it the better. That is there because it makes this consistent with section 23 in that equivalent respect.

Clause passed.

Clause 20 passed.

Schedule 1.

Mr GARDNER: I move:

Amendment No 1 [Gardner–1]—

Schedule 1, page 12, lines 7 and 8—

Heading to Schedule 1—delete the heading to Schedule 1 and substitute:

Schedule 1—Related amendments

Amendment No 2 [Gardner–1]—

Schedule 1, page 12, after line 8—After the heading to Schedule 1 insert:

Part 1—Preliminary

A1—Amendment provisions

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Bail Act 1985*

A2—Amendment of section 10A—Presumption against bail in certain cases

Section 10A(2), definition of *prescribed applicant*—after paragraph (c) insert:

(ca) an applicant taken into custody in relation to an offence of contravening or failing to comply with a condition of a supervision order issued under the Criminal Law (Extended Supervision Orders) Act 2015; or

Part 3—Amendment of *Correctional Services Act 1982*

These amendments have been filed and circulated and we have had some discussion, so I will not use the full half an hour remaining before the lunch break. To put it simply: as we have discussed, the Liberal Party will be supporting the legislation for extended supervision orders.

The purpose of the extended supervision order is to improve community safety. The proposition is that the community is at risk while people of this nature who have committed these heinous crimes and are the worst of the worst, with the exception of those who have been identified as being so spectacularly dangerous that they are in indefinite detention, pose a considerable risk

within the community. They pose a risk to individuals within the community, to victims of crime, to former victims of these offenders, and to potential victims. These are the five to ten people a year who the Attorney identifies are at such risk, who have such lack of insight into their behaviours and pose such an ongoing risk that we seek to have this ongoing order restraining their behaviour or supervising their conduct in the years ahead.

If the Parole Board, upon receiving advice that somebody has committed such a breach of their order, decides that it is worth bringing them back in off the streets and charging them with the offence under the act, that will have a maximum penalty of five years in prison and leave them under the category of a high-risk offender going forward. A high-risk offender is categorised as such if they have been convicted of breaching their order or, indeed, that they have an extended supervision order on them. There is no question that there is a small category, and they are effectively the worst of the worst. If they commit an offence or they breach their condition to the point where the Parole Board brings them in, there is that long period of time before their court hearing happens.

If the Parole Board drags you in while you are on parole, you go back to gaol if they consider the breach of your condition to be to the point where you have met that threshold. The Parole Board does not have that opportunity in relation to these guys. The point is: if you are going to have this stick then it has to be something that the Parole Board can utilise. The opposition amendments mean that the presumption then becomes against bail. In the Bail Act, under division 1, 10A—Presumption against bail in certain cases, there are around 15 or 16 different categories of offence, whereby the expectation is against bail. Discretion is still left with the judge to deal with if they have a cause to grant bail.

The discretion remains, but the presumption is reversed against bail, and this gives the Parole Board the opportunity to actually have some control over these individuals, who the Attorney has told us are effectively the worst of the worst. Therefore, for the benefit of community safety, we consider that the opposition amendments will strengthen the provisions. The minister has said that he is not going to support them in this house, and that we will have time between the chambers to chat and to come up with something that may well manage the situation. I encourage the Attorney and the government to accept the inevitable: that movement must be made and these amendments are the best way forward.

If the Attorney comes back with a proposition that will address the substance, then we will certainly have a look at that between the houses. But, in the meantime, frankly I think this amendment is the one that is going to fix the matter that needs to be fixed.

The Hon. J.R. RAU: Inevitable or not, I have never suggested that the member for Morialta has brought his proposition here lightly or without due consideration, or that it is without merit. I have never said that. It might be that the solution to the problem is something like this: we say, perhaps, that it is a serious breach of the order which invokes the presumption against bail. We might be even more particular and say it is a serious breach of the order in the nature of a sexual offence or an offence of violence, for instance, which will immediately trigger a presumption against bail.

My concern is us sweeping up relatively minor—if we get back to the original proposition: what are we trying to help the community be protected from with these people? Answer: they are sexually predatory or they are randomly violent or excessively violent. If the member for Morialta and I can come to a proposition where there is a presumption against bail if any of these people under these orders revert to type, I am relaxed about that. I am fine about that.

I am just worried, though, that if we just say any breach of any condition—because bear in mind some of those conditions that the court might put around these people are more in the nature of prophylactic provisions to prevent them encountering certain circumstances or dealing with certain people and, whilst they might be important, the mere transgression of one of those on an isolated occasion does not mean that person has gone off and hit somebody or sexually assaulted somebody or whatever the case might be.

I am happy enough with a proposition—and I think it is really a matter of whether we can find some words that capture the point—that, if the people who are under these orders commit offences or behave in a way which represents a danger to the community or a manifestation of them continuing their bad behaviour, I am okay with the presumption against bail. I am okay with it. I just think we

need to separate that from what might be a rather technical and insignificant (insignificant viewed from the perspective of how much harm it does to the public in and of itself) breach. I am happy to have that conversation.

Mr GARDNER: Just briefly, I note the Attorney's comments and look forward to chatting about it with him further. But I do suggest to the Attorney that he dwell on the answer he gave to the member for Heysen earlier, which was in relation to her concerns about a minor offence being captured in the breach of the condition which would lead to the charge in the first point. The Attorney's answer was that he has confidence in the Parole Board to make a common-sense point of determination on that matter. I have confidence in the Parole Board to do the very same thing and, from that point of view, I have every confidence that the Attorney's concern is redundant. So I hope that in the coming weeks he will come to that view also.

Amendments negatived; schedule passed.

Title passed.

Bill reported without 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) (12:38): I move:

That this bill be now read a third time.

Ms REDMOND (Heysen) (12:38): I do wish to put on the record my opposition to this bill. It is not that I am opposed to what is trying to be achieved by it; I agree that if there are people who might pose a risk, particularly of reoffending, in these violent or sexual matters, then it is important that the community be protected and indeed the individuals who could be the victims be protected from such offending. However, this bill, to me, is fundamentally flawed because it breaches the very essence of our structure and our system of the separation of powers.

What this bill does is enable the Attorney, an elected person, to reach across the barrier from the government and interfere in what should be part of the judicial process. It seems to me we already have a comprehensive set of rules in the Criminal Law (Sentencing) Act, and I will refer to some of those in my comments. I think it is important to understand that when someone is being sentenced, by and large our sentencing system says, 'Look, people should only be imprisoned, incarcerated, where it is a serious offence and there is no other option'—to put it in layman's terms.

In terms of what the actual Criminal Law (Sentencing) Act says, first of all, section 6 states that the court, in determining sentence, is not bound by the rules of evidence; it may inform itself as it thinks fit; and it must act according to equity, good conscience and the substantial merits of the case. Section 7 goes on to provide that the prosecutor must provide to the court details of the victim's injury, and section 7A provides that there can be a victim impact statement, and before determining the sentence for the offence, the court will take account of that.

Under section 7B, there can be community impact statements and these, in turn, are subdivided into neighbourhood impact statements as well as social impact statements in case an offence has an impact on particular neighbourhoods or particular categories or groups of people. Then there is an obligation or an option for a court to consider presentence reports and that will enable the court to consider reports on the physical or mental condition, personal circumstances and history of the defendant. There are a number of other provisions but, primarily, we then get to the actual sentencing consideration.

With all that information before it, section 10 of the Criminal Law (Sentencing) Act lists the things that have to be taken into account, and the court must have regard to these matters in determining what the sentence should be:

- the circumstances of the offence;
- other offences (if any) that are to be taken into account;

- if the offence forms part of a course of conduct consisting of a series of criminal acts—that course of conduct;
- the personal circumstances of any victim of the offence;
- any injury, loss or damage resulting from the offence;
- if the offence was committed by an adult in circumstances where the offending conduct was seen or heard by a child—those circumstances;
- the degree to which the defendant has shown contrition for the offence (including any actions to make reparation);
- the degree to which the defendant has cooperated in the investigation;
- the deterrent effect any sentence may have on the defendant or other persons;
- the need to ensure the defendant is adequately punished for the offence;
- if a forfeiture of property is, or is to be imposed, the nature and extent of that forfeiture;
- the character, antecedents, age, means and physical or mental condition of the defendant;
- the rehabilitation of the defendant;
- the probable effect any sentence under consideration would have on dependants of the defendant; and
- any other relevant matter.

Having put all those down, the court is then obliged to consider:

- the need to protect the safety of the community;
- the need to protect the security of the lawful occupants of their home from intruders; and
- the need to protect children.

There are also other specifics about bushfires, and the court must then have regard to any other legislation such as the Child Sex Offenders Registration Act and so on. It can also take into account the fact that the defendant has or has not participated, or had the opportunity to participate, in an intervention program, or has performed badly or failed to make satisfactory progress in such a program.

I will not go on with the rest of the act, but there is an entire act, and it is a comprehensive act, setting out the provisions for sentencing for criminal offences in this state. As I say, my difficulty with this legislation is not with what we are aiming to achieve with the, according to the Attorney, five or 10 people a year who may be released and may still pose a threat but, because they have completed their sentence, are not going to come before the Parole Board. The need to protect the community from those people is understood and accepted.

My difficulty is with the fact that this is the Attorney reaching across what I see as something that should be an impenetrable barrier; that is, allowing the government to reach into the judicial function of the state. The separation of powers, for me, is sacrosanct, and I believe that there is a great danger in any government and in any parliament deciding that they will allow an elected person to interfere in the judicial process.

The Attorney could come at this matter by saying, 'We are going to amend the Criminal Law (Sentencing) Act, and we are going to put in a provision to say that, when these people who we consider high-risk offenders have done the crime, been found guilty, done the time and have not applied for parole come to the end of their sentence, we are going to allow the court to reconsider.' But the fact that the Attorney is authorising himself, by this legislation, to reach across that barrier into the judicial precinct to me makes this legislation fundamentally flawed and something that this parliament should not enact.

I have seen it happen before with this government over the last 13 years. We have in this state an act that sets up the Office of the Director of Public Prosecutions. If you look at that particular legislation, you will see that it says, in its formulation, that the Director of Public Prosecutions is independent and not subject to direction from the government.

However, in the case of Nemer, you may recall that this government decided that it would direct the Director of Public Prosecutions to appeal a decision of the court. Notwithstanding that the Chief Justice felt as I did that the act was quite clear and that the Director of Public Prosecutions was independent and not subject to the direction of the parliament and the Attorney-General, the fact is that this government chose to direct the Director of Public Prosecutions. The matter went to the Full Court of the Supreme Court and, by majority, with the dissenting judgement of the Chief Justice, it was found that, yes, this government can direct the Director of Public Prosecutions as to who should have their sentence appealed.

As far as I am concerned, that is fundamentally wrong. What it leads to is the potential for political prisoners. I know that people will find this a nonsense and will say, 'But that is never going to happen here,' but this for me is a fundamental principle that should never, ever be breached. The government and, in particular, the Attorney-General should have no part in the judicial process and should not be able to interfere in the judicial process.

This bill, in particular, authorises the Attorney-General, and no-one else, basically, to make an application. So, someone has done their crime, been found guilty by a court, been subjected to all those considerations that I put on the record about the Criminal Law (Sentencing) Act, and have had all of that considered when they have been sentenced. The person has been sentenced, put in prison and has served the entirety of their sentence, so they have paid the penalty set by the judiciary as to what their crime warranted. They have paid it in full, and then the Attorney, as an elected person, can reach across that barrier and say, 'No, you are not out yet,' and then put that person under a supervision order, which is to be effectively carried out by a community corrections officer who could be particularly nasty in the way that they deal with the person and could be psychiatrically terribly damaging to the person.

I believe that what is trying to be achieved is appropriate, but the mechanism by which this government is choosing to achieve it is entirely inappropriate because of the fact that it is authorising the Attorney-General to interfere in what should be a process completely separate from anything that he can reach. As I said, I have no difficulty with the intention of the legislation in protecting the community but I believe that we should be looking at a better way to do it, by amending the Criminal Law (Sentencing) Act, by amending provisions relating to the Parole Board or whatever it might be. However, it should not be something that the Attorney-General is able, of his volition, to authorise, because it is a fundamentally flawed proposition that there should not be maintained an absolute barrier and an absolute separation of powers in this state.

Bill read a third time and passed.

STATUTES AMENDMENT (BOARDS AND COMMITTEES - ABOLITION AND REFORM) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 March 2015.)

Mr PEDERICK (Hammond) (12:51): I rise to continue my remarks from last week in regard to the Statutes Amendment (Boards and Committees—Abolition and Reform) Bill. In my earlier speech I spoke about our concern with issues around the retention of the Pastoral Board, the Health Performance Council, the Animal Welfare Advisory Committee and the South Australian Tourism Commission Board.

In the little time I have, I want to make a few comments in regard to why I am so concerned about the potential abolition of the Health Performance Council. We need only look at the issues around Transforming Health—not just the dialogue of what is proposed for essentially the city areas and suburbs, but my fear is about what is not proposed for the regions. Having no proposal is sometimes good, because then you find out that, for a change, there are no proposals to close down country and regional hospitals or health services. However, in the whole Transforming Health debate

there are concerns. I read an article in today's *Murray Valley Standard*, the Murray Bridge local paper. There is a front-page story on, 'What is happening in Murray Bridge? Where is the $3 million needed for the overhaul of the emergency department'—the access point and associated things. There are many concerns raised in the regions as to what is happening.

As I indicated in my earlier contribution, what happens in the city does impact country people, because at any one time up to 30 per cent of the people admitted to urban hospitals are from the bush. They need to know what is happening as far as access to emergency departments and which hospitals they need to get to. We believe there could be quite a bit of confusion in regard to where an ambulance has to go when it picks someone up, depending on the time of day, what emergency department is open or whether a stroke facility is open at that particular time, so we are certainly concerned.

At the other end of my electorate, at Goolwa, I have mentioned in this place before the concerns about triage not being available at Goolwa anymore, where people will be shifted by ambulance to Victor Harbor. This impacts directly on what will happen with Noarlunga and the Flinders Medical Centre. As I said earlier in my contribution, we will unpack this extensively during committee to find out what the options are for some of these boards going and the potential, certainly for the boards we are concerned with, to stay on into the future, to make sure that the management of this great state goes on in a proper and ethical way and is not just left to ministers to handle.

Mr VAN HOLST PELLEKAAN (Stuart) (12:54): It is a pleasure to rise again to speak on the Statutes Amendment (Boards and Committees—Abolition and Reform) Bill. For people who are following this issue closely, I ask them to look at *Hansard* from 2 December, when this bill was dealt with in this house prior to parliament being prorogued and I had the opportunity to make a contribution then. I will not go over everything I said then because it is on the record and I meant it then and I mean it now.

Some things have also changed since then—some welcome changes, as far as the opposition is concerned. As the government and you would know, Deputy Speaker, we are fully supportive of finding efficiencies. We are very supportive of contributing and helping the government where we can to making government, on behalf of the people of South Australia, more efficient, and removing a lot of the boards and committees that are currently in place—many of which serve no purpose whatsoever and many of which, perhaps, could be improved on—is something we support in the main, but we decided that there were four specifically whose removal we could not support in any way.

That is not to say that there are others in addition to the four we are not supportive of, but there were four where we thought we really needed to dig our heels in: the Pastoral Board, the Health Performance Council, the Animal Welfare Advisory Committee and the South Australian Tourism Commission Board. I know that the deputy leader, the member for Bragg, has amendments ready to go on behalf of the opposition to support this bill, as long the amendments are accepted which would result in the retention of those four boards and committees I have just mentioned.

I am advised that the government has agreed to those amendments. I am advised that the government has agreed that the best way forward is to accept the opposition's proposal to keep those four boards and committees, and on that basis we will support the government in their effort to remove the others, but I would like to comment on the Pastoral Board specifically. I had extensive discussions with minister Hunter about the Pastoral Board and about my reasons and about my constituents' reasons; in fact, many constituents from the electorate of Giles also have a view on this.

I had extensive discussions with minister Hunter, and I think from memory there were two discussions with pastoralists involved and three discussions just between the minister, myself and his staff. I very genuinely thank the minister for engaging in those discussions and very openly and very forthrightly discussing what we could agree on and what we could not agree on, and I have no doubt that he was open-minded with regard to trying to find some improvements.

Without going into all the detail of those discussions, the broad understanding from everybody involved was that the Pastoral Board serves a very important purpose but that it has not done everything everybody would want it to do. The Pastoral Board has not been perfect in its support

of the pastoral industry and its negotiation on behalf of pastoralists with the government; nonetheless, the pastoralists and I certainly did not want it to disappear without it being replaced by anything.

We got a way down the track with minister Hunter in terms of discussion about what could replace the Pastoral Board. No commitments were given. Minister Hunter said that he would be comfortable with a particular style of engagement and representation. The pastoralists and I did not make any commitment with regard to accepting the minister's proposal, but we did make it very clear that we thought it was a positive one to consider and that we would be very happy to consider it. Those discussions did not progress any further because I suspect they were superseded by the government agreeing with the opposition that these four boards and committees should be retained.

I thank the minister for his engagement, and I also put on the record that if, down the track, he would ever like to pursue those discussions further so that we could seek further and better improvement on behalf of pastoralists and the government with regard to the way that industry is managed, I would be happy to do that in the future.

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

Parliamentary Procedure

ANSWERS TABLED

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

VISITORS

The SPEAKER: I welcome to parliament today students from Pennington Primary School, who are guests of the Premier and the Hon. John Gazzola, and students from Pembroke School, who are guests of the deputy leader.

PAPERS

The following papers were laid on the table:

By the Acting Premier (Hon. J.R. Rau)—

Regulations made under the following Act—
Fees Regulation—Immigration SA Fees

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

Rules made under the following Act—
Supreme Court—Criminal—Amendment No 1

By the Minister for Industrial Relations (Hon. J.R. Rau)—

Regulations made under the following Acts—
Return to Work—
Return to Work Regulations 2015
Transitional Arrangements
Return to Work Corporation of South Australia—Claims Management Contractual Regulations
Work Health and Safety—Variation of Regulations 702 and 706

By the Minister for the Public Sector (Hon. S.E. Close)—

Regulations made under the following Acts—
Public Sector—Variation of Regulation 9

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Death of—Thomas Wolfram Spiess and Jacqueline Byrne Report of Actions taken by the Government following the Coroner's Primary Recommendations 22 August 2014

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. S.W. KEY (Ashford) (14:03): I bring up the 19th report of the committee, entitled Report into the Referral of the Workers Rehabilitation and Compensation (SACFS Firefighters) Amendment Bill.

Report received and ordered to be published.

Question Time

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04): My question is to the Minister for Health. How many hospital beds will be lost in the Southern Adelaide Local Health Network as a result of the government's decision to close the Repat?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:04): We make no secret that South Australia has more acute hospital beds per head of population than any other Australian state or territory, at 3.1. Clearly, I would like to get that number down because, really, it is a misallocation of resources. We need to change our bed mix so that we have more subacute beds and fewer acute beds, more in line with the rest of the national population.

Obviously, I am not going to close any acute beds and reduce our acute bed stock at all until I am confident that we have the capacity to do that, and we will be undertaking a body of work over the next 12 months to make our hospitals work better, to make the bed flows work better, so that we can release that capacity. Over time, as we are able to demonstrate that we have acute beds that we don't require, we won't continue. But we won't do that until I am confident that we have been able to demonstrate we have got the capacity that we need.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:05): Supplementary, sir: can the minister outline to the house how many acute inpatient beds currently exist within the southern system and how many will exist after the government closes the Repat?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:05): I can't add anything more to what I have said. With regard to the number of beds in SALHN, I haven't got that but I am more than happy to get a report back to the house.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:06): Supplementary, sir: if I look at the patient dashboard which is on the SA Health network this morning and I add up the base of the inpatient beds at the hospitals, will that give me the number of beds that exist within the southern network—in other words, adding up the Repat Hospital beds, the Flinders Medical Centre beds and the Noarlunga Hospital beds?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:06): That's where all our acute beds are, yes.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:06): My supplementary, sir, is: how does the minister suggest that patient outcomes are going to be improved if we remove 106 (22 per cent) of the 488 beds in the southern system?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:06): Because, as I

said in my answer to the first question, we have more beds per head of population than any other Australian state or territory, yet still we have these capacity problems. How is it we have capacity problems when we have more acute beds per head of population than the rest of the country? The answer is simple: it is our bed mix. We don't have enough subacute beds. We have people staying—

Members interjecting:

The Hon. J.J. SNELLING: Sir, are they interested in the answer, or shall I just sit down? We need more subacute beds and we need fewer acute beds. We have inconsistent lengths of stay. We have people whose rehabilitation does not start early enough. We have not enough day surgery with elective surgery. We have too many elective surgery procedures cancelled. We have people staying inconsistent lengths of stay. We have a situation where your length of stay can largely be dependent upon the day of the week on which you are admitted to hospital. These are all the sorts of things which we are seeking to address through Transforming Health which we hope to have improved and fixed over the coming four years as we go through this process.

The reason we have emergency departments over capacity is not because we don't have enough acute beds, but the acute beds—

An honourable member: Thirteen years.

The Hon. J.J. SNELLING: Thirteen years you've been in opposition, yes, and long may it continue. I'm sure it will. Let's make it 18 years while we are at it, the way we are going. Mr Speaker, it is all of these reasons why we—

The Hon. L.W.K. Bignell: Twenty years.

The Hon. J.J. SNELLING: Twenty years, thank you: the member for Mawson corrects me. It is for all of these reasons that we have capacity issues within our hospitals. It would be nice if the opposition took a bit of an interest in health policy rather than behaving like the cheap ambulance chasers that they are.

The SPEAKER: The minister is not responsible for the opposition. Before the leader asks his next question, I call to order the members for Morphett, Hartley, Heysen and Chaffey, and I warn the member for Morphett for the first time. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): Can the minister outline to the house the total diminution of inpatient beds in South Australia after the full implementation of the Transforming Health report?

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): I answered that in the first question.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): How can the minister suggest to this house that patient outcomes will be improved and that we have too many beds in the system when, as at 9.30 this morning, we were over capacity at the Flinders Medical Centre, the Lyell McEwin Hospital, the Modbury Hospital, the Royal Adelaide Hospital and The Queen Elizabeth 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) (14:09): Sir, I have already answered this. He has already asked it.

Ms Chapman: You have not!

The SPEAKER: The deputy leader is warned for the first time. Leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): My question is again to the Minister for Health. What is the projected impact on full-time equivalent employee numbers of the Transforming Health proposals over the next three years?

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): Much like we need to change our bed structure, we also need to change the structure of our workforce somewhat because, while we have more doctors and more nurses per head of population than any other Australian state or territory, we don't do the same with allied health. We need more allied health workers in our hospital system because it is physiotherapists, speech pathologists and podiatrists who are the workers who actually get people out of hospital.

A clinician quipped to me recently that doctors are very good at getting people into hospital, but it is the nurses and allied health workers who actually get them out of hospital. We need to invest in the number of allied health professionals because I am in no doubt that the fact that we are too light on with regard to allied health is one of the reasons why—

Ms Redmond interjecting:

The Hon. J.J. SNELLING: —we have longer lengths of stay than comparable or peer hospitals interstate. That is certainly part of the health workforce that I want to see grow.

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

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): Does the minister agree with SASMOA's estimate that 2,000 jobs will be lost if the government implements the Transforming Health cuts that they have proposed?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:11): No, I don't.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): Can the minister outline to the house what the net effect of full-time equivalent employee numbers will be across SA Health after the reforms have been introduced?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:11): Again, like my answer to the question on bed numbers, it would very much depend upon how successful we are in implementing these reforms. It will depend upon whether we can get our acute bed numbers down.

We need to invest more in keeping people out of hospital and we need to invest more in getting people out of hospital once they are there. If we can release that capacity, then we are not going to need as many acute beds and staff around these acute beds as we currently have, but in order to achieve that we do need to invest in other parts of our health workforce.

As I was saying, particularly with regard to allied health, we need to invest in our allied health workforce because they are the engine room of our health system. They are the people who get people out of their hospital beds and walking around after a major surgery or a stroke or an injury and who get them out of the hospital bed and back home. That is a part of the workforce I am very happy to see grow because it is going to make for a better, more effective, more efficient health system than we currently have.

The SPEAKER: Supplementary.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): My supplementary is to the health minister. Has the government done any workforce modelling based upon the Transforming Health cuts proposed by the government?

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): I would have to get a report back. I am not sure.

The SPEAKER: Supplementary, leader.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): Is the minister suggesting that he doesn't have a workforce reduction number that the government is working towards?

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): No, we don't because, as I have said before, what we do in terms of the acute bed numbers is very much a work in progress and will depend upon our ability to shift resources away from acute hospital beds, where we are too heavy on, and into subacute beds and investments in the components of our health workforce who get people out of hospital and back home.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): Is the minister suggesting to the house that, in fact, there could be an increase in the number of employees in the health system after the reforms are implemented?

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): Given that our health workforce has been growing significantly over the last 10 or 15 years, I have no doubt that our health workforce overall is probably going to be larger in four years' time than it is today because that's what happens—your health workforce grows as your demand for health care grows.

I certainly have no doubt that we will be spending more in four years' time than we are now. The issue is the sustainability of that growth. At the moment, our health expenditure is growing faster than revenues to the state government. Our health budget has grown, compounding over the last 10 years at about 8 or 9 per cent: state revenues have grown at around 2 per cent. That is unsustainable, and we will reach a position where health consumes the entire state budget. We can either do what the Liberal Party would have us do and stick our heads in the sand and pretend that that is not a problem—

The SPEAKER: Minister.

The Hon. J.J. SNELLING: —or we can actually start reform now and make sure that we build a sustainable health system.

Members interjecting:

The SPEAKER: Has the minister finished?

The Hon. J.J. SNELLING: Yes, sir.

The SPEAKER: That will obviate the point of order. I call the member for Schubert to order and the member for Hammond. I would have called the member for Kavel to order, but his interjection was funny.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): My question is to the Minister for Health. How is the government tracking against the budget employee reduction target for the health department as outlined in the June budget last year?

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): I would have to check with regard to our workforce numbers, but I can say that we do expect the health budget to come in this year on balance. That's not to say that we don't have a significant task in front of us principally because of the enormous cuts that the commonwealth government and Tony Abbott have forced not only on our health budget but on health budgets right around the country.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): Supplementary: what was the employee reduction target outlined in the June budget last year?

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): If it was in the budget papers, then no doubt you know.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): Is the minister suggesting to the house that he isn't aware of what the employee reduction target for the health department is this year?

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): No, I don't carry the budget papers around in my head.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): Is the minister suggesting to the house that if I did go and look that up now, that the government is on target with the Transforming Health report to make that reduction in the number of employees in his 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) (14:16): I have already answered that question.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16): What is the projected budget impact of the Transforming Health proposals over the next three years?

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 are investing $250 million is the answer to that, capital expenditure of roughly $250 million—building a new rehab unit at the Flinders Medical Centre; building new rehab units at Modbury and The Queen Elizabeth Hospital, with gyms and with swimming pools at those locations where currently they don't have them; a redeveloped NICU at the Flinders Medical Centre; and an improvement to the Noarlunga emergency department, with the creation of a separate paediatric area, something that they have been calling for, something that the nurses and doctors who work at Noarlunga when I met with them said was urgently needed. So, yes, there is a budget impact: we are investing more in our health system.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): What is the projected recurrent savings impact on the budget moving forward over the next three years if the government implements its Transforming Health report recommendations?

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): Our savings task is in the budget papers and it is unchanged.

HEALTH REVIEW

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Is the minister suggesting that the budget savings as outlined in the June budget last year will be achieved through the implementation of the Transforming Health report?

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): No, it won't. I wouldn't even pretend that it would necessarily even come close. When the full hit of the Abbott budget cuts hit our health system I think, if my memory serves me correctly, in the out years of the

forward estimates the cuts equate to about half a billion dollars, and of course Transforming Health is not going to be able to be a solution to those massive cuts which Tony Abbott—great mate of those opposite—has inflicted upon our health system and health systems right around the country because the Liberal Party just doesn't care about hospitals.

Members interjecting:

The SPEAKER: The members for Flinders, Mount Gambier and Davenport are called to order.

HEALTH PERFORMANCE COUNCIL REPORT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18): My question is to the Minister for Health. Given that the Health Performance Council's four-yearly report on the overall performance of the health system and identification of future priorities for South Australia's health system was due on 31 December last year, when will it be tabled?

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): I am happy to get back to the house with a report.

HEALTH PERFORMANCE COUNCIL REPORT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): Supplementary: when was the report received by the minister?

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): I haven't seen it, so I don't know. It hasn't come across my desk, but I am more than happy to have a look and see where it is.

HEALTH PERFORMANCE COUNCIL REPORT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19): Can the minister outline what possible reason there could be for this delay?

Mr Knoll: The dog ate my homework?

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): No, I can't.

The SPEAKER: The member for Schubert is warned a first time.

RIVER MURRAY SUSTAINABILITY PROGRAM

Ms HILDYARD (Reynell) (14:19): My question is to the Minister for Agriculture, Food and Fisheries. Minister, can you inform the house about how the South Australian River Murray Sustainability Program is benefiting our river communities?

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) (14:19): I thank the member for Reynell for the question.

Mr Gardner: Jay would probably jump in and answer this if he was here.

The Hon. L.W.K. BIGNELL: The opposition talks about the Premier using his first name, which I know the member for Morialta is a stickler for people not doing that. We should start by congratulating the Premier on a tremendous job to get this deal out of the federal government: $265 million—

Mr Whetstone: They gave it to him.

The Hon. L.W.K. BIGNELL: —that he went and fought hard for. We were told by those opposite we should have accepted a lesser deal. The Premier went out there; he was only after a Rolls-Royce. That's all he wanted, not the Mazda that—

The SPEAKER: The member for Chaffey is called to order and the member for Morialta is called to order for drawing attention to the absence of someone from the chamber, which is infra dig. Minister.

The Hon. L.W.K. BIGNELL: Thank you again, Mr Speaker. The $265 million South Australian River Murray Sustainability Program has already had $100 million go out to 100 applicants. We're seeing work being undertaken already on most of those programs, and it's delivering jobs right along the length of the Murray in South Australia, from the border to the Murray Mouth. It's also returning 40 gigalitres to the river, which is very important not just for the health of the river but also for the health of the economies and the communities right along the length of the mighty Murray River in South Australia.

We are seeing people diversify in what they are doing, we are seeing people change the way that they go about their farming practices, and there are some real improvements. Given the great improvements that South Australian River Murray communities made in the sixties, seventies, eighties and nineties, right throughout the last 50 years, there were some who thought, 'Gee, it's going to be hard to get more efficiencies,' but it's been terrific to see industry groups and individuals working out ways that they can become more sustainable.

An honourable member interjecting:

The Hon. L.W.K. BIGNELL: Hello!

Mr Treloar interjecting:

The Hon. L.W.K. BIGNELL: That's alright; no worries.

The SPEAKER: The member for Flinders is warned a first time.

An honourable member: He's calling a friend.

Ms Redmond: He needs one.

Mr Marshall: But hasn't got one.

The Hon. L.W.K. BIGNELL: Oh, that's a bit rough. We're already seeing growth with the 250 jobs to be created in 2015-16 through those first 100 projects. Once the program is complete, there's another $140 million out there in round 2. We expect long-term job numbers to increase in the region by more than 500 employees. The projects range from small family farm turnaround ventures to large international scale corporate schemes as well as a number of innovative new proposals.

Currently contracted projects are driving the following changes in the river region: around 1,300 hectares of crop plantings, including both new plantings and crop conversions and an increase of around 120 hectares in almond plantings. We know that the worldwide demand for almonds is increasing all the time. We know that California is being hit by a drought, and between South Australia, Victoria and California we produce most of the world's almonds that are exported around the place.

There's been a shift towards more commercial varieties of wine grape and citrus varieties, and more than 20 new processing, packing and cold storage facilities are adding to the efficiency and value of products for these farms. These projects are reshaping the region, including the reconfiguration of irrigation and production systems, changing crop types and increasing value-adding to products and processes through things such as automated fruit and vegetable packing machines. As I said at the start, one of the most important features of this project is that it is returning 40 gigalitres to the Murray.

RIVER MURRAY SUSTAINABILITY PROGRAM

Mr PEDERICK (Hammond) (14:23): Supplementary: what is the minister doing to secure the $25 million of the River Murray diversification fund that has already been realised in three other basin states?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small

Business) (14:24): Mr Speaker, this question was asked last week. I was just thinking about it now that you probably haven't had your briefing yet, so I'll make sure that's arranged by the end of the week, and I'll also invite the other shadow minister for primary agriculture. We're not satisfied—

Mr PISONI: Point of order: members are addressed by their electorates, I understand.

The SPEAKER: I don't know to whom the Treasurer was referring, so I can't uphold that point of order—unless he would care to tell me. And I don't think 'shadow shadow' is a title recognised by the parliament.

The Hon. A. KOUTSANTONIS: The member for Unley is right to move a point of order. I was mocking the member for Hammond, so I apologise.

The SPEAKER: I call the Treasurer to order then.

The Hon. A. KOUTSANTONIS: Thank you, sir. What the commonwealth is attempting to do through this allocation of funding is to use our own balance sheet to fund their initiative, and we're not going to stand for it. We won't allow them to do it. If the commonwealth government want to give us $25 million to cost us $21 million, that's not a good deal.

Members interjecting:

The SPEAKER: The member for Schubert is warned a first time, the member for Heysen the second time, and the member for Kavel is warned because his interjection wasn't so funny.

RIVER MURRAY SUSTAINABILITY PROGRAM

Mr WHETSTONE (Chaffey) (14:25): Supplementary to the Minister for Agriculture: what contribution has the South Australian government made in South Australia's contribution to the 183 gigalitres within the basin plan?

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) (14:25): That's a question for someone in another place who is the Minister for Water, and I will endeavour to get an answer and bring that back to the house.

NATURE PLAY

Ms BEDFORD (Florey) (14:26): My question is to the Minister for Education and Child Development. Can the minister advise the house on how the government is supporting children in South Australia to play outdoors more often?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:26): We will all be aware that there have been growing trends over the last several decades for children not to spend so much time outdoors and increasingly for children to be in front of screens; the screens seem to get smaller and be more portable. Of course, as parents, we all fret about the impact of that.

We know that children outside have three main benefits: one is development of their sensory capability and their physical balance and aptitude. Particularly for preschool kids, always walking on incredibly smooth surfaces and too often sitting is not good for their capacity to develop their sensory skills and, as I say, their balance skills. We also know that the more active children can be early, the more likely they are to set down those patterns for the future so they have a strong sense of physical activity being part of how they live their lives and, therefore, challenging the drift towards obesity that we have very sadly seen in the last few years.

The third benefit of children being outside is their capacity to connect with the environment. One of the things that troubled me from my previous life was the way in which, other than people growing up in the country, people living in the city tend to get very insulated from the reality of the environment. It's all too easy when it gets hot to put on the air conditioner and not to contemplate the implications of climate change, for example. It's all too easy to assume that if food isn't being grown nearby then you'll just be able to import it from further away. As I say, kids growing up in the country have a far better sense of the reality of the vagaries of climate and the impact of environmental destruction.

So, I am very pleased that part of this government's initiative is to encourage nature play and outdoor learning at the preschool level, in particular. On the weekend, I attended the Grove Kindergarten where they have, through their own funds, funded an extraordinary array of outdoor activity areas, and they hosted a workshop for early-learning educators to go through what you can do. One of the great benefits that I could see, and I heard about from there, is that not only do the children who attend that kindergarten have fantastic access to outdoor play, including what they called—and I know it's an American term—the 'bug hotel' (a place that attracts different kinds of insects and the children can nurture it and tend it and see the insects as something interesting and valuable and not simply annoyances to be squashed) but it flows over into the community, so the parents whose kids are attending there are changing their little backyards. As you know, it's in a very small block area, but they are turning them over to vegetable patches to allow a lot more interaction with nature.

Simon Hutchinson spoke, and he is a designer of playground equipment. Courtesy of him I saw that my own children's school has had a new playground recently put in. I haven't been to and from school often enough recently to have seen it myself so I was delighted to see that they have that. The idea of the playground equipment is that it be engaging for kids without being prescriptive and that there be loose pieces that kids can make things from.

So all of this is exactly what we should be doing and people will recall that the government made a commitment coming into this term that over the next four years we will be spending $6 million on 20 outdoor learning areas in preschools. Five of those are well down the track and the physical work is about to commence—

An honourable member interjecting:

The Hon. S.E. CLOSE: I appreciate that others are aware of this as well and I am delighted that they are so enthusiastic about it. I announced another five on the weekend and there will be another 10 to come.

The SPEAKER: Alas, the minister's time has expired. The member for Fisher.

GRANTS FOR SENIORS

Ms COOK (Fisher) (14:30): My question is for the Minister for Communities and Social Inclusion. Can the minister inform the house about the state government's commitment to create an all-ages friendly community?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:30): Australian Bureau of Statistics projections indicate over coming decades that the proportion of South Australia's older residents will grow faster than in any other state in the country. By 2036, our state's population will increase to just over two million. The ABS projects that the number of people aged 50 years and over will increase from 590,000 today to almost 824,000, while the number of people aged 65 years and over will increase from 267,000 to more than 472,000.

As our ageing population increases it must be a greater priority for the state government to accommodate the needs of older South Australians. It is for this very reason that the state government's ageing plan, Prosperity through Longevity, has identified three areas of priority: health, wellbeing and security, and social and economic participation. The Grants for Seniors program facilitates these priorities. The program allows eligible organisations to apply for funding of up to $5,000 towards the delivery of programs that increase social participation, independence and the wellbeing of older South Australians.

Round 2 of the Grants for Seniors program closed on 27 February and a total of 166 applications were received by the Office for the Ageing. The applicants were assessed by an independent panel against their ability to meet the eligibility criteria and deliver a program that promotes the inclusion and contribution of older people in all areas of community life. I am pleased to advise the house that a total amount of $76,433 was awarded to 32 successful applicants upon the recommendation of the panel. The applicants outlined a strong focus on social inclusion for seniors who live in metropolitan as well as regional communities. The Reserve's Lifestyle Village

residents, along with the Seniors Information Centre and the 50+ Activity Club are amongst the 32 successful applicants that received funding under the Grants for Seniors program.

The government recognises that our whole community needs to work together to build an all-ages friendly state. We are committed to working alongside and providing support to community organisations that empower seniors as vital drivers of our social infrastructure and provide them with greater opportunities for informed decision-making.

South Australians can now look forward to more years of life than people could expect in previous eras. I think members of this house will agree that all people should be able to enjoy high levels of wellbeing, self-esteem and self protection through all stages of life. While the state government recognises the challenges presented by an ageing demographic, we also recognise that this is great opportunity to increase active participation of seniors. The state government will continue to take the lead in creating opportunities for more productive communication and links between generations.

The SPEAKER: For the information for the member for Morialta, at the halfway mark of question time, the opposition has had 23 questions and the government three. The member for Unley.

EDUCATION SYSTEM

Mr PISONI (Unley) (14:34): My question is to the Minister for Education and Child Development. Does the government stand by its election promise to retain grade 7 in education department primary schools?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:34): Here we go discussing this again. The election commitment—I don't recall the detail as I wasn't the spokesperson at the time, but I will say that we have absolutely no plans to force year 7 into secondary school. There is no evidence that has been presented to me that indicates that that would make an overwhelming educational difference. I'm well aware that the curriculum was designed both for primary and secondary environments.

I come to it with an open mind, in the sense that I do think we should be driven by evidence and we should see what the true impact is, particularly given that we know how much it will cost to do that and it won't just cost a lot of money to do it. Clearly it will cost a lot of money if we are going to force all schools to do that, but it will also cause strain on some of our smaller schools, particularly small country schools where year 7 means that there are enough kids in that school to make it viable and removing year 7 might not, which would be a source of trouble, at least to me, if they were to force schools into a position where they could be closed.

What I do think is important is that in our system we allow a high degree of choice. Increasingly, we have schools, I think there are something like 71 schools across South Australia, that allow children to go from either birth or reception through to year 12, which means that in those schools you can have the experience of middle school. In my own electorate there is Ocean View College, which is formed from two previous schools, Taperoo High and Taperoo Primary School, and what they have done is have a middle school that starts in year 6. Now, I don't suppose anyone is proposing that year 6 ought to be wrenched into secondary school, but it creates a natural middle school in a larger context.

We have put on the table voluntary amalgamations for schools. In some cases that may be two secondary schools together or two primaries together, but equally it could be a primary and a high, therefore forming that continuous link. So, my view is that we maintain a position that, as much as possible, parents should have a choice about where they send their kids. A lot of children that I'm aware of are in primary schools that end in year 7 and yet there are these schools that allow children to go all the way through to matric, not far away. So, it seems to me highly desirable that parents are in a position to make that kind of choice.

EDUCATION SYSTEM

Mr PISONI (Unley) (14:37): Supplementary, if I may, sir: has the minister been advised by her department about the capital and recurrent costs of moving grade 7 into high school, and if so, what is that cost?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:37): I do recall seeing a brief that gave the capital figure, but I won't recite it now in case I've misremembered it. I can take that on notice. Similarly, for the ongoing operating costs. I seem to recall, although I had a more distant view of the education portfolio at the last election, but I seem to recall that the costing that the opposition put on the table related to the ongoing costs rather than the capital, and whether that was accurate or not I am simply unable to say. So, I will have a look and provide that on notice.

EDUCATION SYSTEM

Mr PISONI (Unley) (14:38): One last supplementary, if I may, sir: will the minister publish or table department documents that substantiate her claims of costs?

The SPEAKER: Well, that's a bit hard since the minister didn't make any. Minister, if you please.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:38): I think that's rather the same question, so I've taken on notice to bring back the advice that I've received on the costs associated.

The SPEAKER: Supplementary questions must be spontaneous in the sense that they arise out of the answer. When the answer is different from what the questioner expects it's not really in order to then go and ask the preordained second supplementary. The member for Kaurna.

FUNDS SA

Mr PICTON (Kaurna) (14:38): My question is to the Minister for Finance. Can the minister inform the house about recent changes to the administration of Funds SA?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:39): Members would be aware that Funds SA is a public authority that invests public servants' superannuation and plays an important role to many people in South Australia. I recently met with Funds SA chair, Ms Helen Nugent, and she was kind enough to introduce me to the successful candidate who was the newly appointed chief executive officer.

Before I update the house on this new phase of leadership at Funds SA, I think it is important to recognise the contribution and achievements of the outgoing chief executive, Mr Richard Smith. Mr Smith has a 27-year career at Funds SA, having started in 1988. He joined the South Australian Superannuation Funds Investment Trust (SASFIT), the predecessor of Funds SA, in 1988. At that time funds under management were $596 million. He became the chief investment officer in 1997 and, while he held that position until 2006, he subsequently became chief executive of Funds SA, during which time the funds under management have increased to just over $25 billion as at 31 January 2015.

Under Mr Smith's leadership and stewardship, we have seen the fund achieve strong results over an extended period of time. At the end of January 2015, the Funds SA flagship Balanced Fund has achieved returns of 12.8 per cent for one year, 12.6 per cent per annum for three years and 10 per cent per annum over five years. On behalf of the government, and I would like to think the parliament and superannuants, I would like to thank Mr Smith for his outstanding contribution to the state and wish him well in his retirement.

After an exhaustive recruitment search, the board of Funds SA has recommended to the government that Ms Jo Townsend be appointed as the new chief executive officer. Ms Townsend comes with very impressive credentials, and I am sure she will make a positive contribution to the organisation. With over 20 years' experience in the financial services industry within major superannuation funds and institutional and boutique investment management firms, she is more than qualified in mathematics and finance and is also the recipient of the Certified Investment Management Analyst (CIMA) designation.

After holding a role at Tasmania's retirement benefits fund, Ms Townsend moved to New South Wales where she held chief investment officer roles with the Non-Government Schools

Superannuation Scheme and then the very successful REST Industry Super, a fund that provides exceptional service to thousands of retail workers in the vital sectors.

Most recently, Ms Townsend held the role of chief operating officer at REST super, a fund with $35 billion under management. I would like to welcome Ms Townsend and her family to Adelaide and look forward to working with her in my capacity as Treasurer.

I would also like to take the time to quickly update the parliament on some recent appointments to the Funds SA board. Two new directors were appointed to the Funds SA board for a three-year term from 2 December 2014. Mr James Baulderstone, who is currently Vice President Eastern Australia and Head, Government and Public Affairs at Santos, will be a fantastic recruitment for the board. Likewise, I am extremely pleased to welcome Ms Kathryn Presser, who is currently the Chief Financial Officer and company secretary with Beach Energy, who has agreed to join the board. Ms Presser has 18 years' experience at Beach Energy and her commercial and corporate knowledge, together with her financial background, will be an asset for the government and Funds SA.

These appointments strengthen what is already an outstanding board (with former treasurer Kevin Foley being on the board) and management team and I look forward to updating the house of Funds SA future achievements.

TRAMLINES

Mr WINGARD (Mitchell) (14:43): My question is to the Treasurer. Can the Treasurer inform the house whether he was briefed or whether he received any documentation about legal action over faults in the tramline extension when he was the transport minister? With the leave of the house, I will explain. When asked this question on 4 December, the Treasurer said, and I quote:

I do not recall receiving any advice…I will check my briefs and find out exactly if there are any—

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) (14:43): I thank the member for Mitchell for his question. I know he has had a keen and ongoing interest in this issue. As the member for Mitchell just referred, he raised this matter in early December last year, just before the house rose before the end of 2014. He addressed an initial question to me, I think, and I said that I could not recall this matter. He then addressed a question to the Treasurer, who gave a similar response.

When parliament resumed earlier this year, after some correspondence or discussions between my office and the Treasurer's office, it was made clear to my office that in fact some note had been provided to the then Treasurer's office. So I came in to the parliament when I became aware of that and corrected the record.

Mr WINGARD: Supplementary, sir.

The SPEAKER: Supplementary.

TRAMLINES

Mr WINGARD (Mitchell) (14:44): To the Treasurer again: can the Treasurer confirm to the house that he did forget the report?

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) (14:44): Mr Speaker, this is clearly an issue which falls within my portfolio responsibilities. As I made reference to at the time when the question came up in December, I had no knowledge of it. In fact, I think as the member for Mitchell made reference (I can't recall whether it was in the house or publicly in the media), he was surprised that I didn't know. That might be, from my perspective, an euphemistic way of acknowledging my sentiment when I wasn't briefed by my department about it, and that's been acknowledged.

Really, the nub of the matter is that some work was undertaken by a contractor, on behalf of the department, to deliver the tram project. That work has been found not to be up to scratch. There have been some discussions between the contractor and the department. That company is now

undertaking some rectification works, and the department advises me that those rectification works are anticipated to address the terms of the contract that was originally entered into between the department and the contractor.

TRAMLINES

Mr WINGARD (Mitchell) (14:46): Supplementary to the Minister for Transport: given that the report said that total reconciliation of the project would have required digging up King William Street to get what was scoped and what was paid for by the taxpayers, can the minister outline whether or not King William Street will be dug up and full restoration will be made of the project?

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) (14:46): Indeed, it is a good question. I said in my previous answer that the department has given me advice that they anticipate that the rectification works will meet the terms of the contract as originally entered into between the department and the contractor to deliver the rail infrastructure and to facilitate the services on there.

While there may have been a report which advocated particular ways in which redress could be applied to how the rectification works were undertaken, the advice that has been provided to me is that the rectification works that will be provided by the contractor will, very roughly, be conducted in two different ways. There will be some rectification works which will be conducted while tram services are not running, in particular, after the cessation of night-time services and the commencement of morning services. There is the requirement for some disturbance of the line, off the top of my head, in the proximity of the tramline underneath the Morphett Street Bridge, which will require some disturbance to the track.

The tramline itself, as you would expect, has scheduled maintenance. The maintenance can be conducted on a fairly regular periodic basis without interruptions to services. But from time to time some of that regular scheduled maintenance requires a pause in services while more detailed maintenance is undertaken. The item of rectification works which is likely to require the interruption of services is being delayed until the next period of scheduled maintenance, which would have briefly interrupted services in any event.

So, in those two ways, with the balance of the rectification works being conducted so as not to interrupt services, with the exception of that one particular one, I am so advised, interruption to services will be minimised. I am happy, however, to provide any more detail that I can to the member for Mitchell about this matter.

TRAMLINES

Mr WINGARD (Mitchell) (14:48): Supplementary: can the minister then outline who will pay for the cost of the extra bus services that might be put in place to cover the trams and/or the cost of rectification?

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) (14:48): As I have outlined, my advice is that the bulk of the rectification works, apart from that period of scheduled maintenance which otherwise needs to be undertaken, won't interrupt services. With reference to those services which may be interrupted, and I will have to check this, but off the top of my head I think that the period is in January 2016 when that interruption may occur. I will have to come back to the house.

It is likely to be because there is scheduled maintenance which will involve the disruption to services which we would ordinarily undertake on a periodic basis that the state would end up providing any subsequent supplementary or substitute services along that line, but I will have to take that on notice.

I think the aim of providing these rectification works at the same time that this maintenance, or outage, was scheduled already to take place was to make sure that interruptions to services would be minimised and, hence, the flow-on in terms of any substitute services. I imagine the arrangements will be the same, but I will double-check that.

Mr WINGARD: Supplementary, sir.

The SPEAKER: You can only have three supplementary questions.

TRAMLINES

Mr WINGARD (Mitchell) (14:50): Sorry: another question, if I can, sir, just for clarification. Will the road be dug up, minister?

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) (14:50): That is not my understanding; perhaps I can commence my response by stating that. My understanding is that there is a piece of equipment in the immediate vicinity of the tramline which needs to be altered or replaced. Off the top of my head, my recollection is that is not within the roadway, but I will double-check that and come back to the member for Mitchell with a more detailed response.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50): My question is to the Minister for Housing and Urban Development. What involvement did the Premier's former chief of staff, Simon Blewett, have in the negotiation of the Gillman land deal?

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): To the best of my knowledge, none, but I have no direct knowledge of that matter.

GILLMAN LAND SALE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): A further question, then, to the Minister for Transport. At 2013, as the minister for housing and urban development, what involvement did the Premier's former chief of staff, Simon Blewett, have in respect of the Gillman land deal? That's you, Tom—sorry, Treasurer, the former minister for housing in 2013.

The SPEAKER: We will allow you to amend.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:51): I am not aware of what involvement Mr Blewett did or didn't have.

HOUSING SA TENANCIES

Mr KNOLL (Schubert) (14:51): My question is to the Minister for Social Housing. Can the minister detail why her department found no basis for complaints made by residents of Housing SA properties that a tenant was subletting his taxpayer-funded property to tourists, despite a public internet advertisement that had been up since 2012?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:52): This was raised with me recently by the member for Unley, and I understand that there was an investigation at the time. The member for Unley has had a long-term relationship with the tenant involved. There has been substantial—

Members interjecting:

The Hon. Z.L. BETTISON: In his role as his local member, may I add. Let me be very clear: Housing SA's conditions of tenancy state that a tenant must have written permission before subletting all or any part of the premises. If carrying out a trade or a business on the premises, any tenant must declare any changes to their income, if they receive a subsidised rent, to determine the correct rent payable. If that person failed to declare this rent, let me say it is not only that Housing SA would be concerned with this additional rent but so would Centrelink if this person received a pension. This would result in the tenant's being asked to repay the rent or it could result in the tenant's eviction.

This issue was raised with me and I immediately said that I would have an additional investigation. I was advised in the initial investigation that couchsurfing.com was something where some people didn't charge for renting out rooms, and that was the understanding at the time.

Ms Redmond: What did the second investigation say?

The Hon. Z.L. BETTISON: I am continuing the investigation. Let me be clear that we ask people, if they are receiving additional income, to let us know. The other thing is if they are—

Ms Chapman interjecting:

The Hon. Z.L. BETTISON: But as this person's income relates to the percentage of rent that they paid, to me this would not be an acceptable form of income because it is a privilege to be a Housing SA resident and we would ask them to look at that. One of the other things I have asked the department to do is a review, because obviously if social media advertising rents a room, we need to make sure that all of our policy covers some of the contemporary ways people go ahead.

The SPEAKER: Supplementary, member for Schubert.

HOUSING SA TENANCIES

Mr KNOLL (Schubert) (14:55): Can the minister then guarantee the house that no income is being derived from the property in question and, if she cannot give that guarantee, does her department have the ability to recoup the funds that have been earned?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:55): As I indicated, an investigation is underway.

HOUSING SA TENANCIES

Mr KNOLL (Schubert) (14:55): My question is again to the Minster for Social Housing. Can the minister detail the costs for the program to inform Housing SA residents about the safe disposal of rubbish and whether her department has any plans to roll out this program to other Housing SA sites?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:55): The issue that the member for Schubert is raising relates to a 66-unit multistorey flat group at Parkside known as Rosslyn Court. It was built in the 1960s and has some structural concerns. It has been earmarked for a future redevelopment opportunity via Renewal.

At the moment, Housing SA has provided new residents with short-term leases so that, when the decision to redevelop is confirmed, they can vacate the site in a reasonable time frame. Because they have fairly short leases, we have a very high turnover compared to normal units and it seems that these short-term leases have impacted on people apparently not providing the same conditions that we have seen in other areas. This has led to a problem with rubbish dumped in communal areas.

Housing SA has worked very closely with the local council to develop a strategy to reduce the dumping of rubbish at the site. This involves providing each unit with individual waste bins rather than communal bins which were previously shared among the residents. Housing SA has agreed to build new bin enclosures to store the bins securely so that outsiders would not have access to them. We have also partnered with KESAB in the project to provide residents with an education program about the separation of waste so that recycling can occur.

I think anyone who lives next to someone who does not take care of their house is a concern. Obviously Housing SA wants to work with their tenants to be clear—

Mr KNOLL: Point of order, Mr Speaker.

The SPEAKER: Point of order!

Mr KNOLL: I have been listening to the minister's answer, but I was very specific about wanting to understand the cost of this program and whether or not this program is going to be rolled out to other sites.

The SPEAKER: Yes, okay. Minister.

The Hon. Z.L. BETTISON: Let me re-emphasise that this was a partnership between Housing SA, Unley council and KESAB. Until recently, the bins were mixed together and the cost of installing new individual bins is expected to be around $6,000. The strategy was very well received by residents. Obviously it was a concern of residents because the nature of the facility is that there are people living close together. Some people were doing the right things and other people were not and we had other people dumping rubbish there as well.

I understand from Housing SA that we believe that this strategy worked well, partnering together with council and with KESAB. If the situation arises in other areas where we have outsiders dumping rubbish and where the bins are not associated with individuals, I understand that we will be rolling out this program in those situations.

The SPEAKER: Supplementary, member for Schubert.

HOUSING SA TENANCIES

Mr KNOLL (Schubert) (14:58): In her answer, the minister said that we have a high turnover of tenancies. How effective can an education program be when we have such short-term leases and if people, potentially, are not there long enough to receive the education?

Members interjecting:

The SPEAKER: The Treasurer is warned and the member for Unley is called to order.

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:59): As I indicated in my answer, this multistorey flat group is indicated to be sold. One of the ways that we can vacate the site in a time frame is to have short-term leases. About 80 per cent of the tenants in Housing SA are on long-term, ongoing leases and, when people come in, they have probationary, one-year or two-year leases. It is not unusual for us to have some people on short-term leases.

NATIONAL PARTNERSHIP AGREEMENT ON HOMELESSNESS

Ms SANDERSON (Adelaide) (14:59): My question is to the Minister for Social Housing. Now that the federal government has announced they will be funding the National Partnership Agreement on Homelessness for the next two years, will the minister commit to the state government's half of the funding for the next two years?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (14:59): I announced yesterday that we will and I would really like to take the opportunity to thank the people in the homelessness sector who I have actually worked very closely with since I became the minister for this area. The member for Adelaide and I have discussed this. I wrote to the previous federal minister and then, of course, the Premier also wrote to the Prime Minister. We were very concerned that this national partnership agreement was not going to go ahead. My concern here, as we have seen with other national partnerships, is that the federal government may not have rolled this out and we have been lobbying them for some time—myself, as the minister, as has the sector.

We have one of the lowest returns to homelessness in Australia. We have worked very hard as a government over the last decade. We have a case management system and we have a gateway system between youth, generic and domestic violence. We take this very seriously. What we want to support people to do is not return to homelessness, so when they enter the system we work collaboratively with places like Common Ground, UNO Apartments and we have had some great work through the Hutt Street Centre and Catherine House.

We know that if we don't support people who are about to become homeless—we try to prevent homelessness—that people don't thrive and they don't flourish, and often they will end up in our hospital system if their health requirements are not sorted and supported.

I thank Scott Morrison for committing to the most vulnerable people in our society. I would like to support Ian Cox from Hutt Street and say that it would have been great if this national partnership was rolled out for five years as that would have given stability and certainty to the sector. That is what we were lobbying for. We were lobbying for long term, but I was pleased yesterday to announce that we would be matching that funding.

NATIONAL PARTNERSHIP AGREEMENT ON HOMELESSNESS

Ms SANDERSON (Adelaide) (15:02): Supplementary: my question again is to the Minister for Social Housing. What percentage will the state government be taking as an administration fee, if any?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:02): We have agreed to match the funding fifty-fifty. I do not have any further information. I am happy to report back to the house about any of those details.

HOUSING SA TENANCIES

Mr KNOLL (Schubert) (15:02): My question is to the Minister for Social Housing. Can the minister confirm for the house in a previous answer that she will be rolling out this program to inform Housing SA residents about safe disposal of rubbish to other Housing SA sites?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:03): Let me be clear. We have 43,000 homes in Housing SA. If our tenants speak to us or on inspection we go and we see that rubbish and people dumping rubbish is an issue, I think it is our responsibility to work with the tenants and the local council to provide a clear facility. I realise that people are fixated on our solving an issue, but I think it is only the right thing for us to do when we work with our tenants.

Some of the rubbish was dumped by people who are not our tenants and my concern is that if one person dumps rubbish it is often a sight. We would all have different places in our electorate where sometimes people dump rubbish and we need to clear it up and we need to work out why people think it is okay to dump rubbish.

Ms Chapman interjecting:

The Hon. Z.L. BETTISON: The member for Bragg raises a very important point. What we have to work on here is the fact that there weren't individual bins for individual tenants and this seemed to cause an ability for people not to take responsibility for their own bin, so we worked with those tenants and we put up a special bin facility for that to happen. If the situation comes that there is rubbish strewn around an apartment block and the tenants would like our support and we think that is important, we will do that.

The SPEAKER: There were 40 opposition questions and four Dorothy Dixers, although it may have seemed more to the member for Unley. I call the Minister for Agriculture, who has an answer for us for the member for Chaffey's question.

RIVER MURRAY SUSTAINABILITY PROGRAM

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) (15:04): The member for Chaffey asked a question earlier, and I said I'd get an answer from the Minister for the River Murray. I've got that answer. He said that South Australia has already recovered more than half of the water required to meet its target of 183.8 gigalitres under the basin plan.

This water has been recovered through water purchased from willing sellers, water provided in return for funding received by the commonwealth for the construction of the Adelaide desal plant

and irrigation efficiency programs such as the Private Irrigation Infrastructure Program and the On-Farm Irrigation Efficiency Program. These programs not only provide water for the environment but also provide benefits for irrigators and regional communities by providing funding for upgrade of irrigation systems and other business improvements. To meet the remainder of the state's water recovery target, the government has a number of other projects that are either planned or underway.

Grievance Debate

RACISM

Mr WILLIAMS (MacKillop) (15:05): Today I want to talk about racism. I am doing this because I am disturbed by evidence which suggests that some, although enthusiastic to pay lip service to the anti-racism cause or embrace campaigns designed to foster and promote harmony, fail to stand up when it really counts. It seems that some people would wish that others see them as being devoutly anti-racist, but their actions belie such desires. Apparently, internally, they just do not believe their own rhetoric. They fail to rationalise and master their own thoughts and standards, failing to see the hurt and damage that they both cause and perpetuate.

If we truly want to stamp out racist behaviour in our multicultural society, it is not enough to merely state, 'I'm against it.' It is not enough to stand shoulder to shoulder making pledges. The true test is when our belief and our commitment are such that we are prepared to stand even as an individual and denounce racist actions whenever we see them, to look the perpetrators in the eye and to tell them that their actions are insidious, hurtful and wrong, that they should not only desist but it would help if they showed true contrition and remorse for the pain and suffering inflicted on others and, importantly, recognise that their actions gives succour to others perpetuating this scourge. The Human Rights and Equal Opportunities Commission as far back as 1998 used the following definition:

> Racism is an ideology that gives expression to myths about other racial and ethnic groups, that devalues and renders inferior those groups, that reflects and is perpetuated by deeply rooted historical, social, cultural and power inequalities in society.

This is a comprehensive definition, but the essential elements are that racism exists because members of one ethnic group harbour and promote misconceptions or myths about the culture of another, and the manifestation involves the denigration of individuals and groups based on such beliefs. Generally, racism is designed to undermine the character of the target by referring to their ethnicity, invoking a negative response based upon the aforementioned misconceptions and myths.

Of course, we saw this very tactic utilised in the last state election campaign in the seat of Elder. The Labor Party stands alone in its claim that there was no racist intent in material distributed in its name. Every political commentator reviewing that campaign has refuted those pathetic claims. As such, South Australian Labor stands condemned for its actions and from top to bottom remains condemned for its lack of acknowledgement or apology since.

Many of us witnessed the incident involving Sydney Swans player Adam Goodes and a spectator during an AFL match last year. Some may have thought that Goodes and the AFL overreacted. I say they did not. If we are to live in a society where this behaviour does not happen, where it is not even contemplated, then we must be prepared to stand up and decry it whenever we see such an offence. Failure to do this is to condone it. In that case, we forgave the 13-year-old girl, principally because of her age, but the incident I am sure has had a positive benefit in the war against racism. Society has not moved on but moved forward from that particular incident.

In the case of SA Labor, we certainly have not moved forward and there is no appetite for forgiveness as there are no mitigating circumstances. The campaign against the ethnicity of Caroline Habib was both premeditated and calculated. It was designed to delve into the darkest and most sinister corners of minds and to prey upon ignorance, and it was conceived in order to benefit Labor, irrespective of its impact on a minority or its action of perpetuating such insidious behaviour—indeed, in spite of these outcomes.

The racist campaign, as reprehensible as it was, has been exacerbated by Labor's ongoing failure to address its wrongdoing. This has now been further compounded by Labor's collective action of censuring those whose conscience demands that they stand up. Failure to stand up to racism is

akin to condoning racism. Censuring those who do stand up is akin to supporting racism. Sir, the ends of racist behaviour are never justified.

SURF LIFESAVING

The Hon. P. CAICA (Colton) (15:10): Today I want to talk about surf lifesaving, the Henley Surf Life Saving Club in particular, and focus on their annual major fundraising event. On Saturday 14 March, members of the Henley Surf Life Saving Club departed for their 2015 Big Row. The Big Row is our club's, Henley's, own unique major fundraising event with all funds raised going towards funding the club's surf lifesaving activities. You might be astounded by this, Deputy Speaker—I am sure you will be—that members row a surfboat across Gulf St Vincent from Stansbury to Henley Beach, covering around 68 kilometres of open sea. This event started in 2007 and is run annually.

In addition to fundraising for the club's building of facilities, the lifesaving club and its volunteers raise around $40,000 per annum to provide patrols on the beach with extra equipment and resources that they might require. This year's members of the Henley Surf Life Saving Club departed the Stansbury boat ramp a few minutes before 6am to row an open surfboat 68 kilometres, as I said, across the gulf to Henley Beach. With the sun not due to rise until after 7am, the rowers and support crew set off in the dark. Conditions were relatively good—and I know the lifesavers were very thankful about that—with a small wind chop from the north-west, plus an accompanying six to 10 knots of breeze. There were four crews of rowers, and they rotated every 45 minutes throughout the crossing.

I am told that crews were treated to a spectacular sunrise, and whilst I was up at that time and saw the sunrise, I did not have the same view they had. It was a spectacular sunrise, and at times they were accompanied by pods of up to 15 dolphins—I certainly did not see that either. The wind began to ease with approximately 20 kilometres to go, and by the time the surfboat arrived at Henley Beach it was virtually non-existent, making for a spectacular arrival at 2pm.

I know you will also be interested in this, Deputy Speaker, because on the Friday before, lifesavers from the Henley Surf Life Saving Club conducted surf safety sessions with 59 young children from the Stansbury, Edithburgh and Yorketown primary schools where the years 6 to 7 children got their resuscitation awards. The crews also spent time at the Stansbury Bowling Club and, this would not surprise you, the Dalrymple Hotel, who are sponsors of the particular event.

There are many major sponsors of this event, and I will not name them all, but I want to particularly recognise the Bendigo Bank which I think—and I might be corrected here—was a foundation sponsor. Certainly, our area and other areas where a Bendigo Bank exists have been great beneficiaries, particularly the sporting clubs and community clubs within those areas where that bank exists. So, I thank them for not only their sponsorship of the Big Row, but also the contribution they make to our community.

This year, the event made $83,000 altogether, which is one of the highest amounts raised in the nine years it has been operating. I am proud to say that I am also a foundation sponsor—although admittedly in the bronze division—and will continue to do so. Next year will be the 10th Big Row and here's hoping that the Henley Surf Life Saving Club can raise even more.

You cannot talk about the Henley Surf Life Saving Club, or I can't anyway, without talking about the Grange Surf Life Saving Club, which is the second of the two magnificent surf clubs that I have in my electorate.

I want to focus briefly on the redevelopment of the Grange Surf Life Saving Club. That club is a beneficiary of additional funding promised by the government prior to the last election to fast-track the redevelopment of facilities. The Grange Surf Life Saving Club is one of those amongst other clubs that are beneficiaries of this commitment to increase the funding available for facilities to the surf lifesaving club movement. I look forward to the work commencing at the Grange Surf Life Saving Club during this coming winter

I want to finish off by congratulating the many thousands of people who volunteer their time as surf lifesavers in South Australia and make our beaches safer than otherwise would be the case. I also want to congratulate the member for Kaurna and the member for Bright on establishing the

Parliamentary Friends of Surf Life Saving. I am told, and I might be wrong here again because I am sometimes wrong, that there are 20 amongst us who are members.

I urge other parliamentary members here who are not members of the Parliamentary Friends of Surf Life Saving SA to join up because, whilst you might not have a surf lifesaving club or a beach in your electorate, you certainly have constituents whose water safety is far improved when they visit the beach by the surf lifesavers who protect them—so join up.

MALLALA COMMUNITY HOSPITAL

Mr GRIFFITHS (Goyder) (15:15): This afternoon, I wish to talk about the Mallala community private hospital and aged-care service. Members would be aware that there are five community-based private hospitals in regional South Australia—Moonta, Wallaroo, Hamley Bridge, Mallala and Keith—and they have all had a level of media interest in the last five years or so with some of the financial challenges they have been facing.

It is sad, though, that three weeks ago the members of the board met with residents, family and staff members of the Mallala facility and confirmed that, due to financial pressures, it was necessary for them to close. This is an exceptionally sad occurrence, and I spoke to the chair, Kerry Heym, within a few hours of that meeting. A week after that, there was a public meeting at Mallala when the hall was full, with probably about 180 people attending, to further go through the dilemma faced by the Mallala community, to explain some information to people and to inform the community of what future actions will occur over the next few weeks.

Last week, there was meeting of the Mallala council to which the community was invited, and a decision had to be made about revocation of a land management agreement in place, which restricts the use of the land that the hospital and aged-care facility is on, to allow some flexibility so that it might have a future beyond health and aged care and ensure that something is taking place on it. To me, it is the devastation attached to this. Approximately 35 residents live there, and there are probably 15 beds provided for acute services as part of what is commonly termed the 'Rose Pym' area by the local community, but it has been losing $30,000 per month.

The aged-care services have not reached that level of loss, but there has been a loss. Even though in recent years they have made applications for additional bed licences, they have been unsuccessful in the scope they need to have an economic future. So, with the 35 beds—and I have been told for the last decade or so that between 70 and 100 beds are needed to have economic viability attached to an aged-care service—sadly, the impact now is that probably very early in April no further health and aged-services will be available in Mallala.

At the public meeting held two weeks ago, where I asked some questions, I could see the gutted expressions on people's faces. I spoke to one very nice gentleman after the meeting, Mr Ron Tucker, who was a member of the board for 28 years in the past. He and his wife, Maureen, are probably not that far away from moving in there themselves in the next 10 years or so, and they had a questioning look on their faces: what do they do now?

That is an issue that the Mallala community has to try to face—and society is also faced with—the challenge of how it ensures that our older residents, who have worked so hard over decades, can expect to live their final days in a community they know and love, with family and friends close by. However, through financial pressures, and no matter what level of effort is made by board members and community fundraising, there is no future attached to it and the hospital is closing. Those people now have to go and live in alternative places where they are not familiar with the surroundings and they are not close to family and friends, and I think that is exceptionally sad.

Mallala is now going through that transitional stage and the realisation of the decision having been made through necessity—unless there was somebody who had something like 5,000 acres available who was prepared to sell it all and give it as a benevolent fund to the Mallala hospital and aged-care service, I do not think it has a future—and how to manage their community in the future.

I do not intend to criticise board members. The point was made at the community meeting, by one board member, that while it was fantastic that 180 people were there, in recent years, when the hospital and aged care services lost, between each year, $500,000, $600,000 and $300,000, it had less than 10 people attend the AGMs. So, all of us have to accept responsibility. For myself,

when the Moonta Hospital decided to close its hospital bed section last year (the aged care service of about 73 people is still very strong and vibrant), I should have rung Mallala and found out what their situation was.

I had spoken to them, probably a year ago, and had some good input then. So, that was poor of me and, as the local member, I have let that community down. I acknowledge that and it is something that I will live with forever, but now we are faced with the burden of trying to deal with the future. I have spoken to the Minister for Regional Development in a positive way, because I know he is going to visit the Mallala council soon to talk to them about economic opportunities for the Mallala community. With 52 jobs lost, and that is what the number will be, and probably $2 million from the local economy per year lost, it is the biggest employer in the region and it will have a significant impact and the community needs to be supported as much as we can.

Time expired.

NORTHERN ADELAIDE SENIOR COLLEGE

Mr ODENWALDER (Little Para) (15:21): I rise today to speak in praise of an outstanding and innovative school in my electorate, which has only recently arrived in my electorate, the Northern Adelaide Senior College. I had the pleasure of visiting it with minister Gago last Monday. I have visited it on several occasions before and also in its previous incarnation as the Para West Adult Campus. Every time I visit there it is a pleasure. It is an exceptional place and I am sure it will continue to thrive under the leadership of Colleen Abbott and her team, who have led it so far in the recent past.

I have followed, and been involved with, the evolution of the Para West Adult Campus, as it used to be called, for a number of years now. Although its original site, which was established in 1989 and grew out of the Elizabeth West High School, was well outside of my electorate (I think in the electorate of Napier), it is an asset to Elizabeth and to the northern suburbs generally and there are very few families out there that it would not have touched. Despite its success in the west, I was supportive from the beginning of its plans to move from Davoren Park to its current site.

In my previous employment with Nick Champion, we helped, in some small way, to facilitate that, but the important changes came in 2013. There were two important events: one, is that the state government announced that it supported the relocation of Para West to co-locate with TAFE at Elizabeth, which is something that Colleen and others have worked very hard towards. In the same year, Colleen herself was reappointed as principal until 2018, which allowed the project some continuity of leadership, and this has really paid off.

Now, of course, the Northern Adelaide Senior College shares a campus with Elizabeth TAFE, which did have some underutilised buildings. The benefits of this merger are, and always were, obvious. If you are a local, if you are a young mum or a retrenched worker, if you dropped out of high school early and now you want to get your SACE, or retrain, or get into university or TAFE, the Northern Adelaide Senior College is there to get people back into education and to, perhaps in some cases, pick up the pieces. That is why its proximity to TAFE is so important. Importantly, they share an admin area, so their counselling and enrolment staff are in very close proximity to each other and they can easily refer students to each other without them having to travel anywhere, whereas in the past it was two bus rides away. So, it allows students to easily combine TAFE and SACE subjects so they can tailor their education and plan their careers while they are completing school.

As well as this relationship with TAFE, the Northern Adelaide Senior College is forging new relationships all over the place. Its location close to the centre of the Elizabeth CBD allows it to easily do this. Probably the biggest example of this in recent times is the relationship it is building with Northern Sound System next door. Northern Sound System came to national prominence last year when the Duke and Duchess of Cornwall and the Attorney-General visited Elizabeth. Northern Sound System put on quite a display with the Duke.

The school has developed a good working relationship with Northern Sound System. They have been separated by geography in the past, and although the school has used them for various music classes they really have not been able to take it to the next level. So they have come to an

arrangement with the support of the state government and the council, which runs the Northern Sound System, for the ongoing delivery of the school's music programs on the site.

They have brokered a deal—and again principal Colleen Abbott's leadership was pivotal in this—whereby the school would contribute for a major refurbishment of the first floor of the facility in exchange for council granting a long-term lease over the upgraded space to allow the school exclusive use during school hours, with the space being made available for use by the community outside of school hours.

Previously, as I said, the school had a limited music and performing arts program and TAFE itself did not have the existing facilities to accommodate any expansion. So, it was a win-win result for everybody and it was a really good example of community capacity building in the Elizabeth CBD. I think that everyone involved—the school, TAFE, the state government and even the Playford council—rightly deserves recognition.

Under the agreement between the school and the council, the school will have exclusive use of the upper floor of the Northern Sound System, as I said. The council will have priority use on the weekends to give to community youth programs and a management committee, including reps from the council and the school, will be formed to oversee the operation of this upper level.

I cannot speak highly enough of the new facilities at the TAFE site, and I am sure minister Gago will agree. I am looking forward to the official opening very soon and hoping that I can get minister Close to come along to help cut some ribbons.

In the time available to me, I just want to touch on one thing they have: as well as having a state-of-the-art crèche there for enrolled students, they also have, as an example of innovation, a very good and ongoing relationship with the Lyell McEwin Hospital down the road, and an antenatal clinic is actually located on site and staffed by a senior registered midwife, who provides advice and education to new and expectant mums on campus.

The DEPUTY SPEAKER: Before I call the next member, can I just clarify: did you mean the Duke and Duchess of Cornwall or Cambridge?

Mr ODENWALDER: Did I say Cornwall?

The DEPUTY SPEAKER: You did. You meant Cambridge, did you not?

Mr ODENWALDER: I did get the Attorney-General's title right. Yes, I meant the Duke and Duchess of Cambridge.

The DEPUTY SPEAKER: I just wanted to clarify that. Thank you very much. Member for Flinders.

TIME ZONES

Mr TRELOAR (Flinders) (15:26): Well spotted, Deputy Speaker.

The DEPUTY SPEAKER: You can't get that past the Chair. The Chair is onto it.

Mr TRELOAR: We are all alert here. The arguments the government has put forward as reasons to consider a change in our time zone from the current universal time of +9½ hours are totally without evidence. For example, one argument put by the government is that a half hour time difference between South Australia and the Eastern States impacts our economy. We live in a technological age where commerce can be, and is, conducted 24 hours a day, seven days a week, regardless of the time difference. I have not seen any evidence that suggests our state's time zone is holding back our export economy, or indeed our domestic economy.

As to our social and cultural engagement with Australia and the world, South Australia needs to embrace its own social and cultural identity and not constantly look to the eastern seaboard as being the cultural heart of our nation. Again, the time zone has nothing to do with our culture.

It has been quite rightly pointed out that there will be groups in the community that are concerned about how a change would affect them. Those of us who live in the west of the state certainly fit into that category. With this announcement, as with previous attempts to change the state's time zone, people in the west have voiced their opposition to moving to Australian Eastern

Standard Time for many reasons, and I will list just a few: children going to school in the dark and the associated real safety concerns of waiting for school buses in the dark next to poorly lit country roads; road users driving in the dark in the early morning when wildlife activity is at its peak; children going to bed when it is still daylight, making it difficult for parents to settle young ones, especially with the flow-on effect of tired children being less receptive to learning.

In fact, just today a country paediatrician raised concerns about the health impacts on children living out of kilter with the natural rhythms of life. There are also the social impacts on farming families, especially during harvest, with farmers' harvest periods based on the hours of daylight, therefore affecting something as simple as the family evening meal. The list goes on, and no doubt many people will make more points of interest in their submissions. Ultimately, the government has not indicated what its preference would be: a shift to Australian Eastern Standard Time or a shift closer to Western Australian time or some other option.

Our current Central Standard Time was brought about by the South Australian Standard Time Act 1898, with Greenwich Mean Time +9½ hours introduced in 1899. It is worth noting that there is an established international agreement on the calculation of time around the world, with consideration given to some very basic geography and mathematics. The premise of this convention is that the sun be directly overhead at 12 noon and that the time at any place be determined from its natural meridian. With this in mind, Central Standard Time would be calculated from longitude 135º east. South Australia currently uses longitude 145½º east, a line which runs through western Victoria. Eastern Standard Time is calculated from longitude 150º east, which is situated just west of Sydney.

If, for example, South Australia were to move to Eastern Standard Time, we would be calculating our time zone from a line 1,000 kilometres to the east of Adelaide. Even more bizarrely, should we move to Eastern Standard Time and incorporate daylight saving, we would be calculating our time from longitude 165º east, so far out in the Pacific that it is almost to New Zealand, a staggering 2,500 kilometres from Adelaide and, even more staggering, 3,000 kilometres from Ceduna. Have we become so far removed from the real world that reality TV takes priority? Sadly, it would seem so.

Many of my constituents have contacted me regarding time zones and their opposition to a shift to Australian Eastern Standard Time for the reasons outlined previously and, in fact, not a single person has shown support to me for a change to Eastern Standard Time. I have encouraged these people to make their submissions to the consultation process, and I trust that they will be given due consideration. The reality is that the people whose work, family and life would be most affected by any change are the people living in the west of the state. It would be foolish for any government to dismiss the concerns of these people. I look forward to continuing to listen to the views of my constituents on this issue and, indeed, I encourage them once again to make submissions to yoursay.sa.gov.au.

VOLUNTARY EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:31): Due to my ongoing interest in the area of advanced care directives and voluntary euthanasia, I was very interested to read the most recent Australia 21 publication. Australia 21 is a non-profit research company that has put together yet another interesting publication—this latest one in February 2015—entitled 'Who speaks for and protects the public interest in Australia? Essays by notable Australians', the editors being Bob Douglas and Jo Wodak. I recommend this publication to members because there are a number of different challenging articles in that document.

One that certainly caught my eye was 'The challenging quest for a right to die' by Marshall Perron. Of course, members would be aware that Marshall Perron served in the Northern Territory parliament for 21 years and was elected as the chief minister in July 1988 and served in that position for eight years. During that time, he successfully introduced the Rights of the Terminally Ill Act 1995. Four terminally ill Australians used the provisions in the act until the legislation was overturned by the federal parliament. Mr Perron points out that there have been 31 bills supporting the rights of the terminally ill introduced into state parliaments in 17 years, since the Northern Territory act was vetoed by the federal government. He says in the article:

> Every time a bill is introduced, a well-resourced religious lobby launches a standard campaign of fear-mongering, distortion and innuendo that is seized upon by politicians of religious conviction seeking grounds to bury the proposal.

He goes on to say:

> The Australian Medical Association (AMA) also opposes law reform despite acknowledging that satisfactory relief of suffering when dying cannot always be achieved and that doctors do occasionally hasten the death of terminally ill patients.

I would usually be loath to quote some of the outlets of the printed media, but I did read an important article recently in *The Advertiser*, on Saturday 14 March 2015, page 34, by Gregory Katz. The article talks about the death of the fantasy writer Sir and Dr Terry Pratchett at the age of 66 years from a rare form of early onset Alzheimer's disease. He said, 'Pratchett didn't shy away from the…public debate about assisted suicide.' In a 2010 lecture he said that he could live his remaining years more fully if he knew that he would be allowed to end his life before the disease claimed him. He said:

> I have vowed that, rather than let Alzheimer's take me, I would take it. I would live my life as ever to the full and die, before the disease mounted its last attack, in my own home, in a chair on the lawn, with a brandy in my hand to wash down whatever modern version of the 'Brompton cocktail' some helpful medic could supply. And with Thomas Tallis on my iPod, I would shake hands with Death.

Bills

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 February 2015.)

Mr WINGARD (Mitchell) (15:35): I rise today to speak on the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill and do so referring to the minister's second reading. Having spoken to a number of key stakeholders about this bill, we support this bill and concur with the minister and the statement he made that there are just a few minor amendments to improve this law and its operation. We know the operation of rail safety in South Australia is very important, whether it be in the regions or the city.

I have worked very closely with the members for Chaffey and Flinders in working with companies like Genesee & Wyoming to make sure that the rail lines in the country regions are maintained and serviced and that they support and supply the regions up there. I know the member for Chaffey is very interested in the Loxton and Pinnaroo railway lines and there were some concerns that they would be closing over time. We think it is very important to do everything we can to maintain our rail network in the regions because it has a very big impact, of course, on farming and mining, and it does a great job as far as road safety is concerned in getting truck movements off the road and keeping a good balance between rail and road.

We know the importance of rail to our regions and we know how important the railways are in helping supply produce to market for farmers. As we mentioned also, the mining community does a marvellous job up there and we know we need to keep expanding that and growing our economy in South Australia, and the railways have a very important role to play in that.

It is important throughout the regions and I mentioned a couple of our rural members are very keen on that but, in the press quite a bit of late, has been a lot of talk about the railways in the city. When we talk about rail safety, it was disturbing to note that the new head of the department came out just the other week and mentioned that there had been over 130 near misses on the railway network in recent times and it left him sleepless at night thinking about this prospect. It really is incredibly disconcerting to have that sort of figure and number on our railway line.

In particular, we look at the Gawler electrification that has not happened, and we look at the Seaford line that has had a lot of money spent on it. Over half a billion dollars has been spent on rail electrification in this Adelaide city revitalisation project. Half a billion dollars is a very big spend, and you would hope that that goes towards making our railways safer for commuters and also operators. It is something we have to keep working towards.

I know the minister is very keen on doing that, and he also said to me just the other day that it has him losing sleep at night as well when you hear those numbers of 138 near misses on our railway network. We talk about the half a billion dollar spend on railways and we know it is an expensive operation—there is not just money lying around to do these sorts of projects—so when we do them it really is important to do them right.

One of the privileges I have had being in this role of shadow minister for transport is I have got to meet some great people in great areas of transport—road and rail, and beyond. The rail people are very fascinating and very passionate about our railways and they like to talk about it ad nauseam, which is very informative and of great benefit to me. I have got to listen to and speak with quite a number of people who have a big passion for this industry.

I hark back to the spend of half a billion dollars on the revitalisation/electrification of our rail network. Some of the shortcomings that have come through with this system do not sit well with me. We mentioned that the money was put on the table to kick off this project and to electrify the Gawler and the Seaford lines and beyond. As the project kept evolving, some of the reports that have been tabled in the media more recently—and I refer to 'A brief independent overview of Adelaide electrification June 2012', which the government had commissioned—showed a lack of planning that allowed for scope creep and budget creep on this project.

It got to a stage where the government could not complete what it had promised from the outset and that was the electrification of both the Gawler and Seaford lines. They elected to go with the Seaford line which is beneficial to me and the members in the south, and I will talk more about that in a moment, but they did choose to cut the electrification of the Gawler line. That is intriguing, given that the report states that there were more savings to be had on the Gawler line than on the Seaford line. In fact the report that the government commissioned said that there was double the benefit in electrifying the Gawler line over the Seaford line, so it is interesting that that did not happen.

Regarding this project and the money that needs to be spent and the works that need to be done, I mentioned talking to people in the railway industry and some of the insight they have given me, and I raise these points. We had planned to have the railcars serviced at Dry Creek and now we are not electrified to Dry Creek. Millions of dollars were spent on the new electric trains—the new 4000 series EMUs—which have come to Adelaide at a slower than anticipated pace but they are starting to make their way here.

To get them serviced, they have to be towed to Dry Creek. These trains were not designed to be towed, so it is not ideal but that is how we have had to get around the system because of, again, arguably the mismanagement of this project in not electrifying at least out to Dry Creek. It is very disappointing that that happened.

This project was downscaled in May 2012. When Premier Jay Weatherill and Jack Snelling both came forward and said that they would downgrade this project and they would not electrify to Gawler, a lot of people at Gawler were obviously very disappointed. That was when this report, 'A brief independent overview of Adelaide electrification', was commissioned.

The report was damning. It makes a number of points, but I will just touch on a couple again. One was that the government needs to go about making a master plan for the project to stop scope creep in future. It said that the lack of a master plan was really at the forefront of what was causing a problem and they recommended that the government and Treasury also sign off on that master plan. To date, I have not been able to unearth a couple of important documents, and I am still yet to find that master plan.

I put it to the minister and I put in some FOIs to see if that master plan did actually exist because it would be incredibly disappointing if the master plan did not exist. The report that the government commissioned strongly recommended that a master plan be put in place to prevent more overspend and any scope creep, so it will be intriguing to see if we get anything back from my FOI request on that report or if the government can report back to us and let us know.

They were a couple of the issues, as I said, with this project. When they analysed this report on these projects, they looked at other cities and other jurisdictions that had done similar projects and they modelled the scale on those. For example, there was a project in Perth and projects in

Auckland and Otira in New Zealand that were outside the scope of the South Australian projects. Alarmingly, the projects interstate had a far lower rate of spend. The South Australian projects are far more expensive than the projects being done interstate and overseas, which is a little bit alarming as well, as this report points out.

In fact, from the figures that this report uses, the cost of the South Australian project was far greater than the original Halcrow report that was done to cost the electrification. The report was quite fair and reasonable when stacked up against some of the other costings from interstate and overseas, but in terms of the actual cost blowouts, when all was said and done, the projected costings of the South Australian project at the time of this report show that we did pay a heck of a lot more for our rail revitalisation program than was paid overseas and interstate for similar projects. That is a real concern when you look at rail in South Australia.

I have touched on country rail, but we are looking at city rail now and the way things have panned out there, and it really is a concern. As has been reported in the press recently, the Gawler people and the people of the north of Adelaide have reason to be extremely disappointed that they do not have the electrification because, if the government had followed through with its plan and what it had put forward and potentially had stuck to scope and to pricing there, realistically both lines could have been electrified by 2012.

We hear this government talk about blaming the federal government. In fact, it was the federal Labor government that took the money back because arguably they saw what was outlined in this report, that the people running the project perhaps had not spent the money as wisely as they should have. The federal government was probably concerned that the money they had put in to fund their side of this project was being wasted, I presume, because they withdrew their money in 2012, and that is the Rudd-Gillard-Rudd government.

Again, I hark back to this project and, ideally if what was delivered was what was promised in 2008, all would have been said and done by the end of 2012 and the project should have been completed. However, as this report points out, some overspends and some other concerns were the reason that the government had to pull the pin on the Gawler line and the money had to be given back to the federal government. As I said, in 2012 it was given back to the Rudd-Gillard-Rudd government. They took that money back and that was the state of affairs. I do not like it when I hear this government trying to blame other people. If they had got this project right, if they had done this project as outlined and as committed to in 2008, if there was not the scope creep on their project, the people of Gawler and the people of the north would have their electrified line right now.

What I talk about and what people in the rail industry talk to me about is a more concerning point, and that is that we ordered enough electric trains to service the Gawler line and the Seaford line. Now that the Gawler line is not electrified, we probably have an oversupply and an overabundance of electric trains. In the future if the project is done that will be fantastic and they can service those lines, but in the meantime we have an oversupply. It was an effort to move the older trains off the line and now there are fears that some of those older trains may have to stay in service a whole lot longer.

The other thing that has been brought to my attention is the need for a loop to move the trains around in the central station to actually get the trains towed from the Adelaide Railway Station out to Dry Creek, and I talked about that earlier. I am told it involves four or five different moves. For what could take 10 minutes to get the trains out of the Adelaide station and off to Dry Creek it can take up to an hour, so there are extra costs involved in that as well with drivers having to move, manipulate and work longer shifts to tow these trains out to Dry Creek so they can be serviced there because that is where the servicing facility was put.

The other thing, as raised by the Auditor-General in his report last year, is the almost $50 million worth of wastage—I think it is $46.6 million worth of wastage—that has been identified and written off by the Auditor-General in this project—things that were paid for, things that money was spent on, to electrify the line to Gawler, because it was pulled back in 2012 when the government could not get the project happening. The report that I outlined before showed the details, but they could not manage to get this happening, so they started and now $50 million, or near enough to, has been written off by the Auditor-General.

That sort of thing is really frustrating to South Australians and unfortunate for the people on the Gawler line. They know that their project has been promised and has been on again, off again a number of times since 2012 and it is still somewhere in the distance. I really feel for them when they get on their diesel train to head home to the northern suburbs and they drive past these poles just stationary on the side, generally graffitied and tagged up. They see these poles and they must think, 'Why didn't we get our electrified train line?' Again, the report outlines a number of the reasons, and it is incredibly disappointing. There are more technical issues as well. I mentioned towing the trains and how that can be potentially damaging to electric trains. They are not designed to be towed; it is not the way a train is put together.

Another thing I have received some information on which I find quite concerning and will be following up is that the report also talks about there being only a single SVC. I will not get into too much technical detail, but an SVC is what powers electric trains. It was initially recommended that two SVCs be put into the system—one close to the city and one a little bit further south—so that if there is an issue with one, for example, the one in the south, then the one in the city could still power electric trains and get them down south.

With the dilemma of the cutbacks the government had to make because of their uncontrolled spending on this project, again outlined in this report, what has happened is that they have cut back to using only one SVC, these power points along the line. I will read the report because it is interesting:

> Many SVC failures can be dealt with by the replacement of small components held on site. The key component that could cause prolonged outages (and thus loss of train services) would be a failure within the SVC transformer. This is not a standard device and if a spare were not procured a wait of anything up to 9 months for the construction of a new unit may be required.

It is a real concern that a spare SVC transformer has not been procured, as far as I am aware. I am really keen to find out from the minister exactly what is happening with this. Nine months of shutting down electric trains (which is potentially on the cards, according to this report) if this breaks down would be catastrophic at one extreme and disappointing at the other for the people of the south, and we would be in all sorts of trouble. As I said, if diesel trains are decommissioned, as is the plan, there would be a lack of trains running on the line and that would not be good for our public transport users. The report goes on to say:

> As a minimum, the panel recommends that a spare SVC transformer be procured and held in warm storage at Lonsdale…It may be possible to use the transformer as part of further SVCs in the future should further lines be electrified.

They are the little things that, when you are running a project like this, I think are really important. People in the train industry talk a lot about these sorts of projects. It is disappointing, as a lot of money was put on the table, a lot of money was put forward, to be spent on this project. It is important that we do spend money on these projects and that we do improve our public transport system to try to get more people onto public transport.

I suppose it is a little like when you do projects at home: you always want to build the nice big pergola out the back and projects that, when people come around, you say, 'Hey, have a look at this. Isn't this fantastic?' However, you have to make sure you do the fundamentals as well. If you need to re-lay a gas pipe that pumps gas to your house, which it is almost as expensive as a pergola at the back of your house, I would suggest, but does not look quite as good, nobody wants to say, 'Come around and have a look at my new gas pipe.' That seems to be the outcome of this project.

I fear that the government wants to do all the fancy things—get new trains on the track and say, 'Look at these new trains, aren't they fantastic?' But have they put in the gas pipe? Have they done those things that will make sure that it all runs and works, the background work? It is not pretty, it is not sexy, but it has to be done to make something work efficiently.

That is a concern I see in this report: it talks about the issues that have not been addressed. It talks about the issues that potentially have been overlooked, and they are not the pretty issues, they are not the things that people see. People can still see electric trains on the track and think that it is all going wonderfully well, but when you dig a little bit deeper and you speak to people in the

know and people who are in and around the train industry you find out that a lot of these little things have not been done.

The Premier in this chamber made mention of concrete resleepering throughout the whole network when he talked about the rail revitalisation program. He was quite adamant about replacing the splinters or the toothpicks I think he called them, or something along those lines, and putting down concrete sleepers and about how much better that is for the train line. It rubs me up the wrong way a little bit when he says that because near my electorate office, in the northern end of my electorate, is the Oaklands crossing—and I will talk about that in a few moments because it would not be a train conversation without mentioning it—and right on the bend, where the new electric train runs along the Seaford line, there are still 180 or at least 200 metres of wooden sleepers.

The Premier talks about getting rid of the splinters, but he has not been out to have a look at the rail line to realise that there are still some of those splinters or wooden toothpicks still out there acting as sleepers and that the project has not been completed. That is what the people of South Australia need to know, that is why they were so interested in this report—to realise that, whilst the government launches the railway line and has all the fanfare and hoopla of having new electric trains, they have not really done all the groundwork to make sure that all things work well and constantly and for a long, long time.

We have talked about the GHD report that was done on the tramline, and it was interesting to ask some questions of the minister today and get his answers, and we talked about remediation. The report the government had done—and I was lucky enough to get my hands on this as well because it was stacked away and the public were not made aware of this one—indicates that there were over 1,000 faults in the laying of conduit cable for the tramline upgrade when it ran from Victoria Square around to the Morphett Street Bridge, and 1,000 faults are a lot of faults.

I am no engineer, nor am I an expert, but with that number of faults in a project that was completed by the 2010 election (which is a coincidence), it appears that when you look at some of these things the project has been rushed—and it was rushed for a reason. Some might say the project was rushed to be completed by the 2010 election, again so you could have all the hoopla and all the fancy stuff and you could go to an election saying, 'Here are the trams, aren't they fantastic?'

Looking through the report the government commissioned, and they would have seen it and looked back at it—and some of my plumber mates have had a flick through this—I point out, and someone made mention to me, that there are pictures of the conduit that is laid in the ground. I learnt very quickly a bit about conduits, and again I am no expert, but the conduit is laid in the ground and it has to dovetail end on end in a specific manner so that there are no rough edges and it flows very nicely.

Some of the pictures in this report are quite shocking and quite damning, outlining how the conduit was laid. It makes the edges very jagged and very harsh on any cable that is pulled through this conduit. So, you pull through an electrical cable that is running through the conduit and there is a jagged edge on the side of the conduit (because it has not been laid properly) and it rips the sheath off the cable; hence, the cable needs to be replaced more quickly than was originally designed.

Some of these other pictures show the laying of bedding sand. When you lay a conduit—as was explained to me by some experts in the area—you lay down bedding sand, and sand makes perfect sense. You lay down bedding sand and put the conduit in the pit with the bedding sand, and then you pull the pipe through. The bedding sand allows the conduit plastic to move around a little bit as needed but does not allow for harsh rocks to push through.

In some significant sections of this project, they did not lay any bedding sand. There are photos in the report, and they did not lay any bedding sand. As a result, it has allowed rocks to push through the conduit. You can see in some of the photos, where they have sent down something like an arthroscopic camera to have a look down the pipe, where the rocks have pushed through. Again, if you pull an electrical cable through that sheath, the sharp rocks slice the cable and render the cable useless more quickly than had it otherwise worn out.

If you look at some of the pits, I am sure these are projects that will be repaired—and I hope they are. The standard reports that are laid down for the pits where the conduits and the cables run are quite concerning regarding the standard to which they are done. The conduit sits under the

ground and no-one sees it. People see the tram go by, but they do not know that down under the ground these problems are occurring, and it is alarming.

As I said, there are over 1,000 faults, and the report suggests that to remedy these, to actually fix them and get what the government paid for and what they scoped for, the road or the railway, the line, needs to be dug up, the conduits need to be dug up, and they need to be re-laid because the standard is not acceptable. I talked about my plumber mate; he said to me, 'If I produced work like that on any job I was doing, I would be out of a job and out of work, and I would be sacked.'

They are the sorts of things we see with rail in this city, and they worry me. As I said, as shadow transport minister, the more people I get to speak to the more alarming it is. It would be remiss of me to not talk about the rail project that is at the centre of my electorate and my concerns because this has been going on for a long time—and I have mentioned it in this house many times before—that is, Oaklands crossing. I grew up in Oaklands Park and I have been through that crossing many times since I got my licence when I was 16 and I am now 44. I probably did not need to say that but I have.

Members interjecting:

Mr WINGARD: Yes. The government has done some plans and some specs and I will talk about them in a second. I have had my licence for a very long time and I said to someone the other day, 'If I had put a dollar in a jar every time I have been through that intersection and $5 every time I have stopped there, I would be able to make a very significant contribution to fixing the overpass and getting the project done.'

When I talk about the overpass, it was one of the rail projects that first introduced me to what goes on with rail. I was going to say that I have had people talk to me about this daily, but it is at least two or three times a day anywhere in and around my electorate—and it spreads further than the electorate of Mitchell, it goes into neighbouring electorates. Obviously there is a boundary between two of our electorates but anyone in the South will talk about this.

One of the things that we have watched over the journey is, again, promises made by past Labor governments which were very much unfulfilled. There was a promise of a $12.6 million upgrade to the precinct but that was pulled out of the previous budget as well, I think back in 2008. Instead, a couple of million dollars was spent on a study. I still find it quite fascinating that $2 million was spent on a study into the traffic congestion in that area, and all we managed to see were some pretty pictures of an overpass.

We did not get the flyover that the government normally provides. Normally there is quite an expensive fancy computer-generated flyover but this one just had some pictures. They floated around for a long time. In fact, it was back when minister Pat Conlon was the transport minister, I think in about 2011 or maybe a little after that, there were some very fancy pictures floating around of a rail overpass.

Arguably that is why the wooden sleepers were not pulled up on that bend. They were hoping or thinking or wondering about building an overpass but it never eventuated. One of the minister's staff at the time was reported in *The Advertiser* as saying that, after spending $2 million on the study and the diagrams, it was going to cost beyond $100 million. That was five or six years ago now, so it was a fair while ago, and the figures were as rubbery as 'beyond $100 million'.

I am intrigued to see what is going to happen with that. I am concerned now that the cost of the overpass has pushed out beyond $150 million. These are some of the other factors that we look at as far as rail is concerned in South Australia. The Oaklands crossing is a real bugbear in my electorate and around the South. I raised an issue in the media on the weekend concerning the report that came to me about the people of Gawler not having their rail line electrified. It was mentioned by the member for Kaurna in a bit of social media banter. He was very quick to jump on board and suggest that I was criticising the Seaford line and not looking after people in my electorate.

As I said, I am very happy to support good infrastructure projects that support public transport in this state. As the report outlined, my concerns were the money that was spent and the money that was potentially wasted on this project when a lot of key indicators in this report suggest both of these projects could have been done for what was spent on just the Seaford line.

I get back to the member for Kaurna because, as I said, he was very quick to get onto social media and criticise me for knocking a project for the South, and it could not be further from the truth. In fact, it was one of the worst cheap shots. I would liken it to an old football analogy of someone who tries to clip you behind the ears when you are not looking. If the member for Kaurna was serious about looking after the South he would be concerned for the whole South. In fact, if he was serious about helping South Australia, he would be thinking about the greater good of South Australia. I really fear that he might just be a little too insular and not be thinking of others apart from himself because, if he was serious about the full Seaford line, he would have supported the overpass—

Mr Picton: Do you support the Seaford line?

Mr WINGARD: I absolutely support the Seaford line.

Mr Picton: That is different from what you said on Sunday.

Mr WINGARD: That is not what I said. The member for Kaurna is so misled and so incorrect, in fact, it was absolutely incorrect. He had no idea what I said and his tweets on social media were 100 per cent wrong and, not for the first time, the member for Kaurna was100 per cent wrong—

Members interjecting:

Mr WINGARD: —and I am sure it will not be the last. The people down south really have to understand—

The DEPUTY SPEAKER: Order! The member for Mitchell is entitled to be heard in silence. Member for Mitchell.

Mr WINGARD: Thank you, Deputy Speaker. The member for Kaurna, if he was serious about the south and the whole region, would have supported the Oaklands overpass and known how important it is. Because he has a fancy bridge and he has—

Members interjecting:

The DEPUTY SPEAKER: I remind all members that it is unparliamentary to interject and unparliamentary to respond to interjections. I remind you all of standing order, I think, 141, that a member is entitled to be heard in silence. I do not wish to remind you all again. I will have to bring the book out and start calling people to order. Member for Mitchell.

Mr WINGARD: Deputy Speaker, maybe the member for Kaurna is supporting the overpass at Oaklands, and I am sure he is going to come and campaign hard with me to try to get a solution for that area, because he is very happy to have solutions in his area. He is very happy to take infrastructure projects that benefit his electorate, but he is not as supportive of the rest of the south. I will give other examples: the Southern Expressway did not get an on/off ramp in my part of the electorate but services his part of the electorate very well. He is very keen to spruik that but he does not want to support other parts of the south, so I find that a little disconcerting. This is another project, again, that he spruiks on about, the Seaford rail line—

Mr PICTON: Point of order.

The DEPUTY SPEAKER: You have a point of order, member for Kaurna?

Mr PICTON: Deputy Speaker, I completely reject the assertion that I do not support the south.

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

Mr PICTON: I also raise the point of order that the member for Mitchell has not referred at all to the content of the bill in his speech and I would ask if you could draw him back to the content of the bill.

The DEPUTY SPEAKER: It would be good—

Members interjecting:

The DEPUTY SPEAKER: Order! It would be good, member for Mitchell, if you perhaps centred on the topic—

An honourable member interjecting:

The DEPUTY SPEAKER: Order!—at hand and did not refer to the member for Kaurna and what he has said every five seconds. Member for Mitchell.

Mr WINGARD: Thank you, Deputy Speaker. I was just trying to raise a point that—

The DEPUTY SPEAKER: No; speech, not member for Kaurna.

Mr WINGARD: That is right. I said, thank you, Deputy Speaker. I was just trying to raise a point about rail safety and the fact that it is an overarching view of rail safety and all of those facets. The Minister for Transport will tell you that we have had many a discussion about how having such an open-ended system does mean that rail safety is paramount on the Gawler line, the Seaford line and all the lines around Adelaide, they are all important, and grade crossings are one of the keys to rail safety. That is what I was getting at there with the Oaklands crossing and I was looking for some support from the member for Kaurna, so hopefully he will do that.

The point I was making as well, as we talk about the Oaklands crossing and grade separation, is how important it is to find a solution. It has been going over for over 30 years, as I said, from when I first got my licence, so quite a long time ago. There has been promise after promise after promise. I probably feel a bit like the people of the north do with the Gawler electrification, who have had promise after promise after promise and it has since been taken away. It is very disheartening and discouraging for them.

The other thing I wanted to say is, as we look at all of these projects, and I have talked about rail in the regions and making sure we do everything we can to support our regional friends and make sure we get produce and goods moving as quickly and efficiently as possible to maintain a productive and vibrant South Australia in the regions. Public transport, on rail, is also extremely important and I hope, with some of these projects we have looked at, that in the future, when we do look at these projects, we can make sure they are efficient as possible.

Reports like the one I referred to earlier, the brief independent overview of Adelaide electrification, point out some of these issues, and it is not needed even to be scoped or to be done because it would be great if these projects were running as efficiently and effectively as possible. With that, I support the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill and commend it to the house.

Mr PEDERICK (Hammond) (16:09): I rise to speak to the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2015. I note that, essentially, the amendments in the bill are there to tidy up the act, which is the Rail Safety National Law (South Australia) Act 2012. They are not controversial and we on this side of the house will be supporting these amendments.

However, as the shadow minister has rightly contributed, there is much to say about rail in this state. The act that this bill seeks to amend came into force in 2012, but the national law actually commenced operation on 20 January 2013. The Office of the National Rail Safety Regulator was established as a body corporate under the national law and its scope now covers New South Wales, Victoria, Tasmania and the Northern Territory. Legislation has been enacted in all those jurisdictions.

Western Australia hopes to be on board by May 2015. It is interesting in that it is like some legislation we have had here on nationalising trucks, truck legislation and freight: Western Australia stands out on its own, but that is another story.

In regard to the act we are amending, I note that the inaugural chief executive officer, Mr Rob Andrews, who resigned and went to his home country of England, was replaced by Susan McCarrey. She was formerly the deputy director-general, policy planning and investment in the Department of Transport in Western Australia. As I indicated earlier, since this national law has commenced, there has been a need for some minor amendments. Most of it is just about changing words to reflect other states' legislation and a bit of tightening up of the legislation. A phrase is to be removed from section 12 of the Rail Safety National Law (South Australia) Act to ensure consistency

in drafting style. This amendment has no substantive effect, relates only to the South Australian provisions and does not amend the national law itself.

I note that heavily throughout the bill the word 'cancel' is substituted for 'revoke' to ensure consistent terminology. Also, removing the requirement that before requiring a person to appear in person to provide evidence or documents, the regulator must first take all reasonable steps to obtain information of which the person has knowledge in the form of a written statement or by production of documents I think is certainly a sensible amendment.

Another power that the regulator will have if this goes through and becomes an act is the express power to suspend the accreditation of a rail transport operator for not paying its annual fee. In regard to the amending provision, the regulator will have discretion to suspend the accreditation until payment of the late annual fee and to withdraw a suspension if an instalment plan for payment of the fee is made or for some other reasonable cause.

There is also an express requirement in this bill for rail infrastructure managers of registered private sidings to provide an annual activity statement to the regulator, and I think that is only right and proper. There will be a note inserted at the foot of section 128(1) of the national law to point out that, in some participating jurisdictions, provision is made that a positive breath sample from a person will be taken to indicate the concentration of alcohol in the person's blood for the purposes of the national law. Again, this is will just tidy up the language and make sure it is worded correctly for the application of this bill if it does become an act.

I am glad someone else has typographical errors. The words 'rail infrastructure' will be substituted for 'structure' to fix a typographical error in section 145 of the national law: 'A rail safety officer has the power to enter or open rail infrastructure to examine the structure'. This will make it consistent with the drafting of the rest of the paragraph in that section. The full term 'rail infrastructure' will be used there. There is also the new power under this legislation to enable a rail safety officer to direct a person to produce documents. As it stands currently, rail safety officers are able to require production of documents only when they are on rail premises.

In regard to fees in relation to provisions of the national law, there will be a power for the regulator to waive or refund the whole or part of the fee to a person who applies for an exemption from provisions of the national law. This power will provide consistency with the other powers of the regulator to waive fees for accreditation and registration. Certainly, from our side's consultation with stakeholders, it has support from industry associations. I also note that it has the support of the Rail, Tram and Bus Union.

That is essentially the meat of the bill, but I too want to make some comments about rail and the history of rail in South Australia and Australia. We have had too many gauges to make us all happy. Every state, I think, wanted to do its own thing, whether it be broad, standard or narrow gauge, and there were some different gauges for cane operations in Queensland as well. It has created a lot of issues along the way, and it creates inefficiencies. We saw during the war years that trains had to change over when shifting troops and goods.

I note that, in 1995, the Melbourne to Adelaide standardisation project, on which I was a contractor, was a project to bring the broad gauge line back to standard gauge between Adelaide and Melbourne in order to get those efficiencies in sync. The interesting thing is that before that happened there was the installation of concrete sleepers, and I have spoken about this in this place before. Essentially, what happened is that before the big team moved in to transfer the gauge, we were engaged for several weeks unclipping the line every other clip while the trains were still running.

As you take every other clip and then you come back to have another go there are fewer and fewer clips holding the rail in place, so the trains were kept running and slowly their average speeds were wound back. We left all the clips on the corners because that is obviously where the derailments would happen.

It worked out that over Easter 1995 we did the job. We had an unclipping crew in front, and then we had a unit where people came through and a machine lifted up the rails about waist height. It turned around the pad the rail sits on, which entailed a bit of manual work in using some tools to shift the rubber that the rail sat on, and then as we went forward the rail was laid down. It was nearly

as bad as shearing sheep working on that machine because there was too much bending involved. I was glad I was on the unclipping machine up the front most of the time.

Mr Whetstone interjecting:

Mr PEDERICK: Yes, I was fortunate. I did have my turn if someone on the other job had to go and have lunch, but I soon realised that perhaps I needed to be somewhere else. It was interesting. It was good to see normal track crews working with people who were hired for just those few weeks, such as myself, as contractors to get the job done, and that was completed in that year.

I also want to reflect on the efficiencies of Mallee rail, and I am sure that the member for Chaffey will speak about this as well. During my first year after being elected to this place, they celebrated the centenary of the rail out through to Pinnaroo, in 2006. Genesee & Wyoming got on board and took a train out to Pinnaroo and then ran it back and stopped it at every stop back towards Tailem Bend. It was a fantastic event, with communities all along the line celebrating the contribution of rail to the Mallee community and what it had done over that time.

Sadly, the use of that rail has diminished over time, as it has everywhere. I can remember, even at Coomandook on the Melbourne line, all your fertiliser would come down on the rail—that was in the bag days. Thankfully, I can only just remember, as a child, seeing the large grain stacks of the bags and I didn't have to do much—

Mr Treloar: You must be old.

Mr PEDERICK: I must be old, the member for Flinders says. I have a very faint memory, I can assure you: it goes a long way back. I am just glad I did not have to lump the wheat bags at the stacks, because they were certainly real men who did that job. Stock came and went on the rail, fertiliser came on the rail and, certainly, grain went on the rail.

Sadly, these days, a lot of the time, rail freight cannot compete with road freight, which is a real pity because it puts extra stress on our road network and puts heavy freight on our roads when I think rail could be used more often. We have the freight task force and members from this side of the house work with members on the other side, including the Minister for Agriculture and the Minister for Transport, in regard to freight lines throughout the state. The state of the Mallee line certainly has not been kept up for what is needed for modern rail service.

The position is that, potentially, about 170,000 tonnes of grain could come up that line each year but it is under heat control,. If it gets to a certain temperature—I think it has to operate under 30°—it has to operate at night and, certainly, it can only operate at about 25 or 30 km/h, and that is inefficient. It is a real pity, because I can see the demise of rail in the Mallee after it has served us for over a century. I hope it does not happen. I also note that the Mindarie sand mine used to send all their material for export on the rail but that does not happen anymore either because of the competitiveness of the road freight network.

What I will say is that, if more freight comes off rail wherever it is in this state (and I know the member for Flinders will talk about the narrow gauge system on the West Coast), something else has to give. There has to be more money put into roads and, certainly, it means a whole lot of shoulder sealing needs to be done, whether it is out towards Karoonda in the Mallee, Loxton way or out through Tailem Bend, Lameroo and Pinnaroo. I have said in this place before that there are theories that when the Lameroo to Pinnaroo road was built they paid more for putting in corners, because I am sure that is what happened. There are so many corners in that road it is just outrageous. Whether it was so you did not have the sun in your eyes all the time when you were driving west, I am not too sure. It is just one of those things.

If that is to be the future, and I hope it is not, money (millions of dollars) has to be spent on upgrading roads. I also note the safety factor of those extra tonnes, if they do come on the road network. It does impact, because there are no overtaking lanes on the Mallee roads. It is not like the Dukes Highway. We will need to look at that.

It is a pity the golden era for rail has gone. It is like everything: it is about the cost of running systems. I can remember when we used to have station masters at all our little towns. I know

Coomandook had a station master, Harry Zarr. He was there for many years. Our station is still there, even though some have disappeared along the lines.

It was not always freight coming down the rail. I can remember travelling from Adelaide to home at Coomandook for three hours on the Bluebird, from 8 o'clock in the morning at Adelaide to 11 o'clock at Coomandook. I know the Melbourne express still runs and people say we should have public transport by rail through to Adelaide, but I do not think people would find it exciting or timely to be on a train for at least two hours from Murray Bridge into Adelaide. The answer for public transport out there is full public transport on buses coming up the freeway.

I cannot see it happening because there are a lot of other projects, like the intermodal project of running rail around from Monarto, skirting around the Hills and coming in at Two Wells or somewhere there with a road next to it to take both road freight and rail freight off the rail coming through the Hills into Adelaide and the heavy trucks coming down the South Eastern Freeway, because quite a few need to divert or their freight depots are at the north of the city anyway.

I did have this conversation with a constituent the other day because they were saying that we have to have rail passenger transport, and I said that I do not think it is going to work. The only way it will work is if someone spends enough money to put a light rail line from before where it starts twisting around at Mount Barker, run a line up the freeway and then punch another hole through the Hills at the Heysen Tunnels. You can already add up the dollars that are just tinkling over right now. Essentially, you would run light rail down to, say, the intersection of Cross Road, Glen Osmond Road and Portrush Road, shoot up Cross Road and cut into the rail system that exists there. I cannot see that happening, but I think that would be the only way that would justify that.

Certainly, in the history of this state, rail has opened up the state, just as you see internationally and in the old movies from America that showed how they opened up the West with rail. It has done a great job, and it is a pity if governments of any persuasion turn their back on it because there are so many opportunities. I look at what Victoria is doing with the Murray rail project. They are considering opening up the system and expanding it. We should be looking at opportunities to feed into that as well. I am sure our bulk grain operators would not be too happy about that, but we have to look after what our producers want and what they need to do in connecting so that they can get the right outcomes for their freight.

We have had great opportunity, as I said, to freight our produce. I know with grain now you can get on the Melbourne line at Tailem Bend, and there is a great system there where they do not even stop the trains. The trains are going through non-stop, loading at a slow speed and being loaded very efficiently, but it means that all those tens of thousands of tonnes of grain are being transported there by truck to the Tailem Bend strategic site, battering our roads and not coming by rail.

We need to look at what rail has done. In too many places around the state, we see where there used to be lines. You can see the mounds where the sleepers used to sit, where the iron used to be, and all those lines have a real story in themselves. I just hope that we do not see any more of those and that we do embrace the opportunities as they come along because if we do not, once you stop using a railway line and once they start pulling out sections and the maintenance disappears, it is history. It is gone.

Some careful decisions will need to be made about rail lines right across the state. They have done a great job. We do need to keep enacting laws so that they work, but we need to appreciate the full strength they have and the number of tonnes you can put over rail compared with road for the cost and make sure that we do have the appropriate network for this state to thrive into the future. With those few words, I commend the bill.

Mr WHETSTONE (Chaffey) (16:28): I too rise today to support the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill, which places the rail industry in South Australia under the national banner. I do hope that, with the national safety regulator, we will experience fewer hiccups and problems than the heavy vehicle regulator did when it was taken away from state hands into a national regulator. I note that there were a number of issues in the transition period that created quite a few headaches for operators and, obviously, the government had to act accordingly.

Essentially, the bill makes minor technical changes to the existing Rail Safety National Law which came into effect on 20 January 2013. The Office of the National Rail Safety Regulator was

established as a body corporate under the national law, with it now including South Australia, New South Wales, Victoria, Tasmania, the Northern Territory and soon Western Australia.

The primary objectives of the ONRSR are to encourage and enforce safe operations and to promote and improve national rail safety. The Office of the National Rail Safety Regulator goals, as set out in the corporate plan, are to:

- maintain and improve rail safety through a risk-based approach to regulation;
- reduce regulatory burden on industry;
- promote greater self-regulation by the industry;
- prepare for and support the entry of other state regulators into the ONRSR;
- promote safety awareness and safety improvement initiatives and research; and
- develop and enable our people to optimise internal capability and organisational effectiveness.

Those points are really about making it a better oiled and safer organisation and a regulatory body that has fewer bumps and is easier to navigate through for users and the impacts on industry.

I look over the national safety regulator's Annual Safety Report 2013-14, and I note that there were 93 notified fatalities on railways regulated under the Rail Safety National Law (RSNL), taking in South Australia, New South Wales, Tasmania, the Northern Territory and the majority of railways in Victoria. The foundation of the report is notifiable occurrence data which is drawn from incident reports and submitted by the rail transport operators in accordance with section 121 of the RSNL.

The notified fatalities consisted of 84 acts of suspected suicide or trespass, three passenger fatalities (all fall-related, with two involving trains at the train platform interface), five fatalities at level crossings, and one rail safety worker fatality associated with ill health. The report also considers hazardous events on railways that can lead directly to injuries, such as derailments, train collisions and fires on rail premises. In this regard, the ONRSR notes some improvements in key areas of safety risk. Examples of those include a decrease over time in the number of arson-related fires on passenger trains and a marked drop in level-crossing collisions in 2013-14 across several states.

However, the findings also highlight several areas of concern, including the continued high number of train incursions into worksites and the high number of asset-related failures leading to train derailments, and there were several thousand occurrences in 2013-14 involving injuries to people on railway premises. Approximately 660 people were attended to by ambulance with three-quarters of these cases involving falls and another 10 per cent involving assault. Approximately 85 per cent of people attended to by an ambulance were passengers on the metropolitan rail networks of Sydney, Melbourne and, of particular note, Adelaide.

Suicide is the largest safety risk for many railways around the world and accounts for approximately 70 per cent of all fatalities in the ONRSR's area of operation over recent years. The examples of fatalities and injuries in the rail network across Australia demonstrate the importance of having strong legislation in the industry, and a national approach can have many benefits.

The Australian Rail Track Corporation owns and manages the east-west corridor in South Australia, approximately 2,000 kilometres aligning Sydney and Melbourne with Perth. Genesee & Wyoming Australia owns and manages about a 2,200-kilometre section of the rail network between Tarcoola, in South Australia, and Darwin, in the Northern Territory. The major intrastate networks regulated under the RSNL in South Australia comprise a narrow gauge line on Eyre Peninsula and about 300 kilometres of standard gauge line in the Murray Mallee region. There are also several smaller lines servicing specific industries such as coal transport at Port Augusta and iron ore for steel manufacturing at Whyalla.

I briefly want to touch on the Mallee rail lines. That is something of real concern to me as an MP. The two Mallee lines from Loxton to Tailem Bend and Pinnaroo to Tailem Bend have been under some pressure for a number of years. They are light rail and they have only one customer on those lines, Genesee & Wyoming Australia being the custodian of the rail line and Viterra GrainCorp being the customer. There have been concerns about the viability of that line and issues around restrictions. Once you put restrictions on any form of infrastructure, it takes away the viability of that line. It is well

documented that there are load restrictions, speed restrictions and heat restrictions. To have those sorts of restrictions on a rail network, particularly in the Mallee where it is arid and hot, narrows down their operations. Older wagons and older engines are about 30 per cent heavier than the new wagons and that hampers the amount of grain that can be put on a load by about 30 per cent and, again, it affects the viability.

Heat brings down the speed, and in some cases it is down as low as 20 km/h. People ask me how that can be viable, how that can work. It is economies of scale. It is about taking large tonnages of grain on that train to make it viable. Its competitor, which is the road network, is becoming more and more viable because grain handlers are looking at ways that they can maximise their profit margins, and to do that they are utilising road more and more. Logistically, we can take grain off a farm rather than dropping it off at receivables and then rehandle it onto a train to Tailem Bend and, in some cases, rehandling to Adelaide or the Port. It is multihandling and adding to the cost, but it is also the time frame. It is about a 23½ hour turnaround from Tailem Bend to the Mallee and back, as it is to Loxton and back. They are issues of viability.

I also wanted to just touch on the rail line. When these rail lines were built through the Mallee they created huge population growth; workers had to travel there to build those lines. I have attended many large community events commemorating rail and what it did for the towns. In some of the railway towns hundreds of children attended schools as those rail lines were built, and once they were completed those towns almost shut shop overnight. That was a fatality of rail towns. Sadly, for the Mallee that has happened in many areas.

The larger regional receiving towns are still there, but they are under siege too. It is not just about the rail networks but it is about the jobs, the fabric of the town and the history of the town and what it creates. I make the point that it is not about the rail lines closing with the suspected cancellation of a contract with Glencore and Genesee & Wyoming: it is about no contract for the rail line to operate and transport grain. It means that those rail lines will stop operating and that grain, potentially 200,000 tonnes of grain, will hit the road and put more trucks on the road. It will create safety risks on the road and it will put more pressure on road infrastructure. That really concerns me, and the member for Hammond also has his concerns. The member for Flinders has a long-term issue with the future of rail in his electorate.

All the regional rail networks are under the pump: they are not being funded or put in a 30-year transport plan. The current government in South Australia is very focused on Adelaide: it is focused on passenger rail, passenger trams and passenger roads. It is not focused on productive infrastructure that keeps the cogs of this state's economy ticking along, and that is a real concern. There is no short-term plan for rail in South Australia in regional productive areas, and there is no long-term vision for rail in South Australia.

We mentioned the Murray rail project in Victoria connecting the east with the west and making it more economically viable. With regard to renewal rail projects in Western Australia, New South Wales, Queensland and Victoria, all the other states, nationally, are looking at investing in commercial rail except for South Australia. What is about to happen is an absolute travesty and the government has little focus on how many trucks will be on the roads. It has displayed its contempt for its $400 million rail maintenance program, and that is a major concern regarding safety.

We can talk all we want about more trucks on the road, but it is about the condition of the roads and the safety aspect of being on those roads. It is not just about putting more grain trucks on roads but local government is also taking all the rubbish from regional centres to Dublin or north of Adelaide. It is outrageous that, particularly the Riverland and some of the Mallee centres, are transporting all their rubbish down to Adelaide—that is more trucks on the roads.

If we look at the growing wine grape crush, again the Riverland produces about 64 per cent of the state's crush. That all goes on the road. Every day grapes, juice or wine are transported to a local winery or from the Riverland to Langhorne Creek, the Barossa or McLaren Vale. There is continued pressure on our roads, yet we do not have any long-term vision about whether we support commercial rail and continue to support safe rail or whether we support safe roads by upgrading roads. They are some of the real concerns I have.

Again, I must say I have worked with the Minister for Transport on this issue and I think he has come to the fore. In particular, we have had meetings with the Minister for Regional Development, the Minister for Agriculture, the Minister for Transport, Genesee & Wyoming and GrainCorp. The contract was not going to be signed in the latter part of last year. I think a bit of pressure was put on all three government departments. There was pressure put on both GrainCorp and Genesee & Wyoming to continue, and they did, signing up for another 12 months.

The government put some money towards a patch-up program on the Karoonda Highway and they have put a very small amount of money into the Mallee Highway—the Loxton to Pinnaroo road—but there is much more that needs to be done. When we talk about transport infrastructure in South Australia, it is becoming more and more evident that this government is looking less and less at a long-term vision for commercial rail which will have a serious impact on pressure on our roads. We are going to put more product on the roads and more commodity on the roads, and that will have a serious impact on safety and the condition of our roads.

Logistics is another issue. We must remember that, if we take rail out of the equation, that takes a competitor out of the game. If we are looking at transport logistically, and we are going to say that a road operator has no competition with rail, what do you think he is going to do? Yes, he will jack up the price because he does not have a competitor. Again, it makes that logistics chain more expensive and guess who will pay? It will be the grower; it will be the farmer who cops that in the neck once again.

Some of the issues I have already spoken about with the viability of rail—particularly in the Mallee, yet the same applies on the West Coast—are about having a long-term vision and putting a strategy in place so that we can utilise both road and rail safely, economically and for the better of the state's economy.

It has been noted that, yes, our major transport routes are in disrepair and there is a $400 million backlog in road maintenance, but there is also a huge backlog in rail maintenance and I think that we continue to take the easy way out and ignore it. While we say we are not going to renew rail contracts, the government has a responsibility to maintain a competitive logistic transport network here in South Australia like all the other states do. They are supporting their rail and they are supporting their road. Here in South Australia, I think we have lost our way. The government's priorities are on Adelaide's rail, on Adelaide's roads and on Adelaide, and I think that is sad for future productive economies here in South Australia.

I note the RDA report, the Freight Study and Rail Operations Investigation into Mallee rail, which states that up to $700 million could be required to replace lines to the standard requirement needed to operate safe rail, particularly in the Mallee. I think that is a lot of money but it does not have to be spent overnight; it can be spent over that long-term vision, that 30-year transport plan. It could be put into place if we knew what the future was with road and rail and if we knew what we were dealing with, but I have to say that the government has quite a secretive agenda and it is all around how they are going to support Adelaide.

The Mallee line is certainly one which may impact on safety, the future and transporting grains safely to export markets. Do we look at transporting grain out of South Australia to the east? That takes the bottom line off South Australia's economy. Is that the way the government wants to play it? We have an emerging domestic market that looks like it is going to double in the next five years. At the moment it is about a million tonnes, and it could be two million tonnes in the next five years.

The pork and poultry industry are being forced west with urban encroachment. Chickens and pigs are coming to the west of New South Wales and Victoria. They are going to need double the grain so, do we look at a domestic market that we push east, instead of pushing it down south to our ports, creating a vibrant economy, creating jobs, making South Australia a great place to live and work, because we know that jobs are hard to come by here in South Australia and certainly not living up to their 100,000 target, that is for sure.

My concern is the short-term future for rail in South Australia. What is the long-term vision for rail in South Australia? At the moment we seem to be looking at placing more trucks on the road and only patching up those roads. My call is that we need to have fewer trucks and better, safer

roads. Do we look at being as competitive in the Mallee as we are on the West Coast? The member for Flinders is very proud to have a road-train network over there, whereas the people of the Mallee have to deal with trucks that are less viable in the same market. I think the government's priorities need to be adjusted. We need safer rail and that is something that I will support. This is an unconventional bill that has had stakeholder consultation and there are unlikely to be any issues with any of the amendments.

Time expired.

Mr TARZIA (Hartley) (16:49): I also rise to speak on the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill. As many of my colleagues have alluded to on this side of the chamber, it is clear that this government simply is not doing enough in terms of rail, infrastructure and transport projects. The Labor Party does two things very well in terms of campaigning. One, is to campaign on fear and, two, is to campaign on hope. At the last state election, I have to hand it to them, they sold a lie to many people in Hartley because they offered them the hope of two things relating to this area. One, was that there would be trams on The Parade in the not too distant future, and we are still waiting for trams on The Parade. Two, is they made a promise that they would offer a parking solution in Paradise, and we are still waiting for that.

Mr Picton interjecting:

Mr TARZIA: No; we will build a car park—

The DEPUTY SPEAKER: Order, member for Kaurna!

Mr TARZIA: —without a car park tax. Any time your minister wants to say that he will introduce a car park at Paradise without a car park tax, that would be warmly received by the people of Hartley. So, two great hopes that we are still waiting for in terms of this area. Just broadly to commence my remarks, Deputy Speaker, it is great to have these things and it is great to look to the future, but the system we have, as the member for Chaffey just alluded to and as many members before me have alluded to, still needs a lot of work. So, I would encourage the government to have a good hard look at itself and address these weaknesses in the current rail system that we have.

The rail network system and the history of that is close to my heart. I actually had a grandfather who worked at the railways in the city many years ago. He was not a union member but he was very grateful for his time there and the skills he acquired and the friendships he acquired in the industry. So, I sincerely thank many of the employees who still to this day work in this area. Whilst I do not have rail in my electorate of Hartley, we are very grateful for the services provided to the people of South Australia.

I note that, in terms of the metropolitan public transport system, in 2012-13 total patronage on Adelaide Metro was 63 million. It is interesting that when you talk about trains, on average Adelaide Metro carries about 15 per cent by train. When you look at the different public transport infrastructure stops, there are over 80 railway stations and 28 tram stops. I note also that trams and trains are all accessible and our regular bus fleet, as at 2014, according to one of the DPC websites, was 86 per cent fully accessible. So, there are some things to be proud of, sure, but we have a long way to go.

I am generally supportive of this amendment bill and I will support it. I am pleased to support the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill, which provides for an array of amendments to the Rail Safety National Law. I understand the Rail Safety National Law is contained in a schedule to the Rail Safety National Law (South Australia) Act 2012.

As was pointed out, during the first year of operation the regulator discharged its obligations under national law facilitating the safe operation of rail transport in Australia, which included a scheme for accreditation across the country of several rail transport operators as well. Since the national law started, the need for minor amendments has been displayed to us, and if you look at what they are they are minor amendments. However, they will improve the law's operation overall.

I will just to touch on what these are, and I am generally in support of all of them. Firstly, the minor amendments will improve the law by removing a phrase from section 12 of the Rail Safety National Law (South Australia) Act to ensure a consistent approach in drafting style; to substitute the word 'cancel' for 'revoke' through the national law to ensure consistent terminology; and, also, to

remove a requirement that, before making a person appear in person to provide evidence or documents, the regulator must first take all reasonable steps to obtain information of which the person has knowledge in the form of a written statement or by production of documents. We also have minor amendments that will improve the law's operation by delivering to the regulator a power to suspend the accreditation of a rail transport operator for not paying its annual fee, and so forth.

These are minor amendments. They have been put to relevant stakeholders, notably, major stakeholders in industry associations, but also, I note, the Rail, Tram and Bus Union has been consulted on this. They are also in agreement with these amendments. On the whole, the amendments seem uncontroversial. They have had adequate consultation. They do go to amending and improving the law that we have, so I have no hesitation in commending this bill to the house. However, at the same time, I ask the government to look in the mirror and address the problems that my colleagues on this side of the chamber have humbly brought to the attention of the government.

Mr DULUK (Davenport) (16:55): I also rise to speak to the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2015. This bill makes a series of miscellaneous and consequential amendments to the rail safety regime in South Australia and further harmonises state law to accord with the national rail safety regime.

However, the bill leaves unaddressed others substantial rail safety issues in the state and in my electorate, particularly in relation to the Melbourne-Adelaide rail freight corridor. The Melbourne-Adelaide rail freight corridor carries approximately five million tonnes of freight annually. The corridor runs through my electorate, cutting Main Road at Glenalta and Belair. Taken together with Cross Road in Hawthorn, 63,000 vehicles cross the tracks daily in metropolitan Adelaide. Lengthy traffic delays are experienced at all crossings, especially at peak hours, as many of us know.

Urban development means that the corridor passes close to thousands of homes and businesses in Davenport and indeed many other electorates, giving rise to serious safety and health concerns. Health concerns associated with noise pollution from the line are manifest and have been raised many times in this house. The gradient on the line is steep as it comes through many places in my electorate and, when combined with tight corners, the noise emitted by the wheel squeal often exceeds 100 decibels. Noise of that intensity exceeds state and federal noise guidelines and indeed international guidelines.

My predecessor in this house (Hon. Iain Evans) was a strong advocate for Davenport and constantly raised the issue of moving the rail freight line out of the hills. He also asked the current government to review the health of residents living near the line. The government has declined this. Mr Evans also requested that a noise abatement scheme be introduced, including the double glazing of windows and other measures associated with, for example, noise abatement schemes near airports, as we have in the western suburbs. Once again the government declined this.

The safety issues that arise from having a significant rail freight corridor through my electorate were made clear at approximately 7.15 on 2 January this year. On that day, a catastrophic fire day, the boom gates at the Main Road crossing at Blackwood failed and remained closed for 25 minutes. As I said, a catastrophic bushfire warning was in place on that day for the Adelaide Hills and a devastating bushfire ignited the Sampson Flat fires that afternoon.

Main Road, Blackwood is the main escape route for residents of Hawthorndene and Coromandel Valley in my electorate. In the event of a bushfire sweeping through the communities, the vast majority of residents would seek to leave the electorate through Main Road, Blackwood. The prospect of a boom gate at Blackwood being down and obstructing the safe passage of commuters and residents in the event of a bushfire is concerning and unacceptable to myself and to the residents of Davenport. A derailment on the line, such as the derailment in Glenalta in 2004, would give rise to the same safety concerns and to concerns that any cargo or indeed parts of the train itself would cause injury and damage to people and property close to the tracks.

As is to be expected, Adelaide's freight rail needs will increase in time, and this increase will be exacerbated by the health and safety concerns that I have already raised. In a high-use rail modelling scenario, traffic on the line will increase 4.6 times by 2039. This is an increase from about five million tonnes of freight annually to approximately 22 million tonnes going through the Adelaide Hills.

We would need to ask the question today: is the rail freight line designed for 22 million tonnes of freight going through the Adelaide Hills on an annual basis? The Commissioner of Rail Safety recently suggested that rail safety issues, including issues at the many rail crossings throughout the Adelaide metro rail network, keep him up at night, and the transport minister made the same comment on radio this week in respect of his own concerns.

A long-term plan must be formulated for the rail freight going through the Adelaide Hills. The Adelaide Hills rail freight movement study released in June 2010 is inadequate. It adopts a distance-based approach to calculating the cost-benefit outcome of a northern bypass, that is, essentially dollars per train per kilometre travelled.

As has been said in this house before, modelling of this type gives no proper weight to the noise, health, safety and social dislocation factors that influence where and when heavy freight should be moved by train. No resident of my electorate or any other electorate in this state would accept, as the study effectively asks us to accept, that the noise and inconvenience of a heavy freight train passing through open flat land is in any way comparable with the noise of the same freight train climbing or descending a steep incline in the tight turns and narrow valleys of the Adelaide Hills. Notwithstanding my comments, I support this bill.

Mr TRELOAR (Flinders) (17:01): I rise today to support the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill. I note the patience and interest of parliamentary counsel and ministerial advisers in this motion. Everybody has a contribution to make. Many of us are impacted by trains as a mode of transport, and communication for that matter, through our electorates. It has been highlighted today how important that rail infrastructure is in South Australia.

The national law commenced operation on 20 January 2013. The Office of the National Rail Safety Regulator was established as a body corporate under the national law, with its scope now including New South Wales, Victoria, Tasmania and the Northern Territory, through legislation that has been enacted in those jurisdictions. It is expected that the national law will also be operating in Western Australia by 2015.

It is not unusual for Western Australia to be the last one on the list with any number of these national legislative changes, and there are a couple of reasons for this: I guess that they are more cautious about many things and less inclined to join a national scheme and more inclined to do their own thing as it would suit them—and in many ways you have to commend Western Australians for that.

I do recall that when we debated this bill in 2012, I think it was, many of us who had an interest in and love of trains and who had trains in our electorate took the opportunity at that time to speak. Mr Patrick Conlon I think was the minister for transport at that time, and I know that he enjoyed immensely the contributions from this side of the house.

Since the commencement of the national law, the need for minor amendments has been identified, and the minor amendments will improve the operation of the law. There are just a few amendments, probably half a dozen, that have been highlighted. They are minor technical changes in many ways, but I might just run through them for the record. A number of the amendments refer to a change in language and use the word 'cancel', rather than 'revoke', and that has been requested by the industry. I also add that there has been extensive consultation with the industry on these changes, and the industry is supportive of these minor amendments.

Section 20(4) is to be deleted, removing the requirement for the regulator to issue notice to compel an operator to appear before them. This is to prevent collusion—the time frame of issuing notice allowed operators time to collude before the hearing. We certainly do not want any hint of collusion in a modern business environment. Heaven forbid!

An amendment to section 76 makes it an express requirement to pay accreditation fees. An operator can be suspended for failing to pay those fees. An addition to section 96 compels a rail infrastructure manager to give the regulator an annual activity statement. This will help the regulator to maintain oversight and safety standards without as many site visits, so aiding efficiency.

An amendment to section 12 clarifies that operating under the influence can be determined by a breath test, by deleting 'by means of a primary breath test or breath analysis (or both)' and

inserting, 'In some participating jurisdictions, provision is made that for the purpose of this law a concentration of alcohol in a sample of a person's breath will be taken to indicate a concentration of alcohol in the person's blood.' There will be no changes to actual practice.

An amendment to section 148, for 'general person on entry', deletes 'structure' and substitutes 'rail infrastructure' to keep this section in line with the rest of the act. An addition to section 168A grants the rail safety officer the power to compel an operator to produce documents. An addition to section 214 allows an exemption of accreditation fees for tourist operators.

So it is an uncontroversial bill. It has had stakeholder consultation, as I said, and there are unlikely to be any issues with any of these amendments, but highlighted all the way through these amendments is the issue of safety. Of course, safety is paramount in this industry and in any other industry.

A number of the members on this side have taken the opportunity to talk about rail operation in their own electorate, and I will do the same today. The electorate of Flinders has a narrow gauge autonomous railway line operated currently by Genesee & Wyoming, which is a significant rail operator not just in this state but in the whole country. It is American based company that specialises in short-haul rail. That said, they certainly have some long hauls in the big country of Australia. The member for Chaffey mentioned the line north of Tarcoola all the way to Darwin they are operating at the moment.

I have met with the chief executive officer of Genesee & Wyoming in South Australia, Mr Greg Pauline, and one of the things he has stressed to me and he has brought to the company in his role is this increased focus on safety. Everything he does has safety as a consideration, and I commend him for that.

I guess the future of rail on Eyre Peninsula is in the hands of Genesee & Wyoming. It is an interesting rail system, and there are many parallels with the rail system in the Murray Mallee. Essentially, they were built at the same time. The first length of rail extended from Port Lincoln to Cummins and arrived at the first terminus in 1907. Gradually, over the next two decades, it extended north and west of Cummins, going as far west as Purnong (west of the Port of Thevenard) and as far east to Kimba and Buckleboo.

It really did allow and coincide with the settlement of that dense Mallee scrub that proved to be such good wheat country but was very difficult to traverse and had little or no water. The train really rolled out with the settlers. As each and every hundred was surveyed, subdivided and made available for settlement, the train also arrived, and along the train line were surveyed sidings, town and roads and all that goes with it; it was a really critical part of the settlement of Eyre Peninsula.

It is a narrow gauge railway, as has been mentioned already. It is three foot six in the old school. It was very cheaply put down. It probably started a trend, even way back then. It was known as the hoop iron railway. It was laid with second-hand light rail they had dug up from somewhere and laid straight onto the ground with no ballast.

Ms Chapman: We pinched it from Victoria.

Mr TRELOAR: Pinched it from Victoria, the member for Bragg says. That could be right. It was laid on the ground with sleepers but no ballast, so you can imagine what it was like. Derailments were common. The member for Hartley mentioned that his grandfather worked for the railways for a while. Indeed, my great grandfather first arrived in Cummins as a carpenter in the railways all those years ago, pre World War I.

Right up until the seventies, the operation of that Eyre Peninsula line was really very labour intensive. There were huge numbers of men—and I say men because they almost always were men—involved with the building and maintenance of the railway line. Every little town had a railway gang, which supported the local school and the local shops. All those people are gone, for better or worse. Things have become more efficient and more technical in the way maintenance is done, but essentially it was there to transport the produce the goods from Eyre Peninsula to port from where it went to other parts of the state, other parts of the country and around the world.

We have seen the demise of that over the years. I should not call it demise: I will call it changes, and I am going to reminisce a little bit here. Of course, there was a change from steam engines to diesel electric trains through the 1960s. I am just old enough to remember the last steam engine ever to run and I believe it ran on the line from Kapinnie to Yeelanna—

Ms Chapman: I thought that was in the Barossa.

Mr TRELOAR: —this is Eyre Peninsula I am talking about—and through the siding of Yeltukka which I grew up adjacent to. Another significant change was—

Ms Chapman: You must be pretty old.

Mr TRELOAR: I am a bit old, member for Bragg. I do not think I am as old as the member for Hammond because he can remember the wheat stacks and I cannot. Another significant change was from wheat and fertiliser and all our grains going from transport in three-bushel bags to bulk transport and, of course, there was the end of passengers. The passenger line up and down Eyre Peninsula was interesting, in that it was operated via railcars which were converted buses—buses that were converted to run on a train line.

Many stories come from those days of the railcar public transport. I am going to refer to one of the amendments that has been made with regard to breath testing, and I can tell this story now because most of the railcar drivers have well and truly passed on, but they were notorious for their drinking while they were driving. Of course, the railcar stayed on the tracks, but you still had to know when to stop it. In fact, when an older friend of mine was at boarding school in Adelaide, he and a friend had to finish up at Buckleboo. They caught the *Minnipa* from Port Adelaide to Port Lincoln and then they had to hop on the railcar and go all the way from Port Lincoln to Buckleboo.

They had watched the railcar driver slowly work his way through a keg of wine and the further he went up the track, the more likely he was to miss a stop. In fact, so serious was this that these boys planned their escape. The terminus at Buckleboo was a pile of limestone rocks. They were fearful that the driver may well be asleep and that they would crash into the limestone rocks at the terminus and there would be a calamity, so their plan was to leap off the train just before it got there. Thankfully, they never had to do that, but I digress.

Interestingly, I became involved in the mid-2000s—2004 to 2005, or thereabouts—in an upgrade of the Eyre Peninsula road and rail system. It was a $43 million project. My congratulations go to the local regional development board at the time because they really pulled together funding sources that included federal funding and state funding. Genesee & Wyoming, as the operator, contributed; Viterra, as the storage and handler of the grain system on Eyre Peninsula, contributed; and interestingly, the grain farmers of Eyre Peninsula also made a relatively small contribution in the scheme of things. In a total of $43 million, a levy raised $2 million from the grain farmers of Eyre Peninsula. It was a voluntary levy, and for the most part, farmers were happy to contribute to that upgrade.

Most of the money was spent south of Cummins, and the reason is that that is the busiest part of the line, Cummins being where the lines north branch out from and also being a significant strategic site in the storage and handling system. That $43 million upgrade certainly contributed to the rail system on Eyre Peninsula becoming more efficient and much safer than it was. The trains were able to move more quickly.

I live adjacent to the township of Edillilie at the moment and I can tell you that the trains really whistle through Edillilie now. They go much faster than they ever did before, probably up to 50 kilometres. The trains are much longer. I understand that the most recent contract with Viterra is still for a million tonnes of grain to be transported on Eyre Peninsula by rail, so it is not an insignificant amount. I congratulate Viterra and Genesee & Wyoming for finally being able to come to that contractual agreement which will secure the rail freight program for the next three years.

At the same time as that upgrade was occurring, sadly, a decision was made to close the line north of Wudinna, so there is no freight north of Wudinna. The line is still in place and I understand diesel engines from time to time run up and down the line because, in the Far West, a train is still operating from Thevenard to the siding at Kevin (near Penong) where a gypsum mine operates.

There are three trains a day from Kevin into Thevenard carting gypsum for export out of Thevenard, mostly for the building industry and mostly to the eastern seaboard.

At the same time the line was also terminated at Kimba so there is no freight north of Kimba. Once upon a time it went up to Buckleboo and, a few years earlier than that, the line west of Yeelanna out to Kapinnie was also closed. There has been some contraction of the rail service, but ultimately it gets down to economics and the viability of the operators. Essentially half of the central line has been cut off from service. What that means, of course, is that freight goes onto roads and the members for Hammond and Chaffey particularly talked about the impact of that on their rural constituencies.

There is no doubt that there is more grain and freight generally going onto the road and putting pressure onto our road system. At the moment we are handling it, but the government certainly needs to be cognisant of the fact that, if there is less freight on rail there will obviously be more freight going onto roads, which will put pressure on them. I have talked about the Tod Highway in this place many times and I will take this opportunity once again. That is a significant freight route on Eyre Peninsula and, in my opinion, it is simply not wide enough to be safely traversed by the road trains that go up and down that highway all year around, but particularly at harvest time.

There are plans by Iron Road, a mining exploration company, to build an infrastructure corridor from their proposed mine site at Warramboo to their proposed port facility at Cape Hardy near Port Neill. This infrastructure corridor would include electricity, water and, most particularly, a standard gauge railway of 147 kilometres or thereabouts which would transport ore from mine pit to port. Certainly this proposal has been around for a while. I do not know if it is likely to go ahead or not. Certainly the lower commodity prices are causing some reassessment of all of these projects, so we will wait and watch with interest. There is potential, should that corridor and railway be built, that we would also have the opportunity to have grain going out of that port.

I also note that in 2017 it is the centenary of the east-west line joining the west of this country to the east. I have already been approached by a couple of local historians who are keen to have some sort of ceremony. The Minister for Transport may be interested to know that they are planning an event near the siding of Ooldea. It was there that the build from the west and the build from the east met and Australia was joined for the first time ever by a railway line in 1917, so that centenary is coming up. There is very little there now to commemorate it. I understand there was a cairn or some sort of wooden structure that has fallen into disrepair. I know local historians and railway buffs around the country would like to make the most of that ceremony and reinvigorate the cairn, so we will watch that with interest.

The highlight for me in the last couple of years has been to have a ride on a train on Eyre Peninsula. The member for Morialta may be interested to know that you can no longer be a train passenger on Eyre Peninsula—

Mr Gardner: Nor in Morialta.

Mr TRELOAR: —nor in Morialta—but I did approach Genesee & Wyoming with my long-held ambition to go for a ride on a train on Eyre Peninsula, and they very kindly made those arrangements. It took some time, but they made the arrangements, and I was proud as punch to hop up on the engine with the drivers and ride the 42 miles, I think—so many chains and so many rods—from Port Lincoln to Cummins. That was a thrill for me. We get many opportunities in this place as parliamentarians, and that was an opportunity that I would not have had otherwise. They did not allow me to sound the horn, Minister for Transport. In fact, they did not let me touch anything, but I was allowed to sit there—

The DEPUTY SPEAKER: So did you actually do anything?

Mr TRELOAR: I talked and I enjoyed the scenery immensely. I am grateful for the opportunity that I had that day from Genesee & Wyoming. With that contribution, Deputy Speaker, and given the hour of the day, I would like to say that we do support the bill and hope that, as part of this, the government consider their broader transport policy, and I urge them to include rail in that policy.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:21): I rise to speak on the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2015, which is a bill to amend 2012 legislation, which we debated and passed. At that time in this parliament we repealed the Rail Safety Act 2007, and the purpose of that exercise was to move from the state-based accreditation and regulatory system to a national scheme. It was consistent with the move to regulate and give accreditation to heavy transport—that is, road trains and trucks and the like—and also marine vessels.

The general consensus of transport ministers around the country was to enter into a national scheme for the usual arguments of efficiency, cost saving and to provide a better service, especially for national operators who were frustrated by the variety of schemes around the country. We ended up in South Australia, under Mr Rob Andrews at that stage, as the national regulator. Apparently, at that time South Australia was at the forefront of providing rail regulation, and we remained responsible for that. All marine vessel regulation came out of the ACT. I am not quite sure how much ocean they have to deal with, nevertheless, they got that. Road truck transport went to Queensland, which was then and still is a shocking mess. Nevertheless, consistent with that scheme we moved forward with rail transport.

I think it is fair to say that there was a reasonable expectation, especially as South Australia was going to be the base upon which we would operate, that it would reach some of the expectations, lofty as they may have been. The national law in this area commenced on 20 January 2013. I read with interest the final report of the state regulator at the time, when he provided his report to the parliament later in 2013, his final report to us about his year of work, and I will come back to it in a moment.

Two issues were raised at the time. One was in relation to blood testing and alcohol and drug use and the safety obligations surrounding that, and the second was about the money. I am going to deal with both of those issues. My colleagues' contributions have outlined a number of historical aspects of importance, and there is no question that rail has been an important contributor to the geographic, economic and social development of the state, the least of which was in the freight operations but also to enable people to keep in touch and have a passenger rail system which helped people get to work and stay in contact with others. It has been an important part of our state and it should remain so.

We have always supported the process of regulation. We have been a bit suspicious about what would happen with the cost of regulation as a result of going into a national scheme. As you would expect, we went down from about $2 million a year income harvested from our 50-odd regulated entities in South Australia. It has gone down, and I think there are now about 46 in South Australia which are accredited and regulated and pay these fees. It has gone from a revenue stream of just under $2 million a year a couple of years ago, but I do not know what the breakdown is now, and that is one of the questions we need answered.

New South Wales, Victoria, South Australia and the ACT contribute to the scheme, and for obvious reasons Tasmania does not come into this system, but we are told Western Australia is coming on board some time this year. They are usually late; they were late coming into the federation, so nothing surprises me about them. Nevertheless, I make the point that we only have four jurisdictions involved in this system, and most of the rolling stock and infrastructure is in New South Wales. As you would expect, they would be a big contributor.

We now pay well over $24 million a year in income into the national regulator and it raises the question of how much South Australia is paying and what the costs were and whether, in fact, we ended up with an explosion of costs as a result of going into the national scheme. It looks on the face of it like we did, and it is exactly as we predicted, but I would be pleased to have those figures to tell us whether, in fact, we are being ripped off or not.

One of the amendments we are being asked to consider today is to have a massive increase in fines if one of the operators do not put in their infrastructure registered private sidings annual activity statement. If you do not put your form into the regulator you can have up to a $5,000 fine for an individual or a $25,000 fine for a body corporate. These are massive increases in fines and, on the face of it, to me they look like revenue raising.

However, we are in the national scheme and I want to go back to a couple of things in relation to South Australia. Apart from what appears to be an explosion of income generated from this, I take the point that these regulators are supposed to be cost recovery operating. In other words, if they have to employ 30, 40 or 50 people or whatever to administer this job, it is expected the operators will meet the cost.

As at January 2013, when we gave up the state system and converted to the federal, we had about 50 rail transport operators. The biggest in public transport, of course, is the Rail Commissioner, which is the statutory position of the person in charge of the public train and tram operations mostly in metropolitan Adelaide. They provide an annual report to the parliament. I noticed it appears on inquiry today that the Rail Commissioner's last report was for the financial year ending 2012, so I am at a bit of a loss as to why we have not had the last two.

I note from reading these reports in previous years that the Rail Commissioner is usually the chief executive of the Department of Transport. Mr Rod Hook held that position for a number of years. For a short time, refreshing my memory from Auditor-General's reports, Ms Thomas was an acting commissioner. We now have Mr Michael Deegan who is the head of the transport department, so I would expect he has been appointed as the commissioner of rail and also the commissioner of roads. It may be someone else, I do not know. Whoever it is, listen up: I would like to see the annual reports for the last two years, and if they have not been filed, please find them or finish them and file them as per the law requires. If they have and I have mislaid them, or the counter staff cannot find them, I would appreciate it if they could be found.

Apart from the government operation of the public transport system—rail and tram—in metropolitan Adelaide, the other major areas are commercial operators, whether they own or manage the rail infrastructure or own or manage the rolling stock or the service that is operating on them. We have commercial and historic, and there are probably at least a half a dozen historic registered rail operators, including groups such as the Australian Railway Historical Society which owns SteamRanger. They have an accreditation for both infrastructure and rolling stock. We also have the National Railway Museum, and there are a number of others that are covered in that regard.

We also have an enormous number of commercial operators. The usual well-known ones include Flinders Ports, Genesee & Wyoming, Great Southern Rail, Nyrstar at Port Pirie, OneSteel at Whyalla, and Viterra operations, and the services they provide have been covered by a number of members today in regard to operations in their electorates.

We have broad gauge rail lines within the metropolitan Adelaide area used mainly for urban public transport services and, as I say, controlled by the Rail Commissioner. We have the intrastate lines controlled by Genesee & Wyoming Australia Pty Ltd used primarily for freight services, and they include narrow gauge lines on Eyre Peninsula, broad gauge lines in the Mid North and standard gauge lines in the Murray Mallee region, and of course we have the Great Southern Rail owned and operated passenger terminal at Keswick.

They operate, and there are also regulatory bodies which I think still operate at a state level and which control access to those tracks and use of the tracks; sometimes they have multiple users on them, but usually somebody like Genesee & Wyoming will get the exclusive rights to operate a track. However, we have a regulatory group which controls the access so that if it is necessary for that to occur, or there needs to be a multi-use piece of a line, that can be dealt with on application.

That is what happened: we used to get a comprehensive report from the state regulator. They provided us with the details of who they accredited, safety matters and recommendations on what should be occurring in South Australia. Now we get a big, thick annual report. I have had a quick look at the one from the national regulator: South Australia gets a page, so we have gone from our own report with some detail to a page.

I am going to refer briefly to what the 2014 annual report from the regulator tells us. It tells us that there has been significant regulatory activity arising out of the electrification of rail to Seaford, and we know about that; it is a pity it is not to Gawler as well. Nevertheless, a whole lot of carriages were bought, and we have more carriages than we need at the moment because, of course, the government has not finished the Gawler line, but let's not traverse that. At the moment, we have plenty of rolling stock and they all need to be accredited, and that process has been happening.

We have the report of a major incident in South Australia during that financial year, that is, the derailment of the SCT freight train west of Tarcoola on the ARTC network on 10 April last year. Twenty wagons from a freight train derailed, of which nine ended up on their side due to the track washaway after a severe rain storm. The report tells us that this was the fourth incident of this type in five years, and obviously there were concerns about that and they raised it as a matter in our list of things to be attended to.

With the commencement of operations of the electrified portion of the railway, there were further incidents, particularly in relation to the electrical infrastructure; in fact, I think there was a notice recently that there were going to be more closures on the Seaford line. I am not quite sure what has happened there, but something has seriously gone wrong and it is going to cost quite a bit of money. It seems to clean up but, as usual, we have more closures. In particular, we now have the details in this report of what happened last year, in June 2014, when a scene was attended to by the regulator of an apparent failure of an overhead wire that resulted in the loss of power to an electric railcar in passenger service. The rail operator's investigation and the ONRSR's inquiries into this incident are still continuing.

From those few lines, we got a lot more information in this report than we got in the press announcements from the government at the time, and I will be interested to read the 2015 report for the next instalment of what happened there; in any event, we only get one page. The data I want to particularly refer to are the rail safety elements that arise out of the need to ensure that our train and tram drivers, signal operators and maintenance repair people, and anyone attending to the operation of the trains, are not carrying any level of drug or alcohol at the time of their work.

This was an issue I raised in the 2012 debates. I still have not had any clear answer to whether this has been attended to or whether the national regulator has looked at it, but I will place it on the record again. The national regulator from this report has not identified anything. I notice that he or she, because I think we now have—and I should acknowledge her—Ms Susan McCarrey, who is a former Western Australian department of transport senior person, in charge. I hope this does not auger that we are going to do some deal to relocate the national regulator to Western Australia, which I would be very disappointed if we do. In any event, we welcome her and I hope she will address this issue.

I raised it a couple of years ago and Mr Andrews, the previous national regulator, does not appear to have addressed his mind to it or done anything about it, according to his report, nor is it translated in the legislation we are currently dealing with, save and except that it appears he has recommended, or at least someone in his department has, that there be a minor change in the laws with respect to blood testing for drug and alcohol and that that change the definition to also include breath testing, but it does not really address the issue which I raised.

This is the situation: at the moment, we have, according to this report (that is, the most recent national report), a very considerable number of tests done a year. There are two ways that our operating personnel are tested. One, is by the industry operators themselves. For example, let me take Genesee & Wyoming, which, I agree (and someone has made the point), is strong on the question of safety. They do drug and alcohol testing of their employees on a random basis. The report tells us that the number of drug tests undertaken by industry in the 2013-14 year was 23,777. One hundred were found to be positive, and that is a concern in itself. There were alcohol tests of 227,380 and 66 of those proved positive.

The second area is when the regulator itself does drug and alcohol tests. Apparently, in that financial year, they did 206 drug tests and there were no positives and 203 alcohol tests and there were no positives, which I am assuming continue on a random basis. That is encouraging in itself that there were no positives in that financial year by the regulator, but there is an ongoing issue about the positive tests that come from, essentially, safety regulation and occupational health and safety requirements that we have random testing.

Remember, on the road it is .05 that starts to bring in a level of percentage of alcohol in the blood that brings in penalties for driving a vehicle on the road. It was .02 for trains and trams. When we dealt with this legislation last time, it was moved to zero, so there was to be zero alcohol and drugs in the blood, and I think that is a good thing, on mining sites and all sorts of areas of danger. We have thousands of passengers a day using these services. We have people working on the

freight facilities. Nobody can be under the influence of drugs or alcohol, whether they are loading something onto a train or whether they are driving passengers to and from work.

The issue I raised was that there appeared to be no correlation between the positive blood tests and any transfer of that information to the police. Remember, the regulator comes on and does these tests, but the industry also does its own tests. So, the industry could be doing its own tests to maintain its accreditation and if it is not done by somebody completely independent of the accredited organisation then there would be an argument that that may not be an appropriate standard for the purposes of any prosecution.

It just seems inconceivable to me that we have a regulator (previously a state one, now a federal one) who conducts these tests and if they are positive there is no transfer of that data or information to the police because they then become the prosecuting officer. We went through this with marine where, in fact, if you were drunk and disorderly operating a boat, or with roads, drunk and disorderly. I mean, these are well known regimes of protection.

The police generally have a responsibility to board a boat to take a blood test or a breath test when called in by the marine people; similarly on the roads, and that is well known to members. However, with trains, there does not appear to be any kind of connection with what is happening with this regulator, which is set up for making sure that these huge pieces of equipment are safe. There is no transfer of this.

I have had meetings with the police regarding the management of passengers on public transport who are disorderly or who cause disruption to other passengers, people who get cranky if they asked to pay a fair or show their ticket—these sorts of situations. Obviously we can have disruptive users of public transport, and the police have a very significant role in helping to manage that for the operators of public transport, which of course is the government via the rail commissioner.

I am aware that the police are already significantly involved, but I am still at a loss as to why we are not getting an answer as to what is happening in relation to a safe workplace, which is necessary, and the safe transportation of either people or produce through our train system. I would like some answers in that regard.

There was one other matter that I wanted to address, but I am out of time. I look forward to some answers from the minister either in response or in committee, if necessary. I am happy to take the response.

Mr SPEIRS (Bright) (17:41): I appreciate the opportunity today to speak on the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill, essentially a piece of administrative legislation that, as articulated by the shadow minister for transport and the many other opposition speakers today, the opposition will be supporting.

We have heard a broad range of discussions this afternoon relating to trains and the need for safety within the rail system, and I will continue that theme. Of course, opening up a piece of legislation such as this gives members the opportunity to reflect more generally on issues of rail safety, and it would, of course, representing a seat like mine, where the metropolitan rail network forms such a vital part of the public transport system. It would be remiss of me not to talk about the pressing rail safety issues in the community that I am fortunate enough to represent here.

As many in the house would know, rail safety is an issue of great importance to my community. In fact, the sound of the horn of the new electric trains is, and remains, the most common issue raised with me in my office. I can tell you, Madam Deputy Speaker, that if on election night I had been told that during my first year in office I would deal with the issue of the sound of a train horn more than any other issue, I probably would not have believed you, but that is the life of a local member. In taking on this issue, I seek to provide a voice for the 650 people living in my electorate who have indicated to me over the last 12 months or so that this is an issue of major concern.

There is no doubt in my mind that the horn, which acts as a warning device in the electric trains, is out of proportion with what is required to strike an effective balance between community safety and maintaining a healthy noise-free community environment. For years diesel trains running on the Noarlunga line had a horn which was a low drone. Its volume was substantial enough to

highlight that a train was approaching or moving away from the station, but it did not carry significantly outside of the train corridor.

The situation we now have is that horns are not only louder but have a much higher pitch mounted in speakers on the front of the new electric trains. This results in a sound which carries much further and penetrates through communities in a way that the old horn never did. I do not just get complaints from people who live in the streets immediately flanking the Seaford line: this concern extends further to North Brighton, some two kilometres from the nearest point to the line, to Dover Gardens (in the member for Mitchell's electorate), again a couple of kilometres from the line, and even within the Brighton central shopping centre precinct, where someone got a blast from a train horn for picking up a lettuce. It is bizarre that we have such an invasive horn penetrating our community. Complaints have been received from the member for Reynell's electorate, from the member for Elder's electorate and from the member for Ashford's electorate. I hope that they will work constructively alongside both the government and the opposition to come up with solutions for this problem.

Bearing in mind that if the horn is not fixed on the Seaford line, when the government finally commits to electrifying the Gawler line (and perhaps even the Outer Harbor and Belair lines at some point in the very distant future) this will become a significant problem for the communities which live along those train lines as well.

We hear this situation sometimes dismissed as something that people must put up with as a price for living near a train line and benefiting from the convenience perhaps of being close to a train station and being able to commute at relatively low cost back and forth from the city or other destinations. However, this is not like living next to or around Adelaide Airport and then complaining that there are planes landing and taking off every few minutes. This is not an issue where you can suggest that the buyer ought to have been aware of the situation because this is about a local environment which has fundamentally changed as a result of the train horns and which is no longer like it was when the majority of people initially entered and established their homes in that community.

The horn is not a light toot; it is a loud and cutting blast. When I speak to members of the community, particularly in the suburbs of Hove, Brighton, Seacliff, Kingston Park and Marino, which are the suburbs in my electorate most impacted by this issue, they certainly at no point are saying that they want the train to stop using its horn. Something that has been canvassed time and time again with me is that, 'Yes, we do need a horn. We need the train to be able to have a warning device to alert people when there is an emergency and to provide people with an understanding that the train is approaching or pulling away from a station or something like that.' It is the type of horn and the method of use of the horn that is really troubling people.

I have been very encouraged, though, in recent times, having been able to see a couple of public statements from the transport department. I have seen on the department's website a communique from the chief executive of the transport department saying that the minister had directed the chief executive to look into this contentious issue. He described it as a contentious issue and that they were committed to looking into it. I certainly do appreciate the department's taking this issue seriously; it has taken quite a long time to get there. I really hope that we can get a resolution in the very near future because this is an issue that is making the life of many, many people along the train line miserable.

I have sat in the home of people who have been in tears at the thought of potentially having to sell their home because of this issue. I have spoken to a Vietnam veteran who has post-traumatic stress disorder that was triggered by the sound of the horns. I have spoken to someone who is recovering from an operation for a brain tumour; he is unable to sleep during the day because of the train horns penetrating his home and is looking to convalesce in another location. I have spoken to young mums whose children and babies are constantly being woken up by the horns during the day, and I have spoken to shiftworkers who have been unable to sleep because of these horns.

We had a situation a year or so ago with diesel trains on that line, and this was not an issue. The diesel trains also had to pay attention to the occupational health and safety requirements of travelling along a train line. They were able to do so by sounding a horn that was loud but not invasive in the way this horn is, and they were able to be part of the community without getting hundreds of

residents offside. We now have an improved train service on the Seaford line. We have more trains, and we have far better train infrastructure.

Members of this house would know that I use the train on a very frequent basis. I travel daily on it to get into parliament and when I need to get to other meetings in the city. It is a great piece of infrastructure which serves me and thousands of other people living on the Seaford line. It is certainly not public transport that we are attacking when this is raised. It is not the government's investment in the line. What we are raising and what our real concern is that we must get the balance right between that horn and the liveability of that community, and I hope we will be able to work towards that in the very near future.

In closing, I want to discuss the train network more generally. We have had a lot of discussion today about both rural and metropolitan train services and how they assist communities, whether that be in the movement of freight or the movement of commuters and other passengers. When I stood for election, I identified six priorities for my community and one of them was to ensure that we always had a really good public transport system in the seat of Bright, and that is something I am incredibly committed to.

I have said in a number of written items that I have put into the electorate and also said in this place before that I believe that the great cities of the world are characterised by the strong effect of frequent, accessible public transport systems. I am a huge advocate for public transport. When we look at those cities overseas that have invested in their public transport systems, and have done that well, they reap huge rewards from them. I congratulate, and have always congratulated, the government for its investment in public transport and would like to see that extended over time.

Particularly, I would like to see the electrification of the Gawler line sooner rather than later and, also, a look at the other lines, the Outer Harbor line and the Belair line, because I think we should be expanding and investing in providing a high quality, environmentally friendly, frequent and accessible service for local communities that moves people en masse in a way that buses do not necessarily do.

The government has been doing that in recent years and there have been many teething problems with that. Overall, I think it is a good direction but really do want to see that continue. I want to be part of that vision, whether it is from opposition in supporting further investment in public transport and creating a future vision for that or, hopefully, at some point in the future, from the government benches as well. I am very committed to public transport and will always support government plans to extend that in a cost-effective and appropriate way.

In closing, I commend this legislation to the house. I reiterate my support for public transport and, particularly, rail infrastructure and, of course, remind the house of my ongoing concerns about the use of the train horn along the Seaford line and my hope that the government will, in the coming weeks, be able to get a solution in place which strikes that balance between occupational health and safety and liveability in the communities along the Seaford line.

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) (17:53): I thank the other members for their contributions on this bill. I note that many of the members made reference to the changes that have been made in terms of national rail regulation in recent years, in particular, the introduction of the Rail Safety National Law, of which South Australia is the lead legislator, which then bears the requirement of what we are doing here today and making some minor technical amendments.

I was also very interested to hear the different issues which have been raised by the various members opposite relating to rail. There are also some issues which were raised relating to buses but that would be par for the course for the member for Hartley, but we welcome his contribution, in any event.

It has been a great pleasure for me to work very closely particularly with the regional members of this parliament on some of the issues that we face across different regions in South Australia, whether it be the Mallee lines, the Eyre Peninsula lines, which the member for Flinders

spoke about at some length, and also the lines in the Mid North which are all managed by Genesee & Wyoming Australia.

Given the hour, I will not go into a lengthy and enjoyable rebuttal of many of the issues that were raised. I can move that we extend time, Deputy Speaker, but it would be self-indulgent—

Mr Gardner: Lily-livered, weak-kneed minister!

The DEPUTY SPEAKER: Order! Don't slow him down.

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

The Hon. S.C. MULLIGHAN: Many people say to me, 'Without the very substantial contributions of members of the chamber like the Deputy Premier and the deputy leader, where would we be?' Of course, the response to that is, 'Home.' I do not want to indulge myself to the same extent, but I do thank all members for their contributions and I look forward to prosecuting some of these issues a little more thoroughly in other capacities.

Bill read a second time.

Third Reading

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) (17:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 17:56 the house adjourned until Wednesday 25 March 2015 at 11:00.

Answers to Questions

COMMUNITY VISITOR SCHEME

106 Dr McFETRIDGE (Morphett) (12 August 2014). (First Session) In reference to 2014-15 Budget Paper 4, Volume 1, page 99 sub-program 2.1: Non-government and Individualised Funding—Are there any changes to reporting of incidents under the Community Visitor Scheme, particularly in relation to mandatory reporting requirements?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I have been advised:

Regulation 6 of the Disability Services (Community Visitor Scheme) Regulations 2013 sets out the reporting requirements for community visitors in disability accommodation. There have been no changes to the reporting of incidents under these Regulations. There are no mandatory notification requirements under the Disability Services (Community Visitor Scheme) Regulations 2013.

INDIGENOUS PROGRAMS, GRANTS AND FUNDING

11 Dr McFETRIDGE (Morphett) (27 May 2014). (First Session) What Indigenous programs, grants and funding were provided by each department or agency under the Minister's portfolio for 2011 and in each case, were these funds recurrent, current, operational or capital expenditure?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business):

The Department of Treasury and Finance did not have any indigenous programs, grants or funding in 2011.

INDIGENOUS PROGRAMS, GRANTS AND FUNDING

27 Dr McFETRIDGE (Morphett) (27 May 2014). (First Session) What Indigenous programs, grants and funding were provided by each department or agency under the Minister's portfolio for 2011 and in each case, were these funds recurrent, current, operational or capital expenditure?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business):

The table below provides the details of Indigenous programs, grants and funding provided in financial year 2010-11:

Program Name	Funding Type	Funds: Current/ Re-Current/One off	Operational or Capital Expenditure	Amount ($)
Funding for DPC's Mining Tenement Officer and Mining Liaison Officer within the APY lands	Intra-government grant	recurrent	Operational	$165,000
Contribution to Whole of Government Administrative Reform of Aboriginal Heritage Matters	Intra-government grant	recurrent	Operational	$176,000
Boomerangs Netball Group sponsorship (Adelaide Aboriginal Community Sports and Recreation Association)	Sponsorship	one-off	Operational	$5,000
Remote Areas Energy Supplies Aboriginal Communities (RAES AC) scheme	Community grants Operational	Recurrent Recurrent	Operational Operational	$66,000 $3,534,000