LEGISLATIVE COUNCIL

Thursday 10 September 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:04 and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:04): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 September 2009. Page 3068.)

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (11:04): I assume that no-one else wishes to speak to the second reading. As I wait for my advisers to arrive I take this opportunity to thank the members who contributed to the debate.

Obviously, electoral bills lead to highly-spirited debates within any parliament. We have seen, down the ages, many amendments to electoral acts, such as some of the infamous gerrymanders that we had up to the 1960s or, in Queensland, for a much longer time. Whenever changes were made to make the electoral legislation fairer and to provide one vote one value, for example—which has been a key objective of the Australian Labor Party for many years—there were always contentious debates and always many reasons, particularly in the upper house, about why that should not occur.

Indeed, when I first joined the Australian Labor Party (35 or 40 years ago), one of the things we were doing at the time was trying to enrol people to vote for the Legislative Council which then had a property franchise. At the first election where I was able to vote, I was unable to vote for the Legislative Council because it had a property franchise. That is how quickly voting can change over the course of a few generations in one's lifetime.

In relation to the proposal being put forward (and regarding some of the arguments that have suggested self-interest and so on, in relation to changes to the Electoral Act), the fact is that our electoral system has been evolving over many decades and there have been some changes to the Electoral Act that brought fairness—for example, the principle of one vote one value—that were very strongly opposed in the past.

The particular measure before us does not go quite to the extent of the fundamental changes that we have made in the past because I believe that, by and large, our electoral system, at least since the major reforms made in the 1970s, has served us pretty well. However, there are always changes in technology—for example, there have certainly been changes in communications since this government was elected 7½ years ago. There have been significant changes in the media, for example, and the importance of relevant sections of the media and what impact that has on election campaigns and the like.

There is always a need to update legislation. The scenario in which elections are conducted is continually changing due to technologies, and that is why we have this bill before us: to update the Electoral Act in relation to those important changes. Of course, there will always be those who will argue that some of the measures changed do not particularly advantage them and, therefore, they will argue that they cannot be fair. However, I will just remind members that, if one were to go back over the past century and a half, people argued all sorts of things, such as that women should not get the right to vote, that we should retain a property franchise, and so on. I think that many of the comments made on this bill will join the history of both those arguments as not being particularly convincing.

Certainly, from this government's point of view, we need to change the Electoral Act to update provisions. I am certainly happy to get to the committee stage to argue the merits of the

particular changes that we seek to make. With those broad comments, I commend the bill to the council.

Bill read a second time.

In committee.

Clauses 1 to 3.

The Hon. R.D. LAWSON: By way of a question on clause 2, can the minister indicate when it is proposed to commence operation of this bill if, indeed, it comes into operation? What is the government's intention regarding staggering the introduction, given that clause 2 provides that certain sections must be brought into operation on the same day and others need not be brought into operation on that day?

The Hon. P. HOLLOWAY: It is the government's intention, obviously, to bring this bill into operation before the next election, otherwise we would not be debating it at this time. However, we will need to consult with the state Electoral Commissioner in relation to whether any part of this bill may need to be delayed until after the election. Obviously, we will have to speak to the state Electoral Commissioner about that but, by and large, it is the intention that this bill would be in place by (and presumably well before) March next year. Obviously, it will depend on its passage through this chamber. While we are still on clause 1, I am waiting for some advice on matters which have been raised and which I was hoping to put into my second reading response. If I can have the indulgence of the committee, I will put them on the record now.

The Hon. Robert Lawson asked why the government was increasing penalties for offences under sections 112, 113, 114 and 115. As he correctly noted, some of the increases are considerable. The former electoral commissioner recommended an increase in the penalty for section 113 in his 1997 and 2002 election reports. The proposed increases to $5,000 and $25,000 were included in the former government's 2001 bill. The government has included those increases in its bill.

As to the other penalty increase, like section 113, the penalties for offences under sections 112, 114 and 115 have not been increased since the legislation was first enacted. The government took the decision to increase these penalties as well. As to the extent of the increase, the government thinks the new penalties are appropriate but would be happy to consider alternative penalties if the Hon. Mr Lawson cares to put some up.

The Hon. Mr Lawson asked whether the same members can be relied upon by two parties seeking registration under the act. The answer is in new section 36(3), which provides:

> (3) for the purpose of this part, two or more political parties cannot rely on the same member for the purpose of qualifying or continuing to qualify as an eligible political party.

I should flag that the government will be moving amendments to clarify that subsection (3) applies to both elector members and members of parliament. By flagging it, the government is looking at it, following section 36; so, we will obviously have to have those amendments tabled and discussed before we get to that point. I assume that that will be some time in the future, so we will deal with that when we come to it or, if necessary, we can recommit. I think that it is an important point that has come out of the matters raised by the honourable member.

The Hon. Mr Lawson also asked whether the same members can be relied upon in the registration of a subsidiary party. Subsection (3) applies to any party seeking registration. The Hon. Mr Lawson asked three questions in relation to compulsory enrolment. His questions were:

1. What are the current figures in relation to the level of enrolment in this state?
2. What measures has the government been taking to date to meet that objective of the Strategic Plan?
3. What progress has been made in relation to it?

The Hon. Mr Lawson referred to the State Strategic Plan target. This target relates to the enrolment of 18 and 19 year olds. As to question No. 1, the Electoral Commissioner has provided the following figures. For 18 to 19 year olds, as at 30 June 2009, there were 26,410 enrolled to vote in South Australia. This represents 67 per cent of the eligible estimated resident population (ERP) of 18 to 19 year olds in South Australia as at 30 June 2008.

For 18 to 19 year olds, as at 30 June 2009, there were 367,655 enrolled to vote in Australia. This represents 68.3 per cent of the eligible estimated resident population of 18 to

19 year olds in Australia as at 30 June 2008; so, in South Australia, it is 67 per cent, and Australia-wide it is 68.3 per cent.

Of the total persons enrolled who are greater than 18 years of age, as at 30 June 2009 there were 1,086,962 persons enrolled to vote in South Australia. This represents 87 per cent of the total ERP of South Australians aged 18 years or more. As at 30 June 2009, there were 13,891,788 persons aged 18 years and over enrolled to vote in Australia. This represents 84.5 per cent of the total ERP of Australians aged 18 years or more.

As to question No. 2, the commissioner advises that her office undertakes a range of enrolment strategies to maintain an up-to-date and accurate electoral roll. These include strategies targeted to encourage persons to enrol for the first time (for example, youth and new citizens), and also to encourage other electors to keep their address details on the roll up to date.

Many of the strategies are undertaken in partnership with the Australian Electoral Commission (AEC). The strategies over the past 12 months have included: an ongoing program of distributing and collecting enrolment forms through the Residential Tenancy Tribunal; field investigations and continuous roll update activities by the AEC; the matching of data from state and federal agencies (for example, Transport SA, Australia Post and Centrelink) against the electoral roll by the AEC to allow the targeting of electors who have moved; attendance at citizenship ceremonies by the AEC; and attendance at targeted events by the Electoral Commission of South Australia (ECSA) and the AEC, such as the royal show. I am advised that at present there is a stand at the show that is encouraging electoral enrolment. There are also university orientation days. All of these events raise enrolment awareness and encourage new enrolments and updates.

Other strategies over the past 12 months have included forwarding birthday cards and enrolment forms to persons on the SACE database who are turning 17 and 18 years old, to encourage new enrolments, as well as a presentation on the commission's website of information about elections and the importance of voting, including the interactive educational software called 'The Power of Voting'. The commission has also engaged an advertising agency to undertake a major advertising campaign in the lead-up to the March 2010 state election. This campaign will include a strong 'need to enrol' message to encourage people to enrol for the first time or update their enrolment details.

Regarding the third question, the commission advises that, considering the figures as at June 2004 that I mentioned for the proportion of eligible 18 and 19 year olds enrolled to vote in that table, 60 per cent of eligible young South Australians 18 to 19 years old were enrolled to vote compared to 68.6 per cent nationally. From the 2004 base, the proportion of eligible 18 and 19 year olds enrolled to vote in South Australia increased to above the national figure in 2005 and 2006, reflecting increased enrolment activity in South Australia associated with the March 2006 state election.

In the lead-up to the November 2007 federal election, the number of 18 to 19 year olds enrolled nationally increased significantly, resulting in the proportion of young people enrolled in South Australia falling to slightly below the national level as at 30 June 2007. While the proportion of young people enrolled to vote as at June 2009 remained below the national level, youth enrolments in South Australia are expected to increase during 2009-10 in response to advertising and other initiatives leading up to the state election—as well as just a general awareness of it, one presumes. These promotional activities are also expected to prompt an increase in enrolments across all age groups.

I believe the Hon. Mr Lawson was the only member to ask questions during his second reading contribution, so I trust I have answered them all. If not, we will deal with them during the committee stage. As honourable members would be aware, both the Hon. Mr Winderlich and the Hon. Mr Parnell have placed amendments on file. We will address those during the committee stage; however, I believe it is appropriate to advise that the government will oppose all non-government amendments.

Clauses passed.

Clause 4.

The Hon. M. PARNELL: I move:

Page 4, after line 2—Insert:

(1) Section 4(1), definition of *elector*—delete '18 years' and substitute:

16 years

This is a test amendment for a number of others, all of which relate to the question of entitlement to vote. My amendment proposes that 16 and 17 year olds should be allowed to vote on a voluntary basis. I preface my remarks by reminding members that voting is both a right and an obligation; in this amendment I propose to make voting a right but not an obligation for 16 and 17 year olds.

Under the current Electoral Act, a person is entitled to be enrolled, and therefore able to vote, if they are an Australian citizen and they live here. There is another interesting criterion, and it is that the person is not of unsound mind; that is, at the date they enrol. However, interestingly, a person's entitlement to vote is conclusively proved by them being on the roll; presumably, if you are of sound mind once you reach the age of 18 and you enrol, regardless of what happens to you subsequently—through old age, mental illness, or whatever—your right to vote is never taken away from you. I do not propose to alter that regime.

We could say, in terms of democratic principles, that some harm is done by having people vote who are not of sound mind, but that is the price that most of us are prepared to pay. I just put that into the mix for good measure, because we have no test of competency: you do not have to be interested in politics or engaged in public affairs to be able to vote; you do not even have to fully understand what is going on. So, potentially there is some harm done to the democratic process, but I am not proposing to change that. What I am proposing is that a proportion of the population that is fully engaged—that is, interested—and who wants to have a say in their future should be allowed to do so.

The 16 and 17 year olds of today are far more engaged, far more politically literate, and far more connected with their world than 16 and 17 year olds were in years gone by. That is largely, but not entirely, a function of modern methods of communications, including the internet. It is a rare 16 or 17 year old who is not on Facebook or involved with various interest groups in assorted electronic ways.

It has been the Greens policy for some time that engaged young people should be allowed to vote if they want to, and that is why I have moved this amendment today. I note that the Hon. David Winderlich has similar amendments in relation to local government elections, and that will be dealt with later. However, for now, and in terms of state elections, I believe we need to empower the youth of today, who will inherit the decisions made through the political process. We should empower them and enable them to vote but not make it compulsory. We can leave that until a person turns 18.

The Hon. P. HOLLOWAY: This amendment reduces the enrolment age from 18 to 16, and the government opposes it. As the amendment is part of a series, the other amendments—Nos 10, 11, 12, 17, 22 and 23—in the honourable member's name are related to this, so I suggest that this should be treated as a test amendment.

The government believes that the enrolment age is appropriately fixed at 18. This is the age of majority and the age of enrolment under the Commonwealth Electoral Act, and it is also the age of enrolment under the Local Government (Elections) Act (and I know that the Hon. Mr Winderlich has indicated that he will look at changing that when we debate that bill). It is the government's view that 18 is the appropriate age. There are measures for provisional enrolment to ensure that someone who turns 18 before an election date—at any time, I am advised—can vote. So, provided they turn 18 before the election date then those provisions exist to allow for those sorts of examples, and it is the government's view that we do cater for those situations. However, the government does not support reducing the age from 18.

The Hon. R.L. BROKENSHIRE: I advise that we will be supporting the government on this. We have already seen, in more recent years, the voting age come down from 21 to 18. We do have a situation, as the Leader of the Government has pointed out, where people can—and I know that a lot do—register at 17 so that when the next election comes up they can vote. So, there are opportunities for people to get ready before they turn 18.

I think we are sending out some very weird and unusual messages to the community. We hear debate regularly in both chambers about more parental responsibility being required until young people are recognised as adults. We have people saying that the drinking age should be increased from 18 to 21, and there are people saying that you should not get a licence at 16 years of age. We have amendments being proposed for all these things to protect young people, but we are told that suddenly they have all these worldly experiences and should be able to vote at 16 or 17. We do not agree with that and we will be supporting the government.

The Hon. A. BRESSINGTON: I indicate that I will not be supporting the amendment. I think the committee needs to consider that, although there are some mature 16 and 17 year olds who are engaged, there is a time and a place in the future for our children to become involved in the big decisions in running the state and who is going to govern this state.

I take exception to the fact that we are pushing our children to grow up way too soon and take on the responsibility of adults. Let them enjoy their adolescence. I know that it is not compulsory, but there is peer group pressure out there, and there is a recruitment process that adolescents go through.

If they are eligible to vote at 16, does that also mean that they are then eligible to stand for office? I am not quite clear on that. I think that was a question raised by local government as well. If that is the case—and I am not saying that it is, but I would like that checked—do we want 16 year olds with the possibility of being elected to parliament? I am not saying that I do not trust 16 year olds; I trust 16 year olds to make the decisions of a 16 year old.

If it is the case that they could actually stand for a position in parliament at 16, if they are voting at 16, we could have a situation where we have two or three 16 year olds in either house debating the state budget, or debating issues on child protection, drugs or whatever. Quite frankly, I do not believe that a 16 year old—and psychologists will back this up—has the mental capacity or the psychological or emotional development to be able to make those kinds of decisions in a well fashioned and well informed way. I wonder how many of us, at our mature age now, have the same views that we did at 16.

The Hon. M. Parnell: The minister does.

The Hon. A. BRESSINGTON: How do you know?

The Hon. M. Parnell: He said before that he was enrolled with the Labor Party before he could vote.

The Hon. A. BRESSINGTON: So? That is very different to being able to vote.

Members interjecting:

The CHAIRMAN: Order!

The Hon. A. BRESSINGTON: We have the Youth Parliament, and they come in here and they are involved in that process, and I think that is a healthy thing. At 16 they are still children, so we should do things by gradients and allow them that experience and learning time, and whatever, before we try to push them into the adult world too early.

The Hon. P. HOLLOWAY: Perhaps I should make sure that my position is clarified. Changes were made to the Legislative Council in the early 1970s. Up until that stage, a property franchise had applied, so that unless you were a property owner you could not vote for the Legislative Council. So, I was talking about a big campaign to enrol those people who were property owners, to try to change that.

The Hon. J.S.L. Dawkins: It was also voluntary.

The Hon. P. HOLLOWAY: Yes, it was voluntary; that is right. In fact, many people did not want to get on the roll because it was used to choose jurors. So, if you did not want to be involved in jury duty, you did not enrol. Fortunately, we have moved on from those days. In answer to the Hon. Ann Bressington, my advice is that you have to be on the electoral roll to stand for election. So, clearly, if you changed the age so that you could be on the electoral roll at an earlier age then you could stand for election at that particular age. In effect, if you were to change the age at which you were on the roll then you would be changing the age at which you could stand for election.

The Hon. R.D. LAWSON: I indicate that the Liberal Party does not support reducing the voting age to 16. Our position is based on, first, a uniformity of provisions, a uniformity as between states, but, more particularly, between the commonwealth and the state, and also consistency. We have an age of majority, which is 18, and 18 is the age at which, under current laws, persons have full citizenship, and we believe that is appropriate.

I challenge the assumption under which this claim is made by the honourable member where he says that younger people are far more connected than previous generations. I do not know on what basis he makes that claim.

An honourable member interjecting:

The Hon. R.D. LAWSON: Well, he says he has teenagers, as have many of us in this chamber, but that does not enable us to say that those in the forties, fifties, sixties or seventies were any less connected with their community than younger people are today. The latest report of the state Electoral Office says that it sends out material through SSABSA with enrolment forms to all year 12 students. It sends out these enrolment forms within the year 12 results packs. This goes to all year 12 graduates. As a result, the office received 132 new enrolments. I would not have thought 132 new enrolments, from sending out that sort of invitation, really suggests huge interest on the part of younger people.

There is also a birthday card program which our office conducts in association, I believe, with the Australian Electoral Commission. Since the commencement of that program in June 2007, 13,159 cards were mailed out, as a result of which it received responses from 2,896, a return rate of 22 per cent. Once again, that does not indicate to me, even at the age of 18, that there is huge interest in enrolment. I would ask the minister to put on the record now, if he has the information, or later if not, the number of 17 year olds now applying for provisional enrolment. That is a fair indication of the degree of interest that might be generated amongst 16 and 17 year olds.

The Hon. P. HOLLOWAY: What was the question?

The Hon. R.D. LAWSON: The number of 17 year olds who are presently seeking or obtaining provisional enrolment and details regarding that. I believe I have seen that information contained in some publication of the Electoral Office, but I do not have it to hand.

The Hon. P. HOLLOWAY: We do not have the information to hand, but we can get it. As I have already indicated, there are a couple of technical amendments that we are hoping to file very soon but we will obviously have to revisit those. I cannot expect people to get a view on them quickly but I would not want to hold up the debate, so we will certainly be revisiting this issue after today and I will make sure we get that information for the honourable member at the earliest opportunity.

The Hon. DAVID WINDERLICH: I will be supporting the Hon. Mark Parnell's amendment. This goes a little further than voting in local government elections but, in the interests of progressing the debate, I am inclined to support it. It is also longstanding Democrat policy. I will just briefly recap on the reasons why I support it and then deal with some of the objections.

In relation to the ability of young people to vote, I think it is very mixed. In some ways they have much higher levels of education than the average population had at that age 30 or 40 years ago, or even 20 years ago. In other ways, of course, they have less life experience, although only slightly less life experience than an 18 year old. The ability to vote at the age of 16 already occurs in a number of countries, as I mentioned in my remarks on the local government elections bill yesterday—in Brazil, Nicaragua and Cuba and at local government levels in some states in the United States, and in some states in Germany—so there are countries that do this.

As I said when I was discussing the local government elections bill, 16 year olds are well on the way although not entirely moving into adult life. They are moving out of home more and more, they are moving into activities where they are using greater independence and where they are subject to greater regulation in terms of going out and clubbing, starting to drive and working and so forth. They are already becoming enmeshed in the adult world.

I think the other reason to think about extending this measure is that older generations have always been anxious about younger generations. They are regularly the subject of what is widely called in the sociological literature 'moral panics' where we worry about what they are drinking, what they are eating, too much sex, too much this, too much that, gangs, violence and so forth. As I said, some of those concerns are valid and entirely legitimate for older generations to have, whereas some of them are becoming irrational and hysterical and just forgetting what it was like to be young once. It is a bit of a mixture but, given that we are spending more and more effort and it makes better and better media to regulate young people, I am inclined to want to give young people more of a say.

Dealing with some of the objections, I point out that this is optional. The Hon. Mr Lawson said only 132 young people reacted to a mail-out from SSABSA. I think in a way that is not an argument against that measure: it is an argument for it. We are not going to get a flood of 16 year olds who are going to get off Facebook and stop texting and start to get engaged in politics. It is going to be a very small minority of what most people would call 'geeks' who would become interested; and if they are interested in following the issues, then I say: why not let them, and why not start to engage that group of younger people in political debate and discussion?

The Hon. B.V. Finnigan: Bookish.

The Hon. DAVID WINDERLICH: Bookish young people? I think we had an indication about one 16 year old; I think the Hon. Mr Finnigan is saying that in his heart of hearts he actually supports this measure, because at the age of 16 he would have loved to be out there voting and probably running for parliament. It is self selecting.

The Hon. C.V. Schaefer: And Don Farrell agrees.

The Hon. DAVID WINDERLICH: Don Farrell would have liked to do this at 16 too, let me tell you; possibly six. I think that, in relation to 16 year olds in parliament, that is an interesting question; that is more difficult and raises some issues. On the one hand they would be distracted by hormones, Facebook, texting and whatnot; on the other hand, 16 year old parliamentarians would be less distracted by wine tastings, so they may be better able to concentrate on parliament in other ways. In conclusion, this is voluntary. It will involve only a very small number of young people. It is a way of starting to engage them, and I say: why not?

The Hon. C.V. SCHAEFER: The right to vote in a democratic country is a great privilege, and all great privilege brings with it great responsibility. I am fascinated by a group of people who would extend the age at which a young person can have a drivers licence because they are not considered responsible and because they are easily diverted by their peers, yet they would confer on them the right to vote and, with the right to vote, the implication that they have full adult rights at the age of 16. These are the very same people who we do not believe are responsible enough to have a drink in a hotel; we do not believe they are responsible enough to drive a car on their own, yet they are responsible enough to have influence on the government of the day. It seems to me to be a very long bow to draw.

Then I listen to the fact that we would allow them to vote but we would not allow them to stand for parliament. One either has a privilege and a right or one does not have a privilege and a right. At no time has that occurred; even with women's suffrage or the rights of Aboriginal people, who as I understand it were recognised initially in this country as having the right to vote, so they also had the right to stand. It seems to me that this is at best and at my kindest a very strange amendment to move in a state which is moving further and further down the path of requiring young people to be older before they take on both responsibility and privilege.

The Hon. M. PARNELL: I will not detain the committee long. I have heard the contributions of honourable members, and I will not be dividing on this; it is a test for another six amendments. I want to respond very briefly to some of the remarks that have been made. I was most interested to hear the Hon. Rob Brokenshire being very concerned about the mixed messages we give our young people. I look forward, next time we have a debate about treating juveniles as adults in the criminal justice system, to seeing the Hon. Rob Brokenshire keen for them to hang on to their youth and be treated as children until their age of majority is reached. I am looking forward to that change in the honourable member's party's position.

The Hon. Ann Bressington raised the issue that, if we allow them to enrol, they can vote and presumably they can then stand for office, and that would be the case. She raised the horror of young people making decisions on the state budget. I can tell you—and it would be a pretty remarkable situation—that if a 16 year old were elected to our parliament they would be taking things like climate change more seriously, because they will be living into the 2070s and 2080s to see the consequences of it. I guess it is a philosophical question: would an engaged 16 year old make worse decisions than the older folk who are already here? I think that in many cases they would not.

The Hon. Robert Lawson talked about the lack of enthusiasm that young people have for advance enrolment. I can understand that: if you cannot vote until you are 18 there is not a great imperative to enrol at 17. Finally, the Hon. Caroline Schaefer raised the interesting question about other ages at which we allow people to do things. My understanding is that you can drive in a car by yourself with no-one sitting next to you at the age of 16 years and nine months, and the question would have to be: are young people driving cars at 16 by themselves causing more harm than a 16 year old would by voting in a state election? I can tell you where the harm is being done: it is in our young people killing themselves and others on our roads. As I have said, I hear the opinions of the committee. I will not be dividing on this, but it is an important issue, and I dare say we will be returning to it in the future.

The Hon. P. HOLLOWAY: Just one point I would make in response to the Hon. Mr Parnell's remarks. Obviously, 18 is an average age that we pick. Our law should be

uniform, and we should pick an age that applies if voters reach a certain age. It should be uniform and fair, and it should apply to all people, but we know that individually people will reach maturity at different levels. Of course, at a younger age some people will be more mature and more capable of exercising not only their vote but also all other things they might be able to do. The honourable member talks about criminality. There are some individuals who at 15 and 16 may well be hardened criminals, and that is why we allow for dealing with those particular cases by having them treated as adults, because in that sense they are behaving like adults. Of course, that is why we have that provision.

I do not think that the argument used by the Hon. Mr Parnell that, just because we treat some juveniles who have particularly bad criminal records as adults, this has some parallel with setting an average age at which voting applies is a good argument.

Clearly, in one case, we are trying to pick an age where most young people will be able to responsibly exercise their vote and, in the other case, we are dealing with a particular group of hardened criminals, and I do not think the argument used by the Hon. Mr Parnell in that case really holds any water at all.

The Hon. R.D. LAWSON: I pointed out in my earlier remarks a relatively low return rate in relation to the Electoral Office's attempts to secure enrolments from 18 year olds. I would not want that to be interpreted as in any way a criticism of the State Electoral Office or the Australian Electoral Commission. In fact, I commend them for their efforts to increase the proportion of 18 to 19 year olds. I think when we get nearer to 100 per cent of 18 to 19 year olds, we could then consider reducing the voting age.

I also want to commend the State Electoral Office for adopting a particular software module which is designed to stimulate and encourage the youth sector. Called 'The Power of Voting', I would like the committee to note that it received an international award—best in class in the education section—in the United States.

I also note from the latest annual report of the commission that it is investigating options to send SMS text messages to young people to remind them to enrol prior to the next state election. As I say, the report said they were investigation options. I wonder if the minister could indicate whether those investigations have led to any decision being made by the Electoral Office in relation to the use of SMS technology to encourage enrolment and voting. I am referring to the Electoral Office's proposal to use SMS technology to encourage enrolment and also to encourage younger people to vote. This is referred to in its latest annual report. I am asking the minister to indicate to the committee whether there have been any developments or decisions made in relation to the use of that technology.

The Hon. P. HOLLOWAY: My advice is that the Electoral Commission is still investigating this new technology and looking at what is happening in other parts of this country and also, I believe, in New Zealand and elsewhere. That is ongoing.

Amendment carried.

The Hon. DAVID WINDERLICH: I move:

Page 4, after line 2—Insert:

(1) Section 4(1), definition of how-to-vote card—delete ', in the form of a ballot paper,'

This amendment is a very minor one (at least in wordage) but is associated with a very big concept. It would amend Part 1 of the act, section 4, interpretation, by deleting the words 'in the form of a ballot paper' in the second paragraph on page 2 of the act. It currently reads:

How-to-vote card means a card, in the form of a ballot paper, indicating the manner in which a particular candidate or group of candidates suggest that a vote should be recorded by a voter.

The point of this—and, in a way, I guess this is a test case, as well, for other amendments—is that it relates to moving to the Robson Rotation. As everyone would be aware, currently candidates can draw first position on a ballot paper and that gives them the donkey vote advantage, which is estimated to be worth up to 2 per cent. The Robson Rotation randomises that process so that ballot papers are printed out in a way that no one candidate always ends up in the No. 1 position. So, the donkey vote probably does not disappear but it is dissipated. This is obviously a fairer system which means that all candidates are on the same footing.

The change in wording is because the words 'in the form of a ballot paper' is in the singular form and the Robson Rotation would mean that there would be a variety of ballot papers. As I said,

the actual change itself appears simple but is related to quite a different concept in terms of how we produce ballot papers.

The Hon. P. HOLLOWAY: As I indicated earlier, the government was opposed to these amendments, but this amends the definition of 'how-to-vote card' so that it is no longer limited to cards that are in the form of a ballot paper. I understand that it is consequential upon amendments 11 and 28 filed by the Hon. Mr Winderlich—and I believe that amendment No.15 is also part of the series. The government suggests that we should use this as a test amendment.

Amendments Nos 11 and 28 implement what is known as the Robson Rotation (as the Hon. Mr Winderlich has just told us) under which ballot papers must be printed in batches so that the name of each candidate has an equal chance of appearing at prescribed advantageous positions on the ballot paper. Currently, section 60 of the act requires the order of names on the ballot papers for the House of Assembly to be determined by lots. All ballot papers are the same.

Amendment No. 11 in the name of the Hon. Mr Winderlich amends section 60 to delete this requirement and replace it with a requirement that the order be determined in accordance with new schedule 1 of the act and, under schedule 1, inserted by the Hon. Mr Winderlich's amendment No. 28, the order of the first batch of papers is still to be determined by lot. The second subsequent batches will be as prescribed. There must be printed in respect of each favoured position a batch of ballot papers on which the candidate's name appears in each favoured position. The number of ballot papers in each batch must be even. Where there are six or more candidates, the name of one candidate cannot appear immediately above the name of another candidate in more than one batch if both would be in a favoured position. Ballot papers must, under amended section 60, be distributed randomly.

Although at first glance that might appear attractive, the Robson Rotation greatly complicates the electoral process. First, multiple variations of the ballot paper have to be printed. This renders how-to-vote cards—on which many electors rely—useless, as there are multiple variations of the ballot paper that place the candidates in different orders, and these are handed out randomly.

Counting the ballot papers is also much more time-consuming, as officials have to contend with multiple variations to the ballot paper and this, of course, makes the whole election process more expensive. As someone who has scrutineered at many elections, I suggest that, if ballot papers are put in particular piles, it certainly creates the chance for more errors. It is much easier to check them when they are all in the one position. For these reasons, the government opposes the implementation of the Robson Rotation. As I have said, I believe that we should use this as a test case.

I suppose this relates to a donkey vote. Again, as someone who has observed and scrutineered at many elections over a long period of time, I do not believe that the donkey vote, as it is called, is necessarily as significant as is often suggested. You can determine that when you have minor party candidates in the higher positions. Whereas it was once considered that a lot of people just go in and vote down the card, in this day and age, with all the extra information—and it will be interesting to see whether any academic studies verify this—certainly in my view, the so-called donkey vote, which this is meant to address, is much smaller than it has been in the past.

The Hon. R.D. LAWSON: I indicate that Liberal members will not be supporting the introduction of the Robson Rotation system as foreshadowed in this amendment. To take up the point just raised by the minister, it is true that the Robson Rotation was designed to eliminate the donkey vote effect. It was also designed to get rid of how-to-vote cards because, of course, it is not possible in a full preferential system to have how-to-vote cards printed when one does not know in advance the particular ballot paper an elector will have in front of him or her.

I agree with the minister's observation that the question of the donkey vote is, I think, a reducing factor and could mean a great deal of political science work done on its effect, but my understanding is that, over time, the donkey vote has significantly diminished. I do not know of any recent case in South Australian history where it could really be claimed that the result of an election was changed by reason of the fact that an unduly high proportion of voters simply voted down the card.

We in the Liberal Party also believe that how-to-vote cards are an important part of the electoral process. True it is that they are expensive to produce and that many thousands of volunteers are necessary to hand them out. The organisation of polling booths, and the like, because of how-to-vote cards is a significant factor. We happen to believe that it is actually an

important part of the political process and of the activity of people who are interested in being involved in the process.

We are not convinced that there is any need to adopt the Robson Rotation in South Australia. I think it is true to say that it was introduced in Tasmania and, other than in that state, I think it is used only in the Australian Capital Territory. We also believe that it is appropriate to provide assistance to electors. As any of us who man polling booths know, many electors want a how-to-vote card; they need a how-to-vote card. They want to know how the particular party they support is suggesting they vote.

There are some, of course—I think actually an increasing number—who walk by and brush past those handing out how-to-vote cards. They do not want them. Whether they have already made their decision, whether they are determined to vote informal or not vote at all, is not a matter on which we can really speculate. We believe that how-to-vote cards are an important part of our process, and we will not be supporting the Robson Rotation.

The Hon. M. PARNELL: The Greens support the Robson Rotation. In fact, we use this method in all our internal ballots. The reason for it is that we want to remove any element of luck or chance that devalues the deliberative nature of the voting process. We can argue about whether the donkey vote is real or imaginary, but we have been talking about it for decades. Every commentator I have ever heard ascribes a value to the donkey vote, and that means that it is a non-deliberative vote—someone has not even thought about it. My view and the view of the Greens is that, if someone has not thought about it, that lack of thought should be spread equally amongst all the candidates rather than it benefitting the person who is lucky enough to be on the top.

The Hon. Robert Lawson referred to providing assistance to voters to help them make their free choice. The most important thing, of course, was the introduction of the names of parties next to candidates on the ballot paper. That overwhelmingly is the most important reform to help people know how they want to vote.

The other point to make is that, whilst the Robson Rotation makes the handing out of how-to-vote cards perhaps a little more difficult in that they need to be structured differently to make sense to voters, it does not outlaw them; so it would still be possible to stand at the polling booth and give voters a piece of paper telling them how you think they should vote. However, for the primary reason that the Robson Rotation removes randomness and luck from what should be a deliberative process, the Greens are supporting this amendment.

Amendment negatived.

The Hon. R.D. LAWSON: Clause 4 will now create a new definition of 'voting ticket square'. It will provide that that expression means 'a square printed on a ballot paper for a Legislative Council election for use of voters'—and these are the words that I query—'who choose to vote in accordance with a voting ticket or voting tickets that have been registered under this act in relation to a candidate or group.'

I query the appropriateness of the expression 'who choose to vote in accordance with a voting ticket or voting tickets'. That is a false assumption. Simply the fact that a person prints '1' alongside a particular candidate does not, in my view, literally mean that that person has chosen to vote in accordance with a voting ticket. The effect of their vote is that they are voting in accordance with a voting ticket, but they have not necessarily chosen to vote. I query the use of that expression, and I ask the minister to explain why it is necessary to change this definition.

The Hon. P. HOLLOWAY: I think it is probably a fairly semantic point raised by the honourable member. Probably in legal terms it would not make a lot of difference whether or not the word 'choose' was in there. I will try to indicate the reason that we have this particular clause within the bill.

As I understand it, when the Electoral Commission comes to print ballot papers, the names of those who nominate will appear with boxes beside them below the line, but it is not necessarily known who will be lodging voting tickets. Therefore, as the Electoral Commission obviously has to get ballot papers printed before a certain time, there is a bit of an issue if you are not sure that everyone is going to become registered so that they will appear above the line in the voting tickets. As I understand it, it is really just to deal with that particular timing issue that we have in this clause, and it is in turn consequential on other amendments.

As I understand it, we are trying to deal with a situation where someone might give notice at enrolment that they will lodge a ticket but they subsequently do not file or do not go through with it as they have indicated. That has the potential to create a problem. I believe later amendments essentially deal with that situation. So, if they give notice but do not take that course of action, we need to be able to deal with that situation in terms of printing ballot papers. It is a fairly technical issue.

I am not sure whether that was exactly the point raised by the Hon. Mr Lawson; he seemed to be suggesting more in terms of the semantics of it, and choosing or not choosing. Whether it was those who voted or who chose to vote is not really material to the intention of this clause.

The Hon. R.D. LAWSON: I thank the minister for that explanation, but I am not sure whether I yet fully understand the reason for this amendment. The expression 'that have been registered', a voting ticket or tickets that have been registered, seems to indicate that there must be a formally registered ticket, not simply an indication of an intention to register. The expression 'that have been registered' already exists in the current definition of voting ticket square, so I cannot understand, from the minister's explanation, what change is being made to the current process or definition. What changes are being wrought by this provision?

The Hon. P. HOLLOWAY: My advice is that it simply updates the definition. If the honourable member wishes to clarify it, the government is happy to consider any suggestion. We do not believe it is significant in terms of what it does in the Electoral Act. The more substantive issues that the government is attempting to deal with are covered in clauses 19, 21 and 34. It is seen in conjunction with that, but I guess we would have to look at it more closely to see whether the previous definition created some problem in relation to those three clauses. The advice I have is that it is simply updating it; however, as I said, if the honourable member wishes to do so we can revisit it.

Clause passed.

Clause 5.

The Hon. P. HOLLOWAY: As I indicated earlier, the government does have some technical amendments, and one relates to clause 5. I apologise that they were not available earlier; I will table them now.

I do not expect that members will necessarily have a position on this, and I think the sensible course would be that, if there were problems with it, we could recommit. However, I do not want to hold up the rest of the debate, so I indicate that the government will move a technical amendment to clause 5, which will be circulated shortly. This amendment corrects a minor drafting error.

Clause 5(4) places conditions around the provision of electoral rolls to members of parliament, to registered parties, and now to nominated candidates under new subsection (2). Amendments in the lower house inserted a new subsection (3), which addressed concerns about redistributions. Where the Boundaries Commission has made a decision on boundaries where the boundaries of a district are to be altered to include any part of another district, new subsection (3) entitles a House of Assembly member or a nominated candidate to an up-to-dated copy of the roll for that other district.

Subsection (4) currently refers only to subsection (2), not subsection (3), so this amendment adds a reference to subsection (3). It is a very technical definition that needs to be corrected. It has now been circulated, but if members want to consider it later I am happy to do that through recommittal. It is a very technical and, I would have thought, straightforward amendment, but I am happy to put it in the hands of the committee.

The ACTING CHAIRMAN (Hon. I.K. Hunter): Alternatively, we could postpone clause 5.

The Hon. R.D. LAWSON: I am happy to continue with the debate on clause 5. I am grateful for the minister's indication that this will be recommitted if necessary, in light of the government's amendments.

The Hon. M. PARNELL: I move:

Page 4, line 22 [clause 5(3), inserted subsection (2)(d)]—Delete 'is a nominated' and substitute: intends to be a

I advise the committee that this is effectively a test clause for my amendments Nos 3, 4, 5 and, I think, 9. Clause 5 seeks to amend section 26. Section 26 goes to the question of who is entitled to look at the electoral roll and who is entitled to a copy of the electoral roll, and it goes even further now because when we are talking about copies we are talking about hard copies and electronic copies.

Under the current act, copies of the electoral roll, in hard copy form, have to be made available for inspection, without a fee, by anyone at certain locations, including the Office of the Electoral Commissioner. Section 26 goes on to provide:

> The Electoral Commissioner must make copies of the latest prints of the rolls available for purchase at prices [to be] determined by him or her.

So, the current position is that anyone is entitled to look at it and anyone is entitled to buy it. The government's changes propose to limit access to the electoral rolls. The clause, as presented to us, provides that when it comes to inspection the only change is that the Electoral Commissioner, presumably, can make a computer terminal available to someone to inspect the roll, but every citizen of South Australia is still entitled to go along and have a look at the electoral roll.

When it comes to people who are entitled to a copy of it, the amendment proposes to remove the current section 26(2), which enables any person to buy a copy of the roll, and replaces it with provisions which limit what I would say is physical access to the roll, or to your own copy of the roll—it limits it to members of parliament, registered political parties or people who have nominated as a candidate.

The purpose of my amendment is to broaden that list slightly to include people who intend, on their own claim, to be a candidate, rather than just those who have already nominated. The reason for that is that the nomination period, as we know, is fairly late in the electoral cycle. It is probably four weeks or so out from an election.

What that means is that an independent person intending to run for parliament will, under the government's provisions, not be able to gain access to the electoral roll, in terms of having their own copy of it, until the last month or so in the campaign, and that puts them at a considerable disadvantage to the other categories that the government is providing will have access to the roll, not just once-off but on a regular monthly basis, or perhaps even more frequently.

I should say at the outset that my amendment to allow for intending candidates to have access to the roll does not particularly affect my party, the Greens. We would have access anyway under the government's proposal, but I do have in mind Independents, who may wish to run for parliament and may wish to contact constituents, because that is really what we are talking about with the electoral roll: the ability to contact constituents. That ability would not be available to candidates, except for that final period once they have paid their deposit and lodged their nomination, and then they can have access to the roll.

My amendment proposes to broaden the scope. In some ways, if you like, it is a bit of a compromise between the status quo and what the government is proposing. Remember that the status quo is that anyone, whether or not they ever intend to be a candidate, is entitled to a copy of that roll; they can just go and buy it. What I am proposing is not open slather: I am proposing that a smaller group of people, that is, those who intend to be candidates—some of them might not end up being candidates, but they intend to—should also be able to access the roll.

The concern, obviously, that these amendments seek to address relates to misuse of the roll, in particular misuse for commercial purposes. I say that the solution to that is not restricting access to the roll: it is increasing the penalties for misuse. I have another amendment later on which basically seeks to increase the maximum penalty, which at present is a wholly inadequate $10,000, to at least $50,000. That is a more significant commercial deterrent.

I think that this is the wrong tool for the wrong job—what the government is proposing is to limit access—because it limits access to communications, and that is undemocratic. I would urge all honourable members who have a view to making our democracy as open as possible to allow this minor additional change to the government's own amendment, so that intending candidates also have access to those whom they seek to represent.

The Hon. R.D. LAWSON: Before the minister answers, I would like to pose a question which is fundamental to these amendments. The bill, as it stands, refers to 'nominated candidate'. The Hon. Mr Parnell is assuming that a nominated candidate is somebody who is a candidate after

nominations have actually been called for by the Electoral Commission in the formal process of election.

However, in political circles the expression 'nominated candidate' has a far wider connotation. We are already preselecting candidates for the forthcoming state election. They would regard themselves as nominated candidates. They have been endorsed by a political party as, indeed, other parties have nominated candidates. So, my question of the minister is: before we look at amending this, what is the advice of the government in relation to the meaning of the expression 'nominated candidate' in clause 5?

The Hon. P. HOLLOWAY: My advice is that 'nominated candidate' has to be read in terms of the act; that is, someone who has nominated for the election after the issue of the writ, so essentially it would apply only to that position. That is why we have concerns with the Hon. Mr Parnell's amendment. This is the first of a series of amendments, the others being his amendments Nos 3, 4, 5 and 6. Again, the government suggests that this be treated as a test amendment.

The Hon. Mr Parnell's amendments would mean that a person who intends to be a candidate at an election is entitled to receive the electronic roll updates under section 26. Currently, the bill requires a person to have nominated as a candidate. This argument has already been had in another place. The government's position was, and remains, that this would render section 26 so open to abuse that we might as well have no restrictions.

It would be impossible to enforce. Any person could claim, at any point after an election, that they intend contesting the next election as a candidate and would therefore become entitled to up-to-date copies of the roll. Come the next election, they could simply claim that they have changed their mind, and there is nothing that anyone could do about it. For that reason, we oppose the amendment.

The Hon. R.L. BROKENSHIRE: In consideration of the Hon. Mr Parnell's amendment to this clause, I am wondering whether the minister could advise the committee what evidence he has of misuse and abuse of the electoral roll. You get phone calls and correspondence from the commercial sector nearly every day. They seem to have so much opportunity to access names, addresses and general information on the community.

The Hon. Mr Lawson is talking about the Electoral Commission possibly text messaging those who are about to turn 18 and advising them that they can or should enrol. I question where they get that information from. If my children register with a mobile phone company, why all of a sudden should the Electoral Commissioner, or anyone else for that matter, have that information? I am not really sure about the wisdom behind this clause, and it has not been explained. What evidence is there of abuse and misuse?

My understanding is that as a citizen, when you register, you can be enrolled without it being published, so people do have an option. I ask the minister: what is behind this provision?

The Hon. P. HOLLOWAY: Essentially, the government is seeking to prevent any abuse in the use of the electoral roll. Obviously, it is compulsory to enrol, although of course there are certain exceptions. For people such as protected witnesses and all those sorts of special cases, there is an exemption but, by and large, the electoral roll is a very comprehensive piece of data on everyone living in the state which provides their address and the like. Obviously, with information of that detail, it is appropriate that it should be used appropriately.

There are really two strings to the government's bow, if you like, in how that might be done. The first of those is to try to put some restraints on the access to that information to those who have a genuine need for it. That is why we are opposing this amendment of the Hon. Mr Parnell: because it would essentially render that ineffective. You would lose the first level of protection, which is to put some restraint on access to those who have a legitimate need for it, and obviously members of parliament or the candidates in the various parties who would have access to it write to new electors and the like.

The second level of protection, which we deal with in later clauses of the bill, limits the use to which the electoral roll might be put. One would imagine it is a much harder level to enforce, in the sense that, presumably, you would have to demonstrate that someone had actually got access to the information and then misused it. I would think the best level of defence against misuse is to put some initial constraint on access, and that is what the government is seeking to do here. The second reading explanation states:

> ...in his report on the 2002 election, the former Commissioner recommended the Government consider an amendment to section 26 to prohibit the use of roll data for commercial purposes, including by companies to build marketing databases. The Government agrees with this. There is strong feeling about the misuse of electoral roll information. The Federal Privacy Commissioner has found that 70% of consumers do not think that the electoral roll should be available for commercial marketing purposes. As such, the Bill repeals subsection (2) of section 26 that requires that copies of the latest print of the roll must be made available for purchase.

I think that really addresses the honourable member's question. It was a recommendation from the former electoral commissioner back in the 2001-02 report, so clearly there was concern then about its abuse but, again, I repeat the fact that there are two levels on it. Yes; we certainly need to have provisions in the act which make it an offence to misuse the information. Obviously, it is difficult to prove, but limiting access is clearly an effective way in which one might be able to reduce the abuse of this information.

The Hon. A. BRESSINGTON: I ask the minister whether he knows how much it costs to actually purchase a copy of the electoral roll under the legislation.

The Hon. P. HOLLOWAY: The advice is that the Electoral Commissioner obviously does not deal with these issues on a day-to-day basis, but it is about $20 to $25 for the information. That is based on the previous election so, if one were to go into the Electoral Office, what you would be able to purchase is the electoral roll costing something of that order for each electorate. We think it is about $20 to $25; we will check it and correct the record later if that is not the case. It is something of that order for each electorate. The information you have, like now, as we are approaching an election in six months or so, would be 3½ years out of date.

The Hon. R.D. LAWSON: The minister refers to the recommendations of the previous electoral commissioner, who quite properly said that there ought to be penalties for misuse of the information on the roll. That is one thing, which I am sure everybody would agree with. The way the government has chosen to attack it is not to increase the penalties or sanctions for misuse of the information but to use the rather draconian method of restricting access to the electoral roll. As the Hon. Mr Parnell pointed out, that is an entirely different issue, which raises wider issues.

I should point out that section 48 of the Electoral Act contains the timetable for the calling of the issue of writs and the calling of elections. An election can be conducted not less than 14 days after nominations close. This means that the candidate who is entitled to a copy of the roll will receive it only a couple of weeks before the election. What possible hope does a candidate have of using the information on the electoral roll in the 14 days before an election?

Clearly, members of political parties or sitting members will obtain their copy of the roll from a friendly source, but this extension to enable nominated candidates to have access to the roll is really no extension at all. It will be of no use at all to some Independents. I think this is just a further example of the fact that this legislation is devised by the incumbent government to assist it. The fact that it actually helps other established political parties is by the by. That, presumably, is why we are not particularly concerned about it. However, I am not as convinced as the minister that a nominated candidate is necessarily only one who has been nominated within the machinery of this particular act.

The Hon. P. HOLLOWAY: I will address the issue raised by the honourable member. He talks about the limited time someone would have. Anyone who has been involved, particularly in the lower house, would be well aware that, at election time, for all sorts of reasons, a whole lot of people update their enrolment. Many of the 18 year olds we were talking about earlier will have delayed nominating for the roll until an election is called and then they think, 'Gee, I'd better rush in and get that in.' Of course, with all the advertising we talked about earlier in relation to the electoral roll, they will enrol and, similarly, people will update their address. Many people who changed their address some six or 12 months ago will suddenly think, 'Gee, I'd better go and regularise my entry on the electoral roll, with an election coming up.'

There are far more changes to the roll just prior to an election than one would get in a normal update. The reality is that just before the closing date there will be more enrolments or more changes than one would normally get. It will take some time, obviously, for the Electoral Commission to collate and print them, so there will be a limit for whoever gets that information anyway, whether they are long-standing members or not. Clearly, that information for the update, for that significant number of people who will change their enrolment at the last moment, will leave only a small amount of time in which they will get that information, anyway.

Of course, if one has the old roll from three years ago then you will probably have 80 or 90 per cent of the people on the roll. However, with those changes, the largest number always

occurs just before an election and, inevitably, there must be only a very short period since, after all, the rolls close at a particular time during the election campaign. There is not going to be much time for anyone, whether you are a new candidate or an old candidate, to get that particular information. I am not sure that I really see the point the honourable member is making in relation to that.

I remind the committee that anyone can check the roll and have a look at it manually. What we are talking about here is supplying a copy of the total roll and, of course, it is much more likely to be used or abused for commercial reasons. It is not as though people cannot go and check, if they need to, at present. This is not likely to serve the interests of those who might wish to use the electoral roll for commercial purposes.

The Hon. M. PARNELL: Just in terms of the minister's response, where he talks about how up to date the information is, the point that the Hon. Robert Lawson and I have been making is that you do not get access to any information, whether or not it is up to date, until you have, on the minister's interpretation, nominated with the Electoral Commission to be a candidate in that election.

The other thing I should say is that I will be supporting measures that occur later in the bill to create the offence of misuse, and we will get on to another amendment shortly about increasing the penalties for misuse. My point in moving this amendment was basically to say that, if the tool is about preventing misuse, let us use appropriate tools. Let's not use denial of access as a tool to prevent misuse. There are other better tools, such as the provisions that we will deal with later in the bill.

The Hon. P. HOLLOWAY: I disagree. I would have thought that, as the first protection, you would limit access to the roll to those who are more likely to have a legitimate purpose for it. If it is readily available—and let's be blunt here—the effect of the Hon. Mr Parnell's amendment would be to create a loophole that would effectively, we would argue, make it available to everyone at any time. All you would have to do is say, 'Yes, it's my intention to nominate at the next election,' even if you do not. So, a commercial company could come and say that they are going to enrol. As I have said, anyone can look at the role. If you need to check information, whether or not you are correctly enrolled, that is possible now. What we are talking about here is getting copies of the roll. I would have thought that the best protection against the abuse of that is to limit access, and that is why we oppose the Hon. Mr Parnell's amendment, which would effectively scuttle that line of protection.

The Hon. A. BRESSINGTON: I would like to make a comment on the response by the Hon. Paul Holloway regarding this so-called restriction of the electoral roll. If it is available for about $25 an electorate, as other members here have pointed out, that makes it just affordable enough for small business. So, the people being restricted from access to this are those who have an intention to participate in the political process and be involved in that process for an election, if they have stated their intention.

If it is only $25 per electorate for the electoral roll, the argument could also be that those intended candidates could go out and purchase it, anyway. I believe that we are in a bit of a bind with this. I am a bit confused about this myself. We should make it unlimited access, because 500 people could state their intention to stand at the next election, and they could be small businesses that do not want to pay the $25 an electorate to access that. I think there has to be some sort of measure or level of accountability. If a person states that they intend to run for an election, there has to be some sort of proof that there are steps in place for that to occur. I do not think that stating the intention, as such, is enough.

However, I also do not believe that the minister's arguments about restricting access to it are 100 per cent accurate, either. If it is so cheap for people to purchase and affordable to businesses and corporations, small and otherwise, that is the main problem people have with their information being out there: they are just continually hounded by insurance and telecommunications companies, and other promotional things for business.

All in all, I do not believe that the Hon. Mark Parnell's amendment fixes the problem. Also, I do not believe that the minister's explanation addresses the issues about which we are talking, because there has been no real restriction placed on the electoral roll and no steps have been taken to ensure a level of accountability for a person who states an intention to stand as a member of parliament. So, I do not see the purpose.

The Hon. P. HOLLOWAY: Basically, the government is saying that, if the electoral roll is now available, it ought to be restricted. We believe that there are two measures—and we are acting

on the 2002 report of the Electoral Commission—that make it an offence to misuse the roll; but the first line of protection is to make it less available. We are not saying that you cannot purchase it any longer; we are saying that it should be available to those (nominated candidates, and so on) who have a legitimate reason for knowing who their electors are. That should cover the major and minor parties, but it will deny access to those who seek it for commercial reasons.

If people want to check the roll they can; it is not as though the information is secret. We are saying that you should not be able to get this information by, for example, buying it. Clearly, members of parliament and candidates use it to communicate with their electors, and the only other purpose is likely to be commercial, so, let us not allow those others to have it. That is essentially what we are seeking to do. If the Hon. Mark Parnell's amendment is carried, it would mean that if you are a small business that wanted to get around that restriction, which we are suggesting should be imposed, you can simply say, 'Well, I'm a candidate', and get it on that basis.

The Electoral Commission has just provided information about the roll. Copies of the electoral roll are available for purchase by members of the public for $11 each. Members of the public can purchase the roll for all 47 districts for $444. Of course, they would be 3½ years out of date if they were to buy them. We are suggesting—if I understand the clause correctly—that if this bill is passed we should restrict that access so that members of the public cannot buy the roll; it would be limited to nominated MPs, parties, candidates and the like.

The Hon. R.D. LAWSON: The minister uses the recommendations of the Electoral Commissioner in 2002 to assist his argument, but I remind him that in the same recommendation the Electoral Commissioner also said:

> The government should consider further restrictions on the use of roll data by candidates, parties, members of their staff for election, and/or non election purposes, other than as supplied by the elector.

So, the government has chosen to implement one part of the recommendation of the commissioner, namely, restriction on the commercial use of the data, but it has chosen not to address the issue that the commissioner raised of restricting the use by candidates, parties, members of their staff for election, etc. I think the government is being a little inconsistent in its approach here.

The Hon. Mr Brokenshire asked the minister some time ago to provide examples of the current commercial misuse of data on the electoral roll. Everybody appreciates that there is a potential for misuse; nobody likes being harassed by telemarketers and the like. However, has there been any direct evidence of misuse by commercial enterprises of the electoral roll?

The Hon. P. HOLLOWAY: I think the problem there is—and I alluded to it earlier—how do you know whether the information is being sourced from the electoral roll? It is possible that you could have got it from another database, which I imagine would be almost impossible to prove. Although we should have provisions in this law, as in any other law, to prevent abuse, and it should have penalties, that is not the same thing as saying that you can easily catch somebody who does it. How could you prove that? That is exactly why the government would argue that the best line of defence is, in the first instance, restriction.

Incidentally, in relation to that, I was just asked a question about what happens with the Australian Electoral Commission roll, because that would obviously be more useful to a person commercially because it is a larger area. There are 11 rolls in the state rather than 47. My understanding is that the commonwealth rolls cannot be purchased. Clearly, if you could get the information from the commonwealth, that would provide a loophole. Conversely, if the commonwealth restricts it but you can get it through the state, then that is a backdoor way. That is why this legislation would be more important; if there is a commonwealth restriction, to be consistent, and given that it is essentially the same information, we should do that as well.

I understand that the public cannot go in and purchase a roll, although the AEC may make it available to others; there may be arrangements where it could be available in some circumstances, but that is a matter for the commonwealth. However, it is worth pointing out that the public, at least, cannot go in and pay over the counter for a roll, as you can here in South Australia. The proposals in this bill are, therefore, more consistent with what happens in the commonwealth, even though its arrangements might be somewhat more complicated than that.

The Hon. R.L. BROKENSHIRE: Can the minister advise whether the government intends to prohibit the general public from purchasing other government data that supplies information such

as names, addresses, property details and so on? If not, what is the relevance of this clause? You would prevent it with this one, but not with other government data.

The Hon. P. HOLLOWAY: I think the point is that electoral data is probably the most comprehensive. Where else can you link the names of everyone in the state—not everyone will be on the roll, but most should be—with addresses? I imagine that in that sense this would be the most comprehensive database. There would be more particular information in other government data, but it may not be as comprehensive. I am sure there are also other provisions in terms of privacy and so on that relate to the other data, but we would have to research that issue.

As with the electoral roll, a lot of information can be searched—you can search certain property data and so on, for a price, of course—but whether or not you can purchase large amounts of data is another matter. In any case, there are other public policy issues. For example, it is in the public interest to know the price of real estate. One would argue that it probably helps consumer information, and I know that one can purchase it in a particular area. I do not think it would be wise to restrict that sort of information—and I am sure the honourable member would not necessarily suggest that. It would not be feasible to purchase information for the entire state and, basically, have so much information on everyone in there. I think that is why the electoral roll is much more significant than other sources of government data.

Amendment negatived.

Progress reported; committee to sit again.

[Sitting suspended from 13:00 to 14:17]

PAPERS

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Government Boards and Committees Information—Listing by Portfolio as at 30 June 2009

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

District Council By-laws—Copper Coast—
No. 6—Cats
Gaming Machines Act 1992—Code Alteration (Responsible Gambling) Notice 2009—
No. 1
No. 2

BUSHFIRE TASK FORCE

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:20): I table a copy of a ministerial statement relating to the bushfire task force made earlier today in another place by my colleague the Premier.

QUESTION TIME

POPULATION GROWTH

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the 30 Year Plan and in particular some figures in one of the technical documents.

Leave granted.

The Hon. D.W. RIDGWAY: I am studying the 30 Year Plan for Greater Adelaide and also the technical documents on the website which the minister claims support this plan. I note that under section 2.2 'Population growth and demographic change', the fourth dot point states that the annual population growth rates over the next 27 years will average 1.2 per cent per annum, above the current growth rates of 1.1 per cent per annum and above the average of 2001-06 growth of 0.85 per cent per annum.

When you study the ABS statistics and its predictions on growth rates in South Australia, it is alarming to see that the government projects that by 2036 we will have a population of 1.85 million in the Greater Adelaide area, yet when you look at the ABS statistics, even its most optimistic statistics say that it will take us until 2056 to reach 1.85 million and, in fact, in 2026 it will be less than 1.4 million. My questions to the minister are:

1. Why are the 30 Year Plan population predictions in conflict with the ABS figures?

2. What advice has he received from Planning SA in relation to the optimistic predictions in the background technical papers?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:23): It was Planning SA in conjunction with the Department of Trade and Economic Development that actually reviewed the population targets for the state and, indeed, they were established before the 30 Year Plan itself was devised or before the process began.

Those particular predictions that are in the 30 Year Plan were based on some of the most recent performance. Yes, South Australia's population growth was very low until several years ago. It has now increased significantly. This government has introduced policies that will help assist that growth and, of course, population growth also reflects economic conditions. If you have suitable economic conditions, population will come to this state, and that is exactly what has happened under this government.

So, there was a significant debate within government about what the population targets would be, and they were accepted by cabinet and that then became the basis on which the 30 year plan was devised. Regardless of whether or not those targets were achieved, what would be the difference if the population target were achieved in 25 or 35 years? Either way, this city—the Greater Adelaide area—needs a plan. Whether it is for 25 or 30 years is not really important. The population targets we have are a best guess, and they are a prediction, because no-one knows accurately what the future holds in terms of population. Certainly, we believe those population targets are realistic; they reflect the population growth of this state over the past few years and, regardless of whether that target is achieved in 25 or 35 years or some other period, we still need a change in direction for how the city should grow.

What is important about the 30 year plan is that it sets goals in relation to how much of that growth should be accommodated within the existing boundaries, in other words, through infill or brownfield development, and how much should be greenfield. We have set that 70/30 target, which is very ambitious. It will be difficult to achieve that but, if we do not achieve it—if we cannot get at least 70 per cent of our growth as infill—there will be much more pressure on our greenfield areas, so it is important that we achieve that objective.

That applies regardless of whether the population goals in the 30 year plan are achieved within 25 or 35 years. Either way, we need to change and reshape the direction of Adelaide. I am happy for there to be a debate as to what that might be but, really, it does not change the fact that we need a viable plan for this city over the next 30 years, and that viable plan needs to look at all the issues related to sustainability and other factors. We need to look at better water sensitive urban design, and we need to minimise the infrastructure costs of a growing population. As I said yesterday in answer to a question from the Hon. Mr Wade, we need to reduce our dependency on motor vehicles. That is why this plan is imperative.

I look forward to comments on that plan over the remaining two or three weeks, and obviously we will be looking closely at the input to that when consultation closes at the end of this month but, regardless of that, one would hope that the community accepts that we do need to plan better for our city. The population targets are realistic, we believe, and are based on performance in the recent couple of years. The ABS, on the other hand, tends to make very conservative population projections, based on historical data.

What the honourable member does not seem to realise is that the economy of this state has been growing rapidly in recent years. We have been outperforming the rest of the country, and it is inevitable that, if we have that sort of growth—and this government intends to see that we do—and as there are more jobs here, the population of this state will grow. In any case, as I have pointed out on a number of occasions, the original population growth target in the State Strategic Plan was 2,000,000 by 2050, an increase of 400,000. With recent projections we are now seeing that we would reach 2 million well before that, in the 2020s. We would reach that goal by then

(somewhat earlier) and, because of that, we have to plan for it. The alternative is to do nothing, which is essentially the policy that we had during the 1990s of just waiting to see what happened.

Members interjecting:

The Hon. P. HOLLOWAY: What was the plan? What was the plan of the previous government in relation to dealing with growth? The plan was just ad hoc; it was just to keep adding suburbs on. The fundamental point of a 30 year plan for Adelaide is that we do need a change of direction. Our city needs to be made more sustainable. We need to incorporate water-sensitive urban design; we need to consolidate our population within some areas, and we can do it in a way that still preserves the heritage of the city. Unless we deal with those basic parameters within the 30 year plan, this city will face much greater difficulties in the years ahead. It is imperative that we start to change that direction as quickly as possible.

Looking at other cities, Brisbane's population will increase by about 400,000 in five years. We are talking about that happening over 20 years or more. Similarly, Perth, I think, is growing slightly less than Brisbane but at a similar rate. In Melbourne they are talking about 5 million people or more in their plan.

Members interjecting:

The Hon. P. HOLLOWAY: Go and look at the Melbourne plan. They are the targets. Other cities are planning for those particular targets. Is the honourable member opposite really saying, 'Let's just bury our head in the sand and hope it all goes away'? Given their economic policies and the stance they have taken on a whole lot of issues, that is probably what will happen and this state probably will wither and die.

POPULATION GROWTH

The Hon. R.L. BROKENSHIRE (14:31): I have a supplementary question: will the minister explain why the whole focus with population growth is in the Greater Adelaide plan and why there was no focus to create jobs and population growth in rural and regional areas of South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:31): There must be a misunderstanding of what is happening. Here we are talking about the 30 year plan for Greater Adelaide which presently covers about 81 per cent of the population of the state. Basically, it is from a little north of the Gawler River across to Murray Bridge and the remainder of the Fleurieu region, so it is a fairly significant area.

Obviously, there are other plans and the government has released a number of plans for regional areas. Rather than have a five year regional plan, the government made the decision some time back that it would have plans for individual areas. We have already released some, and I think there is currently one in relation to Port Augusta, where the consultation period has probably closed.

We have done the same with Mount Gambier, Yorke Peninsula and, I think, Kangaroo Island as well, and there are others around. We are considering the planning framework for other areas in this state region by region. So, it is not correct to say that we are not doing things. Clearly, those plans will also have regional targets. In fact, I think it is inevitable that there will be growth, perhaps greater growth within some of our regional areas than will occur in the greater metropolitan area.

If some of these mining areas come on to the extent that I hope they will, there will be significant employment growth within some particular regions of our state. Other regions have particular challenges, but the government will address them on a case-by-case basis.

POPULATION GROWTH

The Hon. J.S.L. DAWKINS (14:33): I have a supplementary question: does the government have a strategy to ensure that the proportion of the population outside the Greater Adelaide area increases beyond the 19 per cent that the minister has referred to indirectly?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:34): What we have to do is try to grow our economy as best we can. We want it to grow as fast as it can, and that will depend on the opportunities available. If Outback areas have a significant mining development, those areas will grow much faster than the city on a proportionate basis. Other areas will obviously

face greater difficulties. The Riverland, for example, is a place that is facing difficulties at the moment because of the lack of water. It is an area that has been heavily dependent on irrigation industries and, if there is no water in that region coming down the river to irrigate, that is having an impact on the economy.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, it will over time, but you also need rain. If we look at what is happening in Victoria—for example, in Melbourne—their reservoirs are at record low levels. Those upstream states may be using more water than South Australia, but their populations are, of course, much greater than in this state. I am very pleased that we are now going through the process of establishing, for the first time since federation, a management structure that at least has some chance of managing this on a proper basis—on the basis that takes into consideration the needs of all its constituent parts. As we can see, even with the floodwater issue in Adelaide council areas, getting agreement on these things is not always easy.

POPULATION GROWTH

The Hon. M. PARNELL (14:36): As a supplementary question relating to the minister's original answer, will the minister commit to bring back to this chamber details of how the government's population targets compare with the ABS population data and the ABS population projections?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:36): As I have said, the ABS population data is fairly conservative. Essentially, it is based on historic—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I am not sure whether the ABS will release projections, but one would assume that they are based on historical data.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order, the Hon. Mr Ridgway!

The Hon. P. HOLLOWAY: The Hon. Mr Ridgway thinks he is an expert on statistics and he thinks that you always project from history. If we use the history of the Liberal Party and project it, it would be a very dim prospect for this state, indeed. However, what is happening, as I said earlier, is that the economy of this state is growing. It is performing better than most of the country and better than most of the world. That is why we have had, over recent years, greater population growth. I am happy to see what information is available in relation to—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: What I think is a joke and probably tragic is that the attitude of members opposite seems to be that South Australia will always be a backwater; it will always be in a state of decline. We are talking about very modest levels of population growth. We are talking about half a million people over about 15 or 20 years. As I have said, the people of Brisbane get that in four or five years, and they cope with it. They are able to cope with it; they do not go around whingeing about all of the issues and whether or not they can cope—and Perth is the same.

Although I admit that the population goals for this state are very ambitious, in terms of South Australia's history they are very modest, indeed, compared with the sort of growth that is occurring in other parts of this country. In answer to the honourable members question, I am happy to see what information I can get.

PREMIER'S WOMEN'S DIRECTORY

The Hon. J.M.A. LENSINK (14:38): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question on the Premier's Women's Directory.

Leave granted.

The Hon. J.M.A. LENSINK: In the online news service, *PS News*, of the public sector of South Australia, attributions are made to the minister and to the Premier in relation to the representation of women on boards. The minister attributes the increase in the representation of women on boards to the women's directory, which I note has reached 700 names.

Through freedom of information applications, I understand that the minister has sent memos out to all ministers to encourage them to reach the target of 50 per cent on government boards. Also, the Attorney-General's Department last year wrote to all ministers, informing them of the Premier's Women's Directory and encouraging them to use this resource in appointing members to boards. Two days ago, of course, the Leader of the Government here confessed that he had not consulted the Premier's Women's Directory in respect of appointments to the DPAC. My questions to the minister are:

1. Of the 700 women listed on this directory, how many appointments have been utilised to appoint women to boards?

2. How many board appointments across government have been made without consulting the Premier's Women's Directory, as confessed the other day by minister Holloway?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:41): I thank the honourable member for her important, although misguided, question, and value the opportunity to talk about the very important initiatives and achievements of the government.

Indeed, this government has done a great deal in developing the women's directory which, we are now pleased to advise, lists over 700 board-ready women who have obtained a wide range of various skills and experience, all of which are outlined within this directory. There are, I think, 700 CVs of skilled board-ready women, and that marks a very strong increase from 450 in July 2007.

It includes 21 Aboriginal and Torres Strait Islander women, 11 women with a disability, 52 women from culturally and linguistically diverse backgrounds and 97 women from regional areas. It is the responsibility of individual ministers, when they are looking to fill positions on boards and committees, to outline a process to fill those positions. They are encouraged to go to the directory, if they need assistance, to help increase or improve their complement of women. The honourable member would need to ask each individual minister about that requirement.

This government has been very bold in setting a target of 50 per cent representation of women to fill all government boards and committees. We also set a very bold and ambitious target of 50 per cent for the number of women chairing our government boards and committees. Although we have not yet reached that target, I am very pleased to announce that as of 1 August women held 45 per cent of positions on government boards and committees. We finally got over the 45 per cent mark.

This represents an almost 13 per cent increase on the appalling record left by the former Liberal government in filling positions on boards and committees. During the former Liberal government's time, they filled about 13 per cent of the positions on government boards and committees: we have now reached 45 per cent.

There is no doubt about this government's bold—albeit ambitious—commitment to establish a Strategic Plan target of 50 per cent. We were brave enough and bold enough to set a target against which we could be measured and for which we could be held publicly accountable. We are accountable to the target. We have reached 45 per cent compared with the appalling position of 13 per cent of the former Liberal government.

In terms of chairs, this government has achieved a rate of 33 per cent of women chairing government boards and committees—a 9.34 per cent increase from 24 per cent on 1 April 2004. The Liberals left it at about 23 per cent, but this government has achieved 32.7 per cent, almost 33 per cent or almost one-third, so it can hold its head very high and be very proud of its achievements. I must correct those figures: the opposition had 32 per cent of women on boards and committees at the time it left government, and this government has achieved an increase of about 13 per cent. That was an appalling situation that was left by the former Liberal government: only 32 per cent on boards and committees—an appalling state.

As I was saying, we are held publicly accountable to these targets; in fact, we table annually a report on the percentages for each portfolio. However, lo and behold, a month or so ago (I cannot remember exactly) it was drawn to my attention that the Hon. Michelle Lensink had FOIed this information, and it is information which is, in fact, publicly available and tabled annually.

The Hon. J.M.A. Lensink: No; I didn't.

The Hon. G.E. GAGO: Well, that is what I was advised; I was advised that she had FOIed information that was publicly available. That is what I was informed. What a joke! To use resources to access information that is publicly tabled on an annual basis.

Members interjecting:

The PRESIDENT: Order! I remind honourable members that it has taken 26 minutes for two questions.

The Hon. G.E. GAGO: I will wrap it up. In terms of the use of the directory, it is the responsibility of each individual minister to assess the process that is most appropriate to meet the requirements of their boards and committees. We advise them that the directory is available if they need it and if they believe it will be helpful to them in filling their appointments. It is there for them to use—

The Hon. R.D. LAWSON: I rise on a point of order, Mr President. Would you indicate to the minister that irrelevant prolixity and tedious repetition is prohibited under standing order 186, and sit her down?

The PRESIDENT: I am sure the minister is winding up.

The Hon. G.E. GAGO: I am winding up, Mr President. As I said, it is incumbent upon individuals to sort out whatever process is most suitable to them.

MAGILL TRAINING FACILITY

The Hon. S.G. WADE (14:49): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question relating to the Magill Training Centre.

Leave granted.

The Hon. S.G. WADE: Given that the minister's responsibility for the status of women extends beyond ensuring that successful women are on government boards, I would like to raise the issue of females incarcerated in the Magill Training Centre. The Magill Training Centre is South Australia's only facility for housing female inmates under 18 years of age, some as young as 13. In contrast, male inmates have the opportunity to be accommodated in the better equipped Cavan Training Centre.

The Magill Training Centre has fallen into a state of disrepair, endangering staff and children. For example, asbestos is exposed throughout the building, the structure does not meet building code standards, and various facilities are considered so dangerous that they cannot be used for training or rehabilitation. The state of the Magill Training Centre has been criticised by the Youth Affairs Council of South Australia, Monsignor Cappo (Commissioner for Social Inclusion), Pam Simmons (Guardian for Children and Young People), Lynn Arnold (Anglicare SA), and Professor Freda Briggs.

Currently, the Magill facility has the capacity to hold eight females; however, the opposition has been advised that as of today there are nine females in the facility; that is, it is already overcrowded. We are also advised that a tenth female inmate is in hospital and may well return to the facility later today. That would mean that the female unit will be 20 per cent overcrowded. Clearly, there is a crisis for young women in the Magill facility today.

I ask the minister: does she support the policy of the government for long-term detention of young girls in facilities to the ongoing disadvantage of female inmates, compared with male inmates, and what action is the minister taking to overcome the crisis of caring for young girls at the Magill Training Centre?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:51): I thank the honourable member for his question which is, again, misguided. The member is aware, and has been here long enough to know that the—

The Hon. Carmel Zollo: And has visited.

The Hon. G.E. GAGO: And has visited, I have been advised. He has been here long enough to know that matters pertaining to the Magill Training Centre are the responsibility and purview of the Minister for Families and Communities. I am happy to refer those aspects of the question that are relevant to her and bring back a response.

GEOTHERMAL ENERGY

The Hon. R.P. WORTLEY (14:51): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding geothermal energy.

Leave granted.

The Hon. R.P. WORTLEY: I understand that the South Australian government has taken a proactive approach to supporting renewable technologies. This includes support for solar, wind and geothermal energy projects. When it comes to geothermal, the majority of Australia's engineered systems projects are located in this state. Will the minister please provide an update on progress in the area of developing hot rocks technology within South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:52): I thank the honourable member for his important question. I was delighted to join the Premier and the federal Minister for Resources and Energy, Martin Ferguson, last month at the official launch of Petratherm's Paralana geothermal energy project in the north of the state.

This proof-of-concept project near the Beverley uranium mine is further enhancing South Australia's deserved reputation as the nation's leader in the development and implementation of renewable energy sources. A successful trial will allow Petratherm to unlock an emissions-free renewable source of energy from deep within the earth to generate base-load power in remote areas of the state.

Petratherm's Paralana trial is an important step towards tapping the vast potential for competitive, renewable, emissions-free, base-load power from geothermal resources. If successful, Petratherm's Paralana project will be a key contributor to the vision posed by the Australian Geothermal Energy Association of generating between 1,000 and 2,200 megawatts of Australia's base-load capacity from hot rocks by 2020.

Geothermal power generated far from the national grid will eventually allow emissions-free electricity to be supplied to Heathgate's Beverley uranium mine, ending that project's reliance on fossil fuels. Geothermal technology seeks to generate electricity by injecting water deep into the earth where it can be heated by naturally occurring hot rocks and returned as steam that can drive turbines.

The Paralana project involves drilling 11 wells to attain sufficient reservoir development to fuel a 30 megawatt commercial-scale demonstration plant for power generation by 2015. This government has directly supported Petratherm with a total of $240,000 in grants from the Plan for Accelerating Exploration (PACE) scheme. This funding from the PACE collaborative drilling program has complemented grants from the commonwealth government to support geothermal projects.

There is certainly no doubt that when it comes to geothermal, or 'hot rocks' technology, Australia is a global pacesetter, and the majority of this nation's projects are located within our state. Since this government came to office 7½ years ago, 97 per cent of the estimated $325 million spent on geothermal exploration and proof-of-concept projects in this country has been invested in South Australia.

Up to the middle of last month, South Australia has attracted 28 companies that will invest an estimated $874 million in the term from 2002 through until 2013 to define the vast resources in 271 geothermal licences.

In fact, the first three major geothermal projects in Australia are all underway in this state. The projects are Geodynamics' world-class hot fractured rock resource in the Cooper Basin, Panax Geothermal's planned Salamander Well near Penola in the Otway Basin and the exciting operation at Paralana. This truly emission-free power source offers huge potential to deliver baseload electricity without the variability factors that affect solar and wind energy.

It will play an increasingly important role in helping South Australia reach the globally ambitious target announced recently by the Premier of lifting our state's energy production from renewable sources to 33 per cent by 2020. That is an objective that is well above the national target outlined by the Prime Minister, Kevin Rudd, of 20 per cent by 2020.

The level of investment in geothermal projects in South Australia is not simply the result of us having hotter rocks than the rest of the world. It has come about because the South Australian government has taken an active role in supporting and developing renewable technologies. The

supportive legislative frameworks and efficient regulation procedures that we have put in place ensure that environmentally sustainable development investment is welcome in this state.

Primary Industries and Resources SA continues to provide leadership for the Australian Geothermal Energy Group and represents and reports for Australia to the International Energy Agency geothermal cluster. South Australia is also providing expert coordination for the Intergovernmental Panel on Climate Change's special report on renewable energy. In addition, this government recently established a $20 million renewable energy fund for South Australia.

The first funding to be committed under this initiative is $1.6 million for the establishment of a new world-class centre for geothermal energy research at the University of Adelaide. This government is pleased to work closely with the commonwealth and with enterprises such as Petratherm, Geodynamics and Panax Geothermal to help realise our vision of cleaner and greener energy sources for Australia.

STANSBURY MARINA

The Hon. R.L. BROKENSHIRE (14:57): I seek leave to make a personal explanation before asking the Leader of the Government a question.

Members interjecting:

The PRESIDENT: Do you mean a brief explanation?

The Hon. R.L. BROKENSHIRE: A brief explanation.

Members interjecting:

The PRESIDENT: Order!

Leave granted.

The Hon. R.L. BROKENSHIRE: Thank you, Mr President, and thank you for your protection. My question is to the Minister for Urban Planning and Development regarding the Stansbury marina. Family First are not generally opposed to development. However, clearly the Stansbury marina proposal is a fundamentally flawed development that will work against the best interests of that local community and the environment, and it will not provide adequate infrastructure for the increase in population, either. The developer has had a very long period of time—

An honourable member: Is this a speech or what?

The Hon. R.L. BROKENSHIRE: This is the explanation. The developer has had a very long time to get his EIS and other applications in order. Clearly, they are still not in order. Why is the minister giving them another three weeks, and why does he not apply the 'early no' rule today?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:58): Essentially because crown law advice is that one needs to provide natural justice, otherwise the decision might be challenged. It is the Governor who makes the decision, acting of course on the advice of the cabinet. The action that I have taken—and I set this out in the statement I made on Tuesday in relation to this matter—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —is that firstly—

Members interjecting:

The PRESIDENT: Order! Government backbenchers will come to order, too.

The Hon. P. HOLLOWAY: Earlier this year, I wrote to the proponent because the EIS had not been produced, even though I think the guidelines had been set by DAC some time back. I think it was the end of 2007; certainly it was a fair while ago. It was back in 2007 that either the project was declared or the guidelines were set. I wrote to the proponent giving them three months, which I thought was reasonable, to then produce an EIS indicating that if they did not produce the EIS I would then consider an 'early no'.

However, just before the deadline the proponent did put up an EIS and so had complied with that request. I think I was duty bound to consider that request, and I did so. As I indicated the other day, for a number of reasons the quality of that EIS was not sufficient, and therefore I decided that I would not put it out for public consultation, because it just did not address adequately the issues which had been set by the Development Assessment Commission and, as also indicated the other day, it had significantly changed in scope from the original envisaged project. So, really, the answer is that the advice I have is that, before one gives an early no, one is obliged to give the proponent natural justice, and I am doing that. The proponent now has a couple of weeks left to come up with reasons, and I need to consider those, but, certainly from what I have seen to date, there would have to be some very special reasons indeed why I would not take the course of action of giving the project an early no.

PARA WIRRA RECREATION PARK

The Hon. J.S.L. DAWKINS (15:01): I seek leave to make a brief explanation before asking the for Minister for State/Local Government Relations, representing the Minister for Environment and Conservation, a question about the Para Wirra Recreation Park.

Leave granted.

The Hon. J.S.L. DAWKINS: In March 2007 I asked questions of the minister in her role as the then minister for environment and conservation in relation to Para Wirra Recreation Park. I quote from the explanation and question of March 15 of that year:

> I understand that, for some time, the government has planned to transfer crown land at Humbug Scrub to the Department of the Environment and Heritage so that it can be incorporated into the adjoining Para Wirra Recreation Park. Will the minister indicate the reason for the significant delay in the Humbug Scrub crown land becoming part of the Para Wirra Recreation Park?

In fact, the period of delay at that stage was five years. It is now 7½ years, and still no action has been taken, despite the then minister telling this council on 27 March:

> The government is committed to progressing the addition of land in the Humbug Scrub area into the Para Wirra Recreation Park.

My questions are:

1. Will the minister indicate when the government's self-professed program of adding land to national parks will apply to Para Wirra and Humbug Scrub?

2. Will the minister also explain the long delay in the gazettal of Para Wirra as a conservation park rather than its current status, despite all sporting and recreational facilities having been removed some years ago?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:03): I am happy to refer that matter to the Minister for Environment and Conservation and bring back a response.

DOMESTIC VIOLENCE

The Hon. I.K. HUNTER (15:03): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the new domestic violence laws and anti-violence campaign.

Leave granted.

The Hon. I.K. HUNTER: Community awareness and education campaigns play an important role in our community in changing community attitudes. Just this morning I received an invitation from White Ribbon Day, saying:

> Hi Ian,
>
> Tonight, Prime Minister Kevin Rudd launched White Ribbon's 2009 Campaign, featuring prominent Aussie men such as Rove McManus, Keith Urban, Adam Goodes and Hazim El Masri. Join them in swearing never to commit, condone or remain silence about violence against women. Our goal is to have one million Aussie men sign up to the pledge by White Ribbon Day 2009. Be among the first to be part of this nationwide movement to make violence against women to be a thing of the past.

Eager as I was to be among the first to commit and to swear, I did so and got this very quick response:

Ian, thankyou for swearing to...

- never to commit violence against women,
- never to excuse violence against women,
- never to remain silent about violence against women

This is my oath.

I will continue to quote from the White Ribbon campaign—and I assure members opposite that, by so swearing, I hope not to contravene the restrictions that they are living under currently with their new leader. The statement goes on:

United Nations Secretary-General Ban-Ki Moon has labelled violence against women the most prevalent violation of human rights on the planet. And Australia is far from immune. Currently, one in three Australian women experience physical or sexual violence in their lifetime. Every single one of us knows a woman who has suffered its effects, whether we know it or not. These women are our mothers, daughters, our wives, our girlfriends, colleagues and friends. By supporting this campaign you are helping to ensure that Australia becomes a safer place for all women, and their children.

Community awareness campaigns are all well and good, but they are even stronger when backed by supporting legislation. My question is: will the minister provide more information on the proposed new laws and the anti-violence media campaign that she launched earlier today?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:05): I thank the honourable member for his most important question and his ongoing interest, passion and commitment to this particular policy area. I congratulate him on becoming a White Ribbon Ambassador. It is, indeed, a very important role to be undertaking, and I certainly encourage all other men in this chamber to consider doing likewise, if they have not done so already.

In 2005 many of you may remember that the state government launched a Women's Safety Strategy, which was a multistrand approach to dealing with domestic violence and sexual assault in our community. I am pleased to be able to tell members about two new important elements of the strategy which have been launched today. The first aspect is the tabling of new laws which are designed to tackle domestic violence, which will be introduced in the other place today; and the other is a community education campaign aimed at bringing about behavioural change, particularly in young people.

The new bill will form a major legislative plank in the Women's Safety Strategy. I cannot tell you how much these new laws mean to me as Minister for the Status of Women. They are the result of much time and effort and a great deal of dedication involving a number of people across government and non-government sectors. We should feel very proud to have reached this point, and I would like to thank not only the Attorney but each of those individuals involved for their hard work and commitment in bringing it to this point today.

The bill will give police greater powers to take immediate action when individuals and their families are threatened with violence. Under the new law, we will no longer have a situation where women have to wait until they have been assaulted more than once before a court order can ensure that the offender has to stay away from the family home. Of course, we know that those court orders often take quite a deal of time to process and put in place.

Homelessness is one of the most distressing outcomes of domestic violence. It is the intention of the new bill that we give women legal backing to allow them to stay in their own home rather than having to flee to safety. It also specifically protects children from witnessing or being exposed to abuse in their home, because we recognise that breaking the cycle of abuse is an absolutely vital step for their future safety.

This welcome legislation is a combination of intense public and stakeholder consultation beginning with a discussion paper prepared by Ms Maurine Pyke QC at the government's request and following her recommendations in other developments around Australia, particularly Victoria. We have also had a very good look at their legislation.

I have talked before about some of the ways that we are acting decisively against abuse and violence. However, we need a suite of strategies because the law alone is never enough to change behaviour and people's attitudes. We can have the best legislation in the world, but we have to change people's attitudes about violence in order to be really effective.

We know that community education campaigns can work—we have heard a very good example outlined by the Hon. Ian Hunter—and can ultimately make a real difference in people's behaviour. Good examples of that are the seatbelt campaigns as well as the anti-drink-driving campaigns.

Our anti-violence campaign aims to inform, educate and ultimately reduce rape, sexual assault and domestic and family violence in South Australia. The campaign incorporates a number of things, such as community education grants targeted at educating and informing a broader community, particularly more marginal groups; providing information materials to workers; increasing awareness of our legislation; and a media campaign entitled 'Don't cross the line', targeted at young men and women aged 18 to 25 to encourage awareness and discussion around what constitutes respectful relationships.

This morning I launched the media component of the campaign at the annual Domestic and Family Violence Action Group conference. A range of really thought-provoking advertisements will air on local and regional television and radio stations as of tomorrow, and I understand that the radio ads will also be translated for Aboriginal communities in the north of the state, as well as in culturally and linguistically diverse languages of people for new and emerging communities. These ads show that, when it comes to domestic violence and sexual abuse, there is simply no excuse and it should not be tolerated. They are fairly confronting advertisements, I have to say. Someone said to me that the squirm factor is high, and I guess that was intentional. We have market tested these advertisements and have received very positive feedback from that.

The second stage of the media campaign will involve the placement of posters in gyms, pubs and clubs and also in the Hindmarsh and AAMI stadiums. An integral part of the campaign is a website that provides further information about legislative changes, respectful relationships and where people can get help. The South Australian focus on anti-violence is complementary to the work of the National Council, which recently released the national plan to reduce violence against women and their children.

DOMESTIC VIOLENCE

The Hon. S.G. WADE (15:12): Does the legislation include provision for death review processes and, if not, why not?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:12): I believe that the information about death review panels has been put on record in this place. Also, the Attorney has made public statements. The review panels are a responsibility of the Attorney-General, but I know that he has put on the public record that the death review panels are fairly new around Australia. There are a number in some jurisdictions that are fairly new. There are different models that have been put in place in different jurisdictions. The Attorney has given a commitment to monitor those death review panels. We are very interested in seeing the evaluation of the effectiveness of those panels, with a mind to looking at how effective and suitable they might be for South Australia.

DOMESTIC VIOLENCE

The Hon. A. BRESSINGTON (15:13): Will there be a level of education with service providers, including police, about the fact that men are also perpetrated against and that domestic violence is domestic violence, regardless of who perpetrates it? So, is there going to be that education, acknowledging that men's claims of domestic violence also need to be taken seriously?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:14): When the honourable member has a chance to look at the legislation—it has only just been tabled today—she will see that domestic violence is gender neutral, so it does not refer to the perpetrators or victims being men or women. It is quite gender neutral, so it protects anyone, of any gender, who is a victim of domestic violence. The training, education and awareness around that new legislation will be available across the broad community, in government and non-government sectors. The member reminds me that it is not women alone who are victims of domestic violence. She is quite right, because some men are victims of domestic violence; however, in the large majority of cases men are the perpetrators and women and their children are the victims.

WORKCOVER CORPORATION

The Hon. A. BRESSINGTON (15:16): I seek leave to make an explanation before asking the minister representing the Minister for Industrial Relations questions about the WorkCover scheme.

Leave granted.

The Hon. A. BRESSINGTON: Last Friday, in a full Supreme Court judgment in the matter of Thompson v WorkCover, WorkCover was unanimously slammed for conducting a persecution campaign against Mr Thompson, which was, in the words of the court, an 'oppressive' and 'unfair' approach to the legal actions mounted against Mr Thompson. Amongst other bizarre events in this case, the judge noted:

> Mr Thompson was unrepresented during critical stages of the trial, and although he later obtained representation, the initial prejudice was incurable...It also failed to produce relevant documents to Mr Thompson in a timely fashion, many highly relevant documents not even being produced until after the close of the prosecution case.

The *Sunday Mail* reported:

> WorkCover was heavily criticised for trying to claim Mr Thompson had either made up his illness or continued to act sick after recovering. 'The alternative particulars made it impossible for Mr Thompson to have a fair trial,' the judgment said.
>
> 'On the one hand, he faced an allegation that he did suffer no compensable injury. At the same time, he faced an allegation that he did suffer compensable injury but had recovered.'
>
> The judgment said that these charges were not only latently ambiguous but patently ambiguous and that the prosecution effort 'bore the hallmarks of a desire to win at all costs with scant regard to the fact that it was prosecuting serious criminal offences'...
>
> WorkCover was also criticised for using its own prosecutors in a matter where it considered itself to be the victim of the crime. They said the authority's prosecution team would not have been able to conduct themselves with 'fairness and impartiality'.

I am advised that, before the full Supreme Court appeal, Chief Investigations Officer for WorkCover Mark Faggotter's employment with WorkCover was terminated some 12 months ago, just at the time that Mr Thompson was appealing the decision of magistrate Ackland before the Supreme Court.

Faggotter's employment was allegedly terminated when issues were raised in the Supreme Court of his direct involvement in withholding crucial documentation required under discovery in freedom of information for Mr Thompson's defence. The matter was successful before the Supreme Court and was referred back to the Magistrates Court for further hearing.

The PRESIDENT: I ask the honourable member to get to the question.

The Hon. A. BRESSINGTON: Yes. One more short paragraph. This was a repeat of an identical series of steps taken by WorkCover, when Mr Thompson's matter was first heard at the Magistrates Court and a senior investigator, Ian Bassey, was due to be called up to give evidence on his conduct of the investigation. His employment was also terminated under the same conditions some time before it could be presented to the court. My questions are:

1. Will the minister step in to ensure that WorkCover does not appeal the unanimous verdict handed down by the full Supreme Court in light of the patently demonstrable injustices against Mr Thompson?

2. Who was responsible for the decision to prosecute Mr Thompson, given that this bounty hunt, lasting over five years, has cost WorkCover in excess of $1 million?

3. Will the minister undertake to look into WorkCover Corporation's handling of other cases being litigated in the courts with precisely the same blueprint of appalling conduct in those cases involving many of the same players as in that of Mr Thompson?

4. Will the minister recommend legislative change to give the responsibility of the investigation and prosecution of WorkCover claimants to independent bodies who can act in an impartial and fair manner with a view to ending the manifest oppression of injured workers?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:19): I thank the

honourable member for her question. I will refer it to the Minister for Industrial Relations in another place and bring back a reply.

ROCK LOBSTER QUOTAS

The Hon. T.J. STEPHENS (15:20): I seek leave to make a brief explanation before asking the Leader of the Government questions about recently announced changes to rock lobster quotas.

Leave granted.

The Hon. T.J. STEPHENS: I note with interest that the minister recently announced that next month is Small Business Month. The minister said that it is 'a very important time in which we can help small business deal with a whole lot of changes they face and that 'Small Business Month will cover topics such as managing cash flows, competing, and getting on top of costs'. Members might be aware that the fisheries minister has just announced a quota reduction of more than 20 per cent for the 2009-10 rock lobster fishing season in the state's northern and southern zones. Many of these fishermen are paying upwards of $20,000 per year in state government licence fees. My questions are:

1. Given that rock lobster fishermen are small business people, will the minister and the fisheries minister help them during Small Business Month to manage cash flows, compete and get on top of costs, now that the government has slashed quotas?

2. Given that this quota reduction significantly affects the bottom line of this small business, will the government cut these exorbitant licence fees, as the Rock Lobster Fishermen's Association called for recently?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:20): As a former fisheries minister, I am well aware of the complexities relating to rock lobster quotas. They are often increased if surveys indicate high numbers but of course—and quite appropriately, properly and necessarily—if there are declining numbers it is important that the quotas be reduced to preserve the species, and therefore preserve the long-term future of those small business people. Nothing could jeopardise the future of small business people in the rock lobster industry more than not taking action, which could ultimately lead to overfishing of the stock. That is something that could really destroy those small business people.

The Hon. D.W. Ridgway: No idea; you wouldn't know what a business was.

The Hon. P. HOLLOWAY: There would not be a business if the fishery became unsustainable.

Members interjecting:

The Hon. P. HOLLOWAY: Is the honourable member really suggesting that the government should not have reduced quotas in the fishery?

An honourable member: No.

The Hon. P. HOLLOWAY: Well, I am pleased that we at least have acknowledgement of opposition support that the action was necessary to reduce the quotas in the fishery. In relation to the second question, I will refer that to the minister in another place who has responsibility for the matter.

ANSWERS TO QUESTIONS

SENIORS CARD

In reply to the **Hon. T.J. STEPHENS** (13 May 2009).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Families and Communities and Minister for Ageing has provided the following information:

Seniors Card holders do not have to apply every year for their concessions. An application for either Emergency Services Levy or Council remissions will result in a seniors card holder receiving both concessions, although there can be occasions where they may be eligible for one and not the other in cases of complicated land use.

This is also the case for pensioners who receive a larger concession entitlement on their Council rates.

In addition, the Department for Families and Communities (DFC) is implementing processes so that Centrelink allowees will not have to apply every year either. This has already been implemented for water, sewerage and energy concessions. It is also being tested in three Council areas this year with a view of expanding the system to include Councils once the effective data transfer mechanisms are successfully developed to meet the needs of Councils. Once this is finalised further steps will be taken to automate processes so that continuing Centrelink allowees also receive their Emergency Services Levy remission without reapplying.

The government recognises that efficiencies might be achieved by further integration of concessions administration. A great deal of work has been undertaken over recent years to consolidate concessions and improve application and validation processes for eligible customers. Until recently, different government agencies were involved in administering concessions using a number of different databases. This has now been consolidated into a single database within DFC for all except seniors card council rate remissions and Emergency Services Levy remissions which are still administered by RevenueSA.

Preliminary discussions have taken place between officers of the Department for Families and Communities and RevenueSA about further streamlining in the application process for self funded retirees who gain eligibility for Council and Emergency Services Levy remissions due to their Seniors Card status. The primary objective of both departments is to ensure that a single application will lead to an eligible South Australian receiving all of their entitlements.

AGRICULTURAL EDUCATION

In reply to the **Hon. C.V. SCHAEFER** (2 June 2009).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Employment, Training and Further Education is advised that:

1. Industry workforce action plans are being developed for six priority sectors as identified in the Government's Skills Statement Initiative No 19 (September 2006). The Agri-food industry workforce action plan is one of these activities.

The Department of Further Education, Employment, Science and Technology, Primary Industries and Resources SA, Department of Trade and Economic Development, and relevant Industry Skills Boards (Food, Tourism and Hospitality and Primary Industries Skills Council) have been collaborating to identify actions and strategies that continue to develop fresh approaches to skills development and systems reform for the Agri-food sector.

A range of materials have been developed to establish the current skills base within the agri-food sector, identify where skills are located, and the limitations these place on the industry's future expansion. The strategy also worked to identify the future direction of workforce needs within the industry and practical strategies for addressing identified gaps and shortages.

The environmental scan, and industry profile provide an opportunity to develop a shared understanding about the agri-food workforce, based on data from 2006 ABS population census, Monash Employment Growth Forecasts, and National Centre for Vocational Education Research (NCVER). The profile provides the basis for discussion about the Agri-food workforce.

These materials are available at the following address:

http://www.workforceinfoservice.sa.gov.au/industryinfo/industryplanning/agri-food.

The Action Plan and Implementation Strategies underpinning the plan have been developed and will be launched shortly. One of the core strategies supports the provision of appropriate training to address critical job and skill shortages at various locations and modes across the State.

2. The University of Adelaide has advised that, as part of planning for growth, it has relocated Agricultural Science students to the Waite Campus where they will have access to world-class facilities and education in plant science. Students will continue to access the Roseworthy campus as part of their studies. In terms of accommodation, the University of Adelaide has advised

that existing accommodation at Roseworthy is close to capacity due to the new Vet Science program and its actively planning for an extension to the student accommodation there.

HOMELESSNESS

In reply to the **Hon. D.G.E. HOOD** (2 June 2009).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Housing has provided the following information:

The Report 'Demand for SAAP accommodation by homeless people 2007-08', released by the Australian Institute of Health and Welfare indicated that nationally, 55 per cent of the 436 people requiring immediate, new Supported Accommodation Assistance Program (SAAP) accommodation were unable to be accommodated by the end of the day.

South Australia compares favourably to the national figure, less than half, in percentage terms than that recorded nationally and two thirds lower in percentage term than the highest State figure.

South Australia is tackling the issue of homelessness on a number of fronts to ensure there is enough accommodation for homeless South Australians during the winter period.

Through the Crisis Accommodation Program, South Australia has committed resources to major rebuilding and renovation of existing facilities both in the inner city and regionally. Some of these include the complete renovation of the Afton Boarding House, the extensive renovation of the St Vincent de Paul Men's Shelter, the completion of a new facility for women and children escaping domestic violence in Port Lincoln and the development of new facilities for young women and their infants at Louise Place.

Some of the current projects have a particular focus on families and children. These include the St John's Youth Service redevelopment, Ceduna Safe House, the Lakeview Transitional Accommodation Facility in Port Augusta and the South East Regional Domestic Violence Centre.

In addition to constructing new and renovated accommodation facilities, Housing SA is committed to early intervention strategies in order to prevent people becoming homeless. This is coupled with support to enhance the opportunities for people who are homeless or at risk of homelessness to become independent of the homelessness system.

Homelessness is funded through two funding streams involving Commonwealth and State matching funds. The National Affordable Housing Agreement provides approximately $32 million per year for homelessness programs to 30 June 2013 and the new National Partnership Agreement on Homelessness, will provide $59.9m over four years from 2009-10.

Key homelessness projects funded to prevent individuals and families from becoming homeless include the Intensive Tenancy Support Program which will be extended from public housing to all tenancy types and has a focus to prevent evictions. The Private Rental Liaison Officer Program which assists clients to access and sustain accommodation in the private rental market and the Schools Assertive Outreach Program which enhances the prospect that school children who remain connected with family and school avoid entering the chronic homeless population.

Additionally, the Family Advice and Information Referral Service (FAIRS), works in unison with the domestic violence and family homelessness services to provide accommodation to those who are homeless or at imminent risk of being homeless. Aligned with this referral service, intensive support is provided to families on the FAIRS wait-list to assist them to sustain present tenancies or identify accommodation options as a matter of urgency. Three of these wait-list programs are funded and non-government agencies provide the service in the North, West and Southern metropolitan areas.

Lastly, South Australia has recently conducted an inner city rough sleeper count. The first count was in June 2007 and found there were 108 rough sleepers. At the latest count on 5 May 2009, 53 people were identified as rough sleeping in the inner city; a reduction of over 50 per cent in 2 years.

LOCAL GOVERNMENT (ACCOUNTABILITY FRAMEWORK) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:23): Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:23): I move:

That this bill be now read a second time.

Councils have a significant role in people's lives. They are an important sphere of government and, like other governments, have responsibilities and powers which enable them to provide services to support the smooth running of their communities. To carry out their duties they have the ability to impose rates, power to make and enforce laws, and to issue orders binding landowners.

However, the authority entrusted to councils as local governments must be exercised in the public interest, and councils must be accountable for its exercise. As councils receive moneys from the public through rates and expiation fees, they must meet the standards of accountability applicable to public administration and management of public funds. Likewise, the elected council members and their appointed officers must maintain the high standards of probity that apply to holders of public office. In recent times, concerns have been raised about:

- aspects of the legislative framework to ensure that councils meet those standards; and
- specific instances of failure to meet those standards that may indicate systemic operational problems in some councils.

In December last year, a proposals paper 'Reforms to Improve the Accountability Framework for Local Government in South Australia' was distributed.

This paper outlined proposals to amend the legislative framework for internal and external review of council administration and financial management. These proposals, in turn, built upon earlier legislative amendments (enacted in 2005, and took effect in 2007). These changes aimed to improve council financial management and accountability, and included the introduction of compulsory audit committees, long-term financial plans and infrastructure and asset management plans, and consultation requirements for a council's annual business plan.

Many helpful submissions were received in response to this proposals paper, and the government thanks all those who contributed their comments. This bill, developed as a result of that process, deals with a number of matters that fall under the general umbrella of the local government accountability framework.

The bill also contains unrelated miscellaneous measures, most of which were the subject of consultation in a draft local government (miscellaneous) bill. The content of that earlier draft bill has been included in this bill. As a result, this bill contains a number of technical amendments. This speech outlines, first, the accountability framework measures before turning to the miscellaneous measures.

In addition to the fundamental obligation to act lawfully, there are established standards of good public administration which the public is entitled to expect of governments and public officers. These are based on administrative law principles and the work of the Ombudsman and review bodies. This bill seeks to amend section 8 of the act to emphasise that a council must achieve and maintain standards of good public administration.

The matters in section 8, currently described as objectives of a council, are expressed as principles that a council must observe in performing its roles and functions, and a new principle relating to good public administration is added. Another principle included in section 9—and I thank the Local Government Association for this suggestion—is ensuring the sustainability of a council's long-term financial performance. This principle is expected to reinforce the work that is being done in the local government sector to educate and support councils in this area.

Proposed amendments to section 59 place responsibility on the council's elected members, as the governing body, to ensure, as far as is practicable, that the principles in section 8 are observed by the council.

Proposed amendments to section 132A require councils to ensure that appropriate policies, practices and procedures are in place in order to achieve and maintain standards of good public administration.

One of the main reforms sought by this bill is a widening of the scope of an auditor's duties. The former Auditor-General drew attention to the fact that the scope of council audits is narrower than that of state government departments and instrumentalities under the Public Finance and Audit Act 1987.

The bill therefore deals with this matter by providing that a council auditor must, in future, perform two separate functions. In addition to the existing audit of a council's financial statements, proposed amendments to section 129 provide that the auditor must now also examine 'the controls exercised by the council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities' and provide an audit opinion as to whether the controls are sufficient to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.

In layman's terms, this means that the auditor is not just examining where the money went, but also how a council controls public money; whether its management systems are sufficiently robust and prudent to prevent or detect fraud, wastage, inefficiencies and so on. The purpose of auditing controls is to increase confidence in the way public finances are managed. It is not sufficient that public money is managed well—it must also be seen to be managed well. Therefore, the auditor will be required to check not only the use of public money but also the systems of control that a council uses to manage public money.

Transitional provisions in this bill seek to introduce this reform as soon as possible for metropolitan councils, bearing in mind the fact that each council already has a contract with an auditor. Councils outside the metropolitan area will be given an additional three years to comply with this provision. Both the audit opinion with respect to the financial statements and the audit opinion relating to the sufficiency of internal controls will accompany the council's financial statements. Further, even the customary audit management letter that provides technical advice to the council management is also to become a public document after the council has had 60 days to consider and respond to it.

The amendments to section 129 would also expand the matters on which a council's auditor must report to the minister, to include the reasons for any adverse or qualified audit opinion and any matter that, in the auditor's opinion, ought to be reported to the minister. The act already provides that the minister may, on the basis of a report of an auditor, appoint an investigator to carry out an investigation under section 272, and the investigator may be the Auditor-General.

To support councils to meet standards of good public administration, the existing requirements for councils to have policies in key areas have been reviewed to ensure that objectives for those policies are clear. Therefore, three clauses of this bill insert overarching principles into the relevant section of the Local Government Act. Proposed amendments to section 48 would create new requirements for councils to have prudential management policies, practices and procedures for assessment of the projects and would also insert the reasons for these requirements. These ensure that the council acts with due care, diligence and foresight, identifies and manages risks associated with the project, makes informed decisions and is accountable for the use of council and other public resources.

Importantly, the proposed amendments provide that, when a council seeks a prudential report on a major proposed undertaking, that report must be provided by someone who is independent of the council and has no personal interest in that undertaking. In a similar vein, the bill proposes to amend section 49, which requires the council to have policies on contracting and tendering. The amendment clearly sets out that a council must have procurement policies, practices and procedures directed to obtaining value in the expenditure of public money, providing for ethical and fair treatment of participants, and ensuring probity, accountability and transparency in procurement operations.

Proposed amendments to sections 270 of the act are aimed to improve council/customer service and complaint handling. These amendments would require a council to have policies, practices and procedures for dealing with requests for service and complaints about the actions of council, whose policies must be directed to dealing with those requests and complaints in a timely, effective and fair way using information for continuous improvement.

Internal review of decisions is an important part of good public administration in each sphere of government. The Ombudsman has previously drawn attention to the need to improve internal review practices within some councils. The bill makes provisions for regulations to support these important policies and procedures. For example, in relation to a council's internal review procedures, it is proposed to produce a code that can be adopted by regulation to give councils more guidance on matters that should be taken into account in reviewing decisions.

A regulation-making power is also proposed for section 110 of the act relating to the code of conduct which a council adopts for its employees to provide the capacity to mandate minimum provisions that must be included in codes of conduct for council employees. This would match the regulation-making power that already exists in relation to codes of conduct for council members.

Where there is a reason to believe that a council has failed to comply with the act or an irregularity has occurred in the conduct of the affairs of the council, there is a capacity under section 272 of the act for the minister, where appropriate, to formally investigate the matter. This power has been exercised recently in connection with the City of Burnside, although the need for this sort of intervention is rare, and it is relatively common questions and complaints are to be made about the operations of council.

Dealing with this type of correspondence frequently requires the minister to obtain information from the relevant council about how a particular matter has been or is being handled. For the most part, councils are usually very cooperative and helpful (I should put that on record) especially when the subject matter is routine or uncontroversial.

However, if a query raises doubts about the propriety of an individual's actions, or calls into question the legality of a council decision, a council may be reluctant to provide the minister with information that is needed to determine a proper response.

The bill proposes to insert into the act two new sections, 271A and 271B. The proposed new section 271A provides the minister with power to ask a council, in writing, for specific information. This provision is not intended to hinder the regular and informal free flow of information between councils and the minister. Rather, it provides a specific mechanism that may be relied upon where the information being sought might be regarded as sensitive. Proposed new section 271A also protects a council if it divulges information to the minister that might be confidential or relevant to contractual matters.

Proposed new section 271B provides the minister with power to ask a council to obtain an independent assessment of its probity or statutory compliance in a matter, or to take specified action (or actions) to meet standards in its conduct or administration consistent with the objects, principles or requirements of the act. Again, this provision is not intended to formalise the normal cooperation that occurs between councils and the minister—for which I have to commend councils, generally. However, it provides a mechanism that can be used where necessary to ensure that a council gives due weight to a request for remedial action.

These two new sections are complemented by proposed amendments to section 272 and 273, under which a council's decision not to comply with the minister's requests under section 271A or 271B might prompt a formal investigation, and an investigation, in turn, might provide a basis for the minister to give directions to the council.

Changes are made to the provisions for formal ministerial investigation to update powers available to an investigator and to broaden the minister's powers of direction following a formal investigation. For example, these would ensure the minister can direct a council if a council fails to respond appropriately to any recommendation of the Ombudsman contained in a report under the Ombudsman Act. Complementary changes are proposed to section 274, which deals with the investigation of a council subsidiary.

In response to a report by the former acting ombudsman, the bill proposes to re-write section 237, which deals with a council's powers to remove a vehicle apparently abandoned on a road. The proposed changes give greater protection to the owner of vehicle in these circumstances.

When the act commenced in 1999, the internet was not as widely used as it is today. Therefore, the act has provided, until now, that council documents should be on the internet only 'so far as is reasonably practicable'. Today, as we prepare to enter the second decade of the 21st century, there is no longer any argument that providing access to documents on the internet

could be considered impracticable. Indeed, frequently the internet provides the easiest and most convenient ready access to documents without the limitations of business hours.

Amendments to section 132 will now mandate the use of the internet and also widen the list of the council's public documents to include audited financial statements, the council's annual report and FOI statement that are within the scope of the section. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

Miscellaneous provisions

Fixed charges and minimum rates

Council rating policies are intended to reflect, in large part, a system of progressive taxation generally based on the value of land. It is widely understood in the community that within a council area, applying the rate in the dollar fixed by a council means that high-value land will be subject to a higher rate payment than low-value land. However it is not widely understood that rating policies are only partly progressive. Every SA council (except the City of Adelaide) chooses to include in its rating policy a regressive or 'flat-tax'-type component.

This means that currently 67 councils have a mixed rating policy, attempting to strike a balance between:

- spreading the burden according to the relative values of land; and
- spreading the burden more evenly between all ratepayers.

To strike this balance, the Local Government Act permits each council to choose between one of two tools:

- a minimum rate, requiring owners of the lowest-value assessed land (capped at no more than 35% of all assessments in the council area) to pay at least a specified minimum; or
- a fixed charge (i.e. a sum that applies to all assessed land; regardless of the land value).

Section 152 deals with fixed charges, but it does not prevent a council from levying a fixed charge against every piece of land subject to separate occupation. Nor does it limit the proportion of a council's revenue that can be obtained from a fixed charge, provided the proportion is less than 100%. Therefore, a council could chose to set a fixed charge to raise more than 90% of its revenue, and levy this fixed charge against every piece of land subject to separate occupation, including each separate site in a caravan park or residential park. Obviously if such a rating policy was applied it would impact heavily on low-income persons, such as retirees who have chosen to move into caravan parks or residential parks to reduce costs.

Where several parcels of land make up a single farm enterprise, the Act prevents councils imposing a fixed charge on each one of those parcels of land. However, the single farm enterprise concession is not mirrored in the minimum rate provisions, presumably because of an expectation that viable farming properties would be valued higher than the cut-off valuation for the minimum rate to be applied. There has been instances where this is not the case. To ensure equity, this long standing concession should apply to all farming properties that are subject to either a fixed charge or a minimum rate.

Accordingly, the Bill would amend sections 151, 152 and 158 of the Act to:

- prevent councils raising any more than 50% of their general rates through a fixed charge. This will protect the owners of lower-valued land should a council adopt a regressive rating policy;
- prohibit the imposition of a fixed charge or a minimum rate against each site in a caravan park or a residential park; and
- to exclude any 'single farm enterprise' from being charged more than one minimum rate.

Prescribed services

'Prescribed services' under section 155 of the *Local Government Act* are those few services that are made available to all land in a defined area, and hence benefit the land. These services are:

- waste collection and recycling;
- wastewater removal;

and in a few rural council areas:

- provision of water; and
- TV re-transmission services.

Charges for these services may be imposed irrespective of whether a landowner chooses to use the service or not. The reason is that these services cost money to make available and distribute over a geographical area. Even if a person chooses not to put out a bin for collection, that person's property potentially benefits from the service being available in that area, and so it is fair that the landowner should contribute to the cost of providing the service in that area.

Proposed amendments to section 155 are intended to deal with three separate matters:

- The proposed changes to subsections (5), (6) and (7) deal with accounting matters, including the depreciation of assets.
- The intent of proposed new subsection (2a) is to deal with circumstances where service charges have been applied to Crown land. It is appropriate that the Crown pay for services it receives in the same way as residents and commercial property owners. However, it is expected that regulations made under this proposed new subsection will exempt land such as National Parks or unalienated Crown land from being levied service charges.
- Proposed new subsection (11) is intended to deal with circumstances where waste collection services are provided, but are not directly accessible at the relevant land. I intend to consult with the LGA to devise a scheme, to be prescribed in regulations, under which a sliding scale of waste collection charges may be imposed, depending upon the level of service provided.

Community service rate rebates

Section 161 of the Act requires a council to grant a rebate of at least 75% to land 'predominantly used for service delivery and administration by a community service organisation.'

There have been two problems identified with the operation of section 161. First, on the basis of legal advice, some councils have been rejecting applications from community service organisations unless the land the organisation occupies is used for both service delivery and administration. Clearly, the intent of the legislation would best be served by an amendment to grant the rebate to land predominantly used for either service delivery or administration, or both.

Secondly, again on the basis of legal advice, some councils have taken a narrow interpretation of 'supported accommodation' in section 161(4) to deny applications for rebates from community housing organisations. The term 'supported accommodation' is defined in section 4 of the Act, but the definition does not indicate what type of 'support' must be received in order for the accommodation to be classified as 'supported' accommodation. This interpretation has been the subject of discussions since mid-2007 with the Office for Community Housing, the Community Housing Council of SA, the SA Institute of Rate Administrators and the LGA.

Community housing associations are community managed non-government organisations providing housing for those with special housing needs. They are not-for-profit organisations, generally managed by volunteers. These associations meet the eligibility criteria for rebates applicable to other community service organisations but a small number of councils have excluded them from receiving rebates under section 161 based on legal opinion that 'support' should be interpreted only to mean intensive personal services care. This Bill would remove the uncertainty by amending the section 4 definition of 'supported accommodation' to specifically include a reference to housing associations registered with the Office for Community Housing; and amends section 161(1) to remove doubt that each parcel of land must be used predominantly to administer or provide a community service.

Community land

The Bill proposes amendments to deal with three minor issues concerning community land. First, under section 194 of the Act, a council proposing to revoke the status of community land, must prepare a report on the proposal, and must consult the public. However the Act does not say that the council's report should be made available to the public. The Bill proposes that it must do so.

Secondly, if a council wishes to transfer community land to the State Government, but continue to undertake the 'care control and management' of the land as community land, then section 201 places an unreasonable obstacle in the council's path, by requiring the council to first revoke the land's classification as community land. In these circumstances, the required revocation is nonsensical and contrary to the council's intentions. The Bill provides that if land is to remain community land, then there is no need to revoke this status when transferring its ownership.

Third, section 202 of the Act permits a council to issue a lease or licence over community land for a term of up to 21 years. Although the policy intent of this provision is to provide a maximum term of 21 years (i.e. for the total term(s) of the grant and renewal), there has been some confusion in the past that it could be interpreted as allowing a 21-year lease to be renewed for a further 21 years without any requirement for further community consultation. The Bill provides that the maximum term of a lease or licence is to be 21 years. This does not prevent a new lease being granted after such a term, but any such new lease must be subject to a fresh round of community consultation.

Procedural requirements for council orders

A council has many powers to make orders to private land owners. For example, orders can be made to landowners under section 254 (hazards, nuisances, unsightly land) or under section 299 (remove or cut back encroaching vegetation).

The process for making these orders carries some protection for the landowner. Orders under section 254 or 299 may be made only if the relevant person has first received a notice, warning of the proposed order, the reasons for it, and inviting that person to show cause why the order should not be made. A person who receives an order under section 254 or section 299 may appeal to the District Court.

However, there are other order-making powers under sections 216 and 218 which do not detail any process to be followed by the council in making such orders. The Bill deals with this inconsistency by applying the same procedural protections to orders made under sections 216 and 218.

The Bill also standardises the penalty and expiation fee for contravention of any order under sections 216, 218, 254 or 299.

Roads and house numbers

Section 210 of the Act prescribes the process that a council must follow if it wishes to convert a private road into a public road. This process, not surprisingly, requires the council to contact the owner of the road, or at least make reasonable inquiries to find the owner. However, the section is silent about any legal rights to the road that might be held by persons other than the owner. The Bill provides that other persons holding registered legal interests should be subject to the same procedural requirements as the owner of the land. This would include persons with the benefit of a right-of-way, a mortgagee or a registered lessee.

Section 219 of the Act gives a council the power to name a road. Likewise, under section 220, a council may adopt a numbering system. Two separate problems have been identified with these sections. First, in new land divisions, councils sometimes do not assign house numbers or street names until well after houses are built and occupied. This has the potential to cause problems, for example making it difficult for emergency services to locate the appropriate house until the house number is actually assigned. It is also administratively inefficient because identifiers for each house must be entered into databases twice. (For example, even if a street name is unchanged, a house first identified as Lot 13 Smith Street might later need to be changed, for example, to No. 37 Smith Street.)

Second, under sections 219 and 220, assigning a name for a new road, and 'a numbering system for a particular road' cannot be adopted by council officers using delegated authority, but must be a 'resolution' of a council. New roads are occasionally created within new subdivisions. It creates unnecessary delays to have the council formally required to consider adoption of a separate resolution for the name of every new road, and potentially, later, a numbering system for that road. The requirement, in each case, for a 'resolution' also means that the elected council cannot delegate decisions on these matters to the Chief Executive or any staff member.

Accordingly, the Bill proposes to delete references to a council 'resolution' for these purposes. This will enable councils to delegate these decisions to staff. Any delegation to staff, to assign road names would need to be consistent with a council policy on street names. The Bill also requires house numbers to be allocated at the first opportunity in the land division process.

By-laws that apply in only part of the council district.

A council may determine, from time to time, that a by-law applies in only part of the council area. This occurs by a council 'determination' under section 246(3)(e).

However, the Act lacks directions to councils to ensure that the making of such a determination is transparent and accessible to the community.

Accordingly, the Bill contains several amendments to ensure that a relevant determination cannot be delegated by the council, and must be published on the internet, in the Gazette, and in a local newspaper in the same way as a by-law.

Entering private land to carry out work

An employee or contractor of a council may enter and occupy land 'insofar as may be reasonably necessary for carrying out a function or responsibility of the council'. This might involve, for example, depositing tonnes of gravel or sand prior to using the material for adjacent road works. When it enters and occupies land, the council is liable to pay the landowner rent, and to compensate the landowner for any nuisance or damage caused.

However, the Act does not refer to remediation—that is restoring the land to its former state. Nor does it contain any detail of the process required to gain access and occupation; for example a requirement to provide written notice of the council's intention to enter or occupy the land, and any rights of appeal for the landowner.

The Bill therefore inserts amendments to section 294, which would:

- require the council to undertake remediation of the land, to the extent reasonably practicable;
- require the council to pay compensation for any other loss or damage caused; and
- prescribe a process that must be followed by the council in order to gain access and occupation, except when:
    - there is an emergency; or
    - the owner or occupier cannot be located; or
    - the occupation is less than 24 hours and causes no material nuisance or damage.

The amendments to section 294 effectively render section 295 redundant, so that section is to be repealed.

Strict liability when exercising emergency powers

Under section 298, a council has power to take action 'as it thinks fit' in the event of a flooding emergency. This action may be taken irrespective of whether any emergency declaration has been made under the *Emergency Management Act 2004*.

However, a council that does take action in reliance on the powers in section 298 is liable—under subsection (3)—to 'compensate any person who suffers loss in consequence' of the council's action.

This liability applies even if the council has acted entirely reasonably and without negligence. It is a strict liability. For example, if a council were to divert rising floodwaters, in order to save lives and/or multiple properties, the council would nevertheless be liable to compensate a single property owner for any damage caused to land onto which the floodwaters had been diverted.

A similar strict liability that was formerly imposed on the State Emergency Service was repealed with the commencement of the *Fire and Emergency Services Commission Act 2005*. There is no similar strict liability imposed on SA Police, the Metropolitan Fire Service, or the Country Fire Service.

Repealing the compensation provisions in section 298 would not prevent a council from being held liable in common law over the use or misuse of its powers. Such repeal would merely leave councils in the same situation as other emergency organisations, exposed to liability in tort, i.e. to claimants alleging negligence, nuisance or trespass.

In these situations a council would be able to rely on a defence of 'statutory authority' or 'necessity'. To succeed in a claim for negligence, for example, a claimant would presumably need to establish that the council 'had not exercised reasonable care' in the exercise of its statutory power.

Section 298 is restricted to actual or imminent flooding. It does not cover any other emergencies. There are reasons to consider additional powers for councils to respond to other emergencies. However, the State Emergency Management Committee (SEMC) is conducting a review of the Emergency Management Act, and it is likely that further legislative reforms will be considered as part of that review. This Bill merely proposes to repeal subsections 298(3) and (4) to remove a council's strict liability for the exercise of its emergency powers.

Electronic attendance at committee meetings

In regional areas, council committee members often have to travel long distances to attend meetings that may be quite brief. There would be considerable gains in efficiency if council committees could exercise discretion to permit members to participate by teleconference or webcam.

The Bill proposes to amend section 90 to permit council committee meetings to be held using electronic communication, provided that members of the public can still hear the discussion between all committee members. This proposed amendment does not apply to full council meetings; only to committees.

Scheduling representation reviews by regulation

Under section 12 of the Act each council must conduct a review, into its 'composition and ward structure' at least once in every eight years.

Such a representation requires a council to consider:

- how many elected members it needs to adequately represent its community;
- how many, if any, wards there should be within the council area, and their boundaries; and
- the method of electing the council's principal member.

The process can take up to nine to ten months to complete. In 2009, there are about 48 out of South Australia's 68 councils that are (or have been) undertaking representation reviews; their second since the commencement of the Act on 1 January 2000.

All of these reviews must be completed no later than 31 December 2009. This date is less than three months before the scheduled State election, and certifying so many representation reviews in such a short time, whilst simultaneously preparing for a State election, places undue pressure on the resources of the Electoral Commission.

If no action is taken, the same logjam of multiple representation reviews will occur again, in another eight years. Rather than have so many reviews conducted all in the same year, it is more appropriate, for logistical reasons, to have representation reviews for SA's 68 councils scheduled on an evenly spaced and rolling basis, over the entirety of two four year electoral cycles.

Therefore, the Bill would amend section 12 to provide that representation reviews for each council may be scheduled by regulation.

Conflict of interest

A recent case in the District Court required the court to interpret and apply sections 73 and 74 of the Act, that deal with councillors (and members of council committees and the Boards of any subsidiaries) who may have a conflict of interest in a matter for decision. These sections define when members have an interest in a matter before the council, and provide that they must disclose such an interest. Unless specified qualifications apply, they must not then take part in debate or vote on the matter and must leave the meeting while that is occurring.

In *Adelaide Parklands Preservation Assoc v The City Of Adelaide* His Honour Judge Barrett found that two councillors, who had an interest as defined by the Act because of their membership of the South Australian Motor Sport Board, should not have taken part in debate or voted on a motion.

The decision raised doubts about the proper role of councillors appointed or nominated by their council to that Board or the governing body of other, various non-profit associations. His Honour in interpreting section 74 found that the two councillors did not fall within the qualifications in subsection 74(4) as they were not 'appointed by the council' to the South Australian Motor Sport Board, but nominated by the Council with the appointment was made by the Governor.

The Bill would clarify section 74 and restore the interpretation that was previously relied upon by local government and its legal advisors. It provides that a councillor must declare their interest but is not required to abstain from taking part in debate or voting—as otherwise would be required by subsection 74(4)—in either or both of the following circumstances:

(a) the member or a person closely associated with the member is a member of, or director or member of the governing body of, a non-profit association;

(b) the member or a person closely associated with the member is a member of a body (whether incorporated or unincorporated) comprised of or including, or having a governing body comprised of or including, a person or persons appointed or nominated by the council.

Frew Park, Mount Gambier

The City of Mount Gambier holds a reserve named Frew Park, under a Trust established in 1896. The only uses that the trust has permitted for the land are 'walks, recreation, military or other exercises'. The City of Mount Gambier wishes to permit other activities at Frew Park, albeit uses that would be consistent with its classification as community land.

Schedule 8 of the Act includes specific provisions about other identified named reserves. It is appropriate to deal with the limitations of the Frew Park Trust by inserting a new clause in Schedule 8 so that Frew Park is confirmed as community land, freed of the restrictions in the existing trust, but still subject to the protections that the Act provides to all community land.

As indicated, the Bill includes both technical and more broadbased policy measures—the latter directed to improving the transparency and accountability of the 68 councils in the State. I am confident that the proposed amendments will support local government to develop and strengthen its policies and procedures and introduce high standards of governance and probity. These reforms will enable local government to continue to improve its accountability to the community and ratepayers of SA and provide a strong basis for councils to move into the future.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 4—Interpretation

This clause amends the definition of *supported accommodation*.

5—Amendment of section 8—Principles to be observed by a council

This clause establishes principles to be observed by a council.

6—Amendment of section 12—Composition and wards

This clause amends section 12 by substituting the requirement to conduct a review under the section at least once in every 8 years with a review at least once in each relevant period that is prescribed by the regulations.

The clause deletes subsection (4a) of section 12.

7—Amendment of section 44—Delegations

This clause deletes and substitutes paragraph (a) of subsection (2) so that a council may not delegate power to make a by-law or to determine that a by-law applies only within a part of parts of the area of the council.

8—Amendment of section 48—Prudential requirements for certain activities

This clause inserts proposed subsection (aa1) into section 48 to provide that a council develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the council maintains certain specified standards. The policies practices and procedures must be consistent with any regulations made under the section.

Subclause (4) amends subsection (1) by extending the basis on which a council must obtain and consider a report that addresses certain prudential issues to include where the council considers that it is necessary or appropriate.

Proposed subsection (4a) provides that a report under subsection (1) must not be prepared by a person who is an employee of the council or who has an interest in the relevant project.

Proposed subsections (6a) to (6d) deal with conflict of interest issues and identify the circumstances in which members are held to have an interest in a project.

9—Amendment of section 49—Contracts and tenders policies

Proposed subsection (a1) provides that a council must develop and maintain procurement policies, practices and procedures directed towards—

- obtaining value in the expenditure of public money; and
- providing for ethical and fair treatment of participants; and
- ensuring probity, accountability and transparency in procurement operations.

Provision is made for the requirement that policies on contracts and tenders must be consistent with any requirement prescribed by the regulations.

10—Amendment of section 59—Roles of members of councils

This clause inserts new subparagraph (iv) into subsection (1)(a) to provide that the role of a member of a council is, as a member of the governing body of the council, to ensure, as far as practicable, that the principles set out in section 8 are observed.

11—Amendment of section 74—Members to disclose interests

This clause deletes paragraph (c) of subsection (4a) and inserts new subsection (4a), which identifies the circumstances in which members are held to have a conflict of interest.

12—Amendment of section 90—Meetings to be held in public except in special circumstances

This clause inserts new subsection (7a), which sets out the circumstances in which a council committee meeting will be taken to be conducted in a place open to the public for the purposes of section 90.

13—Amendment of section 110—Code of conduct

This clause inserts new subsections (3a) and (3b).

Proposed subsection (3a) provides that a code of conduct must be consistent with any principle or requirement prescribed by the regulations and include any mandatory provision prescribed by the regulations.

Proposed subsection (3b) provides that the Minister should take reasonable steps to consult with any registered association that represents the interests of employees of councils before a regulation is made under proposed subsection (3a).

14—Amendment of section 123—Annual business plans and budgets

This clause amends subsection (5) of section 123 by extending the number of days by which copies of the draft annual business plan must be available before the date of the meeting from 7 to 21 days.

This clause inserts subsection (5a), which requires the council to ensure that provision is made for a facility for answering questions and the receipt of submissions on its website during the public consultation period.

15—Amendment of section 127—Financial statements

This clause deletes paragraphs (a) to (e) of subsection (1) and inserts new paragraph (a) to ensure that a council must prepare for each financial year, financial statements and notes in accordance with standards prescribed by the regulations.

16—Amendment of section 129—Conduct of audit

This clause deletes and substitutes subsection (1) to ensure that the auditor of a council must undertake an audit of—

- the council's financial statements within a reasonable time after the statements are referred to the auditor for the audit (and, in any event, unless there is good reason for a longer period, within 2 months after the referral); and
- the controls exercised by the council during the relevant financial year in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.

Clause 16 deletes and substitutes subsection (3) to ensure that the auditor provides to the council—

- an audit opinion with respect to the financial statements; and
- an audit opinion as to whether the controls audited under subsection (1)(b) are sufficient to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.

This clause deletes subsection (5a) and inserts new subsections (5a) to (5e) (inclusive).

Proposed subsection (5a) sets out the basis on which the auditor will provide the report under subsection (3) and the advice under subsection (4).

Proposed subsection (5b) sets out the manner in which the report and advice must be placed on the agenda for consideration (unless proposed subsection (5c) applies).

Proposed subsection (5c) provides that the report and advice may be the subject of a special meeting of the council called in accordance with the requirements of the Act (and held before the ordinary meeting of the council that would otherwise apply under subsection (5b).

Proposed subsection (5d) makes provision for the confidentiality of the report under subsection (3) and proposed subsection (5e) sets out the basis on which the advice under subsection (4) may be kept confidential.

Subclause (9) inserts new paragraphs (d) to (h) (inclusive) into section 129(6) to expand upon the matters that the auditor must report to the Minister.

Subclause (10) inserts new subsection (9) to provide that a report under subsection (3), provided to a council under the section, must accompany the financial statements of the council.

17—Amendment of section 132—Access to documents

This clause substitutes paragraph (f) and inserts new paragraphs (h) to (j) (inclusive) of section 132(3) to expand on the list of documents that a council should make available for inspection on the Internet within a reasonable time after they are available at the principal office of the council.

Subclause (4) provides that the Governor may by regulation amend the list of documents contained in subsection (3) from time to time.

18—Amendment of section 132A—Related administrative standards

This clause substitutes paragraph (b) of section 132A so that a council must ensure that appropriate policies, practices and procedures are implemented and maintained in order to achieve and maintain standards of good public administration.

19—Amendment of section 133—Sources of funds

This clause deletes paragraph (b) from the Examples set out in section 133.

20—Variation of section 151—Basis of rating

This clause inserts new subsections (10) and (11) into section 151 of the Act to provide that a council must not, in relation to any financial year, seek to set fixed charges as a component of general rates at levels that will raise a combined amount from such charges that exceeds 50% of all revenue raised by the council from general rates. Proposed subsection (11) provides that a charge is not invalid because fixed charges imposed in relation to any financial year raise more than the amount referred to in proposed subsection (10).

21—Amendment of section 152—General rates

This clause amends section 152 by expanding on the range of exceptions to the requirement imposed under the section to apply a fix charge equally to each separate piece of rateable land in the area so that a fix charge cannot be imposed against each site in a caravan park or each site in a residential park within the meaning of the *Residential Parks Act 2007*.

22—Amendment of section 155—Service rates and service charges

This clause inserts new subsection (2a) to provide that a council's ability to impose service rates and annual service charges on rateable and non-rateable land under subsection (2) does not apply in prescribed circumstances.

Subclause (4) inserts new subsections (6) and (7).

Proposed subsection (6) provides that, subject to subsection (7), any amounts held in a reserve established in connection with the operation of subsection (5) must be applied for purposes associated with improving or replacing council assets for the purposes of the relevant prescribed service.

Proposed subsection (7) provides that if a prescribed service under subsection (6), is, or is to be, discontinued, any excess of funds held by the council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) may be applied for another purpose specifically identified in the council's annual business plan as being the purpose for which the funds will now be applied.

Subclause (5) inserts proposed subsection (11) to provide that if a prescribed service, in relation to a particular piece of land, is not provided at the land and cannot be accessed at the land, a council may not impose in respect of the prescribed service a service rate or annual service charge (or a combination of both) in relation to the land unless the imposition of the rate or charge (or combination of both)—

- is authorised by the regulations; and
- complies with any scheme prescribed by the regulations (including regulations that limit the amount that may be imposed or that require the adoption of a sliding or other scale established according to any factor, prescribed by the regulations, for rates or charges (or a combination of both) imposed under this section).

23—Amendment of section 158—Minimum rates and special adjustments for specified values

This clause amends section 158(2) of the Act by inserting new paragraph (ba) into subsection (2) to add, each site in a caravan park or each site in a residential park within the meaning of the *Residential Parks Act 2007*, to the list of matters that a council cannot impose a minimum rate against. The clause adds new paragraph (bb) into

subsection (2) to provide that if 2 or more pieces of rateable land within the area of a council constitute a single farm enterprise, a minimum amount may only be imposed against 1 of the pieces of land.

New paragraph (da) is inserted into subsection (2) so that a council may not apply section 158 so as to affect or alter a separate rate that would be otherwise payable under section 154 in relation to more than 35% of the total number of properties in the area that should be subject to the separate rate.

Paragraph (e) of subsection (2) is substituted and replaced with new paragraph (e) so that a council cannot apply section 158 in respect of a general rate or a separate rate if the council has included a fixed charge as a component of that rate.

24—Amendment of section 161—Rebate of rates—community services

This clause amends section 161(1) to ensure that rates on land apply to land being predominantly used for service delivery or administration (or both).

25—Amendment of section 194—Revocation of classification of land as community land

This clause amends section 194(2) to ensure that a report prepared by a council on the proposal is made publicly available.

26—Amendment of section 201—Sale or disposal of local government land

This clause deletes and substitutes paragraph (a) of section 201(2) to provide that a council may only dispose of community land if the land is to be amalgamated with 1 or more other parcels of land and the amalgamated land is to be (or to continue to be) community land or, in any other case, after revocation of its classification as community land.

27—Amendment of section 202—Alienation of community land by lease or licence

This clause deletes and substitutes subsection (4) of section 202 with proposed subsection (4) to provide that a lease or licence is to be granted for a term not exceeding 21 years and the term of the lease or licence may be extended but not so that the term extends beyond a total of 21 years.

The clause inserts new subsection (4a) into section 202 to provide that subsection (4) does not prevent a new lease or licence being granted at the expiration of 21 years (subject to the other requirements of this Act or any other law).

28—Amendment of section 210—Conversion of private road to public road

This clause inserts new paragraph (ab) into subsection (2) of section 210 of the Act. Proposed paragraph (ab) ensures that if a person has some other form of registered legal interest over the private road and the identity and whereabouts of that person are known to the council—the council must give written notice to the person of the proposed declaration at least 3 months before it makes a declaration under section 210.

This clause deletes and substitutes subsection (3) to provide that the following applications may be made to the Land and Valuation Court in connection with a declaration under section 210:

- an owner of the private road may apply to the court for compensation for the loss of the owner's interest in the road;
- a person who has some other form of registered legal interest over the private road may apply to the court for compensation for the affect of the discharge of that interest.

29—Amendment of section 216—Power to order owner of private road to carry out specified roadwork

This clause deletes and substitutes subsection (2) of section 216 of the Act to ensure that the requirements imposed under Division 2 and 3 of Part 2 of Chapter 12 apply with respect to any proposal to make an order and if an order is made, any order, under subsection (1) of section 216.

30—Amendment of section 218—Power to require owner of adjoining land to carry out specified work

This clause deletes and substitutes subsection (2) of section 218 to ensure that the requirements imposed under Division 2 and 3 of Part 2 of Chapter 12 apply with respect to any proposal to make an order and if an order is made, any order, under subsection (1) of section 218.

31—Amendment of section 219—Power to assign a name, or change the name, of a road or public place

This clause inserts new subsection (1a) into section 219 of the Act to require a council to assign a name to a public road created after the commencement of this subsection by land division.

Subclause (2) amends subsection (4) so that Public notice must be given of the assigning or changing of a name under subsection (1) rather than of a resolution assigning or changing a name.

Subclause (3) inserts new subsections (5) to (8) (inclusive) to—

- require a council to adopt a policy relating to the assigning of names; and
- allow a council to alter its policy, or substitute a new policy; and
- require public notice to be given of any alterations to a policy or adoption of a policy.

32—Amendment of section 220—Numbering of premises and allotments

This clause inserts new subsections (1a) and (1b) into section 220 of the Act.

Proposed subsection (1a) requires that a council must assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of this subsection by land division.

Proposed subsection (1b) requires that a council must ensure that an assignment under proposed subsection (1a) occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of this subsection.

33—Substitution of section 237

This clause substitutes section 237 of the Act.

237—Removal of vehicles

The proposed section provides that if a vehicle has been left on a public road or place, or on local government land for at least 24 hours, an authorised person may place a prescribed warning notice on the vehicle. After 24 hours has expired since the placement of a prescribed warning notice, an authorised person may have the vehicle removed to an appropriate place.

The proposed section makes provision for the sale of the vehicle if the owner of the vehicle does not take possession of the vehicle and pay expenses associated with the removal of the vehicle.

34—Amendment of section 246—Power to make by-laws

This clause inserts new subsection (4a) into section 246 of the Act to provide that if a council makes a determination under subsection (3)(e) that a by-law, or a provision of a by-law, applies only within a part or parts of the area, the council must ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the council.

35—Amendment of section 258—Non-compliance with an order an offence

This clause deletes and substitutes the penalty and expiation fee provisions in section 258 to increase the maximum penalty to $2 500 and the expiation fee to $210.

36—Amendment of section 270—Procedures for review of decisions and requests for services

This clause inserts new subsections (a1) and (a2) to make provision for the development and maintenance of policies, practices and procedures in relation to requests for the provision of a service or for the improvement of a service provided by the council or complaints about the actions of the council, its employees or other persons. The policies, practices and procedures must be directed towards dealing with the relevant requests or complaints in a timely, effective and fair way and using information gained from the council's community to improve its services and operations.

Subclause (3) inserts new subsection (4a) to ensure that the policies, practices and procedures established under section 270 must be consistent with any requirement prescribed by the regulations.

37—Amendment of section 271—Mediation, conciliation and neutral evaluation

This clause amends section 271 to add conciliation proceedings to the range of possible dispute resolution schemes available to deal with disputes between a person and the council.

38—Insertion of sections 271A and 271B

This clause inserts sections 271A and 271B.

271A—Provision of information to Minister

Proposed section 271 compels a council to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the council.

271B—Minister may take steps to ensure reasonable standards are observed

The proposed section provides that the Minister may, after taking into account such matters as the Minister thinks fit, request a council to obtain an independent assessment of its probity or its compliance with any requirement placed on the council under this or any other Act or, without limiting paragraph (a), to take specified action to meet standards in the conduct or administration of the affairs of the council identified by the Minister as being consistent with the objects of this Act, or any principles or requirements applying under this Act.

39—Amendment of section 272—Investigation of a council

This clause inserts new paragraph (ab) into section 272(1) to enable the Minister to appoint an investigator to carry out an investigation if the Minister has reason to believe that a council has failed to comply with a request under proposed sections 271A or 271B.

The clause further provides that the requirement to give a council notice before making an appointment under subsection (1), is not required if the Minister considers that the notice would be likely to undermine the investigation.

An investigator appointed under subsection (1) may, for the purposes of an investigation—

require a person who has access to information that is, in the opinion of the investigator, relevant to the investigation, to provide that information to the investigator in a form determined by the investigator;

inspect—

- any building or other premises occupied by the council;
- the operations of the council conducted in or on any building or other premises;

Proposed subsection (6a) provides that if during the course of an investigation an investigator considers that other matters relating to the affairs or operations of the council should be subject to investigation or report, the investigator may, after consultation with the Minister, proceed to investigate (as necessary), and report on those matters.

40—Amendment of section 273—Action on a report

This clause expands the matters upon which the Minister may give directions to the council under the section to include if the Minister considers that a council has failed to respond appropriately to a recommendation of the Ombudsman or that a council has failed to address appropriately a matter that formed the basis of a request under proposed section 271B.

The clause expands the matters upon which the Minister may recommend to the Governor that the council be declared to be a defaulting council to include if the Minister considers that there has been a failure to comply with a direction under subsection (2)(b) or a failure to comply with a requirement to take specified action in respect of a subsidiary for the purposes of section 275.

The clause deletes subsection (4) of section 273.

41—Amendment of section 274—Investigation of a subsidiary

This clause makes amendments to the Minister's power to refer specified matters for investigation in respect of a subsidiary that correspond with those amendments made by clause 39 to the Minister's power to refer specified matters for investigation in respect of a council.

42—Amendment of section 294—Power to enter and occupy land in connection with an activity

This clause amends section 294 to allow a council to conduct surveys, inspections, examinations and tests, and carry out work.

43—Repeal of section 295

This clause repeals section 295 of the principal Act.

44—Amendment of section 298—Power of council to act in emergency

This clause deletes subsections (3) and (4) from section 298 of the Act.

45—Amendment of section 302—Application to Crown

This clause amends section 302 of the Act to expressly provide that the Crown is bound by Chapter 10 of the principal Act.

46—Amendment of Schedule 2—Provisions applicable to subsidiaries

(1) This clause amends subclause (2) of clause 13 of Schedule 2 to remove the ability of the council to exempt a subsidiary from the requirement to establish an audit committee.

(2) Subclause (2) makes it clear that an audit committee established by a subsidiary may include persons who are members of the council's audit committee.

(3) Subclause (3) amends subclause (2) of clause 30 of Schedule 2 to replace the ability of the charter of a regional subsidiary to exempt the regional subsidiary from the requirement to establish an audit committee with the ability of such exemption to be provided by regulation.

(4) Subclause (4) makes it clear that an audit committee established by a regional subsidiary may include persons who are members of a constituent council's audit committee.

47—Amendment of Schedule 4—Material to be included in the annual report of a council

This clause deletes paragraph (e) from clause 1 of Schedule 4.

48—Amendment of Schedule 8—Provisions relating to specific land

This clause inserts new clause 12 into Schedule 8 of the Act.

12—Frew Park

Proposed clause 12 classifies Frew Park as community land and makes that classification irrevocable. The clause also revokes the Frew Park trust.

Schedule 1—Transitional provision

1—Transitional provision—audit opinions

This clause sets out transitional provisions that apply to the various auditing arrangements imposed by the amendments made by this Act to section 129 of the principal Act.

Debate adjourned on motion of Hon. J.M.A. Lensink.

LOCAL GOVERNMENT (ELECTIONS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 September 2009. Page 3074.)

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:41): I thank honourable members for their contribution to the second reading of this bill. I am pleased that members who have spoken have expressed their support for the measures in this bill and that the opposition supports the general thrust of the legislation.

The bipartisan support that the measures have attracted is testament to the thoroughness with which the Independent Review of Local Government Elections went about its task, and the considerable research and consultation that underpinned the review's recommendations. Importantly, these measures will help secure local government democracy, raise the profile of local government in the community and improve voter turnout for this sphere of government.

Transparency of information, such as is proposed in the introduction of candidate statements, further publicity for local government elections and the education of the public by the Electoral Commissioner on enrolment can only be good. The commissioner, of course, in creating the campaign, must consult with the Local Government Association. The bill also matches provisions about misleading material to aid electors in their assessments at election time. The bill has developed and benefited from the information provided by the independent review and the Local Government Association.

I foreshadow that I will be moving two amendments: first, a technical amendment to clarify provisions on the application of voters roll to property franchise members who may have property in several wards; and, secondly, to clarify the application of the caretaker period. I will, however, provide an explanation of those clauses during the committee stage and in the context of the wider clauses.

I believe that I have dealt with matters raised by honourable members in their contributions to date. However, if I have inadvertently left a matter out I am happy to deal with that during the committee stage. I note that both honourable members who spoke to this bill foreshadowed possible amendments. The government also has some minor amendments, but all proposed amendments can be dealt with at the committee stage. I again thank members for their contribution.

Bill read a second time.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 3147.)

Clause 5.

The Hon. P. HOLLOWAY: I move:

Page 5, line 4 [clause 5(3), inserted subsection (4)]—Delete 'subsection (2)' and substitute:

subsection (2) and (3)

As I indicated earlier, this amendment was only circulated today. It is a technical amendment. If members would prefer, we can recommit it and deal with it later. Basically, the amendment corrects a minor drafting error. Subsection (4) places conditions around the provision of electoral rolls to MPs, registered parties and now, given the earlier debate, the nominated candidates under subsection (2).

Amendments in the lower house inserted a new subsection (3), which addresses concerns about redistributions. Where the Boundaries Commission has made a decision on boundaries under which the boundaries of the district are to be altered to include any part of another district, subsection (3) entitles a House of Assembly member, or a nominated candidate, to an up-to-date

copy of the roll for that other district. Subsection (4) currently refers only to subsection (2), not subsection (3). So, this amendment simply adds a reference to subsection (3) to correct a drafting error. If anyone objects, we can deal with it by recommittal. I appreciate that I have introduced a number of other amendments, some more substantial than this one, but this just corrects a minor drafting error.

The Hon. R.D. LAWSON: I accept the minister's assurance that it is a minor drafting error, and I do not propose to seek any further information or elaboration in relation to it. I do, however, have other questions in relation to this clause generally.

The Hon. M. PARNELL: The Greens' position is similar. We do not object to this late amendment, but I do have a number of other questions on this clause.

Amendment carried.

The Hon. M. PARNELL: I move:

Page 5, line 18 [clause 5(3), inserted subsection (5), penalty provision]—Delete '$100,000' and substitute:

$50,000 or imprisonment for 5 years.

Before speaking to this amendment, I want to ask some questions of the minister in relation to proposed new clause 26(5). This new provision relates to what we talked about earlier regarding the misuse of copies of the electoral roll. The clause provides:

If a copy of the roll is provided to a person under this section, a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than a state, federal or local government purpose is guilty of an offence.

A number of interpretational questions arise from that. The first one is: is this the only clause in this amending bill that provides an offence of misusing an electoral roll? My understanding was that there was some other clause somewhere else, but I have not been able to find it. If this is the only clause that provides for an offence of misusing the roll, then I have some further questions that flow from that answer.

The Hon. P. HOLLOWAY: My advice is that this is the only section that specifically refers to the misuse of the electoral roll; however, there are other provisions that relate to breach of conditions placed on the provision of information by the commissioner; they are similar to supplementary offences.

The Hon. M. PARNELL: The reason I ask is that the word 'person' is used twice in the first two lines of this proposed new subsection. It provides: 'if a copy of the roll is provided to a person under this section'. That person is going to be someone connected with the political party, someone who is nominated to be a candidate, or an existing member of parliament.

It goes on to provide that, if a copy of the roll is provided to a person under this section, the person who uses a copy of the roll improperly is guilty of an offence. Is the offender the member of parliament, for example, who may have sold his or her copy of the electoral roll to a commercial enterprise that then misuses it, or is the offence committed by that commercial misuse? Is it the seller or the buyer of the electoral roll who is guilty of an offence?

The Hon. P. HOLLOWAY: My advice is that it could be both. A person who is validly given a copy of the roll and then misuses it would be guilty of the offence. Even if they were given it validly and they misuse it, they have breached section 5(5). Likewise, if that information was given to a party official for a valid purpose and somebody in that office misused it for a commercial purpose, for example, or if they found it lying about and took it out and misused it, they could also then be guilty of an offence.

The Hon. R.D. LAWSON: On the same point, I am very uneasy about this clause for a number of reasons, in particular, what its effect is. I cannot understand the necessity for the introductory words, 'if a copy of the roll is provided to a person under this section.' Surely, the evil that is being aimed at is not in the way in which a particular type of copy is handled but how the roll is handled, or mishandled, generally.

I would have thought that they do not add anything to the essential purpose of the section, which ought to simply read that if any person uses a copy of the roll for a purpose other than some permitted purpose that person is guilty of an offence. Is this intended to suggest that, if somehow some government department obtains the roll, but not by reason of being handed a copy of it by a member of parliament, the misuse of that particular type of roll is not prohibited?

The Hon. P. HOLLOWAY: My advice is that under section 27A there are prescribed authorities who can obtain a copy of the roll. This particular part is not aimed at them; rather, it is aimed at those who receive the roll under section 26. Section 27A of the Electoral Act, Provision of Certain Information, provides:

> (1) The Electoral Commissioner may, on application by a prescribed authority, provide the authority with any information in the Electoral Commissioner's possession about an elector.

It is not aimed at those people. Rather, it is aimed at those who get it under new section 26, Inspection and Purchase of Rolls, which provides for those who can have copies of the electoral roll.

The Hon. R.D. LAWSON: Can the minister indicate who are the prescribed authorities under section 27A?

The Hon. P. HOLLOWAY: Electoral Regulations 1997, part 6—Prescribed authorities (section 27A), provides:

> (1) For the purposes of section 27A(1) of the Act, the following are prescribed authorities:
>
> (a) the Commissioner of Police;
>
> (b) the Sheriff, deputy sheriffs and sheriff's officers;
>
> (c) the Chief Executive of the administrative unit that is, under the relevant Minister, responsible for the administration of the Health Care Act 2008;
>
> (d) the South Australian Superannuation Board;
>
> (e) Central Northern Adelaide Health Service Incorporated.
>
> (2) For the purposes of section 27A(2) of the Act—
>
> (a) a member of either of the Houses of Parliament is a person of a prescribed class; and
>
> (b) the age bands are the ages from 18 to 24 (inclusive), 25 to 34 (inclusive), 35 to 44 (inclusive), and so on.

Part 6(2)(b) refers to the age bands for which the information is provided.

The Hon. R.D. LAWSON: Is the effect of that then that those authorities are able to misuse, with impunity, the information on the roll, but those who are unable to misuse it are members of parliament and those who obtain it under section 26?

The Hon. P. HOLLOWAY: I think there are different provisions relating to misuse, but I will check on that. I am advised that section 27A(4) of the act provides:

> The Electoral Commissioner—
>
> (a) may provide information under this section subject to conditions notified in writing to the authority or person to whom the information is given; and
>
> (b) may charge a fee (to be fixed by the Electoral Commissioner) for providing information.

Section 27A(5) provides:

> An authority or person who contravenes or fails to comply with a condition under subsection (4)(a) is guilty of an offence.
>
> Maximum penalty: $1,250.

I think we may be changing that, but I will have to check the bill. Certainly, that is what the current act provides.

The Hon. M. PARNELL: I would like to clarify the intent of this provision. If we take the roll for the Legislative Council, for example, that is effectively an address list of every adult in South Australia. When we consider that, under new section 26 it can be provided in electronic format, effectively the value of that information is that it is data that can be turned into mailing labels for every adult in the state.

Under this provision that list will be in the hands of the 22 members of this chamber, it will be in the hands of all the registered political parties, and it will be in the hands of the 50 or so people who put their hand up for candidacy at the next election. I need to be very clear whether if any of those people, either by gift or by sale, or whatever means, give a copy of that roll, say, in electronic format on a disk, to a commercial operator, and where that commercial operator then uses it to direct mail to people in South Australia, is the offence committed by both the person who

handed the list over, whether for consideration or otherwise, and the commercial operator who then used it to direct mail for commercial purposes? I want to make it absolutely clear whether both the giver and the receiver of that information are guilty of an offence.

The Hon. P. HOLLOWAY: My advice—subject to the particular facts—is that the answer would be yes. Certainly in both cases the answer would be yes but, obviously, it would depend on the facts.

The Hon. M. PARNELL: I will now speak very quickly to the amendment that I have moved, and it does relate to this new subsection. Under this subsection, the penalty is currently $10,000. My amendment proposes to increase that to a penalty of $50,000 or imprisonment for five years. The reason I have punted for a serious increase in the penalties is that we are talking about seriously valuable information which could be misused and the penalties need to reflect that.

It would seem to me that $10,000 is probably much less than the asking price for an electronic address list of every South Australian adult. It would seem that, if a commercial operator only had to pay $10,000 for, effectively, 600,000 personalised mailing addresses at people's homes, that would be an absolute bargain. So, that is the reason for my moving to increase the penalty.

I wanted to get that on the record before I forgot, but I do have some more questions of the minister relating to this clause. We have now clarified who is liable for the criminal penalty, but they are only liable if that information has been misused. The misuse, as defined in this new subsection, is: if the person uses the information for a purpose other than a state, federal or local government purpose. The key question there is: what on earth is a state, federal or local government purpose?

I will add some extra information. Federal and local government purposes: no-one connected with the federal or with local government is entitled, under section 26, to obtain a copy of the roll other than, I guess, political parties, which do contest elections at every level. It seems very curious that the state roll can be potentially used for local government purposes. My specific question is: what is the meaning of a state, federal or local government purpose?

The Hon. P. HOLLOWAY: This is, obviously, a fairly broad definition that covers anything related to state, federal or local government. Without trying to prejudge what the counsel might have meant, it is one way of saying 'non-commercial'. It is non-commercial use, essentially, but I suppose it was probably the most elegant legal way of appropriately defining the use.

If you said 'non-commercial' that would, obviously, be a much more subjective judgment about what was commercial or not. We use the term loosely here, and the Hon. Mark Parnell himself talked about commercial use, and I think we all know what he means. In a legal sense it might be difficult to determine exactly what that was, but if you refer to 'state, local and federal government use' then I think that is probably something that could be more easily determined.

The Hon. M. PARNELL: I thank the minister for his answer. The difficulty is the crossover between government and commercial. For example, if a political party wanted to use this address list for South Australia to solicit funds from the community for the purpose of fighting the next election, would that be regarded as a state, federal or local government purpose? Clearly, it would be seeking money; the money would end up in the hands of TV and radio stations, but the purpose would be to help fight the election. Is that a legitimate use of the electoral roll?

The Hon. R.D. LAWSON: Before the minister answers, perhaps I could add another example. Very often the information on the electoral roll is used by political parties and candidates for the purpose of direct mailing of constituents whose names and addresses are on the roll, for the purpose of soliciting, perhaps, donations, as the honourable member just mentioned, but also support. So, the purpose of the use is to get yourself re-elected, and I would not have thought that was a state, federal or local government purpose. It is a private political purpose.

The Hon. P. HOLLOWAY: My advice is that the government believes—this is answering the Hon. Robert Lawson's point—that the interpretation is broad enough that it would cover that. Clearly, the aim here is—and, again, we go back to the suggestion of the former electoral commissioner in 2002—to restrict the use of the roll for commercial purposes; in other words, for people to make money out of it. How you define that in the act is, I would have thought, a fairly difficult thing to do.

Certainly it is the view of the government that the 'state, local or federal' definition would cover the use of that by members of parliament going about their business and for purposes they

would be likely to use the electoral roll but, at the same time, it would preclude outside non-government commercial use, and that is essentially what we are trying to achieve.

The Hon. R.D. LAWSON: If the information on the roll is used, for example, to send out a dodger inviting people to a sausage sizzle for the purpose of enabling the candidate to ingratiate himself with local residents, how can that possibly be described as a state, federal or local government purpose?

The Hon. P. HOLLOWAY: I will say it again: our view is that that is broad enough to cover that. If the honourable member wants to make a suggestion if he thinks there is a better definition, we are certainly open to it, but certainly it is our view that that should be covered. Clearly, that is not a commercial purpose.

The Hon. R.D. LAWSON: My concern is that this information will be in the hands of members of parliament and candidates who clearly do not wish to contravene the law and face the possibility of a conviction and $10,000 penalty, or $50,000 if the honourable member's amendment is carried. It is highly unsatisfactory to create offences in provisions of this kind that are difficult to understand and not clear. Why, for example, should a local government purpose be permitted? Local councillors and candidates for local councils are not entitled to a copy of the roll. Why should a local government purpose be permitted?

The Hon. P. HOLLOWAY: It just really is the government view, I suspect. If members of local government, for example, wish to avail themselves of that part of the roll that is relevant to their council area, why should they not be able to do so? That is not a commercial purpose. If somebody has an alternative wording, they could perhaps float it up, but essentially what we are trying to do here is to remove commercial money-making uses in respect of the electoral roll.

Other matters, however, and those related to government—and that includes the use by MPs—are quite clearly envisaged under the act. It is quite clear, I would have thought, under the act, that it is set out that MPs should have access to the roll. Clearly the intention and, we would suggest, the effect of this clause is for MPs to use the information in the course of their activities, which will of course mean corresponding with electors. That is a perfectly valid and legitimate use of the electoral roll.

As I said, the alternative would be, I suppose, to have a definition of commercial. I am not a lawyer, but it would seem to me that you would have a lot more arguments over what is or is not commercial than you would over what is a state, local or federal government purpose. If an MP or a local councillor is using information legitimately derived from the electoral roll, one would hope that this particular expression of the clause would ensure that that use is valid.

The Hon. M. PARNELL: Without wishing to prolong debate on my amendment too much, I point out to members that my back-of-envelope calculation shows that the maximum penalty is 1¢ per address, and I am proposing to raise it to 5¢ per address. It is still probably the cheapest address list that anyone has ever purchased, not that I would want to suggest for one minute that any member of this chamber would stoop so low as to sell their electronic copy of the roll.

The Hon. R.D. LAWSON: I indicate that we will vote against this clause because we believe that it is unfair, vague in its operation and will seriously inconvenience members of parliament and candidates by not specifically stating what their duty is in relation to it. Given that we believe that it is an unfair and flawed provision, we do not believe that the penalty for infringing it should be increased. Indeed, it should be decreased. We will not be supporting it because, if this passes in its present form, it is simply an outrageous provision and it should not be heavily penalised.

The Hon. P. HOLLOWAY: The government opposes the amendment moved by the Hon. Mark Parnell. This amendment increases the penalty for a breach of new subsection 26(4), which prohibits a person using roll information provided under section 26 for a purpose other than federal, state or local government purposes, from $10,000 to $50,000 or imprisonment for five years. The government opposes that. This is a large increase in penalty; it takes the offence up to the indictable category.

The next highest penalty under the act would be the penalty for the offence of forging a ballot paper, which carries a maximum penalty of $10,000 or two years. I would think that forging a ballot paper—something that would undermine the total integrity of the electoral process—is more serious. There is a relativity issue here. Certainly, I do not disagree with the Hon. Mark Parnell that

using the roll for commercial purposes is a serious offence, but we believe that $10,000 is a more appropriate figure and, for that reason, we oppose his amendment.

The Hon. R.D. LAWSON: I gave the example of an invitation to a sausage sizzle, but perhaps a more pertinent one would be use by a member of information on the electoral roll for the purpose of sending birthday cards to electors. How can the dispatch of such a birthday card be correctly categorised as a state, federal or local government purpose? It is a private or political purpose; it is not a government purpose at all.

The Hon. P. HOLLOWAY: If a local member or endorsed candidate or councillor or federal member were to send that out based on information from the roll, it is the government's view that that would be covered by the definition. If it needs to be clarified, certainly, the government will oppose the amendment and support it in this form. If it does not have the numbers, I guess it can be revisited in terms of the definition. I hope that at least a majority of members here would agree that what we want to do is outlaw commercial use of the electoral roll. If there is a better way of expressing it, the government is certainly happy to look at that. We will maintain our position that we believe that the definition should allow members of parliament and endorsed candidates and others to legitimately use that information. If it is the will of the committee to oppose it on those grounds, I guess we will have a look at that later.

The Hon. D.G.E. HOOD: Family First does not support the Greens' amendment, but the other issue I would like to comment on is that I think the Hon. Mr Lawson has a point. We are concerned that somebody may inadvertently infringe the intent of the legislation here. I certainly support the minister's comments that we would in no way condone the commercial use of this information, but I believe the Hon. Mr Lawson has a valid point. It is possible that a candidate or elected member could inadvertently infringe the legislation and therefore be subject to a fairly stiff penalty, so it is difficult to support in its current form, although the thrust or intent of it is something that we would wholeheartedly support.

Amendment negatived.

The Hon. P. HOLLOWAY: We will now vote on the whole clause. Again, I indicate that, given the comments that have been made (I assume the clause will be opposed), we will not divide on it, but we will reserve the option to revisit that, perhaps by looking at the definition.

The Hon. R.D. LAWSON: I have further questions on clause 5. The initial amendment is to include not only printed but also electronic forms, which is certainly a sensible suggestion. Section 26(1), as amended, will then provide that copies (print or electronic) of the latest prints of the rolls must be available for inspection. The 'latest prints of the rolls', it provides. Elsewhere in the section, as amended, it talks about not the latest prints or not even the latest roll but 'up-to-date' copies, so the different nomenclature gives rise to an impression that there is a difference between what is the latest and what is the up-to-date copy of the roll, and I seek clarification as to exactly what is intended to be meant by the latest copies of the prints, as opposed to up-to-date copies.

The Hon. P. HOLLOWAY: My advice is that the last available printed version of the roll is that which applies at the previous election, so the last available printed version of the electoral roll is that which applied in this state just prior to the 2006 state election, but the most up-to-date version of the roll is the electronic version. Clause 5(3)(2)(a) provides that the Electoral Commissioner must, on request, provide a member of the House of Assembly (and later, in (b), a member of the Legislative Council) with an up-to-date copy of the electoral roll, which will be the electronic version. If one goes over to 5(4)(b), it provides that a copy of a roll may be provided in electronic form, as determined by the Electoral Commissioner, so that would be the up-to-date version, whereas the print, or hard, copy would be that which is produced before each election every four years. Rather than dividing on this, we understand the issue that has been raised and if necessary we will revisit this later in the debate.

The Hon. D.G.E. HOOD: I indicate for the record that Family First's intent would be to support that, should the minister do so. Our concern was that raised by the Hon. Mr Lawson.

Clause negatived.

Clause 6.

The Hon. R.D. LAWSON: This is the amendment of section 27 which enables the Electoral Commissioner to request information from certain agencies and instrumentalities of the Crown. However, it is proposed to insert a new section 27(1)(a), and the regulations may provide that subsection (1) does not apply to a particular agency or instrumentality of the Crown, prescribed

authority or public sector employee. Will the minister indicate exactly what is intended to be covered by this provision and why it is necessary?

The Hon. P. HOLLOWAY: There is a bit of confusion here because clause 6(1) relates to section 27(1)(a), but clause 6(2) refers to inserting a new subsection (1)(a) in section 27. Perhaps the best way to explain it is to look at the provisions of section 27 of the current act, as follows:

> The Electoral Commissioner may, by notice in writing, require (a) any officer in the Public Service of the state or (b) a local government body or any officer...to provide him or her with information required in connection with the preparation, maintenance or revision of the rolls.

What we are doing is changing those categories that apply to an agency or instrumentality of the Crown or any other prescribed authority or any public sector employee. We are changing the people who the Electoral Commissioner may, by notice in writing, require to provide information in connection with the preparation of the roll. However, there are certain agencies where that may be inappropriate, so we make provision to provide that the subsection does not apply to a particular agency or instrumentality of the Crown—for example, it may be SAPOL. It may not be appropriate for the Electoral Commissioner to have the power to require the police commissioner to provide information in connection with the preparation, maintenance or revision of the rolls if, presumably, there are security or other reasons where it may not be appropriate.

In the act the Electoral Commissioner has broad powers to require information from any agency or instrumentality of the Crown but there is provision so that, in the case of the police (for example), the regulations can provide that an agency such as that may not have to provide information or (in part B) specified information or material in the possession or control of an agency. I do not think it is envisaged that the Electoral Commissioner should have power to ask the police commissioner to provide highly confidential secure information; it is simply to permit that to happen.

Clause passed.

Clause 7.

The Hon. M. PARNELL: I understand that the amendments are similar and they relate to the issue of an elector's date of birth being included on the electoral roll, rather than the age band in which the elector's age falls. I understand that the reason why this change has been made in the government's bill is to enable members of parliament to effectively spam their constituents with birthday cards—and I can see no public purpose in that. I think that citizens do have a right to privacy, especially in relation to information that they are obliged to provide.

Members need to remember that, apart from the age at which you are entitled to enrol (being the age of 18), age is irrelevant in every other respect in the electoral system. You are not struck off the electoral roll when you reach 100, 110 or 150. That is not to say that a good understanding of the age of the population is not important for public policy; it is absolutely critical, but the electoral roll is not the way to get that information. That information can be obtained from a number of other sources, not least of which is the Australian Bureau of Statistics. There are other means as well, such as the Births, Deaths and Marriages Registration Office. There is no shortage of other ways for interested government agencies, with a legitimate interest in this information, to obtain this sort of information.

I do not support the idea of members of parliament being able to seek to ingratiate themselves with their constituents through the use of birthday cards. That, of course, gives incumbents an incredible advantage over anyone else who might seek at some future election to come in and represent those people. So, this is a simple amendment which just seeks to remove this additional requirement for the elector's date of birth to be included on the roll.

The Hon. P. HOLLOWAY: The amendment moved by the Hon. Mr Parnell deletes the amendment to section 27A that will entitle the person of a prescribed class—currently members of parliament—to an elector's date of birth rather than the age ban, as it is under the act now. The government opposes this amendment. Providing members of parliament with access to an elector's date of birth will allow members to better serve their constituents by improving their ability to provide information on age-related services.

The Hon. DAVID WINDERLICH: I move:

> Page 5, lines 31 to 33 [clause 7(1) and (2)]—Delete subclauses (1) and (2)

This amendment is essentially in two parts. The first is very similar. It essentially reverts to the sections already in the Electoral Act, which is that age bands be available, but it deletes the government's insertion of the date of birth and, consequential to that, reverts the deletion of the note that relates to age bands. It is a consequence of moving from age bands to date of birth.

I will not repeat too much of what the Hon. Mark Parnell said. Our arguments are essentially the same. I do not see any public policy reason why constituents need birthday cards. I think that is an invasion of privacy and, once the provision is in place, with modern technology and data mining in closely contested marginal seats, I can even imagine choirs of Labor Party people turning up outside someone's house to sing *Happy Birthday* to them once they have that kind of information.

No doubt, we could have some sort of profusion of significant birthdays, such as the message people receive from the Queen when they turn 100. We could expand this to 70, 85 and 90, and people could be getting birthday cards on as many occasions as is humanly possible to imagine. The purpose for this is purely political. I think it is an invasion of privacy. I think it is unnecessary and, hence, I oppose the government's amendments. I would like to see this revert to the existing Electoral Act, which just provides age bands.

The Hon. P. HOLLOWAY: For the same reason we opposed the Hon. Mr Parnell's amendment, we oppose this amendment, which is very similar.

The Hon. R.D. LAWSON: I indicate that Liberal members will not be supporting the amendments made by the two killjoys here who seek to deprive constituents of birthday greetings. More particularly, it would seek to deprive members of parliament of more information about the electors whom they represent. It is true that information other than birthday greetings can be targeted if one is aware of the precise date of birth of an individual.

There is also a considerable number of electors who actually have the same name, and the absence of a birth date makes it difficult to identify whether or not one is the father or the son of a particular elector. So, we will not be supporting the amendment.

Amendment carried.

The Hon. R.D. LAWSON: There is a question that I wish to ask the minister. Is the purpose of clause 7(5) to exempt members of parliament from a fee that is payable? Why is that not extended to nominated candidates?

The Hon. P. HOLLOWAY: I am about to move an amendment that addresses that point.

The Hon. M. PARNELL: I move:

Page 5—line 34 [clause 7(3)]—Delete subclause (3) and substitute:

(3) Section 27A(3)—Delete 'of a prescribed class'

The intention of my amendment is to continue to allow a person to restrict access to their personal details that are on the electoral roll, which would include restricting the access that members of parliament have to that information. As the act will stand with the government's amendment, or even without it, MPs will have special access to that information.

I am proposing in this amendment to delete from section 27A(3) the words 'of a prescribed class', so that the new subsection will read, 'Information is not to be disclosed if the elector has requested the Electoral Commissioner in writing not to do so'. In other words, if the half of the community that did not vote for a particular member was so minded, they could ask the Electoral Commissioner not to disclose their birthday to their local member of parliament.

Even though my earlier amendment has failed—dates of birth are now in there—this provision relates to the ability of an individual elector to protect their own personal information, including protecting it from a member of parliament, if they are minded to do so.

The Hon. P. HOLLOWAY: This amendment does two things: first, it deletes the amendment that repeals section 27A(3), which is the provision that allows an elector to prohibit the release of his or her personal details to a person of a prescribed class, that is, a member of parliament; and, secondly, it amends section 27A(3) to delete the reference to a 'person of a prescribed class' and replaces it with 'person'. This means that, under section 27A(3), an elector will be able to prohibit disclosure of his or her personal details to any person. The amendment is opposed.

The repeal of section 27A(3) brings the Electoral Act into line with the Commonwealth Electoral Act. On a matter such as this, with joint roll arrangements, there is no reason for a state member to be denied the same information about an elector that is available to a federal member.

As to the second part of the amendment, subsection (3) must read in conjunction with subsection (2), which limits the disclosure of information to a person of a prescribed class. The government is unsure as to what this part of the amendment is getting at. In any event, the government opposes the amendment for the first mentioned reason.

The Hon. R.D. LAWSON: We too oppose the amendment on the ground that this provision will bring the state into line with the commonwealth provisions.

The Hon. DAVID WINDERLICH: I support the amendment. It is clear that the major parties want to generate a perfect storm of spam in between the electoral rolls provided in electronic form. In terms of dates of birth, which the Hon. Mr Lawson has made clear can be used not just to celebrate your birthday but to remind you of the birthdays of all your family, we are heading for a lot of birthday cards heading into the homes of South Australians, and I think that is unnecessary.

Amendment negatived.

The Hon. P. HOLLOWAY: I move:

Page 5, line 39 [clause 7(5), inserted subsection (6)]—After 'Parliament' insert:

or is a nominated candidate for an election

Again, the previous caveat I put on my amendments applies. Under section 27A(2) the commissioner may provide information about an elector to a person of a prescribed class. Currently, the only class of persons prescribed is MPs. The bill amends section 27A to add a new subsection (6) that exempts MPs from any fee charged by the commissioner for the provision of information under subsection (5).

To maintain consistency with section 26, which, as amended in the House of Assembly, entitles nominated candidates to up-to-date copies of the roll, amendment No. 2 exempts nominated candidates from paying any fee under section 27A, the assumption being that the government will amend the regulations under section 27A(2) to add nominated candidates as a prescribed class of person. I think that is fairly straightforward. Following the changes made in the other place, it simply tidies up this part of the legislation.

Amendment carried; clause as amended passed.

Clause 8.

The Hon. P. HOLLOWAY: I move:

Page 6, after lines 5 to 11 [clause 8, inserted section 31A(1)]—Delete subsection (1) and substitute:

(1) A person may apply for enrolment under this section if the person—

(a) is in South Australia and has lived in South Australia for a continuous period of one month prior to the date of the application for enrolment; and

(b) qualifies for enrolment under section 29(1)(a), (b) and (d) but does not qualify for enrolment under section 29(1)(c) because he or she does not have a fixed place of residence (whether within the state or elsewhere).

I also note that there is an amendment to this clause in the name of the Hon. Robert Lawson, so it might be appropriate to move them and speak to them and then adjourn.

The amendment standing my name is the itinerant elector's provision. It imposes another requirement on a person seeking to enrol under the itinerant elector provision. The person seeking enrolment must live in South Australia and have lived here for a continuous period of one month prior to the application for enrolment.

This is aimed at addressing concerns that the itinerant enrolment provision is open to abuse by people coming into South Australia and enrolling to vote just before an election. It is also consistent with the requirements that must be satisfied under section 29 by other electors who have to reside at their principal place of residence for a continuous period of one month prior to enrolling under section 29(1)(c). I believe the amendment came after comments were made by the Leader of the Opposition in another place, so it is simply a response to those comments. Again, I am happy to deal with it now or come back to it; it is not a particularly controversial amendment.

The Hon. R.D. LAWSON: I believe this amendment is an improvement on the existing provision. As I outlined in my second reading contribution, the opposition believes that proposed section 31A is really an invitation to rort, and one could readily envisage—and I do not point the finger at any particular political party—that the young political groupies who follow the elections around the country, and who come to each state to work on a state campaign, could, under the existing provisions, have themselves enrolled as itinerant voters in South Australia for the purpose of voting in the election in which they have come to assist. Clearly that is not to be encouraged and ought to be prohibited. Whether or not the amendment proposed by the minister and introduced at about noon today covers that is something I have not yet thoroughly considered. I think it does, but I take up the minister's offer to defer final consideration of that.

Whilst on my feet, and in relation to the matter generally, I should say that one of our principal objections to the clause as originally proposed was that the Electoral Commissioner could take into account the postal address given (rather paradoxically) by this so-called homeless or itinerant elector, as well as any other relevant factor, in deciding into which electorate the elector would be enrolled. Under the commonwealth legislation, that is not simply a matter of discretion by the Electoral Commissioner. Under the Commonwealth Electoral Act the Electoral Commissioner is required to enrol the person in the electorate for which the person was last entitled or, if the person never had such entitlement, into the division in which the person's next of kin was enrolled. If that is not applicable, it would be the division in which the person was born, or, if that did not apply, it would be into the division in which the person had the closest possible connection.

So there is a hierarchy that must be obeyed rather than a discretion. It is not that we are concerned about the way in which the Electoral Commissioner would exercise its discretion but rather about the way in which the elector would present the information to secure enrolment. Accordingly, I have put on file—and it must admit it was just this afternoon, and members will not have had an opportunity to look at it—an amendment to remove the currently proposed discretion and insert the same provision that applies in relation to the commonwealth legislation. Again, I appreciate that this is a clause that has just been introduced, although I did flag it in my second reading contribution, and I will understand if the committee wishes to defer consideration of that.

The Hon. P. HOLLOWAY: Given that there is an amendment tabled by the Hon. Robert Lawson on this matter as well as the amendment I have moved, which was only tabled earlier today, I think this is an appropriate point at which to report progress and deal with this when parliament resumes in a week.

Progress reported; committee to sit again.

At 16:50 the council adjourned until Tuesday 22 September 2009 at 14:15.