LEGISLATIVE COUNCIL

Wednesday 19 October 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:19): I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the 32nd report of the committee.

Report received.

The Hon. G.A. KANDELAARS: I bring up the 33rd report of the committee.

Report received and read.

PAPERS

The following paper was laid on the table:

By the Minister for Regional Development (Hon. G.E. Gago)—

A Blue Print to Enhance Life and Claim the Rights of People with Disability in South Australia—Report, 2012-20

QUESTION TIME

TRADE UNION OFFICIALS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): My question is to the Minister for Industrial Relations. Does the minister believe in performance-based incentive payments for trade union officials? If so, does the minister believe that these inducements should be paid by the union as part of a salary package or by individual union members on a case-by-case basis direct to the union official or officials?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:25): I don't know where the member is coming from but, no, I have no problem if the union executive wants to give union officials performance-based payments. It is their business; it is really no business of mine.

TRADE UNION OFFICIALS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): As a supplementary question, has the minister ever been involved in negotiating such a payment or payments as a trade union official, and has the minister ever received such a payment or payments as a union official?

The Hon. I.K. HUNTER: Point of order.

The PRESIDENT: The Hon. Mr Hunter has a point of order.

The Hon. I.K. HUNTER: I can find absolutely no basis of ministerial responsibility in that question.

The PRESIDENT: The honourable minister does not have to answer the question if he does not wish, of course. All I know is that I would have been a millionaire if I had had payments like that.

MINISTERIAL STAFF

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before directing a question to the Minister for Regional Development on the subject of office staffing allocations.

Leave granted.

The Hon. J.M.A. LENSINK: The budget papers show that the minister has some 12 FTE positions in her office, at a cost of $1.73 million. Listed also in the budget papers for the Deputy Premier are 10.6 FTEs and the Treasurer has 9.6 FTEs. Can the minister explain why she has more FTEs than both the Deputy Premier and the Treasurer?

The Hon. R.L. Brokenshire: This is where the real work is done.

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:27): Exactly! That's right. I am with the Hon. Robert Brokenshire. I concur with his interjection. The FTEs—the staffing arrangements in our office—fluctuate from time to time. I could not tell you today whether it still is 12 FTEs or whether that was a particular fluctuation at a particular point in time, but it would be—

The Hon. J.S.L. Dawkins: So you don't know how many people work for you.

The Hon. G.E. GAGO: No, I don't. I couldn't stand here and tell you how many FTEs, no. I could approximately but, no, not exactly. It does fluctuate. It fluctuates considerably and it fluctuates from time to time. These are operational matters, and I have staff members who manage these, but all of those arrangements are absolutely transparent, and we are absolutely publicly accountable for it. It is all a matter of public record.

In terms of why it may have been a particular number at that point in time, if you look at the number of portfolios I currently have, Mr President, I think I have more portfolios than any other single minister. It might just dawn on the honourable member that in fact it reflects the scope of work that I currently have responsibility for.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (14:29): As a supplementary question, minister, is it not correct that in addition to those numbers—the 12.6—you have actually organised to have an extra approximately five or six staff funded by the departments for which you are responsible in addition to those supposedly transparently recorded?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:29): I don't know what the honourable member is talking about. I have no idea what he is talking about. We know that he comes into this place and just makes figures up. He makes things up. He does not research his information. He comes in here and makes up any old figure at all. I have no idea what he is talking about. Unless he wants to furnish me with some specific information, I simply am not able to respond to the question, so cough up or shut up.

The PRESIDENT: The Hon. Mr Lucas to cough up.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (14:30): Happy to respond. I have a supplementary question arising out of the minister's answer. Is it not correct that the ministerial directory, released under freedom of information to me, lists more than 12.6 full-time equivalents as being within the minister's office?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:30): I have already answered that question. I have already said—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I have already answered the question. It is no mystery. I have already said that all my staff are publicly accountable for—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas: How incompetent are you? Just look around when you walk through the door.

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Do you talk to them; do you say hello?

The PRESIDENT: Order!

The Hon. G.E. GAGO: All my staff are publicly accountable for.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: They are all on the public record.

The Hon. R.I. Lucas: Take your shoes off and use your toes.

The PRESIDENT: Order!

The Hon. G.E. GAGO: They are all accounted for.

The Hon. R.I. Lucas: Take your shoes off and use your toes if you can't count above your fingers.

The PRESIDENT: Order! The Hon. Mr Lucas would be leader if he could count.

The Hon. G.E. GAGO: And that's why he's a failed treasurer as well, Mr President; he had a lot of trouble with his figures. As I have said, the staffing numbers in my office—the number of FTEs—fluctuate from time to time. Whether there are 12 there at this point in time, I could not tell you. Whether it is 11, 11.2, 11.8, 12.1 or 10.6, I could not tell you exactly, but they are publicly accountable for. I believe that the number of staff I have in the office reflect the very broad scope of responsibilities I have. At this point in time, I would like to acknowledge the incredibly hard and incredibly valuable work my staff do.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: So, they are to be congratulated and acknowledged for their amazing efforts, and I do want to acknowledge those efforts.

WORKPLACE SAFETY

The Hon. S.G. WADE (14:32): I seek leave to make a brief explanation before asking the before asking the Minister for Industrial Relations a question relating to workplace safety.

Leave granted.

The Hon. S.G. WADE: Six years after the 2004 death of Daniel Nicholas Madeley in a work accident, SafeWork SA commenced a compliance project to identify the number of horizontal and vertical borers at South Australian workplaces. The project commenced in May 2010, the same month the inquest into Mr Madeley's death commenced. On 9 February, the Coroner issued a report, which states:

> Given that the project started in...2010 and is not yet complete in February 2011, it is fair to say that the project is hardly proceeding expeditiously. In my opinion, some greater sense of urgency should be applied to this project.

Given the rate of site visits in the first five months of the compliance project, the visits alone would take a further 3½ years. Minister Finnigan could not advise the council on 24 February 2011 as to when the compliance audit would be completed. In the light of the pressing need to address workplace safety issues, my questions to the minister are:

1. What progress has been made on the compliance project?
2. How many workplaces have been inspected?
3. How many workplaces are yet to be inspected?

4. When does the minister expect the compliance project will be completed?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:33): I thank the member for his very important questions. The whole issue regarding the death of Daniel Madeley is a very tragic issue. The circumstances with regard to his death were quite horrifying for anyone who has read the Coroner's report. With regard to the particular questions asked by the Hon. Mr Wade, I will seek that information from SafeWork SA and get that back to Mr Wade as quickly as possible.

RIVERLAND SUSTAINABLE FUTURES FUND

The Hon. I.K. HUNTER (14:34): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional produce.

Leave granted.

The Hon. I.K. HUNTER: The minister has spoken on a number of occasions about the Riverland and the efforts this government has made to assist that region. Indeed, I would go as far as to say that the minister is a champion for the region and takes every opportunity to extol its virtues, particularly in relation to its high-quality food produce. Will the minister advise of a recent development in the Riverland that is bound to be of interest to all members of this chamber?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:34): I thank the honourable member for his important question. It has been a great pleasure to be able to visit the Riverland, which I have been able to do around three times since February this year, to see firsthand and to be able to talk to people on the ground around their response to, and particularly the way they have been able to rebound from, the incredible challenges they have been confronted with. On my last visit in September this year, the river looked fantastic and everything was still fairly green at that time.

I am sure all members appreciate what a beautiful place the Riverland is. Members will also recall that this government committed $20 million over four years to help revitalise the Riverland, specifically to help build a sustainable economy into the future. I am pleased to announce today that I have approved a grant of just under $500,000 to support a horticulture enterprise to produce, sell and market the red Armada melons from the Riverland. I understand that Red Earth Farms is a company owned by the Pfeiler family, who have a 40-year history of involvement in the fruit and vegetable industry.

The total project is just over $1 million and will involve the construction of a 20-megalitre dam and water feed system to irrigate 80 hectares to produce these specific seedless watermelons. I understand that these melons are a new product to the region, and Red Earth Farms are seeking to replace products imported into the market from northern Australia, as well as to export melons to national retail and wholesale outlets. This project aims to bring approximately 5,000 tonnes of melons to the market, and it is set to create around 23 new FTEs to support this production. I understand that Red Earth is already a significant employer, with around 75 FTEs, and they plan to upskill and advance some existing employees, as well as creating new positions.

The project aims to generate 60 per cent production growth and to export to national retail and wholesale markets through this new variety of seedless melon. I understand that the project also looks to use solar energy to assist existing supply at peak times within the factory and coolroom areas. This grant is only the most recent from the Riverland Sustainable Futures Fund. The aim of our $20-million four-year investment through the futures fund is to help leverage investment in the region, facilitate projects and improve infrastructure, support industry attraction and help grow existing businesses.

The fund's focus is on ensuring that the key enablers of the economy are in place to build on the existing strengths of the region and improve its competitive advantages. This project, which is expected to be through the construction phase and operational in the third quarter of 2012, builds on those local strengths in horticulture and agriculture, while providing a new export from the region and jobs for the Riverland.

The proponents seeking funding from the RSFF rolling fund have the benefit of assistance in the Riverland from the Murraylands Riverland RDA to help develop and refine their proposals. In addition to completing an application form, proponents must provide detailed financials, company business plans, as well as project-specific information. These applications are lodged directly with

my agency, DTED, for assessment against local strategic priorities for their economic impact and business and financial viability.

DTED also undertakes comprehensive financial due diligence and assesses projects against prescribed guidelines and assessment criteria. Other government agencies are consulted as part of the assessment process to ensure alignment with government priorities before an interdepartmental panel assesses applications and then provides recommendations for consideration.

Approval of the Red Earth Farms project brings around $2.5 million to the amount committed for projects to a total value of just over $5 million—$5.3 million—which is expected to generate up to 65 new jobs in the area. I congratulate the applicant and look forward to seeing more proposals to build a sustainable future in this region.

DISABILITY REFORM

The Hon. K.L. VINCENT (14:40): I seek leave to make a brief explanation before asking the minister representing the Premier questions about the blueprint for disability reform.

Leave granted.

The Hon. K.L. VINCENT: I rise today, during what is National Carers Week, to discuss a promise that was made to South Australians with a disability and their friends, families and supporters. In late 2009, Premier Mike Rann asked the Social Inclusion Board to develop a reform plan for the disability sector. When he made that request, Mr Rann was effectively acknowledging the struggles which categorise the lives of South Australians with a disability and their carers—but he was promising his government was going to examine the problems and find solutions.

However, almost two full years have passed since this promise was made and it has been fulfilled belatedly and, therefore, inadequately, due to the belated release of this report. It was originally promised in July of this year but has only been tabled today, as we have seen. I consider this to be a great insult to the disability community.

Meanwhile, the Premier has been busily making sure that the mining industry and the film industry are taken care of well into the future. With just one day left until he leaves his role as leader of the state, it looks like he will leave us without ever having taken the problems in the disability sector genuinely seriously.

In National Carers Week we are supposed to celebrate the great contribution of family and friends who care for people with disabilities and help them to survive and thrive, but I cannot help thinking that we might have had more to celebrate if the Premier had kept his original promise and his original deadline. My questions are:

1. Will Mr Rann formally apologise for the frustration and anguish the belated delivery of the blueprint has caused to people with disabilities and their carers?

2. How exactly will Mr Rann ensure that the recommendations from this blueprint are followed up when he is no longer premier?

3. What does Premier Mike Rann consider to be his achievements in this sector, given that the timely release of this blueprint cannot be counted as one of them?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:42): I thank the honourable member for her questions and will refer them to both the Premier and the Minister for Families and Communities in another place, and I will be pleased to bring back a response.

I know that the Minister for Families and Communities is particularly appreciative of the work of the Social Inclusion Board and its former chair Monsignor David Cappo. She is very much grateful for the work that he did for producing the report 'Strong voices: a blueprint to enhance life and claim the rights of people with disability in South Australia'. I know that she also went to pains to thank and acknowledge Dr Lorna Hallahan who chaired the Social Inclusion Board's disability subcommittee during the development of this plan.

I have been advised that the report has been integral in informing the Disability Blueprint and it contains recommendations regarding possible mechanisms and best practice approaches appropriate for South Australia. I have also been advised that the Minister for Families and Communities intends to release those recommendations now that the blueprint has been finalised

and released publicly. The government and the incoming premier, no doubt, will now consider the blueprint before making further announcements in the coming weeks.

As I said, in terms of the response to the details of the honourable member's questions, I am happy to take those on notice and I will refer them to the appropriate ministers and bring back a response.

PROVINCIAL CITIES ASSOCIATION

The Hon. G.A. KANDELAARS (14:44): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Provincial Cities Association.

Leave granted.

The Hon. G.A. KANDELAARS: I understand the minister recently attended a meeting of the Provincial Cities Association. Can the minister advise the chamber on the purpose and outcome of this meeting?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:44): I thank the member for his very important question. I recently attended the 48th meeting of the Provincial Cities Association of South Australia as a guest of the chairperson, mayor Joy Baluch. The Provincial Cities Association of South Australia comprises the regional city councils of Port Augusta, Mount Gambier, Port Lincoln, Whyalla, Port Pirie and Murray Bridge. My ministerial colleague from another place, the Deputy Premier and minister for planning, also accepted an invitation from the association to attend the meeting.

The minister for planning discussed with members issues associated with the anticipated mining and resources development across various regions of South Australia. The minister spoke about the significant regional planning challenges ahead and how the state government and councils might work together in accommodating the infrastructure demands within the affected areas and communities. Members also reported back to the planning minister and myself on the specific challenges facing the regions, including social infrastructure and service provision, road networks and transport services.

It was resolved by the meeting that the Provincial Cities Association consolidate the issues relevant to their regions so that they can be raised at the Government Planning Coordinating Committee (GPCC), which is represented by the chief executive of every state government department. The provincial cities group, through the Department of Planning and Local Government, will be able to make recommendations to the GPCC, which can then receive attention from a whole-of-government perspective. It is anticipated that country councils will also be able to raise matters through their regional Local Government Association branch.

I think it is important that regional councils which share similar opportunities and similar pressures have an ongoing dialogue with the state government about the issues that are at the forefront of their agenda. It is imperative that we continue to work closely together as state and local governments as development opportunities for our communities emerge.

I also had the opportunity to address the meeting and take questions on a range matters relevant to the local government sector and, in particular, regional city councils. I would like to take this opportunity to commend the Provincial Cities Association for their ongoing commitment to regional representation and policy development.

PROVINCIAL CITIES ASSOCIATION

The Hon. J.M.A. LENSINK (14:47): As a supplementary question, was the matter of the closure of the Playford power station raised and what is the minister's response?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:47): As far as I am aware that issue was not raised.

PROSPECT ROAD SPEED LIMITS

The Hon. J.S.L. DAWKINS (14:47): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations, representing the Minister for Road Safety, in relation to Prospect Road.

Leave granted.

The Hon. J.S.L. DAWKINS: Recently, the speed limit along the full length of Prospect Road has been reduced from 60 km/h to 50 km/h. I understand that the Department for Transport, Energy and Infrastructure made this move following representations from the City of Prospect and particularly the mayor of that city, Mr David O'Loughlin, seeking the reduction in that local government area. However, I am unaware of any campaign for the remainder of Prospect Road to be included in the speed limit reduction. My questions are:

1. Will the minister indicate whether DTEI approached the Port Adelaide Enfield council seeking a common speed for Prospect Road once 50 km/h had been approved for the Prospect council area?

2. Will the minister consider the restoration of the section of Prospect Road situated in the Port Adelaide Enfield council to a 60 km/h zone?

3. Will the minister provide the details of other arterial roads in metropolitan Adelaide that have been identified by DTEI for reduction to 50 km/h?

4. Is it accurate that DTEI is actively pursuing a 50 km/h limit across arterial roads throughout the Lefevre Peninsula?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:49): I thank the honourable member for his important question. I will refer these questions to the Minister for Road Safety and, for DTEI, the Hon. Pat Conlon from another place and seek to get an answer back to him as—

The Hon. J.S.L. Dawkins: I think it's Tom Kenyon actually.

The Hon. R.P. WORTLEY: You talked about DTEI, too, didn't you?

The Hon. J.S.L. Dawkins: I was talking about speed limits.

The Hon. R.P. WORTLEY: But you did talk about DTEI. You mentioned DTEI about 17 times, so I will ensure that Mr Conlon, if he needs to have an input, will get back to you.

Members interjecting:

The PRESIDENT: Order! I inform the house I have not been wrong since 1949.

DESALINATION PLANT

The Hon. J.A. DARLEY (14:49): I seek leave to make a brief explanation before asking the Minister for Industrial Relations, representing the Minister for Water, questions regarding the Adelaide desalination plant.

Leave granted.

The Hon. J.A. DARLEY: Whilst never having been officially confirmed by AdelaideAqua, I have been contacted by a number of proponents involved in the desalination plant project who have all independently stated that the initial projected target for first water from the desalination plant was 10 October 2010.

I understand that in November 2008, the government spent $79 million to accelerate the deadline to December 2010 for first water and that this deadline was not met. I further understand that the deadline was delayed in December 2010 to April 2011 and then further delayed again in April to July 2011.

I am told that first water is regarded to have been achieved once 10 per cent of the first 50-gigalitre capacity is produced continuously. On 28 July, in response to a question asked by the member for MacKillop, the minister stated:

> We are on track for the completion of the desal plant and we are on track for the production, if you like, of the first drop of water that will come out of the desal plant.

Further, on 31 July, the minister provided a media release entitled, 'First desalinated water produced from Adelaide plant'. My questions are:

1. Can the minister clarify what the difference is between first drop and first water?

2. Can the minister advise what the flow rate of the water from the desalination plant was during his visit on 31 July and what volume of water was produced?

3. Can the minister advise if there were any problems, including hydraulic, electrical or mechanical problems, encountered in producing the first drop of desalinated water on or around 31 July 2010 and, if so, have they now been fixed?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:52): I thank the honourable member for his questions. I will refer the questions to the Hon. Mr Caica in another place and get an answer back as soon as possible.

YORKE AND MID NORTH REGION

The Hon. CARMEL ZOLLO (14:52): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the Yorke and Mid North region.

Leave granted.

The Hon. CARMEL ZOLLO: Many of us have very happy memories of time spent on the Yorke Peninsula. It is a great spot for relaxation and holidays. Given that there is more to this beautiful region than is represented in the travel brochures, can the minister advise the chamber about her recent trip to the Yorke and Mid North Regional Development Australia area?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (14:53): I thank the honourable member for her most important question. The Yorke and Mid North region has a very highly dispersed population base. While Port Pirie is the main regional centre in the area, smaller towns such as Moonta, Clare, Balaklava, etc., make up distinct service centres right across the region. Also, in this region many people reside outside of those particular service hubs, so driving through you really get a sense of the hurdles and opportunities that are faced by the region, now and into the future.

During my meeting with the RDA, which supports the government's efforts in facilitating regional development through partnerships with local communities, business and government, they described the broad industry base that exists across the region. Traditionally, agriculture, fishing and forestry have been the main economic drivers, however, over time, industries such as manufacturing, property investment, tourism, building and construction have grown in the area and make an important contribution to the region's economy.

My first few meetings with businesses in the region were with Balco and the Australian Milling Group. Both provide very important processing facilities. Balco are processors and exporters of high grade oaten hay and also grain products, and they have been instrumental in the development of the Bowmans site, which is the biggest inland container port.

It was pleasing to visit the Australian Milling Group at Bowmans. Earlier this year I granted $390,000 from the Regional Development Infrastructure Fund to assist with the expansion of their processing plant for lentils. While the silos to store the pulses have been constructed, I understand that the purpose-built sorting and packing system is partially complete and is due to be fully commissioned before the end of this year.

In Port Pirie I was able to get a sense of the manufacturing and commercial trades that service the area. Cheesman is a company with a 100-year history of providing metal trades services. During my visit, I heard how the company's experienced and skilled labour force is able to produce large welded frames for train carriages within the allowed tolerance of one millimetre—with which I was very impressed. I am sure this can-do attitude and customer focus will serve the company very well in years to come.

My visit to Total Electrical Construction provided insight into how ingenuity and strategic thinking can be harnessed to develop a very small niche business into a multifaceted company providing electrical services, civil and residential construction and commercial rigging services in the area. As Minister for the Status of Women I was also very impressed that the director, Grant Dempsey, has also recently strengthened his management team with a new general manager, Moira Coffey, who will, no doubt, be able to apply her experience in the mining industry (where she worked as a geologist) to help the company take advantage of the current major expansion of energy and mineral exploration.

The next stop took me to one of South Australia's food icons, Golden North ice-cream. Since the 1920s this local company has grown in size and strength with an annual output of 11 million litres of ice-cream and other ice confectionery products. I understand that it uses local

honey and milk to create its famed honey ice-cream, and the management team is working hard to develop a range of new products. Mr President, I am sure that you do not realise this, but their vanilla ice-cream recipe is still the same one that they have used for 30-odd years. They have never cut corners.

The PRESIDENT: The best ice-cream in the world!

The Hon. G.E. GAGO: I have to confess that they gave us a most superb ice-cream tasting which we all enjoyed very much—it was quite delicious. It was pleasing to see the strong community focus of this company and how its investment both in the workforce and new production machinery is paying dividends.

Of course, development in the region includes accommodation for people living in the area. I was very pleased to be able to meet Gary Wahlstedt of the Wahlstedt group, who, in addition to building houses, also through their Country Living arm, builds lightweight prefabricated buildings, including transportable homes. I was also able to see firsthand their steel frame production facility which is truly amazing and quite inspiring.

I was very pleased to be able to see the work done by Modra Hayes near Warooka. It is an innovative materials and product engineering company. Modra Hayes designs and builds using unique composite fibre materials, tools and products for various industries and has been operating since 2002. This company has built a remarkable lightweight demountable building which can be used in a wide range of settings.

My visit also included Cheetham Salt which produces salt products using power, wind and sun to evaporate sea water and create one of the staples of life. Mark Quintrell, one of the managers there, showed us through the company's Price production facility. Since 1919 they have been creating salt there, with a wide range of different products supplied to industries all over.

The Yorke and Mid North region is a varied one with many different natural attractions and it provides the setting for a wide range of different industries. I was very pleased to see the RDA there is working very hard to build this very sound base and to help further develop regional business and take advantage of the region's strengths and opportunities.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:00): I seek leave to make an explanation prior to directing a question to the Leader of the Government on the subject of the incompetence of the Leader of the Government in the Legislative Council.

Leave granted.

The Hon. R.I. LUCAS: Earlier in question time today, the minister made the outrageous accusation that I had just come into this chamber and made up the numbers in relation to the number of staff within her own ministerial office when I suggested that there were at least another five or six staff above the 12.6 revealed in various other documents. The minister then went on, perhaps unwisely, to suggest that I should 'cough up or shut up'.

After two years or so of battling freedom of information, the confidential Ministers' Directory (not for distribution list) from May 2011—and I have a number of these going back over two or three years—lists the following staff positions in the minister's office. I am happy to mention the individual officers' names if the minister does not recognise the staff within her own office, but at this stage I will just give the titles.

Chief of staff; ministerial adviser—regional development and SA Lotteries; ministerial adviser—public sector management, status of women; ministerial adviser—consumer affairs, Service SA; media adviser; ministerial liaison officer—regional development and public sector management; ministerial liaison officer—status of women (part-time); ministerial liaison officer—consumer affairs and government enterprises; office manager; research officer and speech writer (part-time); personal assistant to the minister; personal assistant to the chief of staff; legislation/parliamentary liaison officer; senior business officer; cabinet and parliamentary support officer; ministerial assistant; a business support officer; another business support officer; and a receptionist.

In total, depending on the part-time staffing, between 18 and 19 full-time equivalent staff are within the minister's office. Of course, the ministerial driver is listed on the directory, but I have not added that driver to those numbers. My questions are as follows:

1. Does she now agree that the official ministerial staffing list lists between 18 and 19 full-time equivalent staff within her own personal office?

2. Does she now agree that approximately six of those staff are not revealed in the budget documents under the ministerial office section for the minister and are paid for by various departments and agencies that report to her, but are not revealed in the budget documents?

3. Will she now apologise to the house for misleading this house when she claimed that I had just made up the fact that she actually had 18 or 19 staff in her personal ministerial office?

4. Given that she does not know how many personal staff she has within her own personal ministerial office, does she now concede that she really is a bit of a dill?

The PRESIDENT: The honourable minister will ignore any opinion in the question.

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:03): That means I would not be answering the question, Mr President.

The Hon. R.I. Lucas: Imagine not knowing how many staff you have in your own office!

The PRESIDENT: Order! The Hon. Mr Lucas asked the question and sat down, and he will now will shut up and listen to the answer. The honourable minister.

The Hon. G.E. GAGO: I certainly do stand by my comments that the Hon. Rob Lucas regularly comes into this chamber with figures that he cannot substantiate and, in fact, misinformation. I recall one time him coming in here and alleging that I attended a meeting that in fact I never did attend, and yet he stood there and insisted that I had. I remember him coming into this chamber insisting that I had asked a question on notice. I read out the question that he had asked me, yet he still insisted that I had asked another question. I could give many examples of his coming in here and putting any old figure on the table, making up any old statement, any old allegation. Time and time again he has been caught out, and I stand by those comments.

In terms of the number of staff in my office, I have already answered that question. I have said that I am not absolutely sure on the number of FTEs that are employed in my office. I have a rough idea of the numbers, but the exact number of FTEs—whether it is 12.2, 12.5, 13.1—I have already said I am not sure of. They do fluctuate. They fluctuate from time to time and, therefore, at any one point in time I could not give you the exact number of FTEs.

There are a number of staff employed. The titles that the Hon. Rob Lucas read out were not FTEs. They were not FTEs at all; not all of those people are full-time. He makes assumptions that they are all full FTEs. Well, they are not. He can read out all the lists he likes; it still does not determine the exact number of FTEs.

I have indicated that I am happy to take that on notice and bring back a response. He can ask the same question a thousand times. I have already said I do not know the exact figure, so he can keep asking and he is going to get the same number. I will not resile from the fact that he regularly comes into this chamber with misinformation, badly researched questions and he simply makes things up when he chooses.

DESALINATION PLANT

The Hon. M. PARNELL (15:07): I seek leave to make a brief explanation before asking a question of the—

Members interjecting:

The PRESIDENT: Order!

The Hon. M. PARNELL: —Minister for Industrial Relations, representing the Minister for Water, about carbon neutral commitments for the Port Stanvac desalination plant.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: The Hon. Mr Lucas will put a sock in it.

Leave granted.

The Hon. M. PARNELL: The 2008 environmental impact statement for the Port Stanvac desalination plant contains an express commitment for the plant to be 'carbon neutral'. This commitment was repeated many times by Premier Rann and the water minister Karlene Maywald in 2008 and 2009 as part of an attempt to convince a sceptical South Australian population that the plant would not have a negative impact on the environment. For example, in a media release from 17 March 2009, minister Maywald said:

> The state government is absolutely committed to the plant being carbon neutral and meeting the highest environmental standards.

This recommitment was made some nine months after I specifically warned the minister in this chamber that the government's claims were contrary to the advice from the Australian Competition and Consumer Commission in their then recently released guidelines on bogus carbon neutral claims entitled 'Carbon claims and the Trade Practices Act'.

I have since been informed that the Minister for Water (Hon. Paul Caica) has recently advised the Conservation Council of South Australia at a forum that SA Water has quietly shelved the commitment for the Adelaide desalination plant to be carbon neutral. Minister Caica also indicated at the same forum that the decision to abandon the carbon neutral commitment was made over two years ago in early 2009 when four energy suppliers were shortlisted to deliver on the state government's commitment to achieve carbon neutrality for the Adelaide desalination plant shortly after the approval to build the plant was granted.

In fact, it appears now that there was never any serious attempt at delivering on the carbon neutral promise. As far as I am aware, no budget allowance was made to manage the emissions during construction with either renewable energy or offsets and, with the exception of the green power commitment (as measured at the boundary), no provision was made to offset ongoing emissions such as from fuel use, chemical use and transport emissions. This is in direct contravention of the ACCC advice against misleading carbon neutral promises. My questions are:

1. When was the minister intending to inform the people of South Australia that the government had abandoned its commitment to make the Port Stanvac desalination plant carbon neutral?

2. In the light of this decision, when will the minister correct the parliamentary record, which contains this commitment as recently as April 2009?

3. What date was the decision to abandon this commitment actually made, who made it and what were the reasons for the decision?

4. Do you accept that the government should lead by example in fulfilling commitments made through an environmental impact statement process?

5. What confidence can the public have in commitments made through an EIS process, such as the recent decision to approve the Olympic Dam expansion, when overt backsliding on promises is done by government itself with impunity?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:11): It would have been a little gratifying if the Hon. Mr Parnell would for once had given credit where credit was due. During a time when we had one of the longest and harshest droughts in this state's history, this government made a commitment and has built a desal plant to ensure the future water supply of this state. That was a big commitment and one that we kept. It would be good if for once the Hon. Mr Parnell acknowledged the good work this government has done over the last nine years, not just pick on the so-called negatives he has picked out. With regard to the carbon neutral element, I will refer the questions to the Hon. Mr Caica in another place for an answer.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway has a supplementary question.

DESALINATION PLANT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:12): I have a supplementary question on carbon neutral government initiatives. Has the government also abandoned its carbon neutral cabinet policy?

The PRESIDENT: I don't know how you got that out of the honourable minister's answer. That is where a supplementary is supposed to come from.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:12): I am happy to refer that to the Premier for an answer to come back to the honourable member as soon as possible.

An honourable member interjecting:

The Hon. R.P. WORTLEY: It might be three years, who knows?

Members interjecting:

The PRESIDENT: The Hon. Mr Gazzola.

REGIONAL COUNCILS

The Hon. J.M. GAZZOLA (15:12): Thank you, sir—it's their time. I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about regional councils.

Leave granted.

The Hon. J.M. GAZZOLA: Thank you, sir.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M. GAZZOLA: It's all right, Mr President, I can stand here for another 12 minutes.

The PRESIDENT: You can sit down, too.

The Hon. J.M. GAZZOLA: I can stand here for another 12 minutes.

Members interjecting:

The PRESIDENT: The Hon. Mr Gazzola. The Hon. Mr Stephens will take his seat.

An honourable member interjecting:

The PRESIDENT: He was sitting down because of the disruption in the chamber caused by the Hon. Mr Ridgway.

An honourable member interjecting:

The PRESIDENT: It's no good arguing about a popularity contest in here because I would win it hands down! The Hon. Mr Gazzola.

The Hon. J.M. GAZZOLA: Thank you, sir. I understand that the minister recently joined the South Australian Local Government Grants Commission on a visit to Port Augusta and the Flinders Ranges regional councils. Can the minister advise the council on the purpose and outcomes of the visit?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:13): I thank the honourable member for his important question. As I have previously advised the chamber, I believe that an important part of my role as Minister for State/Local Government Relations is to try to meet as many representatives from councils across the state and, where possible, by the end of this year. I want to find out firsthand from mayors, councillors and council staff about the specific challenges they face in the region or area.

Last month, I joined the Local Government Grants Commission on a visit to the councils of Port Augusta, Orroroo, Carrington and Peterborough. Upon arriving in Port Augusta, I also received a tour of the Outback Communities Authority's headquarters, located in Tassie Street.

An honourable member interjecting:

The Hon. R.P. WORTLEY: It's beautiful, yes; very good. Members would be aware that the functions of the authority are to manage the provision of and promote improvements in public service and facilities for outback communities and to articulate the views, interests and aspirations of these communities. The authority is supported by seven personnel, including the general manager, Mr Mark Sutton, who manages the daily operations for the OCA at a strategic level.

I then joined the Local Government Grants Commission chair, Ms Mary Patetsos, and visited the Port Augusta council at the chambers. This was an excellent opportunity to find out

firsthand from the councillors and council staff about specific challenges facing the region, as well as outlining how I intend to work with local government.

The Hon. J.M. Gazzola interjecting:

The Hon. R.P. WORTLEY: I think you'll be right. The council meeting also provided an opportunity for Grants Commission staff to discuss the latest rounds of financial assistance grants payments with councillors and council staff.

In 2011-12 the Port Augusta city council received just over $2.8 million (or $192.40 per capita) in general purpose grants; just over $270,000 in identified local road funding; and just over $120,000 in supplementary local road funding. In total, the council received just over $3.2 million (or $218.83 per capita) in 2011-12.

The next morning I met with the District Council of Orroroo Carrieton. Staff of the Grants Commission were also in attendance and again were able to brief the council on the latest round of financial assistance grants payments. For 2011-12 the District Council of Orroroo Carrieton received $838,159 (or $900.28 per capita) in general purpose grants (members will note that almost half the council's budget comes from local government grants); $236,251 in identified local road funding; and $105,609 in supplementary local road funding.

Council also has a joint project approved under the special local roads program for 2011-12, with the District Council of Mount Remarkable, for sealing the Booleroo to Pekina road, for which $768,000 will be provided. Excluding the joint funding, the council received $1,180,019 (or $1,267.47 per capita). The District Council of Orroroo Carrieton has less capacity than the average council to raise revenue and a greater than average expenditure need, and its general purpose grant has increased by 9 per cent for 2011-12.

Later that day I met with the District Council of Peterborough, mayor Ruth Whittle and the CEO of the council, Mr Terry Barnes. Once again, I was accompanied by the grants commission, which briefed the council on financial assistance grants and the status of the council's application for funding under the Local Government Disaster Fund. For 2011-12 the District Council of Peterborough will receive nearly $1.3 million (or $659.27 per capita) in general purpose grants; $229,167 in identified local road funding; and $102,442 in supplementary local road funding. In total, the council received $1,629,719 (or $827.69 per capita)—

The Hon. R.L. Brokenshire interjecting:

The Hon. R.P. WORTLEY: If the member wants to ask me a question he can do it when I am finished. He is not even attempting to whisper. I would appreciate his getting up and asking me a supplementary question and I will be happy to answer the question.

The PRESIDENT: Order! The honourable minister should direct his remarks through the chair.

The Hon. R.P. WORTLEY: Meeting with these councils was an extremely valuable experience for me personally to be able to learn more about the shared and individual issues facing our councils across the state, and I look forward to working with these councils in the future.

OFFICE OF CONSUMER AND BUSINESS SERVICES

The Hon. J.S. LEE (15:19): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the Office of Consumer and Business Services.

Leave granted.

The Hon. J.S. LEE: On 11 October 2011 Frank Pangallo from Channel 7's *Today Tonight* talked with FIVEaa's afternoon host Amanda Blair about the new national hotline launched recently to dob in con artists. One of the statements Mr Pangallo made was:

> Those things are fantastic, hotlines...it's great if the authorities that start these things do anything, and unfortunately I'd say consumer laws in this country are lagging...consumers are getting the raw deal.

He also adds that:

> Our South Australian Office of Business and Consumer Affairs is one of the biggest toothless tigers in the country. People who call that place every day are given advice and nothing else, no action taken.

He continues:

They rarely prosecute...they don't do anything...we actually need Consumer Affairs with teeth. The conmen and dodgy tradesmen out there know the system, they know Consumer Affairs will do very little or anything about these people that do the wrong thing and this is how they thrive.

My questions are:

1. Can the minister explain why the Office of Consumer and Business Services is viewed by many as the biggest toothless tiger in the country?

2. Does the minister know how many letters of warning have been issued after consumers have lodged their complaints?

3. What has been put in place to monitor the notices of warnings to ensure that prosecution will take place?

4. What measures will the minister introduce to provide general protection to consumers from dodgy tradesmen and conmen than just merely providing a hotline service?

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (15:20): I thank the honourable member for her most important questions. The role of the CBS is quite an extensive one. They have a number of different powers. The main focus of the work they do has always been to educate and inform not just the general public but also traders of their rights and responsibilities. Their view has always been that prevention is better than cure, and it is much harder and more expensive to deal with problems when they occur, rather than to try to avoid and prevent issues from occurring in the first place.

Often we find that many of the problems that consumers are faced with are caused because of a lack of understanding of one's rights and responsibilities, both from the perspective of the trader and the consumer. I think that the CBS does a tremendous job in informing and educating the general public. Their view generally in the first instance is to provide a warning because they believe that that's often all that is needed for people to understand what their rights and responsibilities are. More often than not, Consumer affairs never hears that problem again from that particular person because it is addressed.

Consumer affairs has powers in terms of issuing warnings and undertakings, so certain conditions can be put on a trader that they are required to fulfil and, if they fail to fulfil them, they can be breached. They are also able to mandate conciliation hearings, and they also have powers to have questions answered and to have information provided to them.

The conciliation powers have only been in place a number of years; I was the minister who introduced those. They were an important advancement in the powers of the commission. To go to prosecution is a very expensive and time-consuming exercise for all parties involved, not just consumers but traders as well. The costs to traders are always passed on in terms of the costs of the goods or services they provide, so it is in everyone's interests to try to address problems very early in the piece and to try to bring the parties together to speak with each other and to resolve their issues firsthand.

The feedback I have been given in relation to that is that it is a highly successful process and that many problems are resolved in that early stage. However, CBS does not have powers to impose recommendations from those conciliation sessions onto traders. That is beyond the powers of CBS, which does sometimes frustrate consumers. Having been through that process, if matters are not resolved, they want CBS then to be able to force action. They are not able to. If further action is wanted by the consumer, then they need to seek a legal remedy and there is assistance available to help them with that.

One of the big problems with consumer affairs is often lack of evidence or incomplete evidence and the multinational nature of many traders, particularly those based overseas. It is very difficult to gain adequate information or to address the organisation when they are offshore. So, CBS is faced with many challenges. I believe it does an extremely good job in very difficult circumstances and that it does perform extremely well at the early intervention, prevention and education stages.

MATTERS OF INTEREST

FEDERAL LEADER OF THE OPPOSITION

The Hon. J.M. GAZZOLA (15:26): Much scrutiny has been focused on the Prime Minister and the government, but equal light has not been shone on the opposition leader. I would have thought that the possibility of Tony Abbott being prime minister would have honed the media's interest much more than has been the situation in the past. Some reasons are Abbott's penchant for soft interviews through the likes of Alan Jones more so than journalists like Tony Jones, as one media commentator noted, while the current media or popular media is more in the thrall of feeding frenzy than balanced analysis over the big issues.

The opposition leader and the federal opposition have picked up the baton from the Hon. Nick Xenophon as the master of political stunts, the latest being the former's involvement in the 'Convoy of no confidence', a rousing group of 250 individuals, led by Mick Pattel, member of the LNP in Queensland and potential candidate for the state seat of Mount Isa.

I note that recent surveys conducted as part of National Science Week through the Australian Nuclear Science and Technology Organisation found that a disturbing number of people have difficulty in separating science fiction from science fact. It is little wonder that politicians of the ilk of Tony Abbott take advantage of and milk the rich vein of understandable confusion and misinformation to the detriment of objective thought and positive policy.

The rise of concerted attacks on scientific credibility and rational thought, the continual and unabating negation of sound policy, the use of hyperbole, deliberate misinformation, and fear to fan populism—all hallmarks of a Tea Party mentality—are the tenor of opposition politics here and elsewhere. Clever tactics it may be, but it is corrosive to the credibility of politics, the political process and public trust.

Some critics are concerned that it is more than a passing trend that voters generally see through at election time. The effect of the Tea Party influenced right-wing Republican tactic in the US on their debt default tactics and the conservative attack here on global warming and the carbon tax suggest a reckless, almost criminal, attitude to reason and balance. The effect of this practice has been noted by a number of critics, with one commentator likening the trivialisation of US politics and media where scandal and personality vies with inane and shallow debate as the defining war confronting Western civilisation.

The issue is not with free speech but with the beliefs and dissemination of information that preclude the possibility of free speech and objective dialogue. The American Association for the Advancement of Science notes that the intimidation of US climate change scientists and researchers by the American Tradition Institute in the latter's request under FOI for personal emails and data requests as the avenue for harassment and intimidation. The AAAS were at pains in these requests to note the public responsibilities of the scientific community in sharing data and the line between sharing data and the ulterior motives of the ATI. Here, Australia's Chief Scientist, Ian Chubb, called the public and media debate on climate change 'appalling'.

Abbott's response we know. On climate change, one week it is 'absolute crap', another week it is real but it is not man made, as he flip flops to scare the public witless. Look at the tripe being served up by some elements of the media and shock jock personalities, as they ride the repetitious, mindless manipulation of Abbott, Barnaby Joyce and Co's great big tax scare campaign.

The Drum reported on the carry-on effect of zealous proselytisation in the *Daily Telegraph*, 'Workers struggling with a carbon tax are about to be hit with a second wave of Greens inspired tax pain.' As the article pointed out, we do not yet have a carbon tax, nor is there any suggestion of a mooted additional tax, a so-called congestion tax, although this did not stop Joe Hockey in his interview with John Laws giving this ghost tax material credibility. Nor is it honest in this debate to claim that thousands will lose their jobs, towns like Whyalla and Port Augusta will close and household costs will skyrocket exponentially.

In closing, the public need to be aware that the opposition leader and the opposition are worse than policy lite, they are policy bereft, content to manipulate and negate.

POLICE ASSOCIATION CONFERENCE

The Hon. S.G. WADE (15:31): Yesterday, my leader, Isobel Redmond, spoke at the Police Association conference and, in the dying days of the reign of Premier Rann, reflected on his

undermining of the public's trust and relationship with its police. I would like to summarise my leader's thoughts.

One of the most damaging impacts of the Rann Labor government is its use of the police as agents of RevenueSA. The opposition is concerned that our police are increasingly being used as tax collectors for the government. Indeed, in September 2010, former treasurer Kevin Foley made this very point about speed fine increases, saying, 'I make no apology. It is a voluntary method of taxation.'

It is not the role of the police to be revenue-raising for a cash-strapped government and, unfortunately, our police officers and the respect for their force is bearing the brunt of this government's revenue-raising priorities. What we want is to have our police seen as leaders within the community, rather than as punishers or tax collectors.

This year the New South Wales Liberal government ordered the Auditor-General to determine the impact of mobile and fixed speed cameras on road safety. One hundred and seventy-two fixed cameras, six mobile cameras and 60 safety cameras were scrutinised. The New South Wales Auditor-General Peter Achterstraat said at the time:

> Overall, speed cameras change driver behaviour and improve road safety. Fixed speed cameras reduce crashes and speeding. While the overall impact of speed cameras has been positive, 38 of the 141 fixed speed cameras need to be closely examined as they appear to have no significant road safety benefit. Other road safety measures may be needed for these sites. If a camera is there to improve road safety, RTA (Road and Traffic Authority) must publicly provide the information to support that decision. They need to publicise trends in crashes, revenue and speeding or infringement data for each speed camera.

Following the New South Wales audit, which took just three months, New South Wales roads minister Duncan Gay ordered that 38 speed cameras across the state be switched off immediately. Those cameras were to be relocated to actual black spots where they could genuinely have an impact on road safety. The move brought an end to years of New South Wales Labor Party prioritising revenue-raising over road safety, and I would reflect also undermining the public's relationship with its police.

The Hon. R.L. Brokenshire: They are doing it here.

The Hon. S.G. WADE: Indeed; let me tell you about that. Since Labor came to office in South Australia, expiation revenue has seen exponential growth. This has particularly been the case in recent years. In 2005-06, the expiation revenue collected by the government was $50.4 million. In 2009-10, Labor collected $76.3 million from expiations (a greater than 50 per cent increase). This year, the budgeted figure was over $82 million, a further 10 per cent. We need to reassure South Australians that the government and the police are acting in the interests of their safety, not just propping up more Labor mismanagement.

My leader also took the opportunity to pay tribute to the service of SA Police and the service of some officers who have gone above and beyond the call of duty. She particularly highlighted the service of Constable Nathan Mulholland, 26 years of age, and Constable Tung Tran, 23 years of age, who both attended a feigned call-out and were shot. Despite serious physical injuries and severe psychological scarring, both officers returned to work within the month. These are heroic young South Australians who have been able to triumph over a frightening and difficult incident and continue to serve their community.

The 2010 Police Officer of the Year award was jointly awarded to Senior Constable Monique Anderson and Senior Constable First Class Ian Skewes. Both of these officers have contributed to their respective communities and remind us of the benefit of having responsible, alert and caring police officers serving throughout our state.

I conclude by reflecting on the fact that South Australia is a relatively safe and creative community. It is that significantly because of the work that the South Australian police force has undertaken to make it so. It is the responsibility of this parliament to give the police the most effective laws that we can and to ensure that we hold our government accountable to fund and appropriately support our police force.

PORT ELLIOT SHOW

The Hon. R.L. BROKENSHIRE (15:35): I rise today to acknowledge and congratulate the Port Elliot Show Committee for the wonderful job it is doing with respect to royal country shows on the Fleurieu Peninsula.

On Saturday 8 October and Sunday 9 October 2011, the 134th Port Elliot Show was put on at the Port Elliot Showgrounds. I was invited to attend but, unfortunately, due to a personal situation, I was not able to on this occasion. However, I have attended the show on other occasions and always thoroughly enjoyed the broad range of events and the exhibits and exhibitors. In fact, with my father-in-law, I have previously exhibited Jersey stud cattle at that show. I want to congratulate the executive committee on the good work it has done again. In particular, I will single out the secretary, Gayle Garrett. A secretary's job is never easy (my wife is the secretary of a netball club) and Gayle did a sterling job in ensuring that every t was crossed and every i dotted.

Mayor Kym McHugh officially opened the show at 12 noon on the Saturday, and I spoke to him a couple of days later. He said that he was amazed by the number of people in attendance—families, young people, farmers, people with particular gifts and talents in arts and crafts, people with animals who get so much enjoyment out of them and show them in competitions for prizes, poultry, and the list goes on.

I also want to reinforce the importance of these shows throughout country South Australia. Another show in our area I always enjoy when I get the chance to attend is the Strathalbyn Show. We had our own Mount Compass Show, but it could not continue, as was the case with a lot of other shows. We still have a very good show at Yankalilla. These are fantastic opportunities for city people to come and get a real feel for country South Australia and the country lifestyle because they are all within about one hour of the city.

However, there has been a reduction in the number of shows available throughout the state, and there has been a lot of consolidation. In fact, the Port Elliot Show is part of the Southern Agricultural Society Inc. which incorporated my own home town show at Mount Compass, Victor Harbor, Port Elliot, Middleton, Currency Creek and Goolwa.

As I said, it was the 134th annual show. I looked through the life members list and many of those people were known to me; sadly, some of them are now deceased. Much of the reason the Port Elliot Show has been going for 134 years has to do with the commitment and quality of the volunteers who are involved with its organisation. As I understand it, once one Port Elliot Show finishes very soon afterwards the committee is already getting ready for the next one.

These shows provide very important cultural and community benefits to country areas and, as I said, they also give a great opportunity for young people to become involved and to get a real taste of the benefits of breeding stud cattle, favourite poultry and birds, sheep, goats—whatever the animal may be. Of course, there are also horse competitions, particularly at Port Elliot where they have led ring, novelties and encourage show jumping—the list goes on. Michael Scott is one of the people who focuses there. Having worked with Michael Scott when I was emergency services minister, I know he is an amazing volunteer with the ambulance service at Goolwa and at the Port Elliot show.

I want to conclude my remarks by saying that these shows only happen because of a fantastic commitment by the volunteers. Again I congratulate all of them involved in the Port Elliot Show and, indeed, all people involved in country shows that are happening left, right and centre at this time of the year. I congratulate them and encourage them to remain committed to ensure that these shows go on for at least another century.

RANN, HON. M.D.

The Hon. R.I. LUCAS (15:40): I want to look at the record of Premier Rann, perhaps for the first and only time. As Premier Rann leaves parliament, a decision he has taken has united almost everyone in this parliament. Everyone cannot wait to get rid of him. That is perhaps unsurprising for members of the Liberal Party, but it is certainly shared by members of his own party who voted to shaft him and to get rid of him, and now cannot wait to get rid of him as of tomorrow.

If we look at the record of Premier Rann and his government, he inherited a debt position which had been reduced from $11 billion at the time of the State Bank down to $3 billion. He enjoyed 10 years of the rivers of gold from the GST deal negotiated by the former government and property taxes, and his record now shows that debt has jumped from $3 billion to $11 billion when the RAH is included in the debt figures in 2016. Three of the last four budgets are in deficit to an aggregate of $700 million, and Standard & Poor's has just reported that, for the first time in years, the AAA credit rating has been placed on a negative outlook.

The state now has the highest unemployment rate of any state in the nation, at 5.6 per cent. Access Economics this morning reports that the employment, economic and export growth for each of the next five years will be below the national rates for those estimates. For a person who described himself as the education premier, the recent NAPLAN results show that in literacy and numeracy we are below national average in years 3, 5, 7 and 9 in all 20 of the 20 categories.

This is a man who, when he was a staffer, ripped off the front page of a parliamentary library report and, in the Hilton Hotel bar, gave it to a political journalist and claimed that it was a confidential report. This is a man who was condemned by some of his own party, including then senator Nick Bolkus, when he attacked and abused the Hong Kong-based owners of our electricity assets by saying, 'The red guards will be rejoicing at the news that this deal has been done.'

This is the man who described the performance of the chief executive officer of the State Bank, Tim Marcus Clarke, as brilliant and said that his appointment had been a major coup for South Australia. This is the man who led the campaign opposing Roxby Downs and in a particular document that he co-authored said, 'No serious commentators are now likely to join the Premier in trumpeting the economic impact of Roxby.'

This is the man who opposed the repayment of the State Bank debt through the ETSA privatisation. This is the man who opposed the introduction of the GST and said it was 'a lemon of a deal for South Australia'. This is the man whose party accepted a $100,000 donation from the AHA in 2002 by promising explicitly not to increase gaming machine taxes, and then promptly broke the promise. This is the man who promised to oppose privatisation but has privatised the Royal Adelaide Hospital, super schools, and has continued or renewed the privatisation contracts with SA Water, bus contract services, and prisoner transport contracts within Correctional Services.

This is the man who has run the most secretive government in the history of the state. This is the man who has ensured that virtually no ministers respond to questions on notice. We now have over 2,000 unanswered questions on notice for the first time ever in South Australia. This is the man who has cracked down on Freedom of Information Act applications in his own section and across the government.

This man is a political chameleon. He voted against voluntary euthanasia in the parliament for years and indicated to people that he was opposed because the then Liberal leaders opposed voluntary euthanasia, but now the supporters of the Steph Key bill on voluntary euthanasia in the House of Assembly tell me that he has been counted as a supporter of the voluntary euthanasia bill.

This is the man who said nothing about gay marriage for years and now, as he leaves by the back door, says he always supported it because he had learnt the lessons from Don Dunstan many years ago. This is the man who has broken almost as many promises as he ever made. This is part of the real record of Premier Rann, not the nauseating, political fairy floss we have been force-fed for the last three months as a selfish man and a selfish premier has sought to recreate his own political history and legacy.

Time expired.

CARERS

The Hon. K.L. VINCENT (15:45): This afternoon I will speak about recognising carers because, as most of you will already be aware, it is currently National Carers Week, when we acknowledge those in the community who provide this invaluable caring service. I attended the Minister for Disability's carer awards ceremony on Monday, and I was pleased to see the work of carers being acknowledged at least in some way.

More specifically, however, I would like to mention the narrower scope that was celebrated on Monday. Really, Carers Week is about recognising the unpaid work done by family and friend carers in our community. Whilst there are many wonderful and hardworking paid support workers in this state, including my own, this is about those who labour many hours a day every day on a primarily voluntary basis.

Carers SA states that more than 220,000 South Australians currently provide care and support for a member of their family or a friend who may have a disability or mental illness, and who may be frail or aged, have a chronic condition or be recovering from an injury or other illness. Without these people, society—indeed, this state—could not function as it does. Access

Economics has calculated that the value of informal carers in South Australia in 2010 amounted to $3.2 billion.

In particular, I would like to pay tribute to those carers who often provide 24-hour support to a family member with high care needs. They are truly the unsung heroes in our community. As Carers SA points out, these carers are:

> ...often assisting with daily needs and activities like feeding, bathing, dressing, toileting, lifting and moving and administering medications. These carers give comfort, encouragement and reassurance to the person they care for, oversee their health and wellbeing, monitor their safety and help them stay as independent as possible. Carers help their family members to have a good quality of life...

I have many constituents who are carers for family members, both adult and under 18, who require intensive and ongoing support so that their loved one can experience many of the things in life that the rest of us may take for granted: daily showering, three meals a day, excursions such as shopping or going to the beach, educational or training opportunities—the list goes on and on. The unmet needs list in this state means that respite opportunities for carers are often too few and far between, and those under the most stress have the least ability to access this service.

As this is Anti-Poverty Week, it is also of great concern to me to see the number of carers in this state living at or below the poverty line. The nature of being an unpaid carer often inhibits the carer's ability to work regular hours or enough hours to remain in the workforce at all, therefore preventing them from earning a liveable wage and often compromising their own—as well as that of their family—ability to pay the bills, let alone lead a complete and fulfilling life. More than 50 per cent of primary carers live on low incomes.

In addition to this, carers' personal relationships often suffer due to the emotional hardship created by caring duties. It is no secret that the relationships of parents of children with severe disabilities often break down due to the stress created by navigating the disability support services system and figuring out the challenges they face along the way.

According to the Australian Unity Wellbeing Index, carers' wellbeing is often the lowest of any large group. The responsibility bestowed upon carers in their role can be both physically and emotionally taxing. I look forward to continuing my advocacy for carers and their families in the coming years and commend them for the valuable role they play in this state.

CUSTOMER SERVICE

The Hon. G.A. KANDELAARS (15:50): I rise today to speak on the issue of customer service, with a feeling that I am sure many share; that is, the notion that quality customer service has been lost, particularly when dealing with service providers who operate their service centres via call centres. Nowadays, face-to-face contact is near on impossible.

I would like to relate a difficult situation faced by a constituent I dealt with recently when dealing with a very well-known electricity provider. The constituent had installed a solar power system at his home. This required the installation of a new import-export meter. The constituent had already had two meters installed in his home, one a three-phase meter and one a single-phase off-peak meter.

When the constituent received his first electricity bill, he found that his off-peak meter was now being charged at peak rates. The constituent called his service provider to seek an explanation as to why, all of a sudden, he had been charged peak rates for power consumed on a time-controlled circuit of his off-peak meter. He was told that the matter would be referred to the company's metering group for investigation and that this would take two to three weeks. After three weeks, the constituent rang the utility company, as he had heard nothing. He was again told that the matter would be referred to the company's metering group and that the investigation would take up to two weeks.

The constituent then received an amended bill, backdated to August 2008. The retailer believed that the constituent should never have been billed off-peak power and should have been billed for peak power. The retailer believed that he had been undercharged, and they demanded that he pay over $400 in arrears in two weeks. As I said earlier, the off-peak meter was installed into his home some 14 years earlier, and he had been billed for all of that time at an off-peak rate.

The constituent tried on four separate occasions to have the bill corrected but to no avail. The constituent stated that he felt that the retailer believed that it was his responsibility to prove that the retailer was wrong. The constituent, fortunately, is technically minded and wrote to the retailer with photographs of his off-peak meter to show the various registers on the meter. After

writing to the retailer, he gave the retailer two weeks to respond but, unfortunately, he again heard nothing.

After weeks and weeks of frustration, he sought the assistance of the Energy Industry Ombudsman's office which, I have to say, was extremely useful and helpful. He forwarded to them a letter he had written to his electricity retailer. Once the Ombudsman had become involved, my constituent was contacted by the electricity provider within two days and, after another two days, he finally had the matter resolved. It is no surprise that the constituent no longer is a customer of this company that gave him so much grief.

The issue I raise here is that today there is a need, when consumers are faced with such poor customer service, to take action, and the only action obviously available in many circumstances is to look for a new service provider. The point I make very strongly here is that, when you receive poor customer service, you should act upon it. Clearly, in the day of the competitive environment between a lot of utilities, we as consumers should respond to poor customer service.

MENTAL HEALTH WEEK

The Hon. T.A. FRANKS (15:54): I rise to speak about Mental Health Week and to note that last week we saw in South Australia, and across the world, events which highlighted awareness of mental health and mental illness. We all have mental health, and some of us will be unfortunate enough to have mental illness. In fact, one in five of us in any year may in fact be suffering, and almost half of us in a lifetime will have some form of mental illnesses, and we are certain to know and possibly love somebody who has such a condition.

Mental health has long been the Cinderella of health. It has not been invited to the ball and it has not been allowed out of the house. I am very pleased to see events such as Mental Health Week not only highlighting awareness of mental health but also celebrating good mental health and encouraging those who battle with mental illness to seek help without fear of stigma or social shame.

I participated in quite a few events. Having previously worked for the Mental Health Coalition, I always find Mental Health Week a very busy one. I was delighted to be asked to open one of the art exhibitions that was part of the Big Circle Arts Collective, which is an arts and mental health project currently underway. I opened the one at the Bakehouse Theatre, but there was an exhibition as part of the Big Circle Arts Collective at the Adelaide Town Hall; at SA Water; at UniSA; at the Box Factory; and at St Francis Xavier Cathedral.

There were also exhibitions at the Writers' Centre; the Mental Health Coalition offices on King William Street; at City Soul; the Royal Adelaide Hospital; the Santos Conservation Centre at the Zoo; the Women's and Children's Hospital; the RAH; the Parks Community Centre; the ABC Studios; various libraries, including Charles Sturt library; the Living Kaurna Cultural Centre; the SA Folk Federation; Semaphore library; the Robin Hood Hotel; the Hope Inn Hotel; community centres, such as North Adelaide and Reedbeds; and various other locations across South Australia.

The rise and acceptance of having the Mental Health Week art exhibition in so many places across South Australia can only do good in terms of alleviating the stigma. I participated in the mental health walk in Rundle Mall last Thursday, and I also played a game of scrabble, which was actually fantastic for relieving my stress for the first 20 minutes and terrible for the last 20 minutes as I boxed myself into a corner. It was just one example of things South Australians can do at little or no cost that are a great social outlet and a wonderful initiative. There were the clown doctors, of course, as well as an enormous amount of information.

Mental Health Week is a really rare event, when somebody in their local shopping centre, Rundle Mall or local library can go up to someone and say, 'I'm a little bit worried about this issue,' or 'I've been feeling this way. Can you give me some information or tell me somebody I could perhaps take this issue up with?' The amount of information that is asked for, it is like you were giving out free show bags at the Royal Show. The stalls in Rundle Mall are staffed by the wonderful people who work across the community sector in mental health, but they were run off their feet from 10 to 4pm on that day in Rundle Mall, in the local shopping centres to the south, in the rural areas and in the northern suburbs.

The final part of Mental Health Week which I want to pay particular attention to, and which has been a new initiative this year, is something called Mindshare. I attended the launch, and the

Minister for Mental Health and Substance Abuse, John Hill, was there, as was the shadow minister for mental health, Dr McFetridge. I commend the work of Mindshare and suggest that members look at its amazing website, which is quite diverse. It has films, videos and blogs from some people you may know and some you will certainly get to know better. One particular film, *Sean's Story*, I would recommend to anyone who has ever had any sympathy for those who suffer from the stigma of being a transgender person. I congratulate Mindshare and the Mental Health Coalition on a fantastic week.

NATURAL RESOURCES COMMITTEE: LITTLE PENGUINS

The Hon. G.A. KANDELAARS (16:00): I move:

That the 59th report of the committee, entitled Little Penguins: *Away with the fairies*, be noted.

This is a report of the committee's investigations into Little Penguins in South Australia. The committee's interest in Little Penguins began in December 2010 when committee member the Hon. Robert Brokenshire MLC raised the issue in response to a request from Mr John Ayliffe, Manager of the Kangaroo Island Penguin Centre in Kingscote.

This report is not the result of a formal inquiry; rather, the committee has taken evidence from Mr Ayliffe and a number of others interested in penguins, as well as seeking advice from the Department of Environment and Natural Resources (DENR) and the Kangaroo Island NRM board. A number of individuals with relevant experience were contacted and a preliminary literature review undertaken. This report is a summary of the evidence gathered.

There are approximately 80 colonies of Little Penguins or fairy penguins (Latin name *Eudyptula minor*, which means 'good little diver') in South Australia. Most colonies are small but there are also larger ones such as at Pearson Island, 60 kilometres south of Elliston in the state's west, with 12,000 birds. Most of the colonies are genetically isolated, which means they have not had contact with each other for 100 years or more.

The Kingscote and Penneshaw colonies on Kangaroo Island are genetically isolated, meaning that if either became extinct it would be unlikely to be replaced by birds migrating from other sources. Overall, I am pleased to say that the Little Penguins are not considered an endangered species either in South Australia or nationally. While the species overall may not be under threat, members were still concerned to hear of the rapid decline in penguin numbers on Granite Island at Victor Harbor, which is 60 kilometres south of Adelaide. Members were shocked to hear that the little penguin numbers on Granite Island have declined from 1,548 birds in 2001 to 146 birds in 2010, with just 102 left in 2011.

There are similar circumstances on nearby West Island where the numbers have dropped from around 2,000 in 2000-01 to less than 50 in 2010. The most likely cause of the decline is believed to be increased predation by New Zealand fur seals which are enjoying a population boom after the cessation of commercial sealing last century. Predation by dogs, cats, rats and fluctuating fish stocks may also be a factor.

While the New Zealand fur seals are clearly implicated in the declining penguin numbers, it appears that different mechanisms may be at work and the overall picture remains unclear. For example, Little Penguin numbers have declined on islands that do not have seal colonies or are not known as haul-out locations for seals. In other locations, large penguin colonies are thriving in close proximity to large seal colonies. This suggests the need for more research and that is recommended in this report in order to ensure the appropriate response.

Recently, members may have heard reports that New Zealand fur seals have been spotted in Upper Spencer Gulf, near Point Lowly, which is the world-renowned spawning site of the giant Australian cuttlefish. As honourable members would be aware, these unique cephalopods are under pressure on a number of different fronts, so an additional pressure such as may be posed by the rapidly expanding bands of marauding fur seals is particularly ill timed.

Mr Ayliffe was particularly concerned that Kingscote's Little Penguin colony may suffer from the same fate as Granite Island and drew members' attention to a small number of young male bachelor seals targeting penguins. The position of the Department of Environment and Natural Resources was that the Kingscote colony appears stable for the time being. We should know whether this is correct, as the annual Kangaroo Island penguin census, which expands this year to

four locations on the island, has just begun. Unfortunately, the colony at Penneshaw was reported to be terminally in decline, with the numbers collapsing from 200 birds three years previously to less than half a dozen, according to Simone Somerfield, who runs the Penneshaw Penguin Centre.

Mr Ayliffe put to this committee that within three to five years there will be no commercially exploitable penguin colonies in South Australia unless there is some management of the seal colonies in South Australia. Mr Ayliffe's fears were that the local extinction of penguins would impact both on Kangaroo Island's ecological diversity and on the local economy due to the loss of the tourist ventures at Penneshaw and Kingscote.

In contrast, the Department of Environment and Natural Resources described the decline of penguin colonies used as tourism assets as a tourism issue rather than a NRM issue. The department's position put to the committee was that the number of penguins had become artificially inflated in recent decades in response to the reduced number of seals and that what we are now seeing with declining penguin numbers is a return to the status quo.

It was also hypothesised that Little Penguins on Kangaroo Island may be modifying their colonising behaviour by scattering along the southern coastline at lower densities unattractive to seals and also choosing to inhabit places distant from fur seal colonies. If correct, such a mechanism might hopefully ensure the survival of the species in South Australia, even if some colonies do become extinct.

The problem with the department's assertion that penguin numbers will stabilise once fur seal numbers have returned to pre-European levels is that accurate pre-sealing population estimates do not exist, and DENR cannot predict what the status quo that we were heading for might look like or when it might happen. One recent estimate suggests that 57,000 New Zealand fur seals live today in Australian waters. Historically, records indicate that between 100,000 and 300,000 seal skins were taken by sealers off Kangaroo Island between 1803 and the 1960s, although the unregulated nature of the industry, especially in the early days, means that these numbers may be significantly under-reported.

Regardless of the exact figure, it is important to recognise that the current 10 to 15 per cent per annum seal population increase could continue for another 10 to 15 years. Such a massive increase in seal numbers could even stimulate the call for a resumption of commercial seal harvesting in years to come—a proposal that is likely to generate significant public discussion. Mr Ayliffe proposed to the committee a small and strictly controlled trial targeting the individual seals identified as impacting on the penguin tourism assets. Suggestions involved bleach marking and tagging problem seals to keep track of them, and harassing seals away from penguin colonies used for tourism using non-lethal deterrents. Relocating problem seals away from penguins was suggested as a last resort.

In response, the department and much of the published literature countered that attempts to manage seals in other jurisdictions have proven 'fairly ineffectual, incredibly resource hungry and expensive to deliver'. The department suggests that instead, the best course of action was to undertake a community education program to tell people that the process of penguin decline was a natural one. While penguin decline may be a natural phenomenon, committee members argued that Mr Ayliffe's suggestion should at least be properly considered by the department.

Members of this committee will be keeping a close eye on the Little Penguin. We urge the Department of Environment and Natural Resources and the NRM boards to work cooperatively with interested individuals such as Mr Ayliffe to ensure that the shorter-term impacts of penguin tourism are given due consideration, as well as the longer-term survival of the Little Penguin in South Australia.

The Hon. R.L. BROKENSHIRE (16:10): I rise briefly to support the 59th report of the Natural Resources Committee with respect to the committee's investigations into Little Penguins in South Australia. I will not go over a lot of the ground that my honourable colleague the Hon. Gerry Kandelaars has already highlighted, but I did put this to the committee because Mr Ayliffe had alerted me to concerns that he had over penguin numbers in certain parts of Kangaroo Island.

I have to say that at first I did not really believe what he was saying when he was indicating to me how he felt that the numbers were dropping so dramatically. Of course, living on the Fleurieu Peninsula, I, like a lot of people to an extent, take for granted the Little Penguins on Granite Island at Victor Harbor.

Whenever we have visitors, or for our children over the years, we would jump into the car, it is 20 minutes down to Victor Harbor and at sundown you could go for a walk and show anybody lots of Little Penguins. That is something that is cherished. It is important that we protect and look after those Little Penguins. It is also important from a tourism point of view as well, because one of the reasons that people go to both Kangaroo Island and Victor Harbor is to be able to have a look at these Little Penguins.

It is important, I think, that on our watch we do everything that we can, from the evidence that the committee has gathered, to ensure that these Little Penguins are never to become extinct. There have been counts lately by volunteers and university students at Victor Harbor, and the number of Little Penguins is very concerning. It is in the handfuls now; it is not even in the hundreds. So, clearly, there are concerns there.

Initially, the department, when the committee decided to make some inquiries into this, was in total denial: that there was not an issue and there was not a problem. However, when the committee started to have a look into this issue and received some evidence, including from Mr Trethewey from Kangaroo Island who has had enormous experience with Little Penguins for all of his life, it became clear that there was a potentially serious problem. I acknowledge now that the department is going to monitor and have a close look at this issue.

As has already been said, this is not a report with absolute recommendations. It was an inquiry, an investigation by the committee. I want to thank the chair of the committee, the Hon. Steph Key, and my colleagues on the committee. It is a very good committee, a multipartisan committee that is there to serve the parliament and the state in the best interests of natural resources.

I want to finish by putting on the record that the committee urges the Department of Environment and Natural Resources and the NRM boards to work cooperatively with interested individuals to ensure that short-term impacts on penguin tourism are given due consideration as well as the longer-term survival of Little Penguins in South Australia.

The report makes some clear recommendations as to a way forward. It is careful in the way it makes those recommendations for obvious reasons but, from time to time, certain populations of animals do get out of balance and that often results in the demise of other animal species. That is our concern at the moment. The question is: how do we get that back into balance? With those few remarks, I support the report that has been tabled today.

Debate adjourned on motion of Hon. J.M. Gazzola.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT

The Hon. J.M. GAZZOLA (16:15): I move:

That the 2010-11 annual report of the committee be noted.

The committee has an important role to play in investigating matters relating to the administration of the state's occupational heath, safety and compensation legislation and other legislation in relation to these matters, including the performance of the WorkCover Corporation.

The Occupational Safety, Rehabilitation and Compensation Committee differs substantially from other standing committees. Whilst a number of factors are identical to all other standing committees of parliament, the key difference with this committee is that the members are not remunerated.

The Hon. R.I. Lucas: What did you say?

The Hon. J.M. GAZZOLA: The members are not remunerated.

The Hon. R.I. Lucas: Don't we even get the $12.50?

The Hon. J.M. GAZZOLA: No; we don't get paid.

The Hon. R.I. Lucas: Now you tell me! Who's our shop steward?

The Hon. J.M. GAZZOLA: Well, we elected you! Having noted those interjections and that the members are not remunerated, I will continue. Thus the members' dedication to the work of the committee is noteworthy. Each member has given a significant amount of time to the committee's business and has worked well collectively for an important cause. The committee tends to be issue focused and its level of activity fluctuates, depending on the existence of topical matters. After the

11th report of the committee was tabled in 2007, the committee entered into a time of relative inactivity.

The Hon. R.I. Lucas: You mean it didn't meet?

The Hon. J.M. GAZZOLA: Relative inactivity, yes. During this time, extensive reforms to the Workers Rehabilitation and Compensation Act were implemented, resulting in a period of transition and uncertainty. In early 2010, following the state election and after the appointment of new members to the fifth Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation, the committee's activity significantly increased, with the commencement of an inquiry into vocational rehabilitation and return to work.

For the financial year 2010-11, the parliamentary committee met on seven occasions. The bulk of the committee's work during this time was focused on a single in-depth inquiry into vocational rehabilitation and return to work, which is currently ongoing. During this time, the committee was also briefed by representatives from SafeWork SA on national occupational health and safety legislation harmonisation.

The committee notes that the South Australian return-to-work rate for injured workers has consistently been lower than the national average for the past 14 years and is, in fact, currently the lowest in the nation. Yet, the frequency of use and expense of vocational rehabilitation is exceptionally high and on the increase. Such a combination of factors continues to have a negative impact on WorkCover's unfunded liability and the overall performance of the scheme, not to mention on the lives of those workers who have not returned to work.

Following the reforms in 2008, the state's workers compensation scheme has constantly been in the public spotlight and has suffered criticism. The committee has been advised that there have been a number of independent reviews into workers compensation since the reforms and it is clear that the return-to-work rate of the South Australian scheme is of concern to all stakeholders. The committee recognises this concern and, through its inquiry, would like to discover the reasons why the current scheme is underperforming and identify ways that it can be improved.

The committee understands that the issue is complex and that there is no single definitive solution to bring about an improvement in the scheme's performance. The committee has heard evidence that WorkCover, its claims agent Employers Mutual and other stakeholders, including SA Unions are in the process of developing and initiating several strategies with the aim to address the state's low return-to-work rate. Such efforts are commendable and hopefully time will show such initiatives to be successful.

May I say that this is not just a matter for WorkCover and its claims agent. It is important for all stakeholders, including employers, employees and rehabilitation service providers to focus on supporting return-to-work efforts. Successfully doing so will inevitably result in a reduction in the unfunded liability of the scheme. More importantly, it will reduce the impact of injury upon the lives of workers. The committee notes WorkCover's aims to improve return to work outcomes. The corporation's strategic plan includes targets to improve the return-to-work rate by 3 per cent each year for the next five years.

The 12th report of the Parliamentary Committee on Occupational Safety, Rehabilitation and compensation summarises the work of the committee for the financial year 2010-11 and also provides a summary of committee activity and membership changes since the committee last reported to the house in 2007. I would like to take this opportunity to thank all those people who have contributed to the work of the committee and, in particular, provided assistance to the committee in undertaking its inquiries.

I thank all the organisations and people who took the time and made the effort to prepare submissions for the committee and appear before the committee to provide evidence. Without the support of those people, the work of the committee is severely limited. Finally, I extend my sincere thanks to the members of the committee: the Hon. Steph Key MP, the Hon. John Darley MLC, the Hon. Rob Lucas MLC, Mr Ivan Venning MP, and Mrs Leesa Vlahos MP. I would especially like to acknowledge the support the committee receives from Mr Rick Crump, secretary to the committee, and Ms Mia Ciccarello, the committee's research officer.

Debate adjourned on motion of Hon. R.I. Lucas.

SAME-SEX MARRIAGE

The Hon. T.A. FRANKS (16:22): I move:

That this council—

1. Supports same-sex marriage equality; and

2. Calls on the Parliament of the Commonwealth of Australia to amend the Commonwealth Marriage Act 1961 to provide for same-sex marriage equality.

This motion is quite a simple one: it calls upon this council to support same-sex marriage equality and upon the Parliament of the Commonwealth of Australia to amend the Marriage Act 1961 to provide for this to happen. It has followed in the footsteps of a similar motion that has recently passed one of the houses of the Tasmanian parliament. There, the Labor government, in coalition with the Greens, has in fact passed such an in-principle motion in favour of same-sex marriage, preferably at a commonwealth level.

This has been a historic step in what I imagine all members would understand to be quite a pressing issue of the current political scene. I note there that the Liberal opposition has actually moved as a bloc to oppose gay marriage, and I would hope that here that will not happen. I certainly imagine that it would be a good step of leadership to allow for a conscience vote on this issue, but I will get back to that later.

It is obviously going to be a very hot topic later on this year as the December national ALP conference debates this issue. As we saw last year, the state ALP conference certainly moved to support marriage equality—a very fine thing, I think, particularly as our state has such a proud history of having been the first state to decriminalise homosexuality. It is ironic (perhaps in Alanis Morissette's version of the use of that word) that it is Tasmania that is now leading the way, given its more recent history in enabling the human rights of those who are same-sex attracted and gender diverse. I am happy for Tasmania to lead the way, but I would love to see South Australia take a place in that leadership role.

When the Tasmanian parliament debated this, Greens minister McKim did note that there are in fact economic benefits potentially coming to Tasmania because they have in fact indicated that they are prepared to go it alone if, at a commonwealth level, moves for marriage equality do fail. I do believe they will be revisiting this issue. They have certainly had a committee of inquiry and seem to be taking it quite seriously. While he says it is not the only reason to do it, he estimates that there might be about a $100 million economic boost to that state if they in fact did go it alone, in terms of the weddings and the wedding industry and the tourism that would be brought to that state.

However, there are actually much better reasons than simply a financial windfall in tourism and a boost to our economy, and they are put best in the words of South Australians themselves who would be directly affected should our state be part of a move to see commonwealth marriage equality. In words taken from The Potential Wedding Album, which is online, of real South Australians telling real stories, Martine and Zana who live in Adelaide say:

When I moved countries to be with the love of my life, I gave up my right to marry her. My religious home country (Norway), legalised same-sex marriage last year and society as we know it, never came to an end. What are you afraid of?

Holley and Lani, also from Adelaide, say:

Our celebrant read…'Marriage is a supreme sharing of all of life's intimate moments and one of the most significant decisions two people can make—to share the hopes and dreams and to build their future together based on true friendship, love, honesty and respect. Today in the presence of you all—their dearest family and friends—Holley and Lani are publicly expressing their love for each other and celebrating their physical emotion and spiritual bond.' Our love doesn't discriminate, so why does our government?

They had a celebration of love ceremony on 16 October 2010 where over 100 of their supportive family and friends gathered to celebrate that love and commitment that Holley and Lani have for each other. The celebrant read:

Sadly, the love that is shared between two women is not yet legally recognised in Australia, despite the fact that there are many thinking people who passionately believe that everyone, regardless of their sexual orientation, has the right to publicly proclaim their love for one another and, if they wish, to commit themselves to each other in marriage.

Under the heading, 'Philip and Hugh, Prospect, SA', the entry says:

Philip and Hugh of Prospect have been together for 26 years. Behind them lived Lorna and Tycho. Lorna and Tycho were allowed to get married in Australia because they were a man and woman in love. Tycho became old and sick and Lorna could do everything for him. Philip and Hugh are not allowed to get married because they are 2 men in love. They worry what will happen if one gets sick. They have had to get enduring powers of attorney and

guardianship for each other to provide some degree of protection. Neither Philip and Hugh, nor their neighbours understand why any government should oblige some of its citizens to have to do this.

Ian and Stephen from Unley in South Australia were actually married in Montreal in 2006. Ian says:

> In 2005, on Australia Day, I was made a Member of the Order of Australia for community services—so I'm recognised as an outstanding citizen. But I'm also a second class citizen because I can't do what a heterosexual man can do if he wishes.

Stephen adds that it is really a shame because their families and friends would have loved to have been with them, but that couple was forced to go overseas to get married. Zack and Shannon, also from Adelaide, say:

> I 'm [a female to male] transgender and despite being able to legally marry my [girlfriend] in 2 years once I get the paperwork done, if we could get married now while I was still legally a female that would be the best thing ever.

Imogen and Paige from Somerton Park say:

> I have loved Paige from the moment I set eyes on her nine years ago. We are fortunate enough to have a supportive and loving network of family and friends who all demand the recognition for our love which they have for theirs. I want to ask Paige to marry me, not 'civil union me', nor 'commitment ceremony me'. Can it be degenerate in nature if nature inspires it in us...?

Finally, Jason and Jeff of Adelaide simply say, 'Love doesn't discriminate and neither should the law,' yet here we are as lawmakers in a position where we can take action now to ensure that the law does not discriminate against consenting adult couples who want to get married.

I would add at this point that nobody needs to get married if they do not want to. People will always have the choice not to marry each other; they can always choose to have whatever relationships they want to. But there are some people for whom the dream is to get married, and many Australians have taken to the streets in support of this very simple demand. Last year, in fact, was marked as the National Year of Action for Same-Sex Marriage, and I would say that that year has been an absolute turning point in bringing this debate to the fore.

I do congratulate those many thousands of people who have taken to the streets and those many thousands of people who have participated in the inquiry into Senator Sarah Hanson-Young's bill in the Senate, both the previous incarnation and the current incarnation of that bill. The momentum for this bill is growing and, of course, this motion here today does pay some mind to the fact that that bill sits on the *Notice Paper* of our Senate.

The momentum is growing and the polls are growing in support. We have seen that the majority of Australians want to see same-sex marriage legalised in Australia. They do not want to see people discriminated against any longer. In fact, most people—probably all of us in this place—do not understand why we are still debating it.

We think that it is possibly a no-brainer and that we could, in fact, see a conscience vote in our federal parliament and have this debate out in the open, where it should be. Then all of the time and effort that people believe is being paid to this issue that should not be, those people could be happy because, if they allowed for a conscience vote at a federal level—if the Prime Minister and the Leader of the Opposition simply allowed a conscience vote—the cards would fall where they may, but we would know what our parliament thought of this issue in reality, with their conscience—I would hope that their conscience would reflect the conscience of most Australians, but, of course, there is no guarantee of that.

However, the idea that consenting adults should celebrate love and commitment is such a simple principle, yet it is so controversial. What I do not understand is how removing discrimination can be controversial. We hear the same old historical arguments trotted out, that this would somehow diminish marriage as we see it and that somehow marriage is a fixed point in our culture that has never changed. Of course, that is not true, otherwise we would never see divorces in this day and age, and we would see arranged marriages in some cultures perpetuated, which I am pleased to say do not happen as much as they used to.

The history of marriage is somewhat interesting. For those who are interested in the religious arguments about marriage being a religious institution, I have been most intrigued to discover that St Sergius and St Bacchus, who were seventh century icons of the Christian religion and officers of the Roman Army in Syria, were tortured to death for their refusal to worship Roman gods because they were good Christians. Bacchus is thought to have died from severe torture,

whilst Sergius suffered the initial torture and was then later beheaded. They were the protectors of the Byzantine army, with a feast day of l7 October—just this past week gone.

Yale historian John Boswell considers the saints to be an example of an early Christian same-sex union, reflective of those tolerant early Christians' attitudes towards homosexuality. He bases this on the icon depicting what some claim is a religious wedding, with Jesus as the best man, in the still surviving writings of artworks that are available. Obviously I cannot table an artwork here today, but I will describe that St Sergius and St Bacchus are here and they certainly do seem to be being united and with Jesus overlooking them.

The pairing of the saints, particularly in the early church, apparently was not an unusual thing. The association of these two men in fact was understood to be quite close, and in fact Severus of Antioch in the sixth century explained that we should not separate in speech (that is, Sergius and Bacchus) who were joined in life. More bluntly, in 10th century Greek accounts of their lives, St Sergius is openly described as 'sweet companion and lover of St Bacchus'. In other words, this confirms what the earlier icon that I described before implies; that is, they were a homosexual couple who enjoyed a celebrated gay marriage.

Their orientation and relationship was openly accepted by earlier Christian writers. Furthermore, in an image that to some modern Christian eyes might border on blasphemy, the icon has Christ himself as their pronubus, their best man, overseeing their gay marriage. Professor John Boswell's discovery at first was seen to be somewhat incredible, but he has certainly done his homework here, and he states that, contrary to myth, Christianity's concept of marriage has not been set in stone since the days of Christ; it has in fact evolved as a concept and a ritual.

The ceremonies that Professor Boswell describes have all the contemporary symbols of what we consider to be a current day marriage: a community was gathered in the church, a blessing of the couple was undertaken before the altar, their right hands were joined as in a heterosexual marriage, they had the participation of a priest, they had the taking of the Eucharist, and they had a wedding banquet afterwards, and no doubt a few drinks were consumed at that wedding banquet.

The Hon. M. PARNELL: Not Bacchus.

The Hon. T.A. FRANKS: Not Bacchus, no. There are many other examples that have been noted. I am getting a lot of this information from a particular paper done by a Yale PhD candidate, so I acknowledge that and hopefully I will find the name of it in a second.

Another example from that particular paper notes that in the 18th century there is a woman-to-woman union recorded in Dalmatia, and certainly they go on and on. There are quite a few examples throughout history and in the Christian religion itself. I did find interesting that it certainly was not their sexual preference that saw Sergius and Bacchus meet an untimely fate, but it was in fact their religion.

On that, when we bring up contemporary Christian religion in this country, certainly we should not assume that all Christians oppose same-sex marriage. In the overwhelming number of responses that were received to Senator Sarah Hanson-Young's bill when it went to committee, I have noted two particular religious groups: one, the Metropolitan Community Church of Brisbane made a statement that:

> The Metropolitan Community Church has preached a three-pronged gospel of salvation, community and social justice for 40 years and has worked together to make a real world of justice and equality...We have celebrated more than 6,000 same sex and opposite sex weddings around the globe every year...We celebrate with our sisters and brothers who have already won the right to marry and/or have civil partnerships...Marriage equality is a civil rights and justice issue...Most religions have their own requirements for entering into a valid marriage...The Metropolitan Community Church believes that any person who wishes to enter into a civil marriage should have the right to do so...Religious communities should have the right to decide whether or not it will provide religious services to sanctify that marriage...We will use our religious voice and our churches to both promote and provide religious services and blessings for lesbian and gay couples who wish to sanctify their relationship before God...We will use our resources to speak out against the voices that would seek to demonise homosexuality and who are opposed to equal rights for same gender couples and full marriage equality...

Another group who made a submission, who certainly believed that the prohibition on same-sex marriage in this country is an affront to their religion, was the Canberra Quakers. They say in their submission:

> On 15 April 2007, Canberra Quakers celebrated the first same sex marriage in an Australian Quaker Meeting (Church). The wedding was like any other—a joyful occasion that brought together family, friends and community to affirm the loving and committed relationship of a couple who wished to spend their lives together.

Before the wedding, the Canberra Quaker Meeting supported the couple through the process of discernment about their desire to get married, as we do for any couple contemplating marriage. This discernment provided not only an opportunity for them to give deep consideration to the joys and responsibilities of marriage, but was also an opportunity for our Meeting to explore the meaning of marriage today.

Since our 17th Century beginnings, Quakers have recognised marriage as a religious or spiritual commitment as well as a legal relationship. We have also been moved by a strong sense of the equality of all people. Our 'testimony to equality' inspired the first Quakers to recognise the equal place of women in spiritual and secular life. It has also inspired Quakers through history to work for the abolition of slavery, racism, religious intolerance and other forms of discrimination that deny every person's inherent dignity.

The request to celebrate the 2007 marriage was the first we had received from a same sex couple. In considering the request, we recognised that to deny recognition of their committed relationship as a marriage would be inconsistent with our principle of the equality of all people. We decided to celebrate the marriage knowing that it would not be legally recognised.

The lack of legal recognition was not something we chose willingly. If the option had been available, the couple would have sought legal recognition, and we would have fulfilled the requirements for this to happen. It is a source of ongoing disappointment and disquiet to many Quakers that Australian law, i.e. the *Marriage Act 1961,* requires us to bring inequality and discrimination into our places of worship. Some heterosexual Quaker couples have, in fact, chosen to forgo legal recognition of their relationships because such recognition is not available to Quakers in same sex relationships.

For Australian law to permit us a truly free exercise of religion, it would need to allow us to celebrate same sex marriages exactly as we celebrate heterosexual marriages—including supporting same sex couples through the process of receiving full and equal legal recognition of their marriages.

Quakers across Australia are committed to end discrimination against [gay, lesbian, bisexual, transgender and intersex] people. We note, also, that Quakers overseas celebrate same sex marriages. Most recently, on 31 July 2009, British Quakers affirmed their commitment to equality with a decision to recognise and celebrate same sex marriages in exactly the same way as for heterosexual couples, including seeking legal recognition. The continuing lack of legal recognition in Australia will increasingly present unnecessary complications for Quakers (and others) moving to Australia from jurisdictions where legal recognition is available.

It goes on to say that Canberra Quakers fully support the Marriage Equality Amendment Bill 2009, as it was then, and urge the Senate and the House of Reps to enact it as soon as possible. It states:

Canberra Quakers would also support the introduction of civil unions at the federal level, but *not* as an alternative to same sex marriage.

They consider same-sex marriage to be a marriage like any other and in no way mimics a marriage, and they recognise that in fact some couples would prefer to seek legal recognition without using the term 'marriage' as they strive to reflect their relationship with integrity, and for this reason they believe that the alternative of civil unions should also be available to heterosexual couples who would choose to do so.

On that note, I would say that there is often a bit of a straw man argument, that is, why can't those people who are same-sex attracted or gay have something that is a little bit different to what the rest of society has? I love the current poster that is doing the rounds of Facebook. It says, 'I don't really want a gay marriage because when I came here I didn't gay park my car, and I certainly don't necessarily want a gay marriage. I parked my car and I want a marriage.' I love that little snapshot poster that is doing the rounds of Facebook because I think it sums it up. Those people who are gender diverse and same-sex attracted have the right to equality—nothing more and nothing less.

I am very heartened to see that our current Premier, in recent days, has put out a statement in support of same-sex marriage. He has called on the commonwealth parliament to change the Marriage Act to allow homosexual couples to marry and enjoy the same full legal rights as heterosexual couples. I welcome that. While it is in his last days of leadership, given that this issue is at a time and place where we know that it will be discussed at the national conference of the ALP and in federal parliament, it is a welcome contribution. I believe the incoming premier seems to be similarly supportive of such a move towards full human rights and equality in our state.

I would urge the Premier to think, 'What would Don Dunstan do?' He has indicated that, at the feet of former prime minister Whitlam and former premier Dunstan, he long ago learnt that discrimination against those people who are same-sex attracted was not something to be tolerated in our society. There is a way to go between simply standing by and letting discrimination happen and actually standing up and changing the laws of this country. I would say that the Premier could allow his political party—as could the premier of next week—a conscience vote on this issue.

That is not to dismiss the fact that the state Labor Party now has a position where they support same-sex marriage equality, so I would welcome a party vote on that as well. I certainly understand that it might be difficult for some members to bring themselves to support a party vote, given the recent history of the Labor Party and, in particular, the SDA in campaigning very strongly against marriage equality. I have been quite disappointed to hear arguments put that marriage is something that is a cultural institution that has never changed and never will change.

As we all know, that is an absolute furphy. We have divorce now and interracial marriages, which three decades ago would have been unheard of. We have people of all cultures and creeds getting married. In our Western society and in our Western tradition we have now developed an institution of marriage based on love. However, as we know, it used to be based on property and certainly the woman was passed from the father to the husband. I am very pleased that that does not happen anymore and that it is certainly not carving up fiefdoms or properties and women are not seen as chattels. Feminism has certainly gone some way to changing that part of our culture. Personally, I think those are welcome things.

Love, and the idea of romantic love, is a relatively recent concept in terms of its application to marriage. Marriage has previously been something that was a little bit more like a business contract. We also hear that apparently marriage is about children and procreation. Again, I see this as a bit of a furphy. If marriage was about children and simply for procreation, then of course people would have to have fertility tests before they got married, and anyone of a certain age who was possibly not fertile would probably be precluded from marriage. Of course we let—and I think it is a wonderful thing—people in the autumn of their life get married and nobody raises a fuss, but they are certainly not going to be having children any time soon. We celebrate their love and that is a fine thing.

People who do not wish to have children get married all the time. They may be fertile, but they may have no intention of ever having children. People who adopt or foster children can also get married and they do not necessarily do so with the express belief that their marriage is in some way going to facilitate the procreation of biologically-owned, if you like, children between that particular couple.

I have been disappointed by the idea, in the political debate of this state, that marriage is about procreation. I would point to the fact that it has not ever been so and will not necessarily be so in many of the marriages that we see in our society.

I note that the Yale Law School Legal Scholarship Repository is to thank for that history of marriage earlier and I thank in particular William N. Eskridge. On that note, I will also be bringing this motion to a vote on 23 November in this place. I recognise—

The PRESIDENT: My wedding anniversary.

The Hon. T.A. FRANKS: There you go, the wedding anniversary of the President of this council. What a fitting day. It is also a timely day in that it is a little over a week before the ALP national conference. So, I would dearly love to see our council and this parliament adding to the growing voice in support of true marriage equality and of equal love. With that, I commend the motion to the council.

The Hon. K.L. VINCENT (16:51): I do not think it will come as a surprise to anyone in this chamber today that I am speaking in support of the Hon. Ms Franks' motion to encourage the federal parliament to allow same-sex marriage. I am doing this for two reasons. This motion is about two things that are very dear to me: one, the fundamental right to choice; and, secondly, and most importantly, this motion is about love. Everyone has the right to love who they will insofar as I consider love to be one of the only things, if not the only thing, that is truly above the law.

No piece of legislation can control our emotions. No law can stop love. The law cannot stop that wonderful characteristic of the human heart which enables us to see past appearances, past differences, past rules and, indeed, past gender, and straight into another heart. Sometimes when we are in love it can feel like we are at once enslaved and emancipated by it. Love does not answer to anything but love itself and for this reason love is a law in itself. But of course the law does not presently ensure that each love is equally recognised.

I am here to inform this chamber today as to why I consider this completely wrong and something that must and will change. The reason why I am so confident that same-sex couples will in time be given the right to marry is because there are a number of groups which were originally not afforded the right to wed because of the way that they were perceived by society at large, but

over time those perceptions have changed and so have the laws which forbade them from wedding.

Historically speaking, for example, it is not that long ago that people with disabilities in general were denied the right to enter freely and wholly into marriage because it was thought that their disability stopped them from fulfilling some sort of prerequisite for marriage. It would be most remiss of me not to mention that this is still happening now, even right here in Australia, but to a much lesser extent. In the majority of cases where people with disabilities are still facing difficulties in carrying out nuptials this is because of family members or carers who may be scared or unwilling to assist them in doing so. It is certainly not due to any legal opposition.

Interracial marriage is yet another example of a form of union that was previously unrecognised and forbidden by law. Indeed, it is still forbidden in some parts of the world, but most of us have recognised that skin colour is no indication of a person's intelligence or, indeed, their capacity to enter into a legitimate union with another person.

Many parts of the Western world have had laws in place banning interracial marriage at some point, which have been repealed. These include: Germany under Nazi rule, South Africa under times of apartheid and large areas of the United States of America until a 1967 Supreme Court overruling. Indeed, here in Australia we have been on, and evidently are still on, a long journey in terms of legally and socially allowing for all kinds of couples to marry.

I am proud to say that in 2009, of the 120,118 marriages recorded in Australia, 42 per cent involved at least one partner who was not born in Australia. Even more encouraging is the fact that Indigenous Australians—who were once not even recognised as citizens of this country by its white inhabitants—now have one of the highest rates of interracial marriage in Australia. I am advised that in 1996, 64 per cent of all marriages and de facto relationships involving an Indigenous person were interracial in nature. Since Australian laws and society have learnt to be so embracing of marriage regardless of these differences, I truly believe that it is only a matter of time before Australia realises that we cannot discriminate against couples on the basis of gender either. I hope that this motion gives us a chance to begin that journey or, indeed, continue it.

Before I go any further, perhaps I should talk a little more about exactly what I consider constitutes a marriage. Not long after my election, the *Sunday Mail* ran an article about me in which I was quizzed about my views on various political and societal issues. When asked about my stance on same-sex marriage, I said, 'To me, same-sex marriage is the union of two souls not two bodies.' This is perhaps an overly simple way of articulating what is, in essence, a very complex concept, but I think you can see my point.

Without wishing to diminish the importance which marriage as an institution holds for many people, I must say that to me it is nothing more than the formal legal recognition of something that already exists. What I mean is that one would hope that in most marriages the connection between two people from which the desire to marry often springs is already formed. As I said before, this is not a bond that any official document or piece of legislation can, in itself, create or control. However, it would be very remiss of me not to make reference at this point to the fact that, really, it is not obligatory that a marriage be founded on love at all.

People can marry for money, for religious reasons or due to some sort of societal or familial duress. There are many reasons, other than love, why two people may choose to enter into a marriage. For this reason, I do not believe that it is right to deny same-sex couples the opportunity to marry based on the idea that they are somehow incapable of feeling the same feelings or forging the same connections as heterosexual couples. Indeed, I personally know and know of many same-sex couples who have disproved the stereotype; some are same-sex couples who have been in relationships lasting upwards of 15 years.

I think that before we condemn the short life of the same-sex relationships or same-sex marriages we should, in the interests of fairness, good legislating and good debate, examine the record of heterosexual marriage in this sense. There are, of course, a number of celebrity marriages that I could mention here—for example, Britney Spears' infamous 24-hour marriage and a number of more everyday people, including a German couple who filed for divorce just three hours after tying the knot, after the groom attempted to give his new bride a new haircut using a kitchen knife.

However, I do not think that I need to use any real-life examples here at all because the fact is that, as a woman, I could wander onto North Terrace right now, strike up a conversation with a nice boy or a nice man (providing he was of adult age) and, if we liked, we could meander on

down to the registrar's office and marry one another right away, despite the fact that we were complete strangers to one another.

The Hon. T.A. Franks: It's a month and a day.

The Hon. K.L. VINCENT: Well, in a month and a day; that is pretty much straightaway—but not long enough if you ask me!

An honourable member: You old fuddy-duddy!

The Hon. K.L. VINCENT: Well, I cannot be progressive about everything, surely.

The Hon. T.A. Franks: You could go to Las Vegas and get married in 24 hours.

The Hon. K.L. VINCENT: Thank you—but I would argue that even in a month and a day we would still be complete strangers to one another. Furthermore, we might spend the rest of our time in this marriage abusing and mistreating one another, yet our union would be seen by the current law as being somehow more genuine than that between two people of the same gender who may never abuse each other and may love each other with all of their hearts. Quite frankly, if anything devalues the institution of marriage, I believe that it is marriages founded on fear, hatred and violence, and indeed marriages void of any emotion whatsoever, rather than marriages forged on genuine commitment and caring relationships, regardless of the gender or genders of the couple in that marriage.

I acknowledge that I have received correspondence from some constituents who state that if same-sex marriage were to come to be they would take it as 'a personal insult' and something which would diminish the importance of their own marriage. I appreciate their taking the time to share this belief with me, but I must say that my logic does not accept this idea. Quite simply, I do not understand why a person would let the actions of others, particularly actions which do not in any way affect them directly, change the way in which they view their own relationship and/or their own marriage. As I stated before, a good marriage is based on a strong egalitarian bond between two people, and so I believe it is up to those two people to ensure that their own actions and not those of others uphold the value of their own relationship.

It is not as though current heterosexual marriages will be declared void the moment same-sex marriage becomes legal in this country. It is not as though there were a limited number of marriages available and there will somehow be fewer available to heterosexual couples if same-sex couples take their share; nor is love itself a finite resource. There will just be more marriages and hopefully a little more ability for same-sex couples to live and love freely. To quote my dear mother:

> If you change the laws to meet the needs of a minority in terms of same-sex marriage, you aren't bending to their needs at the cost of someone else's. You are just changing the laws to include them, as well as—not instead of—everyone else.

Similarly, I do not believe that members should reject this bill on the grounds that some people consider sexual acts between two people of the same gender to be somehow unnatural. I reject this idea purely because this is a motion calling on parliaments to condone same-sex marriage, not same-sex sexual activity. Sex between two people of the same gender and, indeed, people of the opposite gender, will occur whether or not same-sex marriage is legalised, especially given that South Australia became the first Australian jurisdiction to begin decriminalising homosexuality in 1972, with further reforms in this state being achieved in 1975 and 1976.

Furthermore, I feel it is worthwhile noting that I am sure that for many people who are strictly same-sex attracted, participating in heterosexual sex would be equally unnatural to them as homosexual sex appears to be to many heterosexual people. This brings me nicely to my opposition to the idea that same-sex marriage should not be allowed on the grounds that same-sex couples are not fit to raise children—again because this is not a motion which seeks to legalise same-sex parenting. This is a motion which simply places pressure on the federal parliament to legalise same-sex marriage and nothing else.

I have already talked at length in this place about my beliefs on same-sex parenting—or as I, and I am sure all parents in same-sex relationships and indeed their children, like to call it, 'parenting'—so I will not go too much further into that today, particularly, as I have already said, that this is not the topic of this motion. In fact, I would like to point out that I think the issue of child rearing is particularly irrelevant, due to the fact that raising children is no longer considered by society at large—as Ms Franks has already pointed out—to be some sort of expected consequence of entering into a marriage. I think that it is quite hypocritical to expect to use this as a

reason to reject same-sex unions when it is in no way compulsory to raise children in heterosexual ones.

Perhaps I contradict myself a little here because I realise that, in another sense, the issue of raising children with parents of the same gender could actually be seen as quite relevant to this debate. Let me clarify my ideas: as we have already learnt in this place, through reports from the Social Development Committee and, indeed, other motions and bills presented to the chamber, sexual orientation is no barrier to a person's desire to parent, nor indeed to their ability to do so, although it may involve a few extra challenges.

We already know that children are being raised by same-sex parents, whether or not the union between those parents is classified as a marriage, and we have learned—most pertinent to this motion—of the barriers and unfair difficulties which not having their partnership formally recognised can place on parents, and thereby on their children, from the inability of the non-biological parent to travel interstate or overseas with the child to the inability of that non-biological parent to make medical decisions regarding the child even in circumstances of emergency, not to mention the fact that children are currently likely to be ineligible for inheritance should a non-biological parent die.

Now we are of course slowly seeing changes in the laws to allow for these loopholes to be closed, but I would like to argue that if parents of children raised by same-sex parents were allowed to be recognised as formally married, many of these problems could be automatically solved. If the non-biological parent of a child were married to the biological one in a same-sex marriage, just as in a heterosexual marriage where there is a non-biological parent, there would be a clear relational and legal link between the child and each of the two married parents.

This would most likely solve many of the barriers that parents and children in same-sex partnerships currently face, particularly in regard to custody, consent, duty of care, etc. I humbly ask you, Mr President, if we can truly call ourselves worthy of governing the great country we serve if we are willing to continue to wittingly deny people raised in same-sex partnerships these rights which are fundamental to their welfare and their future simply because they are no more able to choose their parents than the rest of us are.

It would seem to me that allowing same-sex parents to marry would actually give them greater legal capacity to fulfil their duties as parents and therefore make them more fit, not less fit, to be parents than they are at present. We have already learnt in this chamber, when discussing other matters to do with the rights of non-heterosexual individuals, that for them being queer is no more a choice than being heterosexual is for heterosexual people—it is a natural state of being for them and not something they can control. We also know that despite this it is something they can currently be alienated, hurt and punished for.

Members are already aware of the disproportionate level of depression, self-harm and suicide among same-sex attracted people, in particular, and most frighteningly, young people. We already know that research from beyondblue indicates that psychological disorders such as depression are far more prevalent in same-sex attracted people than in heterosexual people. Indeed, beyondblue's 2008 research paper, entitled 'Feeling queer and blue,' indicates that mental illness such as depression is experienced by about 20 per cent of the heterosexual population and around 42 per cent of the queer population. There can be little doubt that this is due at least in some part to the suffering and alienation caused by non-acceptance, homophobia, etc.

I believe that offering marriage to same-sex attracted people could help them feel respected and protected by the law in such a way that we may well see much less of this tragic harm and needless loss of life occurring ,and I feel that as legislators, we have an obligation—both professional and moral—to offer that respect and that protection.

My final point, which is sometimes used to oppose the introduction of same-sex marriage in Australia, is an idea that was recently put forward by Martin Hamilton-Smith. Mr Hamilton-Smith recently said that he intended to oppose any legislation seeking to legalise same-sex marriage, and one of his key reasons for doing so is the fact that 'not all gays necessarily want to get married'. Indeed, I concede, that this may well be true.

It is likely that not all same-sex couples will choose to marry when marriage equality becomes a reality, but I do not see this as a reason to deny them that choice. After all, if we applied this idea to other factors of life, private health insurance might not be available at all just because not everybody takes it up, or women might not be able to give birth by caesarean at all, no matter what their medical situation, just because not everyone does this.

We must remain mindful that what we are discussing here is giving same-sex attracted people the option to marry, not the obligation to do so. They would have the choice of marrying or not marrying, just like heterosexual couples have that choice.

In conclusion, I believe that the beliefs from which the opposition to same-sex marriage often comes are unfounded, unfair, outdated and just as changeable as the examples I gave at the beginning of my speech, where marriage has previously been denied to certain groups but is now permitted. I believe that Australia, as a nation that supposedly operates on the ideals of fairness, acceptance and inclusion, has nothing to lose but so much to gain by allowing same-sex couples to marry. So, when this chamber asks me whether I support this motion, I am proud to say I do.

Debate adjourned on motion of Hon. Carmel Zollo.

ROYAL ADELAIDE HOSPITAL

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:13): I table a copy of a ministerial statement relating to non-operating funds made in another place by the Minister for Health, the Hon. John Hill.

EMERGENCY SERVICES COMPUTER AIDED DISPATCH SYSTEM

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:13): I table a copy of a ministerial statement relating to a new computer-aided dispatch system made in another place by the Minister for Health, the Hon. John Hill.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT 2010-11

The Hon. CARMEL ZOLLO (17:12): I move:

That the report of the committee, 2010-11, be noted.

This is the 55th report of the committee and the 16th annual report. The Statutory Authorities Review Committee is a multipartite parliamentary standing committee, whose five members are drawn solely from the Legislative Council. The annual report represents a summary of activities for the year 2010-11. The committee met on 17 occasions during that period and tabled one report in the 2010-11 financial year, the annual report 2009-10, having tabled several reports into inquiries in a short space of time in the 2009-10 financial year.

In the 2010-11 financial year, the committee concentrated its efforts on the Teachers Registration Board inquiry, and then tabled its report and recommendations regarding the Teachers Registration Board on 26 July this year. As I am now speaking to this annual report in October, I make mention that the tense used in my Presiding Member's statement in the third paragraph is incorrect, as the report has now of course been tabled, having been tabled on 26 July, as I mentioned, and of course the EPA inquiry has also commenced. I have some recollection of amending that first draft, but clearly it did not make it to the final cut in terms of that grammar.

The Hon. R.I. Lucas: Who are you unloading on there?

The Hon. CARMEL ZOLLO: Would I be unloading on anybody?

The Hon. R.I. Lucas: It sounded like it.

The Hon. CARMEL ZOLLO: I would not be doing that, would I, the Hon. Rob Lucas? The committee heard oral evidence from 17 witnesses related to the inquiry into the Teachers Registration Board. The TRB inquiry report is still before this chamber, and I have had the opportunity to speak on this inquiry, so I will not elaborate further at this time. As well, the committee commenced taking oral evidence in regard to the Environment Protection Authority, as mentioned, in July 2011.

Of note, during that last financial year the 11th Biennial Conference of the Australasian Council of Public Accounts Committees (ACPAC) was held in Perth from 27 to 29 April 2011. I attended the conference as the Presiding Member of SARC, along with the Hon. Terry Stephens MLC. The highlight of the conference was a talk by Mr Bernard Salt, who focused on the implications of managing and monitoring the 'big Australia', the demographic changes shaping public spending and how the imminent retirement of the baby boomer generation will change private and public spending over the next decade.

I take this opportunity to thank other members of the committee: the Hons Ann Bressington, Ian Hunter, Rob Lucas and Terry Stephens for their membership and continuing

support to the committee. I also place on record my thanks to the staff for their work throughout the year.

Debate adjourned on motion of Hon. R.I. Lucas.

LEGISLATIVE REVIEW COMMITTEE: CRIMINAL INTELLIGENCE

The Hon. G.A. KANDELAARS (17:18): I move:

That the report of the committee, Inquiry into Criminal Intelligence, be noted.

On 9 March 2011, the Legislative Council resolved to refer an inquiry into criminal intelligence to the Legislative Review Committee. Criminal intelligence is a legislative class of information that can be used against a person but not disclosed to them if the information would tend to prejudice criminal investigations, identify a source or put a person's safety at risk.

There are several pieces of legislation that use the concept of criminal intelligence. It can be used as a basis to deny a person certain rights and privileges, such as the grant of a liquor or gaming machines licence, a licence to use a firearm or to operate as a security agent. It can also be used as a basis for making a declaration or granting a control order against a group engaged in serious organised crime activities under the Serious and Organised Crime (Control) Act 2008 (or SOCCA, as it is commonly known).

Criminal intelligence is only disclosed to the Commissioner of Police or his or her delegate and relevant decision-maker. There are strict legislative provisions, which provide that any court hearing a matter involving criminal intelligence must maintain the confidentiality of that information, including taking steps to receive evidence and hear arguments in private. Neither a person against whom the criminal intelligence is used nor their legal representatives is privy to the information.

The motion calling for the inquiry was introduced into the Legislative Council by Greens MLC, the Hon. Mark Parnell, in response to concerns that the concept of criminal intelligence was not used consistently across all legislation. There were also concerns that the use of criminal intelligence offended natural justice principles, such as the right of a person to know and respond to allegations against them.

Legislation which uses criminal intelligence has been subject to several High Court challenges. The first was in the High Court decision of K-Generation v Liquor Licensing Court, which considered whether the use of criminal intelligence to deny an application for a liquor and entertainment licence, under the South Australian Liquor and Licensing Act, was valid. The High Court found that the criminal intelligence provision contained in the act was constitutionally valid and did not infringe upon the court's integrity or independence.

The High Court again had the opportunity to consider criminal intelligence in the State of South Australia v Totani—this time in the context of SOCCA legislation and the issue of the declaration against the Finks Motorcycle Club and several control orders against its members. The High Court found that section 14(1) of the act, which requires the court to issue a control order against an organisation declared by the Attorney-General, was constitutionally invalid. Just seven months later, the High Court again considered this issue in the case of Wainohu v The State of New South Wales, when they found the New South Wales Crime (Criminal Organisation) Control Act to be invalid.

The Legislative Review Committee inquiry took place against the background of these High Court challenges and the debate as to the proper use of criminal intelligence and whether or not criminal intelligence provisions should be utilised in legislation at all. In the course of the inquiry, the committee heard evidence from witnesses who were of the view that legislation such as SOCCA and others containing criminal intelligence provisions offended the basic principle of natural justice and fairness in refusing to let a person know the allegations against them.

The committee also heard extensive and compelling evidence from South Australia Police. They outlined the important role of criminal intelligence in the provision of protecting police informants and eliminating criminal elements from legitimate businesses. They also gave evidence about the deterrent effect of the SOCCA legislation in dissuading the threatening and violent criminal behaviour of outlaw motorcycle gangs in South Australia. They outlined the process and the method of collation and classification of criminal intelligence and the safeguards in place against the use of incorrect and unsubstantiated information.

In the light of all the evidence, the committee recommended that the South Australian legislation should continue to contain criminal intelligence provisions. Criminal intelligence is

warranted given the very serious risks posed to the community by the activities of those involved in serious and organised criminal activity. The committee is satisfied that criminal intelligence is rarely, if ever, the only source of information used against a person; and that SAPOL has robust classification policies and procedures in place to make sure that the information is used carefully, sparingly and appropriately.

Further, the committee is satisfied that decision-makers under the various pieces of legislation have ample legislative discretion as to what weight, if any, they will give to criminal intelligence in assessing an application. The committee recommends that the Serious and Organised Crime (Control) Act 2008 be reviewed as a result of the High Court decision in Totani. It should be amended in order to reflect the High Court's finding and to better withstand constitutional challenge in the future.

The committee is also concerned about the multiple versions of criminal intelligence provisions contained in various pieces of legislation. It therefore recommends that there be one definition implemented consistently and uniformly across all legislation. This will ensure certainty for decision-makers and uniformity with the High Court's decision in K-Generation v Liquor Licensing Court of South Australia.

Further, the committee recommended that a review mechanism be included in all legislation that uses the concept of criminal intelligence. Under the current SOCCA legislation, an annual review is undertaken by a retired judge as to the number of times criminal intelligence is used, how it is classified and whether the Attorney-General and other decision-makers have acted within the legislative powers.

The mandatory review of the use of powers under the SOCCA legislation has been undertaken by the retired District Court judge, Alan Moss. These reviews provide a comprehensive report of the use of criminal intelligence provisions each year and their consideration by the courts. The committee is of the view that this process would be worthwhile in ensuring that criminal intelligence is used appropriately in other legislation.

Submissions and evidence to the committee also outlined several alternative legislative models, which have been implemented in overseas jurisdictions, aimed at dealing with the issue of serious and organised crime. The Netherlands, for instance, have introduced legislation whereby authorities who issue licences and permits and consider tenders for public contracts are given the power to screen and monitor applicants and have access to secured sources of information from the police, tax and customs administration.

Evidence also outlined the successful program implemented in Japan to curtail the infiltration of the Indigenous crime gang known as the Yakuza, including the issuing of administrative orders to prevent the Yakuza from making unjust and violent demands and recruiting juveniles to join the gang. Evidence also outlined laws introduced in New Zealand that banned the wearing of gang patches, emblems and insignia. The committee recommended that the Attorney-General consider some of these approaches to tackling organised crime, with a view to implementing them in the South Australian context.

On behalf of the committee, I thank all those who made submissions and gave evidence to the inquiry. I also acknowledge the contribution of former presiding members of the committee, the Hon. Russell Wortley and the Hon. Paul Holloway, as well as members of the current committee who heard evidence and considered the report. I also thank the committee staff for their work in relation to the report, and I commend the report to the house.

The Hon. S.G. WADE (17:28): I rise to support the motion to note the report of the Legislative Review Committee in relation to its inquiry on criminal intelligence. In doing so, I draw members' attention to the minority recommendations, which are the recommendations that I support. Criminal intelligence has been part of the Rann government's media assault. Labor has been willing to trash many of the protections of our legal system so that they can proclaim themselves tough on law and order.

The government may enjoy beating their chests, but the facts condemn them. After nine years, the facts proclaim the failure of the Rann government to address serious ongoing crime in South Australia. Crimes against the person are up, and it is commonly agreed that in recent years the number of active members of outlaw motorcycle gangs has actually increased in South Australia.

The reference to the Legislative Review Committee was initiated through a motion by the Greens into one aspect of the government's campaign: the increasing use of secret police evidence in administrative and regulatory proceedings where that evidence is not available to the other party. In my view, the use of secret police evidence shows the government's lack of regard for due process and a lack of openness to common-sense checks and balances. The government's approach lacks fairness, rigour and balance.

Some say that police should be able to use whatever tactics they like to convict criminals, including by withholding evidence from the defence. Some say that criminal intelligence or secret police evidence is such an affront to justice that it should never be used. We think that the best practice lies somewhere between.

We think there is a place for criminal intelligence but not at the expense of due process, not at the expense of systems that will withstand scrutiny and not without a rigorous process to protect justice. The best form of such systems are a matter on which sensible people can differ, and it is arrogant to assume that you always have it right, but that is exactly what this government has done in this area. The Statutes Amendment (Criminal Intelligence) Bill 2010 was introduced in the House of Assembly on 27 October 2010.

Even though Attorney-General Rau referred to the criminal intelligence provisions as a breach of procedural fairness and natural justice, the Rann government failed to put in place checks and balances. The opposition put up a series of amendments to try to focus the use of criminal intelligence. Initially, the government suggested that it would come back with alternative amendments. Instead, it put up the shutters and arrogantly asserted that the laws are perfect and could not be improved upon.

The government does not listen. After nine years it has shown itself incapable of governing with balance or legislating with humility. Instead, it has left it to the Liberal opposition and other members of the crossbenches to do the heavy lifting to try to strike the right balance on criminal intelligence. We are humble enough to have substantially revised our position in the period of this committee and in the face of the evidence brought before it.

Even now, we may not have got the balance right, but we urge the council to stay engaged, to build on the good work that has been done and to make sure that we do everything we can to insist that the government puts in place an appropriate balance, that it does not merely entrench itself in what even the government itself calls those draconian laws.

The police have asked for the tools to fight organised crime. What the police got were significant variations from our legal norms which allow a person to be tried in court on evidence that may not otherwise withstand scrutiny; reforms that undermine procedural fairness and natural justice, that deny a person the chance to hear the allegations against them.

What the police need are laws that will withstand scrutiny and can be relied upon; laws which reward their hard work with robust, reliable judgements; laws that preserve and protect the public's confidence in our police, our processes and our justice system. Current criminal intelligence laws allow evidence to be little more than hearsay. Without proper checks and balances they may be enough for a person to lose their livelihood or the right to associate with whom they choose.

The law gives less protection to ordinary South Australians than terrorists receive under federal anti-terrorism legislation. That is a sobering fact. The laws introduced to fight al-Qaeda have been adapted for use in South Australia against publicans applying for a liquor licence. Either the federal government is being generous to suspected terrorists or the practice of using criminal intelligence in South Australia lacks safeguards. We consider that the law can be improved in the interests of justice. We expect that those circumstances will involve criminal intelligence overwhelmingly related to serious and organised crime.

The use of criminal intelligence should not become the norm. I fear that the government does not want to focus these laws because it wants these exceptional powers to be available against every South Australian suspected of any crime. As it stands, secret police evidence can be used against individuals who have no link to organised crime. Neither the defendant, their counsel or the judicial body hearing the evidence would be any the wiser. They simply cannot scrutinise the evidence to say otherwise.

To protect justice, the use of criminal intelligence, we believe, should be subjected to a fundamental rethink. A rethink is needed both during and after the use of criminal intelligence.

During proceedings that use criminal intelligence, courts should be able to scrutinise evidence and consider all the facts when evidence is presented. If evidence cannot withstand scrutiny it should not be admitted in the interests of justice. Judicial oversight at the time of proceedings may address many of our concerns.

The process also needs transparency. The community cannot be confident that criminal intelligence is being used appropriately if it continues to be cloaked in the same veil of secrecy and the same lack of reporting and accountability. As legislators, we need to know the extent to which criminal intelligence is being used. We must know whether it is being abused.

The select committee heard that criminal intelligence powers are used sparingly. We hope that remains the case. Criminal intelligence should not be used as a substitute for the standard judicial processes unless there are strong policy reasons. Rigorous standards must be in place for this to be a credible process that maintains public confidence, confidence that this government and this Attorney-General are failing to deliver.

What a disappointment this Attorney-General has become. Many in the legal fraternity hoped that Attorney-General Rau would be the long-awaited saviour of the rule of law, but the only noticeable change has been cosmetic; we have seen a change in the tone of the rhetoric. The government continues to introduce legislation which undermines fundamental legal rights. The Legislative Review Committee heard from a variety of witnesses making a range of contributions, yet the majority report is basically for no change. Once again, it has been up to the opposition to try to find the balance.

In closing, I reflect on the events of the past week in a neighbouring jurisdiction—that of Victoria. There we see the collection of police intelligence taken to a whole new level. Sir Ken Jones, the former deputy commissioner of Victoria Police, was bugged by the Office of Police Integrity in relation to an alleged leaking of information. The covert operation that followed uncovered a number of shortcomings in Victoria's current and proposed anti-corruption models. While the ombudsman investigation did not uncover any wrongdoing by the OPI, it did serve to highlight the need for a public interest monitor to guard against the abuse of telephone interception powers.

The Victorian government listened to that advice and is now moving to establish a public interest monitor, one that will be truly independent. The contrast between the Victorian Liberal government and our state Labor government is stark. Victoria has listened and acted to protect the integrity of its justice system: South Australian Labor has not.

Special powers deserves special attention. There can be no balance without the additional scrutiny that additional powers deserve. If we are serious about protecting the rights of individuals, of the innocent, of the integrity of our judicial process, we owe it to South Australia to get the balance right. Queensland has already gone down a similar path to Victoria. The Police Powers and Responsibilities Act 2000 established the Queensland Public Interest Monitor to oversee the Crime and Misconduct Commission's use of intercepts and covert surveillance and surveillance warrants.

The Queensland PIM is an independent barrister who performs an important role in making sure that the state's special powers in relation to surveillance are not abused. They do this by testing surveillance applications against the statutory criteria, cross-examining witnesses and, where necessary, making submissions to the judge. Throughout the whole process, an independent investigator and an independent judiciary maintains its important role in this process. This is a worthy model that we consider warrants further consideration.

It should be noted that the Queensland PIM's role was not originally created to oversee telephone tapping as that power was not available to the CMC until relatively recently. However, even here, it is further acknowledged by other state governments that an increase in power necessitates an increase in checks and balances. We should not be under any illusions that somehow South Australia is immune from the abuse of powers that other states have experienced. The government has had its head in the sand for almost a decade in this regard.

Lord Acton's well-known adage, 'Absolute power corrupts absolutely,' should be at the forefront of our minds when we consider significant divergences from our established legal tradition. The use of power to protect needs to be accompanied by the appropriate protections against the misuse of that power.

I also note that the committee's evidence and deliberations highlighted that criminal intelligence can also be a corrupting influence without any mala fides from any police officer. In fact, the misuse may come from vexatious complainants or simple human error within the processes. I urge members of this place to consider the balance when relevant legislation comes before us. More than 15 per cent of today's *Notice Paper* comprises legislation that contains the use of secret police evidence. It is doubtful whether that proportion will decrease over time. The government seems determined to place it in any possible bill.

We as the Liberal members of the Legislative Review Committee would urge the members of this council to consider the report. It is our duty as representatives, as legislators and as South Australians to consider the rights of others and our responsibilities to them. It is our duty to weigh up these tripartite responsibilities and get the balance right.

I join the chair in thanking particularly the staff for their diligent work in supporting the committee in both its research and its preparation of the report. In that context I would stress that the minority report is an alternative statement of findings and recommendations. We as members of the minority report group broadly associate ourselves with the body of the report.

Debate adjourned on motion of Hon. Carmel Zollo.

BUDGET AND FINANCE COMMITTEE: ANNUAL REPORT 2010-11

The Hon. R.I. LUCAS (17:41): I move:

That the report on the operations of the Budget and Finance Committee 2010-11 be noted.

In speaking briefly to this report, I firstly thank the hardworking members of the Budget and Finance Committee, both current and past (over the 12 months we have had some changes in committee membership), and also the hardworking staff working to the committee.

It is a hardworking committee: I think it met on 23 occasions during the financial year 2010-11, generally on a fortnightly basis, with a break during the summer break. The work of the committee has continued largely in line with its work over the first two or so years of its operation. It continues to seek to hold government, government departments and public servants to account in terms of budgets and finance-related matters.

As one example, in just the last two months it was the work of the committee that brought to light the significant problems, or scandal, in relation to the purchasing of printer cartridges in government departments and agencies. Public servants were purchasing printer cartridges at inflated prices, with taxpayers' money obviously, and at the same time receiving personal benefits—such as vouchers for the purchase of goods from Coles-Myer outlets, Harvey Norman outlets, Liquorland, JB Hi-Fi and a variety of other retail outlets—being provided through the particular suppliers.

This was first raised just in September with the Department of the Premier and Cabinet. The chief executive of that department—the Premier's own department, I note—Mr Jim Hallion, indicated that he was unaware of any such practice within his department. After the meeting, the Budget and Finance Committee went back and looked at the evidence that had been raised in the committee meeting. One staff member was suspended, and the matter was referred firstly to the Crown Solicitor's office, then to the police and the Auditor-General.

Subsequently, we have become aware in evidence only in the last week that in the Department of Health there have been four further examples of similar problems, with possibly one staff member having resigned and certainly at least three staff members being suspended pending further inquiries in relation to the matters that have been raised. I said on the first day after the budget and finance meeting to interested members of the media that it was my view at that time that it would not be limited just to the Department of the Premier and Cabinet. It was highly likely that a number of other government departments and agencies would discover similar problems within their own departments and agencies. Thus far, the Budget and Finance Committee has established two such agencies and I am sure that, over the coming period, there will be revelations of further problems with other government departments and agencies.

There is an issue that the current investigations are limited to eight related companies from Victoria because those companies were identified in the Victorian Ombudsman's report and in the West Australian crime and conduct commission report. The current inquiries by departments are related to invoices from those particular companies, but there are other interstate companies and, indeed, some South Australian-based companies that do offer these similar incentive schemes,

and so the potential does exist for similar problems which relate to companies other than these eight identified Victorian-based companies and the current investigations of course will not establish whether there are concerns or problems there.

That is why a wider, more comprehensive inquiry involving the Auditor-General is essential, and I must admit that I was extraordinarily disappointed to look at the Auditor-General's Report yesterday (which was tabled) and there is no mention at all of this particular scandal which has obviously been going on for a year or two within government departments and agencies. I would have thought that, given the number of tomes or volumes that the Auditor-General tables in terms of the annual audit of departments and agencies, something as significant and potentially widespread as this should have been audited and reported upon by the Auditor-General's office.

It is certainly my view that, if the Auditor-General will not undertake a comprehensive inquiry, then the government, through the Treasurer, should ensure that it occurs because the Treasurer under section 32 of the Public Finance and Audit Act has the capacity to direct the Auditor-General to conduct particular inquiries.

The other argument for an independent inquiry—that is, independent of chief executives of departments looking at it for themselves—is that in Victoria, the Victorian Ombudsman went to the supply companies and got from them a list of their customers within government departments and agencies within the Victorian Public Service. I assume the Ombudsman was also able to get from those suppliers the details of those individuals who undertook the transactions as public servants who were offered and received personal benefits—or benefits because, to be fair, in some cases in relation to schools, if they received a television set, an iPod or something like that, the officers identified that and they were used as an auction item for the school or were used in some way for the benefit of the school.

It was not a personal benefit taken home by the individual officer, and that of course is possible in relation to the circumstances here in South Australia. There may still be breaches of various government guidelines and only the Auditor-General could establish that, but it may well be that some of the officers may well not have taken the personal benefits home for their own personal benefit but possibly, if it is a school, they might have been kept for the benefit of the school.

Anyway, for those reasons the current investigations, which are just the chief executive officer inquiring of their own staff to have a look at invoices and whether there are problems, are certainly not sufficient. It relies on the honesty and accountability of individual officers to fess up in some cases that perhaps they have had a personal benefit and perhaps they had not revealed that at the time or subsequently when an inquiry was made. That is just one example, and there have been other examples of the good work of the Legislative Council Budget and Finance Committee. I do not intend to delay this motion by going through all of those, but I just give that as one example.

The only other point I want to make is that, when this committee was established after the 2010 election, this council passed a motion which indicated that the council supported not only the establishment of the committee but also the provision of a full-time research officer for the committee. It was my view on that occasion, and it has been my view on a number of occasions when I have previously addressed the need for a budget and finance committee, that if this committee is to continue to work and to be effective, it needs ongoing expertise available to the members of the committee.

This committee, in my judgement, will continue whether there is a Liberal government or a Labor government, and so it should. The Liberal Party's policy has been to establish it as a standing committee but, even if it is not established as a standing committee, I am sure that the non-government majority, however composed after the next election, will seek the establishment of a budget and finance-type committee in this chamber. The membership of that committee may or may not comprise members of parliament with either experience or expertise in budget and finance-related issues.

If this committee is to be effective in an ongoing way, it needs access to specialist and experienced finance staff. Thus far, the committee, even though the Legislative Council passed that motion for a full-time research officer, the government indicated that it was not prepared to provide the funding for that request, and the committee has continued to try to survive on the appointment of part-time or casual research staff.

The person we appointed on that basis at the start of this year, I think it was, was an outstanding applicant, someone from a management position within Treasury. But the dilemma is that, if all you are offering is part-time work on a casual basis, that is not an overly-attractive option

for most people seeking work. It may be okay for a while for a transitional period, but for most people, of course, it is not going to be suitable.

At the moment, it is my view, Mr President, as you near the end of your period of service in this chamber—we understand that, perhaps, in October of next year, just 12 months away, one more President's dinner away before you leave—it would be a fitting—

The Hon. S.G. Wade: Crown?

The Hon. R.I. LUCAS: —flag in the sand, crown on the head, describe it as you will—if you, Mr President, were again to look at the motion which has been passed by the chamber over which you preside and which indicates support for a full-time research officer position.

In my judgement, as we come to the end of this year—we have two years, approximately—if the committee, consistent with that resolution passed, were able to advertise a two-year contract position to go through to the next election (clearly, at this stage, the committee will end at the time of the next election), the committee would have the chance of potentially attracting someone with a finance or business background, particularly finance, and, hopefully, someone with public sector finance background so that they understand public sector finances.

He or she would be able to work with the members of the committee and the committee in developing some experience and expertise and sharing that with the members of the committee over the period leading up to the 2014 election. I hope, in consultation with your members on the committee—sadly we do not have any rabid lefties on the committee, but we have at the moment two hardworking members of the right (and we know how fond you are of members of the right faction)—

The Hon. J.S.L. Dawkins interjecting:

The Hon. R.I. LUCAS: One was a former lefty, even though he is now a member of the right. He sold his soul for 20 pieces of silver and a seat in the house of the red leather. Be that as it may, I hope that, in consultation with those two hardworking members of the committee, you might seek their views on this issue. Certainly, if I was a government backbencher, I would appreciate having access to someone with knowledge of these issues who was able to provide assistance and advice.

Certainly the last Treasury officer we had for a brief period started writing some papers for the benefit of committee members: the way that the targeted voluntary separation package scheme operated, and had commenced work on writing a briefing paper for members on the capital works procurement system. There were a number of other options which would have been open to the research officer in terms of assisting the members on that committee with understanding public sector finance and the way budgets occur in the public sector, and assisting them in terms of the operations of the committee.

I conclude my remarks with a plea or request to you, sir, to further consider the expressed wishes of this chamber in relation to it. I am hoping you will be able to resolve it and that we do not have to then work on the incoming president this time next year when we speak to the next annual report. I hope you will show the vision to support the Legislative Council's request and that we do not have to leave it to the Hon. Mr Gazzola in October next year to work on him. With that, I urge members' support for the motion.

Debate adjourned on motion of Hon. Carmel Zollo.

[Sitting suspended from 17:58 to 19:49]

STATUTES AMENDMENT (PUBLIC ASSEMBLIES AND ADDRESSES) BILL

The Hon. S.G. WADE (19:49): Obtained leave and introduced a bill for an act to amend the Public Assemblies Act 1972 and the Summary Offences Act 1953. Read a first time.

The Hon. S.G. WADE (19:50): I move:

That this bill be now read a second time.

I rise to speak to the second reading of the Statutes Amendment (Public Assemblies and Addresses) Bill 2011. The member for Adelaide, Ms Rachel Sanderson, is moving an identical bill in the other place tomorrow.

Over recent years a group of aggressively evangelistic preachers, commonly referred to as the 'street preachers', has been in conflict with the Adelaide City Council and increasingly with retailers and other citizens in Rundle Mall. A loose coalition of counter-protesters, bringing together a Facebook-based group, Love not Hate, and more established left-wing groups—which, I understand, include Resistance and Socialist Alliance—has formed more recently. The counter-protestors are trying to counter the activities of the street preachers, usually by creating enough noise to drown out their preaching and also by shielding the public from the preachers.

I make no judgement on the merits of either group; in fact, I support the right to freedom of speech of both the preachers and the counter-protesters, but their freedoms are freedoms which should be exercised in an orderly and respectful manner. The combined impact of both groups is a significant disruption of Rundle Mall as a family and retail precinct. Rundle Mall is a key state asset, our largest retail precinct. We need to respect the investment of businesses large and small in terms of capital, time and effort, and I am very disturbed about reports of businesses losing thousands of dollars due to disorderly preaching and related protests.

The Rundle Mall precinct is also a cultural hub of the CBD and of the state as a whole. The precinct showcases the diversity of the South Australian community, and any group that dominates the space inhibits the opportunity for others to participate in the state's life. So often it seems to me that the disrespectful use of freedom of speech undermines the willingness of the public to tolerate and listen to the messages being conveyed.

Freedom of speech does not involve the right to interfere with the right of other people to exercise other rights such as freedom of movement and freedom of social intercourse. Freedom of speech does not involve the right to stop other people exercising their right to speak. Freedom of speech does not involve the right to break other laws of the state. In the opposition's view, the state government and the Adelaide City Council need to be involved in a three-pronged response. Firstly, we believe that we need mediation; secondly, enhanced law, whether council by-laws or state law; and, thirdly, we need coordinated enforcement. Let me first address the issue of mediation.

The opposition is calling on the council and the state government to support mediation between the key protagonists including key stakeholders such as the Rundle Mall Management Authority. We consider that a mediator could help the parties to better understand each other's objectives and the extent to which those objectives are not mutually exclusive and are consistent with Rundle Mall's primary role as a family and retail precinct. I note that last week the council sought a court-supervised mediation between the council and the street preachers. It is our view that that mediation needs to go further and include the counter-protestors and the traders.

Secondly, the opposition considers that we need enhanced law, whether council by-law or state law. The council has been unable to control the situation for more than two years. By-law No. 6—Rundle Mall is a new by-law which provides additional powers in relation to Rundle Mall, in particular to require landowners to maintain their properties and an improved clause relating to controlling amplification.

When the by-law was introduced in February 2011, the conflict continued. The disallowance of by-law 6 last month means that the Adelaide City Council is relying on the general pre-existing by-laws to control the Mall. It has returned to the situation before by-law 6 was promulgated. The original by-laws have amplification control provisions. By-law No. 6, which was, as I said, disallowed, had been in place for seven months since 10 February 2011, and the amplification control element had not proven to be the silver bullet. If it was going to be effective, why was it not vigorously enforced? If it was vigorously enforced, why was it not more effective?

In the view of the opposition, the police and the Rundle Mall Management Authority, amplification control will help restore order to Rundle Mall, but it will not solve the problem. When Adelaide City Council told me that by-law 6 was part of the council/police strategy to target amplification, I discussed the issue with members of South Australia Police. They advised me that amplification control could only be one tool in addressing the problem. They noted that on some nights the preachers have not used amplification for their preaching. In fact, last Friday night, when I was in the mall, both the preachers and the counter-protestors were using megaphones, not sound systems.

The street preachers have been a challenge for two years, and I understand they have only been using amplification in recent months. I indicate that the amplification control provisions of the proposed model by-law is no more likely to fix the situation than by-law 6 did in the past. We also

need to remember that council does not have the authority to enforce any offence-type provisions anyway, whether it is by-law No. 6 or the proposed model by-law. The council needs police support, and police say that it is not a priority for them to enforce council by-laws.

Police have indicated that, whilst council officers can seek the name and address of a person for a breach of a council by-law, if a person refuses the council officer would need to call the police in to enforce the by-law, and police will not do so. Police also made this point to a parliamentary committee recently. Similar comments were made by the Lord Mayor on ABC 891 radio on 14 September 2011. In that context, he was talking about the inability of the council to enforce the smoking by-law. Police advised that they do not enforce council by-laws; it is not a priority for them. Council stressed the need for police engagement in a meeting on 6 August 2011 with the member for Adelaide, Rachel Sanderson, and in an email to me from the council on 29 July 2011.

As an opposition, we are concerned about having laws that work, not just laws that sound good on paper. I find it baffling why the council attacked the opposition for a disallowance which removed a provision that they could not enforce and that police were not willing to enforce. The council has worked with the government to the exclusion of the opposition to restore a by-law of limited usefulness. I hope they also have been insisting that the state government provide active enforcement of state law and commit to supporting the council and enforcing the council by-laws to restore order in the mall. As recently as yesterday in this council, the minister clearly supported the police not engaging in maintaining order in the mall.

Council had plenty of notice of the disallowance. I met with the council twice in the first half of the year to discuss the situation in Rundle Mall and by-law 6. In late July, the council confirmed in writing that, while it was disappointed, it accepted that the opposition would continue to move ahead with the disallowance motion. The by-law was not disallowed until mid-September. The council did not mention any operational issues that would arise, including amplification. The fallback by-law includes an amplification clause.

For its part, the council has repeatedly failed to honour undertakings. Earlier this year, the council advised the opposition that it was already reviewing by-law 6 in the context of the proposed smoking ban and that a recommendation would go to a committee meeting in August recommending that the by-law be changed to address opposition concerns and form a working group, including the opposition. The issue was not even raised at the committee meeting.

At a meeting with council officers with me on 16 September, it was agreed that there would be a roundtable meeting with stakeholders to discuss options. No meeting was ever held. Instead, the council distributed a letter widely that demanded that the opposition support an option—an option that was not even legally feasible. Further, I was advised that the opposition would be consulted on the wording of the model regulation. The first we saw of it was when it was gazetted last Thursday.

What drives me is outcomes. I hope that the council comes to the realisation that it has a duty to work with the whole parliament and that that approach will bring the best outcomes for its constituents. For the sake of balance, I would thank the council for its comments on the bill that I have tabled tonight. The changes it suggested, particularly in relation to consultation with local government, have been incorporated.

Minister Wortley claims that because by-law No. 6 is not available, council cannot deal with the breaches of the peace, offensive and disorderly behaviour and jostling which are occurring in the Rundle Mall. Interestingly, by-law No. 6 does not cover any of these matters, but they are all contrary to state law and enforceable by police. We believe that state laws need to be actively policed, including the laws of assault, trespass and breaching the peace. If minister Wortley truly believes that the council cannot do anything in the Rundle Mall because of the lack of by-law No. 6, then it is his duty, and in fact an ideal opportunity, to engage the police and enforce state law.

Thirdly, the opposition considers that we need coordinated enforcement. I appreciate that the optimal response is likely to be an interaction of state law and council by-laws and a blend of police enforcement and council enforcement. There needs to be active cooperation between the police and the council to maintain public order. While the primary responsibility to manage the mall and enforce council by-laws are matters for local government, we consider that council does need greater support from the police, particularly where situations are threatening to escalate.

The South Australian police have told the member for Adelaide and myself that it is not a priority for police to enforce council by-laws. While police respond to complaints they are not

proactively enforcing state laws. In my view, there may well be value in the development of a memorandum of understanding between the council and the South Australian police as to their respective roles in the enforcement of council by-laws and state law.

I now turn to the details of the bill. The bill addresses a deficiency that we have identified in the second prong of the response; that is, the law. The bill is an attempt to strengthen state law so that it might complement the operation of council by-laws. The opposition has come to the view that it is appropriate, particularly in light of the Supreme Court judgement in Corneloup, that state law be strengthened.

To highlight the need for police engagement, to enhance police powers to respond to the misuse of amplification and to provide for an incentive for orderly conduct, this bill proposes amendments to two acts. Firstly, the Summary Offences Act. The bill would provide police with the power to control the use of public address systems in a prescribed area in four ways.

Firstly, it would empower police to direct a person not to use a public address system in a prescribed area where relevant authorisation had not been granted. Secondly, it would give police the power to confiscate a public address system if a person fails to comply with a direction. The public address system would be returnable to the person on the payment of a prescribed fee. Thirdly, it would empower police to request the name and address of a person to whom a direction is issued and it would be an offence to refuse to provide those details to a police officer.

Fourthly, it would empower police to charge a person with an offence under the act if they breach a direction issued to that person, unless the person has the relevant authorisation. Relevant authorisation is defined in the bill as the landowner or occupier, the Commissioner of Police or the local government authority in that area. Authorisation would only be required by one of the relevant authorities to avoid an effective veto by one party over the others.

We recognise that it may not always suit all respective parties for an action to take place, but our proposals are permissive rather than restrictive. The proposals are consistent with our commitment to freedom of speech, and they acknowledge the need to ensure that those freedoms are exercised in a way which is orderly and does not unreasonably interfere with the rights of others.

The offence is not device specific. A range of devices can be used, and with the sophistication of modern technology those devices can be relatively small. You only need to walk down the mall any day of the week to hear a mobile phone ring at some distance. Relatively small devices can be used as quite invasive devices, so it was considered that it was best not to try to define 'devices' by a list of devices that the provisions would apply to. That would involve the government listing potentially thousands of devices and needing to keep updating the list endlessly but, rather, it was considered wise to concentrate on the use to which those devices were being set.

If a person was using a ghetto-blaster for their own personal enjoyment as they walked along—and if I could pause and thank the Hon. Tammy Franks for explaining to me how to properly call it a ghetto-blaster rather than a gecko-blaster—that device would not infringe the act because it is being used for the personal enjoyment of the person rather than as a public address system.

It is also designed so that it relates to the use, not to the sound level. One of the problems with the enforcement of excessive noise in the context of motor vehicles is that it requires not only being able to identify the person as they are driving by, but also to get some reading of the level of noise. This is not sound level related but rather purpose related.

The act of using a device as a public address system in a prescribed area without the relevant authorisation satisfies the threshold required for police action. I should say that that is not a prerequisite for police action; it is not a mandate for police action. We would expect the police to work with council officers to identify when a public address system was being used in an aggressive or invasive way.

The offence is not simply to use a device as a public address system: it is to use a device after being directed not to do so by a police officer. Police action is not limited to being able to charge a person with the offence. The officer may deem it inappropriate to charge a person in the first instance, so the provisions allow an officer to confiscate the public address system itself. Neither the offence or the confiscation are necessarily required to be used together in relation to any particular case. The offence does not stop a person making a public address using a public address system but it gives the police the opportunity to minimise disruption in a prescribed area.

Secondly, the bill proposes changes to the Public Assemblies Act in two ways. First, it provides for speakers' corners. Under the bill, the government can prescribe areas within which councils can gazette places within which a gathering secures the civil and criminal protection available under the Public Assemblies Act and that gatherings can do so without prior notice. That is particularly important because, under the Corneloup decision, councils will no longer be able to require people involved in political and governmental communication to seek a permit.

The second aspect of the bill in relation to public assemblies is to establish a new offence of disrupting or obstructing an assembly under the Public Assemblies Act. The provisions do not apply to those who disrupt an assembly with a lawful excuse or police officers or other authorised persons carrying out their official duties and functions.

This particular offence is reflective of the distress caused to people who were involved in two marches earlier this year which, I understand, were both promoting marriage equality. South Australian citizens were exercising their freedom of speech to support marriage equality and were extremely upset at not only the disruption which I understand was undertaken by the street preachers but certainly by a group of people espousing so-called Christian values. I think that contributed significantly to the counter-protests that are now being experienced in Rundle Mall.

As I said earlier, we believe that freedom of speech should be supported and encouraged in our community, but freedom of speech does not extend to the freedom to repress other people from exercising their freedom of speech. In an environment where the courts have said that you cannot require political communicators to seek permits, both of these provisions are trying to provide incentives for people to work cooperatively with the authorities.

Without the ability to issue a permit, if a public assembly follows the processes of the Public Assemblies Act—which are actually quite permissive in that you do not need to get approval by authorities, you just need to put forward a proposal which is not disallowed by the authorities or objected to by the authorities and, even if the authorities object, you can still appeal to the courts. The original act, the Public Assemblies Act, is quite an old act. This is, if you like, a modernisation to pick up the particular experiences we have had recently. I know that we had very traumatic experiences in Adelaide in the 1960s and 1970s with Vietnam moratorium marches, but it seems that we have much more recent experience of, shall we say, head-on-head rallies—

The Hon. J.M.A. Lensink interjecting:

The Hon. S.G. WADE: Yes, and I think that's extremely unhealthy—

The ACTING PRESIDENT (Hon. I.K. Hunter): The Hon. Mr Wade might cease playing to the gallery.

The Hon. S.G. WADE: I am just concerned about my grasp of history, so I am relying on my learned colleagues. I am told that the Vietnam War was indeed in the 1960s.

The Hon. J.M.A. Lensink: And the 1970s.

The Hon. S.G. WADE: —and the 1970s. The opportunity in this bill is to update, if you like, an established act to provide additional incentives for people who no longer require permits to cooperate with the authorities to facilitate orderly dialogue. Yesterday, the minister called for a bipartisan approach on matters in relation to Rundle Mall. That followed his baseless and vigorous attack on me in the last parliamentary sitting. I must confess I am not a great fan of bipartisanship. Too often they see it as an avoidance of accountability founded on an abdication of responsibility, and this government has shown a consistent reluctance to negotiate, compromise or accept alternative views. So when it talks about bipartisanship, it usually means, 'Just accept our position.'

The government tries to use the term 'bipartisan' to weasel out of scrutiny, but I suppose, nice as I ever am, I am willing to be open to the possibility. The opposition stands willing to work with stakeholders on a real collaborative approach to improving the situation, and I would put to the minister that the test of the bona fides of the government in relation to bipartisan approach is the bill that I table today. If it believes that an amplification control provision would help, supporting this bill could see such an enhanced provision on the books in a matter of weeks.

The model by-law would see enhanced provisions in place by February at the earliest, so if the government is really serious about delivering an urgent solution for more users, and really serious about taking a bipartisan approach, it will come to the table and work cooperatively to support this bill, with or without amendments. From the opposition's point of view, we welcome the input of all interested parties to develop the best bill possible: the government, the crossbenchers,

the preachers, the counter-protesters, the traders, the police and the council. We commit ourselves to work collaboratively, and we commend the bill to the house.

Debate adjourned on motion of Hon. G.A. Kandelaars.

FAMILY AND COMMUNITY DEVELOPMENT PROGRAM

The Hon. J.S.L. DAWKINS (20:12): I move:

That this council condemns the state Labor government for cutting funding to the Family and Community Development Program by $3 million in the 2010-11 state budget and notes—

1. The program budget will be reduced by 23 per cent annually from 1 July 2013;
2. The cuts will contradict state government policies including the South Australian Strategic Plan and Department for Families and Communities Strategic Plan;
3. The Minister for Families and Communities has refused to meet with Community Centres SA representatives to discuss the decision to cut funding; and
4. The new Premier supported this cut in cabinet.

I have recently been contacted by several non-government agencies, advocacy groups and councils concerned about the Rann government's decision to cut 23 per cent from the Family and Community Development Program by 2013-14. This important program assists, in part, councils across the state to deliver services and support for youth, low income earners, people with a disability and others at risk of suffering disadvantage. The assistance is primarily focused on early intervention and prevention to enhance social and emotional development.

In addition, local government was also involved in the neighbourhood houses and community centres sector, using some funding from the Family and Community Development Program. The 2008-09 annual report for this sub-program states in relation to outputs:

The community centres sector reportedly has two million contact hours per year. They also contribute more than 15,000 volunteer hours per week, equating to over $16 million per annum.

The cuts in this funding are placing this good work and the work of many others in jeopardy and will have significant ramifications on service delivery and support for communities in need at the coal face.

I recently asked questions in this place about the impact of this decision on the work undertaken by local government using funding from the Family and Community Development Program. This work is particularly important and highly valued in the northern suburbs of this city and also by the Local Government Association of South Australia. In response to my questions, the Minister for State/Local Government Relations said:

I thank the member for his very important question. First, I support local government's endeavours and what they do in regard to this funding. Secondly, I have not put a budgetary submission to cabinet. However, I will get all the information on where we are with this fund and endeavour to have it at the next session of parliament.

I might add that I have not received that information at this point. I then asked the minister a supplementary question:

...given the minister's support for what local government do with this funding and his expectation of local government continuing to offer these valuable services with less funding, is this just another example of cost shifting by the Rann government?

The minister then responded by saying:

We are under very tight financial constraints in this state at the moment. It has been a pretty tough budget and there have been quite significant cuts to the state budget. A lot of them I do not like but have to live with for the good financial management of the state. There are times when we support projects—and all ministers support projects—but we have to tighten the belt and we are subject to certain cuts. As I stated before, I will get all the information regarding that particular funding and get the Hon. Mr Dawkins the answer he deserves.

Those who have raised concerns about cuts to this program deserve much better than this inadequate response. The peak body of service providers under this program, Community Centres SA, also deserves much better than the refusal by the families and communities minister (Hon. Jennifer Rankine) to meet with them over this issue.

Many other organisations, volunteer groups and individuals have expressed concern about these cuts. These have included the South Australian Council of Social Service, Community and Neighbourhood Centres SA, Child & Family Welfare Association and the Youth Affairs Council of

South Australia, and of course, earlier this year, the Hon. Kelly Vincent raised the issue in this place.

There is quite a long list of non-government organisations, peak bodies and government departments which interact with community centres and neighbourhood houses and which may be a source of advice, support, funding, program services and advocacy.

I will read them out: Adult Learning Australia, Australian Neighbourhood Houses and Centres Association, Australian Taxation Office, Be Active, Community Arts Network SA, Community Benefit SA, Community Business Bureau, commonwealth Department of Family, Housing, Community Services and Indigenous Affairs, Community Gardening in SA project, Connecting Up Australia, Department of Further Education, Employment, Science and Technology, Department of Education, Employment and Workplace Relations, Department of Families and Communities, Department of Health, Don Dunstan Foundation, Equal Opportunity Commission of South Australia, Foundation for Rural and Regional Renewal, Legal Services Commission of South Australia, Mental Health Coalition of South Australia, Migrant Resource Centre of SA, Myer Foundation, National Compact: working together, National Training Information Service, the former Office of Consumer and Business Affairs, Office for Volunteers, SafeWork SA, Service Excellence Program, Smith Family, South Australian Council of Adult Literacy, South Australian Council of Social Service (which I mentioned earlier), TAFE SA, Volunteering SA and the Workers Educational Association.

The ability of community centres and neighbourhood houses to be a conduit for the provision of these wide-ranging services will be significantly impacted by the cuts to the Family and Community Development Program. In commending this motion to the council, I call on the incoming Premier, the Hon. Jay Weatherill, to reverse this ill-considered hit to NGOs and councils which are committed to their local communities. I commend the motion.

Debate adjourned on motion of Hon. G.A. Kandelaars.

AUSTRALIAN BROADCASTING CORPORATION

The Hon. R.L. BROKENSHIRE (20:20): I move:

That the Social Development Committee inquire into the adequacy of funding for the Australian Broadcasting Corporation to meet its charter obligations within South Australia, including but not limited to provision of—

1. Local regional content;
2. Local news and current affairs content, including *7.30 SA*;
3. Local sporting content;
4. Local arts content; and
5. Television and radio production of programs such as *Behind the News*.

I move this motion today concerned about developments that have occurred over time and since the select committee investigation into ABC funding in 2004 in this house, which included four members still in this place—the Hons John Dawkins, Gail Gago, Terry Stephens and Carmel Zollo. I am not aware of a minority report tabled by any dissenters on that committee, and some of its recommendations, for the record, are:

1. That ABC should give strong consideration to establishing a state-based daily current affairs program in the manner of the *7.30 Report* that was axed in late 1995.
2. That the previous state-based sports report be restored in conjunction with local editorial control over the national sports wrap.
3. The ABC and SBS should be provided with adequate ongoing commonwealth funding to fulfil its charter obligations in South Australia.

Something that was not addressed in the recommendations, nor really from the indications in the report in the inquiry itself, was, importantly in my opinion, the regional content of the ABC. Family First has a list of concerns about the consequences of funding cuts at the ABC, starting with those selected recommendations I read out.

Rather than a daily current affairs program, *Stateline* has suffered funding cuts and is now known as *7.30 SA*, with fewer resources than it once had. *Stateline* is a very good and popular program that provides a level of current affairs focused on the whole state, from city through the regions and all country areas, that is not picked up to that extent with the detail of coverage by any

of the commercials, and it is very good in the way it gives out information to both city and country people. It is a program that is quite popular with a consistent number of viewers on Friday evenings. We have not seen the SA sports wrap reinstated; the national wrap continues to this day.

There has been publicity and concern already expressed in South Australia publicly and to me about the potential cuts to the SANFL coverage that came to light in early August 2011. There may be a reprieve, but that is not locked in until the end of the year, and one still asks: for how long? There have been cuts to the lawn bowls coverage on the ABC, and the ABC has cut *Art Nation* and outsourced production, with its last episode to air on 27 November 2011, resulting in an alleged 13 redundancies in Adelaide. Likewise, *The New Inventors* and the *Collectors* programs have been axed. I am referring to some programs and decisions that are national in nature but affect content provided in South Australia.

I turn to local production. There is a concerning trend within the ABC towards centralisation of production in Sydney and Melbourne and outsourcing otherwise. This reflects the neglect of what are described as the BAPH states (Brisbane, Adelaide, Perth and Hobart). To illustrate what was already a concerning trend in local production in the ABC, the 2004 select committee illustrated the comparison between locally produced programs in 2001-02 and two years later in 2003-04. I seek leave to have that table incorporated into *Hansard*, and I will refer to it briefly.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Is it purely statistical?

The Hon. R.L. BROKENSHIRE: It is purely statistical, sir.

Leave granted.

Table 4.1 Comparison of Locally Produced TV between 2001-02 and 2003-04

Programs 2001-02	Programs 2003-04
ANZAC Day	ANZAC Day
Christmas Pageant	Christmas Pageant
Adelaide Festival of the Arts	Adelaide Festival of the Arts
SANFL	SANFL
Federation Forum	Cricket
Radio Pictures	George Negus Tonight
Parsifal/Wagner	Feedback
Cricket in the 70s	
Encounter 2002	
Festival of Ideas	
Snapshot	
Late Night Talks	
Tasting Australia	
Magarey Medal Count	
Adelaide Horse Trials	
Bay to Birdwood	
Law Debate	
Christmas Carols	
River Reflections	

(Source: Community and Public Sector Union submission, 3)

The Hon. R.L. BROKENSHIRE: I think it is timely (hence my motion) to get an update on the production changes that have occurred in South Australia, and whether there is some hope of halting what in 2004 looked like a concerning trend toward having little or no production at all locally in South Australia. In relation to South Australian-based production, in early August ABC management said the following to staff:

> Late last year ABC TV established two new factual entertainment initiatives, one with Screen West and one with the South Australian Film Corporation (SAFC). This has resulted in the development of two new factual series of six by 30 minutes with Screen West and two new factual series of six by 30 minutes with SAFC, both series will air on ABC1 in 2012.

So there is added relevance to the South Australian parliament in that the South Australian Film Corporation, a state body, is arguably a beneficiary of the ABC outsourcing production from being in-house.

The charter is somewhat out of date in that outsourcing is a relatively new phenomenon, and therefore there is no written charter requirement for in-house production. The South Australian Film Corporation, as you would expect, has therefore relied upon that understandable lack of foresight to say that there is nothing wrong with outsourcing content, given editorial control remains. Outsourcing, where it supports South Australian jobs, can be a good thing; however, the taxpayer is entitled to ask whether we get value for money overall in outsourcing production on a fee basis as opposed to maintaining production staff within the ABC to produce local content.

This outsourcing and cessation of local in-house production identified in 2004, some seven years ago, has arguably set in a rot that may be irreversible. That is why I am asking the council, by referral to the Social Development Committee, to explore whether, in fact, something can be done to stop the rot. There is also a suggestion that avenues might exist to see the ABC avail itself of South Australian government grants, such as the SA FACTory initiative. It does seem odd to me that we as a state would be subsidising a federal agency to provide a service to us when the federal budget dwarfs the state budget to a considerable magnitude.

I want to turn to regional content, something that many of our constituents are very passionate about, and as a country person I declare my passion for regional content with the ABC. I have a major concern about the centralisation trend within the ABC. Local regional broadcasting outlets at Port Lincoln, Port Pirie, Renmark in the Riverland and Mount Gambier in the South-East are under great pressure to share content and resources as they try to do the same, or even more, with less funding. I hope the committee can get some figures on this development. I suspect that regional ABC outlets here and interstate look with envy at some of the projects being developed out of ABC Sydney and Melbourne, and wish they could see just a smidgen of the funding being thrown at those ventures.

The South Australian National Football League and the South Australian Film Corporation ought to be approached by the committee to express a view on the matter. Likewise, the Friends of the ABC, the Media Arts and Entertainment Alliance and CPSU should also be approached. Perhaps Mr Mark Scott could be requested to come before the committee. I would just like to say that I have had the pleasure of meeting Mr Mark Scott. I think he does an excellent job as managing director, but obviously he is constrained, first, by commonwealth budgets and, secondly, by decisions made by his board.

The ABC is important because its charter requires broadcasting of specific content that might not be considered economic or of interest by the commercial broadcasters. It has been put to me by one constituent that community television and broadcasting ought to be looked at to pick up where the ABC might be leaving off in producing local content, although I have concerns with that because I believe it is important that those television and broadcasting opportunities are left with the ABC. I hope we can reverse the trend of cuts rather than go down that path in some form of defeat.

It would also be worth the committee exploring the production capacity and experience that exists within South Australia that could still be used by the ABC in some shape or form. The collapse of Australia Live TV, and the well-known media identities who got involved in that venture and are now out of pocket, demonstrates the problems that exist in broadcasting in this state. Perhaps some of them are avoidable.

In conclusion, I want to finish with a couple of other comments. I note with interest that journalist David Knox, on 30 May 2011, put out a press comment, entitled 'Concerns over ABC outsourcing production.' It states:

> The end of *Spicks and Specks* later this year has prompted the Community and Public Sector Union to question whether the ABC is committed to its traditions of ABC production over outsourcing to independent producers.
>
> The concerns follow the end of factual program *Can We Help?* and interview program *Talking Heads*. *Collectors* has been 'rested', while there are rumours that *The New Inventors* is going to be axed.
>
> In contrast upcoming dramas *Crownies, The Slap* plus *Angry Boys, Outland* and children's dramas *My Place* and *Dance Academy* are all outsourced. So too are *Prank Patrol, Hungry Beast*, while *Rake* and *The Gruen Transfer* are co-productions with the ABC.
>
> Rumours have also long-persisted that extensions to ABC Southbank...may not include a full-scale television studio when Ripponlea studios eventually close. ABC is yet to make a decision.

It finishes by saying:

> The union is worried about a repeat of two years ago when 30 producers were let go.

The ABC has been such a fantastic training ground for some of Australia's best journalists, cameramen and women and all of those involved in production. It is important that the ABC continues to have that role. The South East Local Government Association has expressed its concerns. I am aware that on 7 October they wrote to the Managing Director, Mr Mark Scott, about ABC television coverage of lawn bowls and the SANFL and the importance of that continuing for country people.

Ultimately, we need to look at the current situation at the ABC and its funding from Canberra to see if we can retain local jobs and distinctly local content for our community in the years ahead. We have seen recently national awards given to some of the ABC presenters and programs in South Australia, so whether it is the breakfast show with Matt and Dave, Sonya Feldhoff or Ian Henschke—the list goes on—the bottom line is that we have excellent presenters and a good composition of programs in this state. The concern is that slowly but surely, through attrition, that will head over probably to Sydney. I do not believe that is in the best interests of South Australia, so I commend the motion to the house.

Debate adjourned on motion of Hon. I.K. Hunter.

JUSTICE FOR THE DISABLED

Adjourned debate on motion of Hon. K.L. Vincent:

1. That a select committee of the Legislative Council be established to inquire into and report on access to and interaction with the South Australian justice system for people with disabilities, their families, carers and support networks, namely:

   (a) participants' knowledge of their rights;

   (b) availability and use of appropriate services supports;

   (c) dealings with the police;

   (d) the operation of the courts;

   (e) how South Australia compares with other states and countries in terms of access to the justice system for people with disabilities and what measures could be taken to enhance participation in and thereby provide people with disabilities with just and equitable access to our justice system; and

   (f) any other related matter.

2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.

4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 14 September 2011.)

The Hon. T.A. FRANKS (20:34): I rise on behalf of the Greens to support the motion of the Hon. Ms Vincent for a select committee to investigate and report on access to justice for people with disabilities, their families, carers and support networks.

A recent *Four Corners* program highlighted the need for this area of our society to be repaired and certainly improved upon. For those who did not see the recent program, it dealt with the stories of abuse at St Ann's Special School some time back. In particular, the very brave parents of a young boy went on that program and spoke of how that particular school and the church attached to that school failed their son who had an intellectual disability. Their son was sexually abused but never got either recognition of that or justice for that. For those who are not aware, no efforts were made to even inform the parents of the suspected abuse. While the alleged perpetrator was told his services were no longer needed as a bus driver for that school and that he would not be receiving any more work, they congratulated him and thanked him for his previous service in a lovely letter. As I say, they did not inform the parents.

Those who are most vulnerable in our community are those who have the least access to justice and are those who come into contact with our justice system in a negative way, in most cases. If there are areas where we can improve on our treatment of people with disabilities and in the way that the system not only listens to people with disabilities but also understands the

differences and the changes that our institutions must make to accommodate and include all members of our society, then that can only be a good thing.

I am certainly looking forward to being a participant in this select committee and am happy to volunteer my time and effort. I hope that we come back with a positive report that looks at further improvements in this state to afford people with disabilities, their families and their carers better access to justice. With those few words, I commend the motion to the council.

The Hon. A. BRESSINGTON (20:37): I rise to indicate my support for the Hon. Kelly Vincent's motion to establish a select committee inquiry into access to and interaction with the South Australian justice system for people with disabilities, their families, carers and support networks. Given the recent examples raised by the Hon. Kelly Vincent, the media and others—particularly the case involving the bus driver, as the Hon. Tammy Franks has just mentioned, for St Ann's Special School—there can be no doubting that the particular challenges faced by people living with a disability to the justice system have not been met.

My office attended the briefing hosted by the Hon. Kelly Vincent, for which I thank her. Tony Kerin, President of the Australian Lawyers Alliance; John Brayley, the Public Advocate; and Associate Professor Mary Heath from Flinders University, amongst others, informed those in attendance of the barriers faced by victims of crime who are living with a disability in accessing justice. They spoke in detail of the reforms needed in the justice system and to the rules of evidence, particularly around the use of interpreters, which I note is on the government's legislative agenda. As the honourable mover stated, it is clear we have a lot to learn when it comes to equitable access to justice for all Australians.

While the committee will no doubt focus on barriers to victims with a disability accessing the justice system, of which there are many, I also hope this committee looks at issues facing those living with a disability—particularly those with an intellectual disability—who find themselves accused of a crime. Numerous studies have reaffirmed the need for police to have a basic understanding of the disabilities they may encounter and that too often police appear to be insufficiently aware of the need for caution when interviewing people with a disability or mental illness. This is often because people with an intellectual disability, in particular, will not raise the issue of their disability and instead often present as passive, placid and, according to the research by Ochoa T. and Rome J. published in 2009, are highly suggestible. Given that the research suggests that intellectual disability is often missed or, worse, ignored by front-line officers, this should be of concern to us all.

As is detailed in the research paper 'Police interviews with vulnerable adult suspects' by Dr Lorana Bartels, Research Fellow of the Australian Institute of Criminology, other states have undertaken significant reform of the law concerning police interviews for vulnerable adults, particularly those with an intellectual disability. These include measures such as requiring a support person to be present or at the least the option to be provided if it is suspected that a person suffers an intellectual disability or other vulnerability.

In Queensland, if a police officer reasonably suspects a person is disadvantaged by comparison with members of the Australian community generally, then even if the suspect declines the offer of a support person, the law requires, without discretion, the police officer to arrange for a support person to be present during questioning. To quote Dr Bartels:

> Clearly, the (Queensland) legislature have determined in such circumstances that it is in the interests of justice that the person's stated desires be overridden by a police decision.

While South Australia Police are, by section 104(4) of the Summary Procedures Act 1921, able to take a statement from a person who is illiterate or suffers from an intellectual handicap in the form of a video or audio record of the interview rather than a written statement, South Australian law otherwise fails to recognise the vulnerabilities of people living with a disability. I am hopeful that this inquiry will be the impetus for the much needed reform.

South Australia is also yet to undertake the reform of Queensland and to a lesser extent Victoria on the use of restrictive practices in the justice system and, for that matter, across all disability services. The recommendations of the pioneering report by Justice Bill Carter QC, which led to the Queensland reforms, have been strongly advocated by the Public Advocate, Dr John Brayley, most notably in his office's 2009-10 annual report.

Some time ago my office contacted the Public Advocate about the interaction between the justice system and people with a disability. The Public Advocate drew my attention to the

establishment of a forensic disability unit in Queensland for detaining people with a disability and the need for such a facility here in South Australia.

Currently, those people either unfit to plea due to their disability or who are found not guilty due to mental impairment and cannot be discharged into the community are admitted to James Nash House, a mental health facility, or in some instances kept in prison. To quote the Public Advocate, with whom I wholeheartedly agree:

> Our state needs such a facility to cater for the needs of this group, as current alternatives are unsuitable.

No doubt, the Public Advocate will again passionately repeat these calls in his testimony to this inquiry.

As I indicated, I am aware from the government briefing on the Evidence (Hearsay Rule Exception) Amendment Bill that some of the reforms advocated by the disability sector are already on the government's legislative agenda. From memory, I believe I was told to expect a raft of legislation in the new year.

Whilst this is, of course, to be welcomed, I indicate my hope that the government will work cooperatively with this committee and put forward its reform proposals so that the committee and the disability sector, which is clearly behind it, can work with the government in establishing these reforms. With that said, I commend the mover for this motion and look forward to reading the select committee's report in the new year.

The Hon. S.G. WADE (20:43): I rise to indicate the support of the Liberal opposition for this motion. I will speak relatively briefly as the Hon. Kelly Vincent has clearly put the case for an inquiry and other members have joined her and the opposition agrees with them all.

As a former chair of Julia Farr Services, at that time the largest disability services institution in South Australia, I am acutely aware of the vulnerability of people with disabilities in the justice system. In our facilities at Highgate, we provided accommodation and services to hundreds of people often with severe multiple disabilities.

I came to appreciate that access does not simply mean technical availability. It is a constant challenge to ensure that people are supported to access justice with whatever challenges they face. For example, a person with locked-in syndrome is both acutely vulnerable to abuse and severely constrained in their ability to communicate complaints; a person who has been institutionalised for a long period may have become so inculcated in dependency that they are unable to challenge abuse; and a person with cognitive impairment being supported in community living may need tailored information to make them aware of their rights, particularly as a consumer.

During my time as shadow minister for disability services, issues of justice were often raised with me. Our disability services policy at the 2010 election committed to promoting equality services. Our policy stated:

> Within our first year of government a Redmond Liberal government will produce a vision for disability plan with an element of enhancing the equality of services including through a new Disabilities Services Act which reflects the values of the United Nations Convention and through a strong quality assurance program with elements such as independent advocacy and information, a community visitor scheme and a restrictive practices regime.

Independent advocacy and information are important tailored mechanisms to support people with disabilities to engage across a range of domains, including the justice system. A community visitor scheme is a mechanism to provide independent oversight of the quality of care and the protection of legal and other rights of people with disability. In that context, I pause to welcome what I understand is a recommendation in the disability blueprint today that a community visitor scheme be established. That is confirmation of the wisdom of this council in insisting on such a scheme for people with mental health issues.

A restrictive practices regime is a structure which the Hon. Ann Bressington referred to a moment ago. Such processes ensure that support providers are monitored to ensure that the least restrictive approach is used in delivering support. In many ways, these initiatives are not merely disability initiatives, they are also justice initiatives. Quality assurance processes have both a crime prevention and a crime response impact.

The United Nations has recognised the need to uphold the rights of children and adults with disabilities by adopting the Convention on the Rights of People with Disabilities. The convention is intended to protect the rights of people with disability and specifically provides that

people with disabilities should enjoy the full range of human rights and, in particular, that they enjoy full equality under the law.

In a report prepared by the National People with Disabilities and Carers Council, entitled Shut Out, the council highlighted the experience of people with disabilities and their families in Australia. One of the main barriers identified by people with disabilities, their families, friends and carers, and their full participation in the economic and social life of the community, was in the area of rights, justice and legislation. Rights, justice and legislation had the third-highest percentage of submissions, after social inclusion and community participation.

One case highlighted by the Shut Out report involved the lack of services and support for people with disabilities. It involves an individual, who was referred to as T. T's doctor found that T had an inadequate skill base for the activities of daily living, such as shopping, cooking and self-care, as well as problem-solving and decision-making. T was also diagnosed with an anxiety disorder; however, T could not access disability services as he did not meet the three diagnostic criteria in order to verify diagnosis of intellectual disability.

The criteria included IQ assessed as being below 70, limitations in adaptive functioning, and onset before 18 years. The Disability Support Service in T's area argued that as T went to school at a regular school, as he had been employed as a cleaner and as he had a driver's licence and an IQ over 70, he did not qualify for support. Such eligibility criteria exclude people with IQs higher than 70 who have an impaired function or skill base for daily living. The discussion paper found that this particular population group are over-represented in the criminal justice system, both as victims and as offenders.

The Hon. Ann Bressington mentioned the government's bill in relation to hearsay evidence and in that context I specifically asked the officers in the Attorney-General's Department how disability was defined in the context of the legal system. I welcome the fact that there was actually less clarity in the legal system. I think that the case of T highlights that if you have a heavily diagnostic approach, rather than a holistic consideration of a person's set of needs, you can fail to hone in on a very vulnerable group within our community. I am sure that is an issue that will be considered by the committee.

As shadow attorney-general, I am interested in the outcomes of this committee, not only in terms of raising awareness but also as part of the process of building broad political support for practical enhancements to the system. I note that an amendment has been tabled in relation to this motion by the Hon. Ian Hunter on behalf of the government, and that amendment significantly reflects the point I just made. It seeks to add two more diagnostic groups to the two that the Hon. Kelly Vincent has highlighted.

Of course, in terms of diagnostic groups, we could attach a volume. I understand the mover is inclined to accept the amendment, but I do welcome the fact that—I am anticipating debate, which is disorderly, so I will stop doing that. The two motions before us tonight, the one on disability in law and the one on co-morbidity, do interrelate, and I think that it will be important for those of us who serve on this committee to unpack the issues of how the legal system in particular responds to people as they present within the criminal justice and civil systems, and also how we can try and ameliorate the co-morbidity issues and delivery of services.

As I was saying earlier, things like restricted practices and community visitor schemes are crime prevention and crime response services, and if the more generalised diagnosis is only available before the court, we are actually missing a lot of those opportunities for crime prevention. Rather than steal the rest of my speech for the next motion, I will commend the motion to the house.

The Hon. R.L. BROKENSHIRE (20:51): I will be brief.

Honourable members: Hear, hear!

The Hon. R.L. BROKENSHIRE: Wouldn't it be good if colleagues actually did the same thing?

Members interjecting:

The Hon. R.L. BROKENSHIRE: I have just lost half a minute, sir, but anyway. I simply want to put on the public record that Family First supports the select committee moved by the Hon. Kelly Vincent which has been debated tonight. It is unfortunate that we have to have these sorts of select committees to try to get justice and equity into an area that is so important, but,

notwithstanding that, we support the select committee. Given that there is multipartisan support with this, I think it is important. I wish the select committee all the best in obtaining evidence and writing a report, and I look forward to reading it when it is tabled.

The Hon. K.L. VINCENT (20:53): Thank you, Mr President.

The Hon. S.G. Wade: Which one are you speaking to?

The Hon. K.L. VINCENT: I was just about to clarify, thank you. Can I start by thanking members for their contributions today, particularly the Hon. Mr Wade for being so enthusiastic about the idea that he wished to discuss both motions at once. It is very heartening to see that our legislators still have some enthusiasm in their work. Of course, I would like to thank all contributors today—the Hon. Ms Franks on behalf of the Greens, the Hon. Ms Bressington, the Hon. Stephen Wade and the Hon. Mr Brokenshire—for their support of this committee.

I would especially like to thank Mr Wade, representing the Liberal Party, for understanding the need for this committee to exist as a select committee rather than being deferred to a standing committee such as the Legislative Review Committee or the Social Development Committee, because I understand that they originally intended to table an amendment to defer this issue to one of those committees.

I have made it clear to them that I consider it mandatory that this be a committee of its own. That is because I believe that this council contains many members who have a particular interest and, indeed, a particular worthy expertise in the areas of justice and the justice system—and in particular child protection, which I think is also pertinent to this topic—who are not necessarily members of those committees. I am grateful for members' patience in establishing yet another select committee to tackle this issue. I think that it will be well worthwhile. As Mr Brokenshire said, it is terribly unfortunate that this select committee discussing this terribly tragic topic has to exist at all, but it is undoubtedly important because, as the Hon. Ms Franks said, those who are most vulnerable are those who are currently most let down by the system.

As the Hon. Ms Bressington pointed out, we have much to learn about the topic of expanding access to our justice system, and we could certainly learn a lot of that from existing jurisdictions across Australia and overseas, particularly in Victoria, where an organisation called Communication Rights Australia exists to aid people with intellectual and communication disabilities in giving evidence in a court. I will not go too far into that as I have already touched on it in my speech introducing this motion, but I would again now remind and encourage members to look into the work of that great organisation.

We have of course seen that, in the blueprint for disability reform which was tabled today, there is a priority recommendation that the issue of access to justice and the police and judiciary systems is examined by this government. However, I still consider it very necessary that this committee go ahead, especially given that no matter how wonderful the recommendations in this report may be, we have certainly seen in the past reports, such as the Layton report into child abuse, where—

The Hon. S.G. Wade: And the Mullighan report.

The Hon. K.L. VINCENT: —indeed—a number of worthwhile recommendations were made but barely any of them were actually implemented by the government. Therefore now, years down the track, we are actually going back to that report in the light of recent cases of abuse of people with disabilities, such as those who were discussed in the *Four Corners* program. We are now going back to that report all these years later to again try to implement those recommendations. I believe that this committee is terribly important in helping to ensure that the recommendations in the blueprint today are indeed carried out, and for that reason I consider that this committee will be complementary to the blueprint and not in any way disruptive to it.

I would also like to make mention again of a few things that I have mentioned before many times. The Hon. Stephen Wade pointed out very eloquently that the Shut Out report, for instance, clearly indicates the societal ramifications of having inadequate protection for people with disabilities under the law: the lack of community participation, the lack of feeling of respect and value in our society so I hope to tackle that as well, and also, as Mr Stephen Wade pointed out, the need for a needs-based approach to disability services provision and disability funding, rather than a diagnostic approach.

As I said, I have already touched on that several times and will not take up too much of the council's time this evening by going any further. Again, we have heard the need for monitoring and

legislative protection in terms of restrictive practices in the disability sector and also a community visitor scheme, and these are things that I hope not only to tackle in this committee but intend to tackle on a legislative level in the coming months in this parliament.

With that said, I thank members for their contributions and their understanding of the need for another select committee. I look forward very much to participating in this committee, and I hope to make some changes to this very important sector of our community.

Motion carried.

The Hon. K.L. VINCENT (21:00): I move:

That the select committee consists of the Hon T.A. Franks, the Hon. Carmel Zollo, the Hon. S.G. Wade, the Hon. A. Bressington and the mover.

Motion carried.

The Hon. K.L. VINCENT: I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 23 November 2011.

Motion carried.

CO-MORBIDITY

Adjourned debate on motion of Hon. K.L. Vincent:

That the Social Development Committee inquire into and report on the issue of co-morbidity, which here refers to a dual diagnosis of both intellectual disability and mental illness, viz:—

1. Facilities in South Australia currently treating people with a dual diagnosis with particular reference to the Margaret Tobin Centre and James Nash House;
2. The possibility of establishing a new forensic facility similar to James Nash House in South Australia to deal specifically with offenders with intellectual disability;
3. The level of training offered to general practitioners, psychologists, psychiatrists and other relevant professional in the area of dual diagnosis and possible measures to enhance that training;
4. Information given to individuals and carers on how to manage a dual diagnosis;
5. Supports to aid individuals and carers in managing and living with a dual diagnosis; and
6. Any other related matter.

(Continued from 14 September 2011.)

The Hon. S.G. WADE (21:04): I rise to speak briefly on the motion moved by the Hon. Kelly Vincent about co-morbidity. As members are well aware, I could speak all night about the issue of co-morbidity. One of the great abuses of citizenship is to treat people who are different the same; to not recognise distinctly different challenges people face. Within the disability services sector there has been too much of a focus on a diagnosis and far too many people have fallen between the cracks of services too focused on particular diagnoses. That is particularly the case where the services for diagnoses are provided by different portfolios within government, such as mental health and intellectual disability.

It is my view that, through bitter experience, the Labor Party is infected by its roots of paternalistic socialism. It has a recurring bias towards a bureaucratic, centralist, one-size-fits-all approach to services. This approach was strongly evident in the Labor Party's determination to centralise disability services in the so-called reforms of 2006. Minister Weatherill, soon to be Premier Weatherill, driven by his Labor Party's government knows best credo, nationalised and amalgamated a range of services. His successor, minister Rankine, is still being dragged to implement individualised funding, having resisted it for so long.

The one-size-fits-all approach is devastating for people with a dual diagnosis or, for that matter, a multiple diagnosis. As the original motion identified, people with mental health issues find that mental health services often do not allow for their intellectual disability; conversely, their intellectual disability does not allow sufficiently for the mental health issues they face. Often, access to one service is used to as a basis to deny access to another or, worse still, the buck-passing means that the person receives no services at all.

The Liberal opposition supports the motion and looks forward to improving services for people not only with mental illness and intellectual disability but with other pairs of co-morbidity.

The Hon. T.A. FRANKS (21:05): The Greens support this motion. I am very pleased to see the issue of co-morbidity placed on the agenda of this council, and I have every confidence that the Social Development Committee will admirably do the work of inquiring into and reporting on this issue. I am also supportive of the amendment to this motion that has been moved in the name of the Hon. Ian Hunter. I think that the amendment adds much to the definitions within the motion in the areas we are talking about.

Co-morbidity is a word that many people in the community may possibly never have heard; certainly, those who have heard it often have only scant understanding of what it implies and the effect it has. Co-morbidity is also referred to here as 'dual diagnosis' but, as the Hon. Stephen Wade noted, 'dual' might only be skimming the surface of what can happen when someone has not just a simple illness, not just a straightforward tick-the-box illness, 'This is what I've got, this is how you treat it.' The fact is that in real life co-morbidity is more realistic in terms of the treatment of real human beings than trying to fit them into a category of a particular single diagnosis.

People have complex needs, and the Greens and I would certainly agree that we need to move from a diagnosis basis to a needs basis. I know from my experience, having worked for the Mental Health Coalition of South Australia, that co-morbidity was not only the buzz word but also the area we focused on quite extensively, particularly when you discover, for example, that if someone with a mental health issue seeks treatment for that issue, but they are in fact self-medicating and have a substance abuse issue, they are quite often made to make a choice between having treatment or remedies, or roads and pathways to recovery for that mental illness.

They are told that overnight—cold turkey, in fact, to use the John Lennon reference—they have to lose the substance abuse problem. Of course that is not practical, and it does not happen in real life. As the Hon. Stephen Wade said, in the worst case scenario what happens is that because people cannot tick either of the boxes sufficiently to end up in one of those boxes, they miss out and fall through the cracks. I would say that much work needs to be done, particularly in terms of substance abuse and mental illness and the relationships there. As I say, they are quite complex, and I do welcome this council coming up with some better ways forward in terms of better outcomes for South Australians.

Where we can, we should be providing people with seamless paths to recovery. That does not mean easy paths to recovery; that means that they do not fall through the cracks on the way because our system does not accommodate them. I repeat what I said in my previous speech: this is about making sure that our community and our society is, in fact, inclusive of those people who exist within it and that it does not let them be excluded.

With those short words, I commend this motion to the council and indicate that the Greens will support both the motion and also the amendment.

The Hon. I.K. HUNTER (21:10): I indicate at the outset that government members will be supporting this referral motion. I move:

Leave out the words 'which here refers to a dual diagnosis of both intellectual disability and mental illness, viz:—' and insert the following:

> which may refer to a dual diagnosis involving intellectual disability and/or acquired brain injury and/or mental illness and/or chronic substance abuse, viz:—

Leave out paragraph 2.

I hasten to add, that final paragraph was workshopped a little while ago between me, the Hon. Mr Wade and the Hon. Ms Vincent. Ms Vincent and I take no blame whatsoever for the lack of punctuation in that amendment! I now put some brief remarks on the record.

Improving services to South Australians with a disability has been a key priority of this Labor government. Since coming to office we have more than doubled disability funding, but we know there is still more to do. Of course, we know that simply throwing money at a problem is ineffective if not tied to a significant reform agenda.

The review of the Disability Services Act is currently underway, as is the Promoting Independence strategy and the imminent release of the disability blueprint. The government does feel that improving conditions of people with a disability or mental illness within the criminal justice system is one area in need of further investigation. That is why we are happy to support the referral

motion. That is why the significant work through a joint project started in May on this matter, which is currently underway, was made a priority by this government. This reviews the needs of people with a diagnosis of non-psychiatric mental impairment who are under custodial supervision orders in correctional and forensic mental health facilities.

The project is jointly auspiced by the Department for Families and Communities, SA Health, the Department for Correctional Services and the Social Inclusion Unit. At the same time, we welcome the chance to further evaluate the matter through the Social Development Committee inquiry process. The intention of both investigations is to provide information on what could be changed to improve the lives of people in such circumstances. It will be interesting to see whether both inquiries line up, which is why the government will support this motion (with some suggested amendments which I have already moved).

Given that the Hon. Ms Vincent's proposed inquiry is focused on the forensic system, we recommend that the scope of the inquiry is expanded to be inclusive of all people with a cognitive disability, not just an intellectual disability. People with a disability in the criminal justice system often have multiple issues including psychiatric disability, intellectual disability, acquired brain injury and chronic substance abuse. We feel that it is preferable to consider a broader range of co-morbidities and the issues are likely to be very similar for all people with cognitive disabilities. Having said that, I reiterate that we are happy to support the motion.

The Hon. K.L. VINCENT (21:13): I would like to thank the speakers today—the Hon. Ms Franks and the Hon. Mr Hunter—for their contributions and their views on this important issue. Again, this is a motion which has been moved in light of recent stories in the media. As members will recall from the speech I made when introducing this motion, it was largely inspired, if you like, by the story of Beverley Eitzen, who was and is mother to Peter Eitzen, a young man with severe and multiple disabilities whose care needs were so high that the physical and emotional strain of caring for Peter caused Beverley to experience a major depressive episode which, tragically, saw her take the life of her own son.

I reiterate that this is not the first case of this kind of tragic circumstance that we have seen. In relation to the taking of the life of a person with a disability by their own carer—particularly family carer—unfortunately, we have seen at least one or two other cases which I can think of over the past two years. It is therefore an issue which is well worth investigating. I am only sorry that this investigation and this discussion comes too late to save those who have already met this almost unspeakable fate. However, I am heartened to see agreement from all sides of politics on the fact that more needs to and can be done. To that end, with those few brief words, I thank speakers for their contributions and commend the motion to the house.

Amendment carried; motion as amended carried.

SCHOOL BUS CONTRACTS

Adjourned debate on motion of Hon. D.W. Ridgway:

1. That a select committee of the Legislative Council be established to inquire into and report upon the department of education's open procurement process for school bus contracts, with particular reference to—

   (a) the impact on regional communities through the subsequent deterioration of family business operators if contracts are lost;

   (b) the ability of South Australian small operators to be sustained by private contract work and the subsequent impact on South Australia's future market competitiveness;

   (c) the inclination of new contractors to support small communities in the same way as previous family bus company contractors;

   (d) the sustainability of benchmarks used to determine tender applications;

   (e) government subsidies and the concession reimbursement scheme provided to some operators;

   (f) the failure to provide certainty for school bus operators whose contracts are yet to expire; and

   (g) any other relevant matter.

2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 14 September 2011.)

The Hon. T.A. FRANKS (21:16): I rise on behalf of the Greens to briefly indicate that we will support the motion of the Hon. David Ridgway into the issue of the South Australian bus operators and the bus contracts allocated recently to Australian Transit Enterprises in bulk and the effect that this will have on regional communities and the implications it has for the future running of these services.

There may be questions as to whether or not there have been incentive payments and so on to attract ATE to South Australia. That may turn out to not necessarily be the best outcome of our state and for our education system in terms of the support that these buses and coaches currently provide to ensure that students who are in rural areas of this state have the best access to education possible. The Greens note that there has been great community interest in this issue.

Certainly the 13,000 signatures sent to the Hon. Robert Brokenshire and tabled on this issue are not to be ignored. It is not a small figure, and it is something that this council should pay great attention to. On behalf of the Hon. Mark Parnell and myself, we were pleased to hear from the President of the Bus and Coach Association and also the executive director on this issue. We think that they have some reasonable concerns that deserve due respect and due notice be taken of them. With that, I commend the motion to the council.

The Hon. R.L. BROKENSHIRE (21:19): I advise that Family First will be supporting the select committee and the motion that we are debating at this point put up by the Hon. Mr David Ridgway. As the Hon. Tammy Franks has said, we did table a petition; in fact, now I think it is close to 15,000 signatures. There have been some more coming in. Whilst I know the government will not want this select committee, I point most of the blame of the concerns and angst through the community at the Department of Education and Children's Services.

Notwithstanding that, the Minister for Education and Children's Services, the Hon. Jay Weatherill, as of Friday of this week will become the premier of South Australia. I would have hoped that one thing the Hon. Jay Weatherill would have wanted was the opportunity for small businesses throughout South Australia to be able to: one, capitalise on being able to provide bus services for public schools, and also employment in the regions. So far, it appears that the Hon. Jay Weatherill has endorsed this policy and direction of the Department of Education and Children's Services.

I attended the Budget and Finance Committee, where we were able to ask some preliminary questions of the Department of Education and Children's Services. I felt that there was quite a lot of uneasiness with some of the senior staff of DECS regarding what was happening. In fairness, it may come to bear that a lot of the concerns that we have about probity, due diligence and the like are not a concern, but at this point in time Family First has not been convinced by DECS senior officers and the evidence given in that particular standing committee that there are no concerns about probity and due diligence when it comes to this matter of unprecedented upheaval across South Australia with respect to small bus contractors who have provided these services in good faith to the Department of Education and Children's Services for, in some cases, decades and who have lost their tenders.

I will not spend much more time on this now because I will have a lot more time to talk about it when the evidence has been given, deliberations made and a report put to the parliament, but my understanding is that there are the numbers in this place for a select committee.

I do not apologise for ensuring that: (1), probity and diligence has occurred; (2), that small businesses are looked at as a priority to the government across government; (3), that there is also the understanding that these public school bus contracts underpin bus services, precious and limited bus services for transport opportunities for people in rural and regional South Australia. With those few words, I look forward to the select committee being approved tonight.

The PRESIDENT: Make sure you ask the ones that were successful to the committee hearings as well, like the Townsends in the Riverland.

The Hon. G.A. KANDELAARS (21:22): It will be of no surprise that the government opposes this motion. The Department of Education and Children's Services has been working with school bus contractors, the Bus and Coach Association (BCA) and other stakeholders since 1998. In November 1999, the State Supply Board approved the government's strategy to replace longstanding open-ended contracts under the previous Liberal government to shift contractors from open-ended contracts to fixed term contracts.

The shift to fixed-term contracts was on the basis that upon their expiry new bus contracts would be subject to public tender. DECS has been working with school bus contractors since this time to demonstrate what fixed term contracts will mean to their business. In September 2010, the government announced an investment of $114.5 million over four years to modernise and improve bus services in South Australia, $23.8 million will be invested in 97 new DECS buses and $90.7 million to support school bus contract operators to ensure that all new school buses are fitted with seatbelts, air conditioning and other safety and environment standards.

The first stage of the procurement process involved asking school bus contract operators to register their interest with DECS for particular runs or clusters of school bus runs. The second stage of the procurement process involved asking school bus contract operators to submit their offers for individual or clusters of school bus runs. The two-stage process came about following meetings with the BCA to enable direct negotiations with incumbent school bus contract operators where there was no competition for a bus route.

The incumbent school bus contractors are being supported in the two-stage procurement process with a 5 per cent weighting that recognises prior service; incumbent operators receive an additional opportunity to review their bids if they are over the benchmark and there are other bids below the benchmark; the incumbent operators receive a higher reference weighting in the second evaluation stage compared to other bidders; the process is closed when all offers are over the benchmark. This provides the incumbent contractor with the opportunity for direct negotiation and, if there is no result from the direct negotiations, DECS may consider calling public tenders to give the incumbent another opportunity to be awarded the bus contract.

The department is supporting small businesses by assessing all submissions asking for school bus contractors to detail how they will support local businesses. For example, where they will be locally purchasing fuel, mechanical work undertaken by local mechanics, local garaging, whether the drivers reside in the region, and whether all other maintenance requirements (oil, tyres, etc.) will be purchased locally. The weighting given for the regional business support criteria is substantial.

This has been a big exercise. To date, 1,585 requests for proposals have been issued to 166 bus routes to 194 expression of interest respondents; 934 offers have been received; contracts for 121 routes have been awarded to 20 different contractors; about 60 per cent of the contracts have been awarded to incumbent operators—that is, the contractors already operating a particular route; 100 per cent of all contracts have been awarded to contractors operating currently within the DECS school bus system—that is, no contracts have been awarded to outside operators to date. This supports the fact that the procurement process is fair and that incumbent bus operators are winning routes.

The second stage procurement process has been approved by the State Procurement Board. The department has engaged the services of an independent probity consultant to oversee the procurement process and to review the conduct of the evaluation of offers to ensure the integrity of the procurement process and fairness for all tenderers.

The department is continuing to work with bus contractors and the BCA to ensure the continuity of appropriate transport services to regional schoolchildren, to award contracts fairly and inform contractors about the procurement process.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:28): I thank members for their contributions. It is pleasing to note that we have enough support in the chamber to establish this select committee. I think it is important for rural communities and the bus operators to have the opportunity under a select committee format to come and give evidence with the protection of parliamentary privilege and that we can get some answers for those people in the community who feel that they have been badly dealt with in this particular set of circumstances. With those few words, I thank members for their contributions and urge people to support the motion.

Motion carried.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:29): I move:

That the select committee consist of the Hon. Mark Parnell, the Hon. Jing Lee, the Hon. Gerry Kandelaars, the Hon. Robert Brokenshire and the mover.

Motion carried.

The Hon. D.W. RIDGWAY: I move:

That the select committee have the power to send for persons, papers and records and to adjourn from place to place and report on 23 November 2011.

Motion carried.

OPERATION FLINDERS FOUNDATION

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That this council—

1. Congratulates the Operation Flinders Foundation on its 20th anniversary and success in providing support and opportunities to young men and women who have been identified as being at risk;

2. Acknowledges the terrific work done to develop the personal attitudes, values, self-esteem and motivation of Operation Flinders participants through espousing the virtues of teamwork and responsibility so they may grow as valued members of the community; and

3. Pays tribute to staff, volunteers, board members and ambassadors of the organisation, past and present, who dedicate time, skills and resources into empowering youth through this worthy organisation.

(Continued from 28 September 2011.)

The Hon. A. BRESSINGTON (21:31): I rise to indicate my support for the motion moved by the Hon. John Dawkins celebrating the 20th anniversary of the Operation Flinders Foundation. Members would be very much aware that I support any and all organisations and foundations that attempt to work with our youth who are at risk and try to show them a new way of living, a new hope in life, a new vision for their life through building self-esteem and self-confidence. I know that Operation Flinders achieves these outcomes for the youth who attend their camps.

We do far too little in this state for our troubled youth, and for that we will pay the price in many years to come. Operation Flinders has assisted 5,000 youths who have been identified to be at risk—5,000 over a period of time is a great achievement indeed—and its success story really does speak for itself. Evaluations have continually demonstrated the positive outcomes of young people, with the 2001 evaluation finding that the program was leading the world at the time.

Operation Flinders' work with young offenders and those at risk of offending resulted in the program winning the Australian Crime and Violence Prevention Award in 2008. The thing I absolutely love about Operation Flinders, after earlier this year attending a function hosted by the Hon. John Dawkins and the member for Ashford (Hon. Steph Key)—for which I thank them both—is that this particular program does not rest on its laurels. It continues to strive for best practice, and it continues to strive to improve the outcomes for these children.

As I said earlier, we simply do not do enough in recognition of the struggles that our youth of today faces. They are the most targeted generation of young people, I believe, that has come through over decades. This generation of youth is continually faced with the challenges of broken homes, drug abuse, sexual assault and coming from low socioeconomic families where generational welfare is an issue for them. They have very limited access or entry into education, or very little interest in remaining in the education system because of their background or the fact that they have strayed off the path, and we do very little to try to bring these kids back on track.

When I say 'very little', I mean very little that actually works with our kids. Operation Flinders takes them to the outback and shows them that there is something different from the cement pavements, shopping centres and skate parks of the city. It gets them back in touch with nature, with Australia's heritage, and with our Indigenous culture, and it actually challenges them to walk a 100-kilometre hike with a backpack. Regardless of whether they want to give up or not, they have to keep going. When they do, they feel like they have achieved something and they have tested themselves, and they come out of that with just that little bit more self-esteem and character. The greatest gift that we can give to our children is that sense of achievement.

All through our days now we hear about strategies that basically wrap our kids up in cottonwool. We modify playgrounds because we do not want them to fall over and chip their knee

or we do not want them climbing trees. We do not want little boys playing little boys' games at school anymore. My son, at nine, is going to a school where their activity is so limited these days that boys simply are not allowed to be boys and girls have no interest in the playground anymore. I think this is such a shame, and we are doing our kids such a disservice by not just allowing them the time to play and to be.

Operation Flinders is probably the next stage in their development that they should have been getting at school—that adventurous sense of freedom that we use to experience at school. You would go off in your lunchtime and play and, as long as you did not really harm somebody, you would go and have some fun and have a rough-and-tumble. We all survived, but these days our kids are not allowed to do that.

As I have said before in this place, parents are overprotective of their children because it is an unsafe community now. These kids are faced with this every single day of their life, and that is what I mean when I say that this is the most targeted generation of children, I believe, that we have seen in many decades.

Operation Flinders offers them that necessary opportunity to challenge themselves, to rough-and-tumble, to tough it out and to survive and to build that self-esteem. I cannot speak highly enough of this program. I was offered an invitation to go up there earlier this year, but unfortunately it was the day before my birthday so I had a family do to go to. I do hope that, in the very near future, I will take up the opportunity, but I will only go in warm weather, as I made very clear.

I think that these sorts of programs should be expanded. I think that every member of parliament should get behind this particular program and make a small donation to make their job easier and perhaps even allow for an extra five kids a year or a session to be able to go and experience this because these kids come back with this in their memory forever.

It is like what I have said about substance abuse and recovery; that is, when an addict gets three, four or five months of good recovery under their belt, they never forget it. They may not keep with that recovery. They may not be able to sustain it for the first or second time around, but they never forget the feeling of freedom and release that they get. I believe it is the same with these kids who are trapped in an unhealthy, unproductive focus on life.

I commend Operation Flinders. I commend the Hon. John Dawkins for bringing to our attention that it is their 20th anniversary and I truly wish them another 20 years or more of delivering this program with the successes that it achieves.

The Hon. J.M.A. LENSINK (21:38): I rise to make some remarks in support of this motion and, given the hour, I promise to be brief. I congratulate the mover of this motion and, indeed, Operation Flinders and all the people who are associated with it—the board, John Shepherd (their CEO), all the staff and volunteers of which there are many who have worked so assiduously over many years to ensure that the program survived.

There have been funding issues. There have been issues with the property that they have had access to in order to run the program where one has been available and then circumstances have changed so they have had to search for a new property. They have had their trials from time to time in terms of being able to provide the service, but I think their commitment to it and to the youth of South Australia is to be commended.

The service, as we have heard from a previous speaker, is provided to at-risk young people, and quite a number have gone through the program, including some who have graduated on to become staff and broken that chain of being at risk. Operation Flinders has been a little bit misunderstood at times: some people at one stage were viewing it as some sort of boot camp of tough love, whereas in fact the activities are very specifically designed to build self-esteem and team work and for those young people who participate to reach the end of the program, having achieved things that they had not thought possible, and engaged in outdoor activities that they may never have engaged in before. There is also an Indigenous focus for some of the Indigenous participants to reconnect with their culture.

It is several years since I attended. My roommate at the time was the Hon. Kate Reynolds, who is no longer a member of this chamber and, yes, it was cold at the time of year that we attended.

The Hon. J.S.L. Dawkins: My wife and I were there as well.

The Hon. J.M.A. LENSINK: Indeed, the honourable mover and his lovely wife were there as well, and I think that they had had a lot of washouts and that there had been a considerable amount of rain, so it is not for the fainthearted.

I was certainly impressed with the volunteers who attended: they came from all parts of the state. There was a chap who was an ambulance officer from the Riverland, and there were members of the armed services and doctors and they would muck in and do whatever needed to be done, whether it was fixing telecommunications equipment, building or mending things or fixing flat tyres, and a number of them would return year after year because it is obviously something they believe in very strongly. They actually had a really good time mucking about in the bush as well.

With those brief remarks, I hope that Operation Flinders continues to have a very strong future and continues for future generations of young people. I commend the motion to the house.

The Hon. G.A. KANDELAARS (21:42): I rise today to indicate the government's support for this important motion and echo its sentiments. The Operation Flinders Foundation works with young offenders and other at-risk youth between the ages of 14 and 18 years. As its 20th anniversary approaches, what better time to recognise its achievements? The teenage years are an important time in the life of all people, and all groups who work with young people, particularly the marginalised, deserve our recognition and commendation.

The Operation Flinders Foundation offers a rare opportunity for participants who all too often have so few. Through a 100-kilometre trek through some of South Australia's most stunning countryside, the experience aims to develop key skills and attributes. Self-esteem, team work, responsibility, motivation and leadership, these skills are brought to the fore in the outback and reinforce the ability of individuals to survive and thrive in the toughest of circumstances.

In the outback, there is no opportunity to opt out. Throughout its history, the organisation has been honoured by awards and assessments that point to the outstanding results that Operation Flinders has achieved. In 2008, the program was winner of the Australian Crime and Violence Prevention Award. This was a national award, one of only six throughout the nation to be recognised by the ACVP award. Additionally, an independent evaluation in 2001 reported that the program at the time was leading the world in its outcomes for people at high risk undergoing transformational change.

The success of Operation Flinders in South Australia has been recognised by a number of different methods. Thousands of young people have participated in the program since its inception in 1991. Evaluations and anecdotal evidence have found that young people who have completed the program are less likely to commit crime. It has also been shown as a very positive influence, encouraging young program participants to remain at school, coupled with a significant improvement to their attitude towards school.

This success is a tribute to the surely hundreds of volunteers who have worked with the organisation throughout its 20-year history. Established by Pamela Murray-White in 1991, during the early years I understand that Ms Murray-White redefined and adjusted the concept of the program to emphasise those elements that seemed to be having the most significant positive effects and to minimise or delete those elements that did not. Sadly, as the Hon. John Dawkins noted in his contribution, Ms Murray-White lost her battle with cancer in Operation Flinders' early days, but it is certain that she would be rightly proud of the growth and achievement of Operation Flinders and the difference it has made in the lives of so many young people.

Today, Operation Flinders has clearly grown to be far bigger than a single individual. The volunteers who drive the organisation are essential to its continued success, and the skills they bring to the experience and pass on to the youths are at the heart of the program. The founder's influence is likely to always permeate through the organisation, but it is truly a tribute to all involved that the organisation has been able to continue and grow for the past 20 years.

Support from the community for Operation Flinders is strong and reflects the fact that South Australians care about their young people and, more importantly, accept responsibility for them. They are prepared to assist them to participate in the Operation Flinders program in order to get troubled, marginalised and at-risk youth back on track.

In conclusion, I would like to acknowledge the contributions of the honourable members who have spoken to his motion. It is important that this parliament recognises the important contribution to South Australia that groups like Operation Flinders make. I would like to

congratulate the Operation Flinders Foundation for its achievements over the past 20 years, and thank it for its work. The government supports this motion.

The Hon. J.S.L. DAWKINS (21:47): I will be brief in summing up. First, I thank my colleagues the Hon. Ann Bressington, the Hon. Gerry Kandelaars, the Hon. Stephen Wade and the Hon. Michelle Lensink for their contributions to this debate, as well as other members of the chamber who have indicated their support without putting it on the record in this place. I would also like to thank members in another place who have contributed to similar motions in that chamber.

I think the underlying theme of the contributions of most of the members who have contributed—and the great majority of those have actually visited an Operation Flinders exercise—is that they have noted that the participants were actually valuing their achievements. Sadly, that is not something many of them have ever experienced in their life. They have never experienced being able to go to bed at night and thinking I have achieved something positive.' When you go up to an exercise, you see the change in some of the young people from the first couple of rebellious days; you start to see the change in them and their attitude when it dawns on them that there is a real benefit in being able to say 'Gee, I abseiled,' or 'I crossed this creek,' or 'I did these things that I would never have done.' Suddenly you see that sparkle in their eyes and their development.

Of course, quite often what happens is that a week later those rebellious kids do not want to go home. To the foundation's great credit it has developed a system by which, when they do go home, they are mentored. I think the foundation does everything it can to stop them reverting back to their old behaviour—because, of course, when they do go home, they are often under pressure to revert to those activities.

As the Hon. Ms Lensink and others have noted, the turnaround in some of these young people, going from being very unruly to going on to university, to being Rotary exchange students, to taking up some very responsible occupations, is an outstanding one and one the foundation should be very proud of. I look forward to taking a record of this motion in the Legislative Council to Yankaninna for the 20th anniversary celebrations on 5 November. I urge all other members who have not taken the opportunity to go to Yankaninna and have a look at Op Flinders to take that opportunity. The foundation welcomes members of parliament very warmly, and their hospitality is well renowned, as many will testify.

In conclusion, I am proud to be an ambassador for Operation Flinders, and I commend the motion to the chamber.

Motion carried.

STANDARD TIME (ALTERATION OF STANDARD TIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 June 2011.)

The Hon. R.I. LUCAS (21:51): I rise to speak to the second reading of the bill. The Liberal Party's position is that it will not be supporting the bill. I think it is fair to say that, as with some other issues, there is a broad church represented by our members, in particular, the Eyre Peninsula seats. Certainly, Liz Penfold as the member for Flinders was a very strong advocate within our party room, as was the Hon. Caroline Schaefer.

I think the Hon. Mr Brokenshire referred in his second reading explanation to a 1995 select committee which recommended a move to Central Standard Time. Caroline Schaefer chaired that particular select committee, and Caroline's original home, of course, was Eyre Peninsula as well. Certainly, a very strong view is shared by a number of our members, and I suspect a similar view will be held by our current member for Flinders, Mr Treloar. Some of our other regional members, as well, have supported a move to Central Standard Time.

This issue of time zones is a perennial one for South Australians. Business SA has long been an advocate for a move to Eastern Standard Time.

The Hon. R.L. Brokenshire: And GM crops.

The Hon. R.I. LUCAS: We won't get into GM crops; let's stick with time for the moment. In my research for this, I was reminded that the Australian Labor Party took a policy to the 1993 election to move to Eastern Standard Time. It was obviously looking for bold policy initiatives in the light of the State Bank debacle, and it moved to Eastern Standard Time for whatever reason. It went through the Australian Labor Party caucus.

The PRESIDENT: That was at the time when Marcus Clarke was on—

The Hon. R.I. LUCAS: Yes, that is right. As you would well know, Mr President, your current Premier described him as brilliant and it was a major coup for South Australia that we got Marcus Clarke to run the State Bank of South Australia. Anyway, I will not be diverted by your interjections, Mr President—out of order and unruly as they are—doubly so coming from the Chair.

This is about a potential move to Central Standard Time. The point I am making is that there are forces within South Australia, including at some stages the Australian Labor Party caucus, Business SA and others, who have argued strongly to move to Eastern Standard Time. Equally, there have been others—including a select committee in 1995 and, in particular, many regional people and many regional members of parliament—who have supported the move to Central Standard Time.

In the end, as with many of these things—and it is a similar debate, I suspect, in part, with daylight saving, although that is not part of this bill—the innate conservatism of South Australians is such that, with those arguing we should either move ahead half an hour or back half an hour, for many years we have stayed exactly where we have been for a long, long time, and that is certainly the position adopted by the Liberal parliamentary party. Although, as I said, if this was to be debated in the House of Assembly, I am sure there would be some members who may well express a different point of view.

There was a similar proposal in 2005, I think moved by the former member for Flinders, Liz Penfold.

The Hon. R.L. Brokenshire: A good member, she was.

The Hon. R.I. LUCAS: A very good member. I am comforted, as I look at the debate in 2005 and the voting on that particular bill, that amongst the strong majority of people who voted against that proposal to move to Central Standard Time was one R.L. Brokenshire.

The Hon. R.L. Brokenshire: What was the date?

The Hon. R.I. LUCAS: 16 February 2005.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: No, because—

The Hon. R.L. Brokenshire: We were told what to do like a puppet.

The Hon. R.I. LUCAS: The Hon. Mr Brokenshire may well be speaking of the Australian Labor Party, which he might have some passing knowledge of, but he is certainly not talking about the Liberal Party, which prides the independence of the individual and freedom of conscience. If I can remind—

The Hon. Carmel Zollo: Apparently you didn't, according to him.

The Hon. R.I. LUCAS: Sometimes Mr Brokenshire's memory is just slightly deficient; it's those early mornings with Daisy, Maisy and Clara Bell.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: If I could remind the Hon. Mr Brokenshire that 12 Liberal members actually voted for the bill, so the issue of cabinet solidarity, including—

The Hon. R.L. Brokenshire: That's the best solidarity you've ever had!

The Hon. R.I. LUCAS: It was a perfect example of a very broad church, because about half the Liberal Party voted for it and about half the Liberal Party voted against it, including cabinet ministers and backbenchers. But there boldly voting against this initiative of Central Standard Time was R.L. Brokenshire. I am assuming that is the same Hon. R.L. Brokenshire that is moving this particular bill.

The Hon. R.L. Brokenshire: No, that's my brother.

The Hon. R.I. LUCAS: Times change. Indeed, the Hon. Mr Brokenshire has moved from the Liberal Party to Family First, and with that his views on time may well have changed. It may

well have taken him back half an hour in terms of his perspective on life and on this issue. As I have struggled to come to grips with this issue and as I was trying to work out how I would vote and what I would recommend to the party room, I went back to this debate and there I saw R.L. Brokenshire, I assume then the member for Mawson. He was representing a city electorate in those days, I assume, in a marginal seat.

I am leaping to conclusions here, and when the Hon. Mr Brokenshire wraps up the debate he can indicate his position, but perhaps he took the view that the majority of his electors strongly supported the status quo and did not want to go back half an hour in time. He was in good company, because the motion was defeated 34 votes to 12, a majority of 22 votes for the noes.

Let me conclude by summarising that we are a broad church. We were a broad church in 2005 and we were certainly a broad church in 1995 when the select committee looked at this. It is one of the fundamental features of the Liberal Party that our members are entitled to express their views. The Hon. Mr Brokenshire was entitled to express his view in 2005 and I would have defended his right to that position in 2005, and now that he has moved parties he is entitled to do what he likes in terms of these issues.

The Liberal parliamentary party position on this is not to support a move to eastern standard time or to support a move to central standard time, but to support staying where we are.

The Hon. T.A. FRANKS (22:00): I rise very briefly to say that the Greens will not be supporting this private member's bill. We have some sympathy for the reason the Hon. Robert Brokenshire has brought this bill before us in terms of its purpose to change current SA time back to what would be a more natural time zone, especially with regard to the west of the state.

I note that communities in particular around Ceduna are in fact suffering in terms of school children having to get up in the dark, sunrise there being as late as 7.50 am, which makes it very difficult for families, not only those with small children who have that difficulty of trying to deal with the wants of a small child who does not find it easy to get up when it is dark and struggling to get them off to school and so on, but also correlating that with the needs of other work and life demands.

I note that some of the community there, particularly the mayor who has been quite vocal, have pointed to the fact that it is the length of daylight saving that is compounding some of the hardship that is being caused by this current situation. I would also note that in 1990 in this state daylight saving was of only 18 weeks duration, whereas in 2008-09 it was 26 weeks. That is quite a big jump to have happened in a reasonably short time frame.

I also note that the former minister Caica has stated that the extension of daylight saving has received widespread public support and has been extensively consulted on. I, for one, do not remember it being consulted on. I know that while some people might enjoy being able to go to the Fringe and the Festival in March in Adelaide in the light rather than the dark, that is not necessarily what should be driving our choices about how long daylight saving is.

I would say that daylight saving probably needs more public consultation and a better mechanism because if I did not notice that it was apparently being consulted on then I am sure that many other South Australians did not either, but this bill does not address the issue of daylight saving. So, while we have great sympathy for those who are finding this current situation very difficult, we will not be able to support the bill today.

The Hon. G.A. KANDELAARS (22:04): While it is acknowledged that some sections of the community, particularly those from western rural areas of the state, do not support the current time zone arrangements in South Australia, the government does not support the alteration to our time zone as proposed in the bill introduced by the Hon. Robert Brokenshire MLC.

The issue of the South Australian time zone has, in recent years, been debated in the parliament on at least two occasions. In February 2009 both houses, with the support of the opposition, passed the Standard Time Act 2009, which set the current time zone to 9.5 hours ahead of coordinated universal time, maintaining the half hour differential with Eastern Standard Time.

In July 2009, the House of Assembly debated a motion moved by Mr Ivan Venning MP, member for Schubert, to change the time zone to ensure that South Australia was nine hours in advance of UTC and one hour behind Eastern Standard Time. The house did not support this motion. This bill aims to achieve a similar outcome. However, there does not appear to be significant community support for changing the current arrangement.

It appears that only a minority of the population supports the proposed change, mainly from the sparsely-populated western region of the state. It is also worth noting that there is a sector of the public that supports the adoption of EST by the state, particularly those members of the business community represented by Business SA. The government considers that any shift in time zones would cause short-term problems and possible costs that are disruptive and unnecessary.

Any shifts like the one proposed, which is often referred to as shifting to true Central Standard Time, would create an additional time zone in Australia. This is because the Northern Territory has enacted legislation setting its time zone half an hour behind EST, similar to the current arrangements in South Australia and, presumably, intends to retain this time zone.

The honourable member has not indicated whether the Northern Territory government would be prepared to similarly alter its existing time zone to retain consistency with South Australia if this bill was passed. The extra time zone could further confuse international visitors and businesses, and would not be consistent with the Council of Australian Governments' (COAG) focus on reducing regulatory burdens on businesses, as it does not assist in providing uniformity for business activity across state borders.

Additionally, an hour's difference in time zones could create additional problems in the Riverland and South-East for those who regularly traverse the eastern border of the state. The government, after fully considering all the issues involved with moving to a different time zone, has decided that the current arrangement should be retained, with South Australia remaining 30 minutes behind EST.

In speaking to the bill, the Hon. Mr Brokenshire noted that South Australia's original time zone was designated at nine hours ahead of coordinated universal time (or Greenwich Mean Time, as it was known then). However, it is important to note that this arrangement only lasted for four years, with the current time zone arrangements having been in existence since 30 April 1899 when the parliament at the time recognised the commercial benefits of maintaining a time zone which was half an hour behind EST.

The government is not in favour of an arrangement whereby EST is one hour ahead of the state and will not support the bill for this reason. However, the government will continue to monitor community sentiment and the relative merits of various proposals in relation to time zones and will continue to liaise with rural communities in the west of the state regarding the impact of daylight saving.

The Hon. R.L. BROKENSHIRE (22:09): I thank all honourable colleagues for their contributions. Based on the contributions it appears that, once again, support for moving to Central Standard Time is not going to be supported by a sufficient number of members of the Legislative Council to be able to get my bill passed. I accept the democratic process within the Legislative Council, and I thank all honourable members for their contribution. However, I am disappointed that there has been a focus on retaining the status quo. As the Hon. Tammy Franks correctly said, this bill is not about getting rid of daylight saving at all. This bill is about Central Standard Time. It would actually put us one hour behind the Eastern States.

I know that Business SA, and particularly the CEO, Mr Peter Vaughan, has always been pushing ever since he came from Victoria to have the same time zone as Victoria but, quite frankly, Mr Vaughan, in my opinion, needs to understand that he is now in South Australia and that South Australia, rightly, has its own laws, its own parliament, and its own destiny and business plan. I did not think that that business plan meant incorporating South Australia into Victoria or New South Wales.

Of course, I had a few days in Queensland not long ago with my wife on a bit of recreation leave, and you try daylight saving as a proposal in Queensland, particularly northern Queensland, and just see what happens there. Sir, on your 43rd wedding anniversary on 23 November, I recommend that you take your wife to the Whitsunday Coast for a bit of recreational leave.

Just getting back to the main thrust of the debate, in 2005 circumstances were far different from those today. The Hon. Rob Lucas is right. I have seen the light: I am now with Family First and we are prepared, as a party that has its seats in the Legislative Council, to represent constituents from right across South Australia. I no longer have to represent only the constituents of Mawson, albeit that I do still represent a vast number of constituents in Mawson. The key difference now is that what has happened since 2005 is that we do not have four months of daylight saving: we now have six months of daylight saving.

For half the year now, we are into daylight saving, and I am not sure whether honourable members have been out doorknocking constituents at 7.30 or 8 o'clock on an evening in April or March, but I would recommend that honourable members, particularly in the major parties, get out and actually doorknock Adelaide residents who are trying to get their kids to bed at that time of the year when we have had six months of daylight saving. You will get an interesting reception if you raise the issue with the parents, as you hear the children running around totally worn out. I suggest to all colleagues that all of us are tired and tempers start to fray a little bit after six months of daylight saving.

What is the compromise? The compromise is to go to Central Standard Time. I hope that we see enormous growth in economic opportunity with our exciting trading partners like China, Japan, South Korea and the like, and by going to Central Standard Time we would actually align ourselves with where our growth in trading opportunity is. There is far more growth in trading opportunity there than I see in Victoria and New South Wales.

Like all colleagues, in between debates—and I think it is important to put this on the public record—we have been in our offices doing emails at 10 o'clock at night. You can get up at 5 o'clock or 4 o'clock in the morning. Some of the really hardworking members I am sure may be up even earlier than 4 o'clock in the morning on their computers doing business with constituents and other people right across the world.

From that point of view, time is irrelevant now compared with what it was way back. You do not have everyone in a situation where you are trying to coordinate with the Eastern States or, indeed, London to do some business or wait for a telegram or whatever it was. We have IT available to us 24/7. Business happens 24/7 now, so what I am suggesting, and what a lot of constituents want, is a balance between daylight saving and a reasonable lifestyle.

I will not spend much more time on this now, but I want to say that both in this house and from the viewpoint of government we have to govern for the whole state. The West Coast is outnumbered, there is no doubt about that. However, there are plenty of people in Adelaide—and even in the South-East—who would prefer not to have the daylight extended so far into the evening. In the middle of summer it is 9.30 before it starts to get dark.

I also offer an opportunity of a lifetime to all colleagues in this house, and I invite them to come down to my farm for a barbecue breakfast at 6am on 15 March 2012, and I will ask them to take the tractor, with the equivalent of 30 old square bales of hay up the main Victor Harbor Road at 7.15 in the morning to just see what a risk you put yourself at because it is still dark. In fact, it is darker at that time of the year than it is in July, because we have daylight saving extended to six months.

They are the key differences and the compromise position would be everybody giving a little bit to give a lot of people, certainly from Whyalla through to the Western Australian border, an opportunity for a better lifestyle. I wrote to the Chief Minister of the Northern Territory, and at this point have not had a response. Whether they work at a snail's pace up there I am not sure, but I have not even had an acknowledgement from the Chief Minister, which is quite disappointing and concerning.

In conclusion, I thank colleagues for their contribution. This issue will not go away, I assure members. There has been a discussion about consultation and whether it was true consultation. I do not think there has been proper consultation on this. I think you might get a shock if options were put to the community. On the second Saturday in March 2014, I propose that when we go to the election the government puts up a referendum—

The Hon. A. Bressington: I thought you were going to have a barbeque.

The Hon. R.L. BROKENSHIRE: —and I invite members to come the day after to look at the results of the referendum and we will have a barbie on the farm with the girls, who are less than impressed sometimes about being woken up earlier than they have to.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Cows. In conclusion, the least we could do is request the government—and closer to the election I will formally ask the new premier—to have a referendum to see what South Australians really think about Central Standard Time in comparison with the current six months of daylight saving. I finish with this one point: nature sets it so that at midday the sun is at the highest point. If we went to Central Standard Time we would be in line with nature and it makes a lot of sense. We have artificially interfered with all that simply to appease some people

but to put a lot of others at a disadvantage. I look forward to further debate in future on this important matter.

The PRESIDENT: Coming from the sunny South-East, where the sun gets up two hours before daylight, I could not support it.

The Hon. R.I. Lucas: Two hours before daylight?

The PRESIDENT: That's right.

The Hon. R.I. Lucas: How the hell does that happen?

The PRESIDENT: Work it out son.

Second reading negatived.

ENVIRONMENT PROTECTION (ACCESS TO INFORMATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March 2011.)

The Hon. I.K. HUNTER (22:19): The government is sensitive to the concerns the Hon. Mr Parnell is addressing in this bill and is keen to work with him further on these matters, as I am advised we have already done so. But for reasons I am about to outline, the government does not support the amendment bill at this time, chiefly because there are a number of actions already in progress to address the issues which are the focus of the bill. First, I am informed that the Environment Protection Authority has already identified a number of opportunities for improvement in the way it provides access to the public register and is actively embracing a plan for delivering these improvements.

A desktop comparison of interstate public registers has highlighted that South Australia has one of the most comprehensive and extensive list of requirements it must fulfil. In identifying how to improve access to information, priority has been given to the level of public interest as well as to how reasonable it is to achieve. As I understand it, members of the EPA board have met with the honourable member to discuss the public register, and the Minister for Environment and Conservation is informed that there was agreement that both he and the EPA were moving in the same direction with regard to the improvements already identified.

I am advised that specific actions have already been undertaken to progress the improvements to the public register. These include:

- scanning all current EPA licences (2,200 records) for ease of public access;
- beginning the development of a web-based functionality for an online register; a searchable index of notifications of contamination to groundwater was released on 14 April, and further functionality is being developed to provide information regarding environmental authorisations (licences), environment protection orders and new applications for environmental authorisations;
- finalising the scanning of all historical, inactive EPA licences and certain Waste Management Commission records;
- identifying enhancements to its internal electronic operating systems to ensure information can be adequately recorded;
- undertaking user requirements for a new IT system, which will include requirements relating to the public register; and
- discussing the organisation's approach with the Ombudsman, who has endorsed it as reasonable in the circumstances.

Secondly, a broad review of the Environment Protection Act 1993 is in progress, and an assessment of opportunities for improvements to provisions relating to access to information is within the scope of the review. The government aims to release a discussion paper early in 2012 to inform a more comprehensive bill.

Thirdly, it is this government's policy to improve public access to information based on a whole-of-government approach, such as Ask Just Once, which aims to improve business processes to manage information more efficiently and to obtain a higher return for each dollar invested in information communication technology. In the case of the proposed inclusion of

planning advice in the public register, it is questionable whether this is the most effective way of meeting the community's need for information, and this information may best be provided along with all other considerations used in planning decisions by the planning authorities.

However, there are some aspects of the bill that the government cannot support because they are not administratively workable. For example, it is not feasible to put all records on the web immediately. Many records are paper-based, going back to the early days of the EPA and its predecessors in title, such as the Waste Management Commission. It would be a large task to scan these records and upload them to the EPA's website, and it is not clear that the demand for electronic access to these records is large enough to justify diverting significant staff resources to this task. The EPA's plan is to expand the online public register over time as resources permit.

Another issue of concern is the proposal to require records to be uploaded within seven days of receipt. Some of the notifications the EPA receives contain details which need to be clarified before they are made publicly available. For example, a person may notify the EPA that they have 'become aware' of site contamination at a site affecting or threatening groundwater, as required under section 83A of the Environment Protection Act 1993.

Officers of the EPA may then contact the person and find that there has been a misunderstanding about whether contamination exists or whether it does, in fact, threaten groundwater. It makes sense to retain the current allowance of a maximum of three months to allow such matters to be further explored before a record is made public, when there is no reasonable basis for fearing the existence of site contamination affecting groundwater.

The government is also concerned about the proposal in the bill to remove the provision allowing the Governor to make regulations for the removal of information recorded in the register. While a full site history is important, it is also important to ensure that information provided is relevant and does not contribute to confusion about the site. One issue that the EPA has identified in its recent review of the public register is the need to make some regulations under this provision.

For example, at present it places draft site contamination reports on the register. When a final report is later received it would be sensible to remove the draft report, which otherwise risks giving rise to confusion. There are other examples of out of date or superseded information which should be removed from the register in order to contain it within a manageable size and ensure that people have access to the most accurate information at all times. The current provision regarding the capacity of the Governor to make regulations excluding certain classes of information from the public register is, of course, subject to scrutiny by the house and oversight as exists with all subordinate legislation.

For these reasons the government will not be supporting the bill, but I reiterate the government and the Hon. Mr Parnell seem to be in robust general agreement on the direction to be taken. We just seem to differ on some of the mechanics. Nonetheless, the government encourages the Hon. Mark Parnell to continue his furious agreement with the government.

The Hon. J.M.A. LENSINK (22:25): I rise to make some remarks in relation to this bill, which I have considerable sympathy for. I understand where the honourable member is coming from in terms of trying to hasten the EPA to do what it said it would do. I am grateful for the assistance he has provided me in understanding the various aspects of the bill. It retrieves some matters which are already required to be recorded in a public register from section 109 of the act as well as items from the regulations, plus a few he has added himself, and requires that these items should be provided electronically by the EPA on a website, they must be provided for free, and they must be published within seven days rather than the current period, which is three months.

I note the EPA has been criticised for many years for failing to publicly disclose knowledge, particularly in relation to contamination, and failing to do so in a timely fashion. In order to access that information, people are required to attend the EPA in person, use its computers to access the information at $100 an hour, and then pay, in some instances, a small fortune to photocopy those reports. We are all very familiar with the instances at Edwardstown, Clovelly Park and Port Pirie.

The issue of the EPA's contamination notification protocols and related matters is an active term of reference before the Statutory Authorities Review Committee. I am advised that, while the EPA has appeared before SARC, the additional matters which are raised in this bill have not been fully canvassed. Following the contribution from the government by the Hon. Ian Hunter, who no doubt has a speech which was provided to him by the minister's office outlining all the things that the EPA intends to do, I do believe the EPA has been slower than it should have been and is dragging its feet.

The environment minister wrote to all MPs, I think—he certainly wrote to me—in April this year to advise that an index of groundwater notifications would be available from 14 April 2011, to be updated on a monthly basis, 'with more information relating to site contamination and EPA licences later in the year'. On examination of this site, it currently contains: environmental authorisations, that is, licences; you can do a search by suburb, and those are available for download as a PDF; development authorisation referrals, which are not available electronically; enforcement actions, and there is a summary as a schedule; and site contamination, which is a search by suburb which provides the street address and the type of potentially contaminating activity.

Of the full list that is in the honourable member's bill there is a very slim number of items which have been actioned and are available electronically. However, I am concerned about the aspect that reduces the timing within which this information has to be published from three months to seven days, and I also would be interested to know what the cost implications are for implementing publication of such a large number of reports.

Given that the SARC inquiry is still ongoing, the Liberal Party will not be supporting this bill at this stage, but we do have great sympathy for it, particularly in relation to what the honourable member has referred to in the Newport Quays Dock One development. We look forward to further developments on this matter and other initiatives that may come before parliament.

The Hon. A. BRESSINGTON (22:29): I rise to indicate my support for the Hon. Mark Parnell's Environment Protection (Access to Information) Amendment Bill, which seeks to significantly expand the types of authorisations, exemptions and notifications of contamination, amongst other matters, that must be recorded in the Environment Protection Authority's public register, and to require that register to be published on the internet and be available for public inspection free of charge.

Currently, those seeking to access the limited information on the register must pay the prescribed fee of $17.30 per 10-minute access to records in non-electronic form. This makes it a very expensive exercise for the average Joe out there who may want to get access to information on certain properties or whatever that he may be considering purchasing or moving next to. There is a whole range of reasons, especially these days, for people wanting to know if the land or groundwater that they are going to access or be living next door to or whatever is a contaminated site. Right now that information, as I understand it, is not freely available.

I note that if the records sought are in electronic form they are provided free of charge, and if you have a direct interest in the property about which you are inquiring the fee may be waived. The bill also requires that the register be updated within seven days instead of the current three months.

I note that there is also an inquiry by the Statutory Authorities Review Committee, which I sit on, into the EPA at the minute, and I know the EPA has admitted themselves that their recording of information on the register is inadequate and they recognise the need for improvement. As usual with these sorts of statutory authorities or these information-providing services, they say it is a matter of resourcing. I am not sure if it is that they do not have enough money to resource it or if they do not want to spend the money that they have. I am not quite sure how that works, but I am sure that will become clearer as the inquiry moves forward.

I have to say, with the most recent information about groundwater contamination, how slow it has been for the public to be advised on that. It became clearer to me during that meeting that we had with the EPA, knowing now the process that is involved in detecting groundwater contamination. It probably explains why the release of that information could be slow. Nonetheless, if the information is there, if it is solid and it is known, then the public should be notified as quickly as possible and it should be up on that register for the public to be able to access.

As members would be aware, this is a major concern to many people now. We have now identified that there are literally hundreds of sites around South Australia that could well be contaminated but do not fall under the EPA's need to investigate just yet. This information is becoming more and more important to people who are concerned about not only the environment but also where they are housing their families, where they are building their houses to raise their families and what kind of risk their children will be at in the future.

I do support the bill. I know this has been a 15-year battle, as the Hon. Mark Parnell told me, for him and I admire his persistence and commitment on this. If this bill is reintroduced after the

proroguing of parliament, we will also have that report from the Statutory Authorities Review Committee to draw more information on to support the need for this bill.

The Hon. M. PARNELL (22:34): I will begin by thanking the Hon. Ann Bressington for her contribution and her support, and also the Hon. Ian Hunter and the Hon. Michelle Lensink for their contributions. By way of summary, I think it is important for all members to realise that we are in fact making inroads in this area, as the Hon. Ian Hunter referred to. He talked about us being in furious agreement. Well, there may be a great deal of agreement about what needs to be done, but the point is that for a decade and a half it has not been done and it is only in the last several months that we have seen genuine improvements in the EPA's provision of information to the public via the public register.

We all know that the squeaky hinge gets the oil and we also know that part of the role of this parliament is not just to legislate but also to give more direction, if you like, or to apply pressure so that agencies, especially quasi-independent agencies like the EPA, are in no doubt as to the expectations of elected members.

Where I think members would not get this issue accurate is if they believe that what we now see on the public website somehow got there by magic and not by pressure. If you go to the EPA's website, you will find—as members have referred to—that the contaminated land information is there and the index of notifications of actual or potential groundwater contamination sites is there, but you will also find that, just within the last few weeks, pollution licences and extensions are now up on the web.

These are documents that I have been asking for for 15 years, and finally we have got them up on the web. It could have happened 10 years ago; in fact, it could have happened 15 years ago, but I am not going to be churlish about it. It is great that they are now up on the web; that is terrific. However, it is a small step and there is a great deal more that needs to be done.

Where I am encouraged is that when you go to the EPA's website and look at its frequently asked questions section, if you go to the section headed 'How much does it cost to view or obtain information on the public register?' it makes the following statement:

> The EPA is progressively moving to transfer archived records and manual documents into electronic form. As this project is progressed, copies of documents held electronically on the EPA's public register can be provided by email or on disk rather than on paper. In these cases, requests for copies of documents listed on the website index will be met at no charge.

That is great. The point is that they do not have to do that because the legislated requirement is still that they charge $100 an hour for access and vast sums for photocopies of paper documents. So, I am encouraged that the EPA is heading in the right direction.

I can see the numbers in this chamber. Whilst it will not be tonight that we legislate to require it, I think we do need to keep a watching brief and, once the EPA is disclosing documents properly and electronically and for free, it will simply seem to be a routine measure to legislate for what they are already doing. So, I will not be dividing on this one tonight, but I am pleased to hear the contribution of the opposition that they get it and they understand the need for these reforms.

I think the Hon. Michelle Lensink's contribution would be noted by the EPA, that if she becomes the minister for the environment in some years to come, she will be on to this as well. So, whilst this bill will not be going on to the statute books at this time, I have every expectation that ultimately many of the matters raised in this bill will become law, and I hope that they become part of the practice of the EPA well before they become law.

Bill read a second time.

ROAD TRAFFIC (OWNER OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

The Hon. CARMEL ZOLLO (22:38): I rise to respond on behalf of the government. The proposed bill before us will allow the owner of a motor vehicle detected committing certain offences by a photographic detection device who can prove that he or she was not driving the vehicle and that the vehicle was being used for business purposes to be subject to the body corporate expiation notice provisions under section 79B of the Road Traffic Act 1961. This can be done by either providing a statutory declaration to the Commissioner of Police or in proceedings before a court.

I remind the council that the offences prescribed for the purposes of section 79B of the Road Traffic Act relate to exceeding the speed limit, disobeying red traffic lights and entering a level crossing when a train is approaching. All are serious offences and every effort should be made to identify the actual offender. The Partnership Act 1891 allows individuals to form a limited partnership for business purposes, and this arrangement does not come within the parameters of a body corporate. Section 79B of the Road Traffic Act does not apply to partnerships.

All members of a partnership are liable for the alleged offence unless they can prove that they cannot, with due diligence, identify the driver at the time of an alleged offence. The same situation applies to an individual vehicle owner. There is no clear accountability within a body corporate, as the corporation itself is the legal entity. The accountability within a partnership resides in each partner of the enterprise, as it does with any other person who owns a vehicle.

The stated intention of the bill is to provide the same process to a partnership as applies to a body corporate. It is intended that a partnership be placed on the same footing as a body corporate. This is clearly in conflict with the purposes of the Partnership Act 1981, which operates to identify and distinguish the rights and obligations of those operating as a partnership from those engaged in business in another form of relationship. The bill directs that the Commissioner of Police must withdraw an owner expiation notice and a police officer must give a new body corporate expiation notice to a person who proves the designated elements.

I note that under the proposed legislation there is no discretion to discontinue proceedings or to initiate a prosecution without issuing an expiation notice. The effect of the body corporate expiation notice is that the driver and any owner who is a natural person do not accumulate demerit points for the offence and avoid being issued with an immediate loss of licence notice for an applicable offence. This proposed amendment will enable two individuals to submit the statutory declaration claiming to be partners in a limited partnership, that the offending vehicle is being used for business purposes and then seek to have the body corporate penalty provisions apply. This is the most obvious flaw in this proposal.

The government believes that it would be very difficult for police to disprove the legitimacy of a business partnership without a detailed investigation of a great many records. An investigation of this nature would place an unreasonable burden on the administration of the photographic detection expiation notice process and unnecessarily divert valuable police resources.

In order for the owner to declare that the vehicle was being used for business purposes at the time of the offence, the owner would have to be present in the vehicle or produce evidence from the driver or another person who was in or observing the vehicle. Without direct personal knowledge or other evidence, the owner can only say that the intention was for the vehicle to be used for business purposes, not that it was actually used for business purposes.

In these circumstances the owner would be required to adopt business practices that create proper and appropriate records of the use of each vehicle. Of course, this process would enable the identity of a driver to be readily ascertained, which would then negate the need for the proposed amendments.

The government is of the view that the bill will also allow for possible exploitation of the justice system. For example, where an owner who was not the driver at the time of the offence elects to be prosecuted, the driver could give evidence at their trial that the vehicle was being used for business purposes. This would absolve the owner from the owner onus provisions of section 79B of the Road Traffic Act, although the body corporate penalty would still apply to the subsequent penalty.

The owner would avoid demerit points, as is intended by the legislation. As I mentioned earlier, the bill does not allow any discretion to commence a prosecution without issuing an expiation notice; therefore, the driver may then escape prosecution as a limitation of time under the Expiation of Offences Act 1996 is likely to have expired by the time a new trial could be arranged. In these circumstances, it is possible that a driver could be guilty of dangerously exceeding the speed limit but cannot be prosecuted.

Part of the explanation for this bill is the problems the present process is causing for people who operate in a partnership. The structure of a business is a matter for those involved and would be designed to meet their individual requirements. Where the selected structure creates a detriment, the government believes it is a matter for the individuals to determine whether or not the selected structure is appropriate or put in place measures to overcome the problem.

I note in reading the Hon. David Ridgway's remarks that this bill has come about because of an approach by Mr and Mrs Militsis, the owners of Vili's Cakes. They are two respected businesspeople in our state, so I appreciate the sincerity with which the Hon. David Ridgway is proposing this legislation. Nonetheless, for all the reasons that I have just outlined, the government believes that this proposed legislation is cumbersome, will add unnecessary red tape and create additional administration costs. For those reasons, the government opposes the bill.

The Hon. M. PARNELL (22:46): As this matter is coming to a vote tonight, I will take a moment to put the Greens position on the record. The first thing to say is that what the Hon. David Ridgway has done is he has found an example of the differential treatment between businesspeople that can only be described as unfair. It is unfair that a person whose business structure is a company is treated differently to a person whose business structure is a partnership.

I do not accept what the Hon. Carmel Zollo said, and these were not her words, but effectively they were, 'Bad luck. Choose a better structure, if you want to get the advantage of the ability to avoid the personal liability on the owners of the business.' Having said all that, I am not convinced that the fairly simple provisions in this bill actually achieve all of the objectives that the member wants. My approach to these things is to look for unintended consequences and to look for loopholes.

It is probably fair to say that, provided people are prepared to dishonestly swear false statutory declarations, there is the scope to share the love as it were, share the demerit points around among people, simply by saying, 'Yes. I don't have too many points lost on my licence. I'll take the rap for this one. Let's just say it was work.' I am sure that happens. It happens within families. It would seem to me that the bill does not require any more than for a person to simply say that they were not driving, that it was used for business purposes.

One simple amendment that might make it a little more palatable but certainly would not resolve all of the difficulties is limit it to commercially registered vehicles. It is not at present. It is with privately registered vehicles and someone would have to say, 'I took the boss's Commodore, Rolls-Royce, whatever, and I was on a work trip.' It would make more sense. If the problem was delivery vans which are all commercially registered, then there is much less opportunity for rorting if the ability to get the corporate expiation rate was limited to those commercially registered vehicles.

Whilst I appreciate what the Hon. David Ridgway is trying to do in this bill, I am not convinced that adding an extra schema of potential rorts on top of the existing scheme of potential rorts actually makes for better legislation overall. I have every sympathy for the situation that people find themselves in; however, as the Hon. Carmel Zollo said, with proper and reasonable recordkeeping in relation to vehicles and who is using them and for what purpose, then—

The Hon. A. Bressington: Logbooks.

The Hon. M. PARNELL: Logbooks, as the Hon. Ann Bressington said—it is really not that hard to work out who was at fault. I urge the government to take seriously the problem that the Hon. David Ridgway has identified and to come back with something that treats people involved in partnerships as well as those involved in companies, equitably. With that brief contribution I accept what the Hon. David Ridgway is trying to do, but we are not able to support the bill today.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (22:50): I am disappointed that—

An honourable member: Mortified!

The Hon. D.W. RIDGWAY: Mortified, yes—devastated that it appears that there is not sufficient support for the principle of treating family businesses that are run as partnerships the same way as a body corporate is treated in respect to speeding fines. I will make some comments about some of the statements that have been made—in particular, one that was common to both the Hon. Carmel Zollo and the Hon. Mark Parnell in respect to logbooks.

I have based this particular bill on the Milisits family trading as Vili's Cakes. They do keep logbooks but in the heat and the rush of the Adelaide show and the Sydney Easter show—at the Sydney Easter show there are 10 delivery vans a day—every now and again somebody forgets to fill out a logbook so there is this unknown error. Most of the time they are able to determine who was driving the vehicle but every now and again, in the rush of the day to deliver quality pies to the customers, there have been examples where they simply have not had the logbooks filled out.

It is interesting—the Hon. Mark Parnell summed it up—that it was quite an arrogant approach from the government to say, 'Well, if your structure doesn't fit the current rules, such as a

body corporate, we'll change your structure.' As Mr Milisits said to me when I discussed this with him, he left eastern Europe as a young boy to get away from the sort of regime that said you couldn't do things as you chose to and you had to do it the way the government told you to do it. He was really quite disappointed that there is no flexibility.

I am also disappointed that while the government in its final closing remarks says it understands what I am trying to achieve, there has been no goodwill from the government to say, 'Let's sit down and try and work out some other solution.' Again, from the Hon. Mark Parnell, I think everybody agrees this is an honourable goal: to try to make an even playing field for people who trade as a family partnership to be treated in the same way as a body corporate in the eyes of the law when it comes to speeding infringement notices.

I am disappointed that there has not been the will to say, 'Actually, this is a great idea. Let's see if we can come up with a better solution.' It is interesting that the Hon. Mark Parnell says that the vehicles are commercially registered. My understanding is that these vehicles are registered in the name of Vili and Rosemary Milisits trading as Vili's Cakes, so they are registered in their names as a partnership trading as Vili's Cakes. They are vehicles registered in their partnership name. There are nearly 50 of them across the nation, in three states. That is the way they have chosen to do their business. They are commercial vehicles: they are delivery vans and all the other vehicles that they need to run their business.

The Hon. Mark Parnell also said this is an opportunity for rorts, where people can fill out false statutory declarations. That is an offence and it should not be encouraged, but we know—and he also said that it happens now—where people share the love. What you are saying is that you are quite happy for one group of people to share the love, but we are not going to let the other group. If we are going to accept that it happens with one group why would we exclude another group?

I do not believe that people such as Mr and Mrs Milisits would be so foolish as to sign a false statutory declaration. However, it seems a bit churlish to say, 'This is open to rorts. We know there may be potential opportunity for rorts in the current system but we are not going to support this because it could add another layer of rorts.' It is unfortunate that the Hon. Mark Parnell proposed that. I am very disappointed that this parliament does not see fit to support these people. It is interesting that tomorrow we will be back here debating the Small Business Commissioner Bill to, as the government says, make South Australia a better place to do business and support small business.

We want to have one of our iconic small businesses—which has come from very humble beginnings of immigrants who have escaped Eastern Europe and actually done well and made good, employing dozens of South Australians—trade 24 hours a day, as Vili's Cafe is always open as you turn off South Road. This government is going to say, on the one hand, we have a bill for a small business commissioner where we are supporting small business, and yet they are thumbing their nose at this iconic South Australian small business and, I suspect, a number of other businesses, including farming businesses which are partnerships.

The Hon. Robert Brokenshire is talking about bringing farming under the umbrella of the Small Business Commissioner Bill tomorrow. There would be hundreds of farming partnerships and country partnerships where husband and wife trade just the same as Mr and Mrs Militsis do and have a number of vehicles. The problem with Mr Militsis is that he has vehicles operating in a number of states, so I guess there is slightly more exposure to the chance of people and employees driving his vehicles and committing an offence.

With those few words, I urge members to reconsider their position and support this important bit of legislation to send a message to people, such as Mr and Mrs Militsis and other partnerships in South Australia, that we are serious about supporting small business and fostering good relationships in this state.

The council divided on the second reading:

AYES (10)

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Ridgway, D.W. (teller)	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

NOES (8)

Bressington, A.	Franks, T.A.	Gago, G.E. (teller)
Hunter, I.K.	Kandelaars, G.A.	Parnell, M.
Wortley, R.P.	Zollo, C.	

PAIRS (2)

Hood, D.G.E.	Gazzola, J.M.

Majority of 2 for the ayes.

Second reading thus carried.

LEFEVRE PENINSULA

Adjourned debate on motion of the Hon. M.C. Parnell:

1. That a select committee of the Legislative Council be established to inquire and report on the relationship between industrial and residential land uses on the Lefevre Peninsula and adjacent areas, with specific reference to—
   - (a) the risk to health, safety and amenity of existing residents and potential new residents;
   - (b) the impact of new residential development on existing and potential future industry;
   - (c) the adequacy of existing laws, policies and guidelines;
   - (d) the role of the following agencies:
     - i. Land Management Corporation;
     - ii. Environment Protection Authority;
     - iii. Port Adelaide Enfield Council;
     - iv. Development Assessment Commission;
     - v. Development Policy Advisory Committee;
     - vi. other referral bodies under the Development Act; and
     - vii. other relevant agencies; and
   - (e) any other matters that the committee considers relevant.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 27 October 2010.)

The Hon. CARMEL ZOLLO (23:01): I respond on behalf of the government. The government opposes this motion. Parliament can do little to assist the independent Environment Protection Authority and the Development Assessment Commission in dealing with current development applications on the Port waterfront. This inquiry will divert resources from the actual work required. I agree that the state has a legacy issue associated with the proximity of existing industries and housing on the Lefevre Peninsula. This issue is not restricted to the Lefevre Peninsula or, indeed, the Port Adelaide area. There are many places across the state where the proximity of housing to factories must be managed. Indeed, I think the Hon. Ann Bressington made that comment earlier when she was referring to an EPA inquiry.

It is for this reason that the parliament has established the independent Environment Protection Authority, the independent Development Assessment Commission, and council development assessment panels to deal with development applications. For this reason, the government does not support a parliamentary committee. However, if the council does support the

motion, I will be moving an amendment to the terms of reference to ensure that the investigations go back to June 2001, when the former Liberal government initiated residential development on the Port waterfront through a registration of interest process.

The former government saw the need for revitalising the Port Adelaide centre and waterfront in 2001, and appointed the Land Management Corporation to coordinate government involvement and to facilitate private sector development. This government agrees with the former government on this point. Newport Quays was a bidder in the ROI process, and in October 2004 a formal agreement was entered into between the LMC and Newport Quays. It is important to note that the terms of agreement between LMC and Newport Quays required that the land be rezoned to accommodate the anticipated development. The rezoning was formally implemented in September 2004, leading directly to the agreement in October 2004.

Under these arrangements, the LMC owns the waterfront land at Port Adelaide and has the role of making the land safe and suitable for development, and clearing the land of any buildings or structures not required as part of future redevelopment before progressive transfer of the land to Newport Quays. The work carried out by LMC includes site investigations and remediation earthworks. Before the land can be developed by Newport Quays, an independent environmental auditor must certify that the land is suitable for the proposed development. Newport Quays is responsible for obtaining the necessary development approvals.

Under this process, members will be aware that early stages of the project have successfully been completed. New housing exists on the western side of the Port River, upstream from the Birkenhead Bridge. Four hundred and thirty-four new dwellings were completed in 2007 and 2009. I urge members of the council to have a look at this successful development.

The latest stage of the development is immediately south of Dock One. A five-stage Dock One development application was lodged by Newport Quays with the Development Assessment Commission in April 2010. The application included a residential subdivision and stage 1 housing. As required under the Development Act, the commission referred the application to the Environment Protection Authority.

On 15 July 2010 the EPA responded, raising concerns about the site proximity to three existing industrial activities, namely Adelaide Brighton Cement, the Incitec Pivot fertilizer business, and the fuel storage tanks north of Adelaide Brighton Cement. The EPA report also suggested that the commission consult SafeWork SA. The commission took up this suggestion.

It is clear from the advice that there are real issues associated with the proximity of Dock One to these industries. The assessment process has identified these issues, the applications are on hold, and Newport Quays and the LMC are working with the EPA and the commission to resolve these issues. It has already been announced that the government is in negotiation with Incitec Pivot Fertilizers about its possible relocation.

Clearly the assessment process has worked as it should. Parliament can do nothing to assist the EPA and the commission in resolving this issue. The independent authorities should be left to get on with the job. I recognise, however, that the new development application is not the only issue. There are existing houses near these industries. Once again, the government has been far from inactive.

The environmental impact of these industries is managed through licence agreements under the Environment Protection Act. It must be recognised that the state has been left with a legacy issue. It must be managed in a way that achieves good outcomes.

As background, the Adelaide Brighton Cement company is licensed by the EPA for cement manufacture. One of the main concerns with that industry is its stack emissions. The EPA has licensed ABC, recognising it uses Best Available Technology Economically Achievable (BATEA). EPA-imposed licence conditions include the development and implementation of an Environmental Improvement Program (EIP). In addition, there are management, maintenance, monitoring and reporting requirements.

Changes made in accordance with the EPA licence and its associated EIP include improvements relating to dust emissions, such as truck washing, dust suppressants, containment of stock piles, pavement of unsealed areas, and so on. Improvements have been made on noise emissions, including redevelopment of the plant to improve noise attenuation. Stack emissions have improved through new filtration systems. Public complaints received by the EPA about

Adelaide Brighton Cement have been steadily reducing. The EPA continues to require ambient dust monitoring, and receives reports four times each year.

The Incitec Pivot plant is licensed for chemical storage and warehousing. Like the ABC plant, Incitec Pivot is subject to an EIP, focusing on water quality and stormwater. Should the Dock 1 development proceed, the EPA is likely to require an air quality EIP; however, as advised earlier, the government has commenced discussions about relocation of that plant. The EPA has also raised concerns about fuel storage facilities to the north of the ABC plant. Under the EPA licence and EIP, significant improvements have been made to these facilities, including installation of floating roof tanks on all storage tanks. This work is due to be finished this year. This will reduce evaporative loss of fuel and manage odours. In addition, vapour recovery units are being installed at all fuel storage facilities, with work due to finish by the end of this year.

The community of Port Adelaide expects the government, through its independent agencies, to deal with pollution issues at Port Adelaide on an ongoing basis. The EPA commenced an air quality monitoring program in 2003. It has initiated a collaborative project to develop a pilot air quality strategy for Lefevre Peninsula, a key recommendation of the State of the Environment report 2008. The 18-month project commenced in June 2010, with representation from relevant state agencies and the council.

In addition, active participation has been sought from the local community. In addition to government forums, Adelaide Brighton Cement has established its own community outreach program. It commenced in 2005 and meets every two months. Recent discussions have included changes to EPA licence conditions. The EPA has been advised that this forum is very useful from both the community and ABC's perspectives. The EPA also regularly attends the Port Adelaide Environment Forum. This forum meets monthly and is provided with regular information about environmental works and licence conditions associated with industries in the Port Adelaide area.

From the above discussions, it can be seen that environmental concerns in the Port region are being addressed. It is too simplistic to say that these conditions should not exist. They are legacy issue associated with 150 years of development of industry and housing at the Port. The government views the select committee as unnecessary to the point of being counterproductive, as it will divert resources from doing the required work. Should the council fail to appreciate how a select committee will be counterproductive and choose to proceed anyway, I move that the terms of reference be amended as follows:

After the words 'on Lefevre Peninsula and adjacent' insert 'from the commencement of the registration of interest process for the Port waterfront in June 2001'

The government, as I have mentioned, opposes the motion but, should it be successful, I hope that honourable members see fit to amend the motion as I have proposed. Such an amendment would capture all the history—and I think this is entirely what the Hon. Mark Parnell is trying to do—of this development, as indeed it is appropriate to do.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (23:13): I rise on behalf of the opposition to indicate that we will be supporting the select committee.

The Hon. Carmel Zollo: Are you going on the select committee?

The Hon. D.W. RIDGWAY: I am looking forward to going on it. The Newport Quays development has been of interest to me in the time I have been the shadow minister for urban development and planning, along with the interface between industry and housing. Certainly, there are always issues to deal with, where you have heavy industry and housing, to do with air quality and noise. Of course the Incitec Pivot facility has also I think passed—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: Incitec.

Members interjecting:

The PRESIDENT: Order! Let's get on with it.

The Hon. D.W. RIDGWAY: I did not realise the Hon. Robert Brokenshire was going to give elocution lessons from the backbench. He is up on the Labor backbench; I hope there are no photographers around.

The PRESIDENT: It is getting late.

The Hon. D.W. RIDGWAY: It is getting late. I very much would like to be on the select committee, as I responded to the Hon. Carmel Zollo's interjection. One of the reasons I am very keen to participate in this select committee is that during the opportunity that I had in May this year on the transit oriented development tour we saw a number of waterfront redevelopments which took a different approach from what has been proposed under the Newport Quays development. I am particularly interested in paragraph (e) 'any other matters that the committee considers relevant'. I think there is an opportunity for the state, especially under a future Liberal government, to develop a really iconic, visionary area—a second hub where we can link with some quality public transport and reinvigorate the area, because we know it is Labor heartland, and they never look after their people in the Labor heartland because they want to keep them oppressed and struggling out there under bad air quality and bad living conditions.

This is a wonderful opportunity to look at some of the major issues and problems there, but also to have a look at the way forward, to develop the inner port and that particular part of our city into a much better place to live, and a much better part of our state. So, I am very happy to support the establishment of this select committee.

The PRESIDENT: Next time you go down, wear your Crows jumper!

The Hon. M. PARNELL (23:16): I thank the Hon. David Ridgway for the Liberal Party's support for this committee and for his personal interest in the people of Port Adelaide. I also thank the Hon. Carmel Zollo for her contribution, and I am not surprised that the government is not supporting the select committee because I do not recall a select committee over the last six years that it has supported. The main point that I would like people to note in my summing up is that this motion does not condemn the government, it does not call for sackings, it does not say that nothing has been done.

This motion looks forward to coming up with some solutions for a range of issues that the Hon. Carmel Zollo correctly described as legacy issues. These are not brand new issues. There has been an interface between polluting industry and residences in the Port Adelaide area for many years. The Hon. Carmel Zollo said that not only was this unnecessary but it was counterproductive, and I guess what she had in mind is that the resources of all these agencies will be devoted entirely to servicing the Legislative Council's select committee. I do not imagine our call on them will be excessive and, rather than being counterproductive, it will be incredibly productive because, for the first time, a number of these agencies will be forced to consider how they relate to each other.

The Hon. Carmel Zollo's main arguments seem to be that we should expect these agencies to simply get on with it, and that they do not require any parliamentary scrutiny. I do not think that that is the right approach—it is an arrogant approach—and I think the Legislative Council can make a great contribution. As we understand it, there is every chance that there will be a new member for the seat of Port Adelaide, and I am sure that that member will be watching the outcomes of this inquiry because, if we can get some answers to these largely intractable legacy issues in Port Adelaide, the solutions can be applied to other areas in metropolitan Adelaide and elsewhere in South Australia, in regional centres, where these residential and industrial interface issues are so problematic.

I do not need to convince too many more members as to the importance of this inquiry. I am looking forward to it being an efficient inquiry. I am looking forward to it taking evidence from a range of government agencies, not only the EPA, but also the Land Management Corporation, the local council, the Development Assessment Commission and the Development Policy Advisory Committee. I think we need to look at the totality of the problem and I do not accept that we can leave these bodies to their own devices. I think that we can provide them with some support, encouragement and some guidance to do better in the future.

For those reasons, I am opposing the proposed amendment, which seeks to simply restrict this committee to looking back to the last ten years. I cannot see that that provides any great benefit at all. It seems to imply that it is only the Newport Quays Port Waterfront development that is of interest to the people of Port Adelaide and the Lefevre Peninsula. We know that it is much more than that. Whilst that is a big part of it, it is not the only part of it, so it makes no sense to try to limit the scope of this inquiry to simply things that might have happened in the last 10 years. These legacy issues have existed longer than that, and we need to be able to address them all. I urge all honourable member's to support the motion in its original unamended form.

Amendment negatived; motion carried.

The Hon. M. PARNELL (23:21): I move:

That the select committee consist of the Hon. John Gazzola, the Hon. John Darley, the Hon. David Ridgway, the Hon. Michelle Lensink and the mover.

Motion carried.

The Hon. M. PARNELL: I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 23 November 2011.

Motion carried.

MEMBERS' REMARKS

Adjourned debate on motion of Hon. M. C. Parnell:

That this council—

1. Notes the decision of the Supreme Court on 9 April 2010 in the matter of White and Others against the state of South Australia;

2. Notes with alarm the misguided intervention of two government ministers in the case, namely, the Treasurer (the Hon. K. O. Foley) and the Minister for Police (the Hon. M. J. Wright);

3. Notes the remarks of His Honour Justice Anderson that the comments of the ministers were unfounded, unreasonable, antagonistic, unjustified and offensive and that His Honour increased the award of damages to the plaintiffs by $135,000 as a direct consequence of the ministers' behaviour; and

4. Calls on the Treasurer and the Minister for Police to apologise to the South Australian people for the impact their comments have had on the finances of the state.

(Continued from 26 May 2010.)

The Hon. S.G. WADE (23:22): I rise to indicate the opposition's support for this motion. It is rather fitting that this motion is being debated today, the second to last day of the police minister and former treasurer Kevin Foley's time in cabinet. However, this motion is a fitting tribute to a minister who cannot stop talking about his supposed legacy.

The legacy we are discussing today is his contribution to yet another multimillion dollar cost to the taxpayers of this state. While his legacy in this case pales compared to his financial mismanagement of the state, this case does highlight that former treasurer Foley (now minister Foley) does not think twice about risking taxpayers' money.

Part 4 of the motion calls on the former treasurer and the former minister of police to apologise to the South Australian people for the impact their comments have had on the finances of the state. I am sure that many would like to hear the former treasurer in particular apologise more generally for the impact he has had on the finances of the state. But the matter we are particularly discussing today is one particular indiscretion of two ministers who have followed the enduring tradition of this government of making disparaging comments which ultimately the taxpayers pay for.

The case that the motion refers to arose out of a protest in May 2000. On 9 May 2000, between 70 and 100 protestors illegally entered the Beverley uranium mine lease. The police response was violence and the Police Complaints Authority recommended disciplinary charges against police. No disciplinary proceedings were launched.

Eleven protestors and two others sued for assault and false imprisonment. Mediation had been agreed to by both parties and had been agreed by the court. However, the government instructed its legal advisers to withdraw from mediation at the last moment. Former treasurer Foley and former police minister Wright publicly stated that the government would not settle the claim—too tough to settle, too dimwitted to care about the consequences.

In defending the decision to a newspaper, Mr Foley described the plaintiffs as 'a bunch of feral protestors who put the safety of our police officers in peril'. Further, he said that 'the government sends a message to anarchist groups that we will not be a soft touch. They can have their day in court.' So they did have their day in court, and the taxpayers of this state paid for the privilege.

Following a four-month trial, in April 2010 the Supreme Court of South Australia awarded the plaintiffs a total of $724,560 damages, together with costs. The judge, Justice Anderson, was

highly critical of the comments of the ministers, and stated that he increased the damages because of their unjustified comments. I quote from the comments of Justice Anderson:

> It is my view that both ministers, in making these statements, have acted with a high-handed and contumelious disregard of the plaintiffs as citizens of the state with a right to protest, and with the right to be treated according to law if they did protest. As I have found, they were not treated according to law.

The Hon. Mark Parnell has previously advised that he estimated that the exemplary damages in this case were $135,000 and were 'directly attributable to the comments of those two ministers', and that the payout would have been about $75,000 lower and the state would have avoided hundreds of thousands of dollars in legal costs. In total, he estimates that ministers Foley and Wright between them cost taxpayers about $500,000 in extra damages and court costs.

More recent advice from the plaintiffs' legal team is that the plaintiffs' costs awarded against the state came to around $2.4 million. When people in sectors such as disability services and poverty, in particular, are crying out for additional resources, the fact that the intemperate remarks of ministers can cost millions of dollars is extremely galling. That $2.4 million brings the total cost of the case to $3,289,560. This final amount excludes the Crown's legal costs.

I appreciate that from time to time ministers of the Crown have a legitimate input into legal proceedings, but input needs to be timely and it needs to be appropriate. The intervention of then treasurer Foley and then minister Wright was not timely. If mediation was not appropriate that should have been made clear at an early stage. The intervention was also not appropriate in that the ministers of the Crown made intemperate remarks in the middle of legal proceedings. As we know, Labor ministers get their jollies by hairy-chested outbursts, but I find it offensive that South Australian taxpayers have to pay millions of dollars for the self-indulgence of ministers.

The opposition makes no reflection on the actions of the police in the handling of these legal proceedings. In fact, I assume that police were participating in a mediation that the government aborted. The government fails to appreciate the financial risk to the state from unprofessional interventions in legal proceedings. Not only did the ministers cost the state hundreds of thousands—in fact, millions—of dollars, they also ensured that an adverse judicial finding was made against the police. South Australians do indeed deserve an apology from the former minister for police and the current Minister for Police. The opposition supports the motion.

The Hon. A. BRESSINGTON (23:28): I rise to indicate my support for the Hon. Mark Parnell's motion, calling upon former treasurer the Hon. Kevin Foley and former minister for police the Hon. Michael Wright to apologise to the South Australian public for the financial cost of their comments about the Beverly uranium mine protesters. I feel as if I will be speaking verbatim to the Hon. Stephen Wade's speech, but I can assure members that we did not collude. In doing so, I add my voice to the condemnation of ministers, in particular the Hon. Kevin Foley, for what the Hon. Justice Anderson, in his judgement White and Others v the State of South Australia 2010, called unjustified, antagonistic and offensive comments about the 10 plaintiffs who initiated court action for trespass to the person and false arrest, amongst other claims.

In a nutshell, on 9 May 2000, 70 people from various groups breached the Beverly uranium mine perimeter, to which STAR Force officers, South Australia's elite unit, responded with force. Protesters were subject to excessive use of capsicum spray and beatings with batons, and some 30 protesters were unnecessarily and unlawfully detained for up to eight hours in a shipping container and provided little water and no food. Despite the Police Complaints Authority recommending disciplinary proceedings, no action was taken against the officers involved. Ten protesters, frustrated at the lack of accountability, initiated the court action as described. Despite the parties engaging in court-sanctioned mediation which, given the state's clear liability, would have presumably resulted in a negotiated settlement, the ministers then intervened and demanded the matter proceed to trial.

Justifying his intervention, the Hon. Kevin Foley described the protesters as 'ferals' and stated to the media: 'The government sent a message to any anarchist group that we will not be a soft touch. They can have their day in court, beat the chest.' Have their day in court they did, resulting in a judgment of $724,560 for damages, including $15,000 each to the nine plaintiffs unlawfully detained for the (and I quote Justice Anderson) 'unnecessary and demeaning remarks of the two government ministers'. Hence, the $135,000 mentioned in the motion text.

As the Hon. Mark Parnell points out, this represents only a fraction of the true cost of the ministers' irresponsible intervention in the court proceedings because, if the matter had settled as expected, the cost of the trial and legal expenses would have been avoided. I believe it is

appropriate that the ministers should apologise, at the least, to the South Australian public for the financial cost of their conduct. To suggest, as the Hon. Paul Holloway did, that the ministers' comments did not result in the $135,000 paid is to ignore Justice Anderson's clear reasoning as quoted.

To further suggest that ministers have a right to attack the protesters and intervene out of some misguided loyalty to the South Australia police force is to ignore the excesses of the STAR Force officers on the day and the recommendation for disciplinary proceedings by the Police Complaints Authority, of which the ministers at the time would have no doubt been aware. To somehow connect the ministers' comments with a tough stance on law and order is absurd and is just another example of how low this government will go in its attempts to beat that law and order drum and try to scare people, literally, into voting for it. I support the motion wholeheartedly and commend the mover for bringing it to the attention of this council.

The Hon. R.L. BROKENSHIRE (23:32): I want to put on the public record a couple of my thoughts about this matter, which I have not put on the public record before, because that particular protest happened when I was police minister and I had quite a lot of briefings on it. I actually watched that protest with a great deal of interest, because there was enormous risk at that site. There were enormous risks for the safety and security of the mining site itself, for the protesters and the police. Those protesters entered that property and trespassed, and they went a lot further than just general trespassing. I am not against protesting, but there is a way to protest and a way not to protest. I would say—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: I am going to get to that. I would say the way that protest was conducted was probably the worst of any protest that I can recall, including protests that I observed with interest at places like Baxter. The police were way outnumbered on that occasion. Some of those protesters, in my opinion, were incredibly violent; and, interestingly enough, when you have a look at some of those protesters and you have the privilege of looking at some of the film and then watch some of the other protests, those people are professional protesters who went out of their way to be far more than disruptive in their protests. Interestingly enough, depending on the weather conditions, you see them protesting in Tasmania, Queensland and other parts of Australia.

I want to defend the police publicly on this because, even though the Police Complaints Authority may have recommended some disciplinary action for some of them, I said to the head of the tribunal then, whom I had a lot of respect for, Mr Wainwright, 'You go up there and try to manage a situation like that and see how you would handle it when you feel that your own life is at risk.' It was not as if they were protesting in Prospect or somewhere like that. They had very little area in which they could restrain people while they tried to restore law and order.

I am not happy about the fact that taxpayers' money has been spent in this way. In fact, we are not happy about that at all. Whilst I understand what the honourable member is trying to do, on this occasion we had a police minister, Michael Wright, at the time. I think he was the second police minister after I had the portfolio, but it was on his watch when these comments occurred. I can tell you that the morale and the feeling generally in police at that time about that whole matter and how it was handled right through was a huge concern to police and consequently to the police minister. He may have overstepped the mark a little bit, but I want to put on—

The Hon. S.G. Wade: Only $3 million worth.

The Hon. R.L. BROKENSHIRE: I am not happy about the money, and I am pretty sure that the Hon. Michael Wright and the Hon. Kevin Foley would not be happy about the money either. I am just raising the issue, because you may well be in government in a couple of years and it will be interesting to see what police ministers do then and whether they are prepared to defend police when the police are in a very vulnerable position. I do remind—

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: —colleagues that, whilst I am not happy about the money wasted here—I am never happy about money wasted, not when I have Scottish blood in me. Notwithstanding that, I do remind honourable members that you do not have to go very far back through the history of previous governments to find where ministers have also cost the taxpayers of this state a hell of a lot of money through comments that they have made. I want to

put that on the public record. No-one wants to see that sort of money going that way, and I am sure the treasurer and the police minister did not, but they were in a difficult position, particularly the Hon. Michael Wright at that point, and I can tell you that thousands of police had enormous angst over that whole matter. From that point of view, I want to put a little balance into the debate.

The Hon. J.A. DARLEY (23:37): I will be supporting this motion.

The Hon. M. PARNELL (23:37): In summing up, I thank the Hon. Stephen Wade, the Hon. Ann Bressington and the Hon. John Darley for their support, and also to note the comments of the Hon. Rob Brokenshire. Whilst they were interesting comments, they bear no resemblance at all to the motion that is before us. Certainly the conduct of the police is not part of this motion. The initial responses of the police minister and others soon after are not the subject of this motion. The subject of this motion is the ill-conceived intervention of two ministers that has cost South Australian taxpayers a fortune. It could be getting close to $6 million that is directly attributable to these two ministers shooting their mouths off, the result being unnecessary court action that has cost South Australian taxpayers a fortune.

The final costs of this case have now been settled. Legal costs were awarded against the state, and the total payout to the protestors is now $3,289,560. That consists of $2.4 million that was paid for the plaintiffs' legal costs, $50,000 because of the abandonment of the mediation, $724,560 in damages following the trial judge's ruling, and $115,000 for those who settled before trial. What we do not yet know is what are the government's own legal costs. Chances are they will probably be around the $3 million mark. If you add all those together, these ministers have cost us nearly $6 million, and for that they should apologise.

What we have in the case of treasurer Foley is that his big mouth has cost South Australian taxpayers a small fortune. His poor judgement has directly led to this enormously expensive legal bill. This motion is not about condemning the police: it is asking, on his last day as a minister and in executive government, for Kevin Foley and Michael Wright to apologise to the South Australian people for the impact that their comments have had on the finances of this state. The motion says no more or no less than that. It is asking for them to apologise. For people who are opposing this motion, they are effectively saying that $6 million is a reasonable price to pay for chest beating. I do not think it is. I do not think anyone in the health sector, the education sector or the disability sector would agree that $6 million down the drain is a good use of taxpayers' money because ministers cannot keep their thoughts to themselves. It is a shameful episode and I am hoping that, on his last day in executive government, the former Treasurer will apologise to us for this incredible waste of taxpayers' funds.

Motion carried.

ROXBY DOWNS (INDENTURE RATIFICATION) (AMENDMENT OF INDENTURE) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (23:41): Obtained leave and introduced a bill for an act to amend the Roxby Downs (Indenture Ratification) Act 1982. Read a first time.

The Hon. G.E. GAGO (Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for Gambling) (23:41): I move:

That this bill be now read a second time.

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

Leave granted.

Today is a momentous occasion for the State of South Australia. Just as mining projects at Broken Hill, Mount Isa and Kalgoorlie at the turn of the last Century helped transform the economic future of their respective States, so will the Olympic Dam expansion transform South Australia, by bringing unprecedented wealth and economic opportunity to the State well into the next Century.

Olympic Dam is certainly no ordinary project. It is a highly significant project for the State, being the world's fourth largest copper resource, fourth largest gold resource, and by far the largest known uranium resource. The proposed expansion project will unlock the full potential of the deposit to meet growing world demand for copper and uranium.

In March 1982, the State and project proponents of the time, entered into an Indenture to provide for the establishment and development of the initial Olympic Dam project. The Indenture was first ratified by Parliament

through the *Roxby Downs (Indenture Ratification) Act 1982*. The Ratification Act, incorporating the Indenture, regulates the operations of the mine, associated treatment plant and transport facilities, related infrastructure and the municipality of Roxby Downs.

In response to the proposed expansion of Olympic Dam by BHP Billiton, the State agreed to amend the Indenture on the basis of the benefits which are expected to accrue to the South Australian economy and community, including royalty payments, increased workforce participation and development, local supplier participation, Aboriginal economic development and regional development.

As a result, the Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Bill 2011 (Bill) proposes enhancements to the *Roxby Downs (Indenture Ratification) Act 1982* to provide for expanded project components that were not envisaged under the original agreement. The revisions also change the way in which certain other Acts of the Parliament of the State apply to the revised Indenture to ensure its currency with relevant legislation.

The project expansion proposed by BHP Billiton will develop an open pit mine, processing facilities and supporting infrastructure that will operate simultaneously to existing underground mining operations.

This is certainly no ordinary mining project. Its size and scale for a singular mining project is unprecedented in Australia. Over a 40 year development period, the open pit is anticipated to extend more than 4 kilometres long, 3 kilometres wide and 1 kilometre deep, with annual production volumes expected to more than triple current capacity at full production.

Without doubt, the project will deliver considerable economic wealth to the State economy, with BHP Billiton estimating in its EIS that the project will contribute an incredible $45.7 billion in net present value to South Australia's Gross State Product (GSP) over a 30 year timeframe from the start of the expansion.

Furthermore, the expansion will generate considerable employment opportunities for the State. In its EIS, BHP Billiton estimate that the Olympic Dam expansion will generate up to 6000 new jobs during construction, a further 4,000 full time positions at the expanded open pit mine and an estimated 15,000 new indirect jobs.

The broad-scale benefits achieved through the expansion of Olympic Dam will also substantially contribute to our latest Strategic Plan priorities, including Our Community, Our Prosperity and Our Environment, particularly through targets on total exports, minerals production and processing, regional population levels, and jobs to name just a few.

Such an expansion does not happen overnight and is not without inherent complexity and considerable investment risk. In progressing with the project, BHP Billiton is subject to high up-front costs and a long return on investment.

The State recognises that certainty is of key importance to BHP Billiton in light of the high risk of investment. In this context, the State's objective has been to maximise the benefits to South Australia through the Bill whilst applying effective and efficient regulation of the project and providing certainty to BHP Billiton where possible to secure the long-term investment viability of the project.

Key benefits of the project

Regional development is a key outcome of the expansion. The project touches many regional areas in the State, from Roxby Downs, Andamooka and Woomera, to the Upper Spencer Gulf and Eyre Peninsula, and will therefore generate considerable development opportunities in these regional areas particularly through wealth generation, increased employment opportunities, and use of local services.

The expansion includes a doubling of Olympic Dam's current smelting capacity and the Bill provides for BHP Billiton to process ore from other mines. This will not only generate value-adding opportunities to existing and future mines in the region, but also increase the total volume of minerals processing in the State.

Without doubt, increased employment opportunities are a win for the South Australian people, and particularly for our regional communities. To facilitate these opportunities, BHP Billiton will develop an Industry and Workforce Participation Plan that outlines initiatives to maximise opportunities for local industry, workforce and the use of local service providers. Particular emphasis will be placed on opportunities for employment and workforce development for Aboriginal people and support for aboriginal and regional economic development, which is of key importance to the State.

Key outcomes of the Bill

The Bill delivers several key outcomes that maximise economic benefit to the State whilst ensuring that the project is subject to our best practice regulation and environmental compliance regimes.

Whilst BHP Billiton may apply to the Indenture Minister for all other approvals, BHP Billiton is subject to the Environmental Protection Act for environmental authorisations for the project. In this way, the Bill recognises the full independence of the Environmental Protection Authority for environment approvals, licensing and necessary compliance action for Olympic Dam.

Another important revision to the Bill is the enhancement of compliance and enforcement provisions to ensure that the project achieves approved environmental outcomes and brings the existing Act into line with current legislation in the Mining Act and Environmental Protection Act.

As part of this, BHP Billiton will develop a programme for the protection, management and rehabilitation of the environment and will be subject to a strong compliance and enforcement regime. BHP Billiton will also

incorporate a Greenhouse Gas and Energy Management Plan into this programme as a commitment to reducing its greenhouse gas emissions.

Furthermore, BHP Billiton will provide the State with rehabilitation security, in the form of a performance bond, to secure the performance of its rehabilitation obligations. This is a cornerstone agreement for the State, providing the State with guaranteed financial security against rehabilitation requirements at Olympic Dam.

Water continues to be a key concern for the State. In recognition of the value of this scare resource, BHP Billiton will pay the Arid Lands Natural Resources Management Board for water extracted from the Great Artesian Basin and saline wellfields for the purposes of its operations. Charges are based on the current levy but are capped at a maximum amount for 30 years to provide certainty to BHP Billiton of the charging regime in the medium term.

The project will also transition the township of Roxby Downs to a major regional centre, with BHP Billiton anticipating in its EIS a doubling of the residential population to approximately 10,000 people. This brings increased commercial opportunities for local and regional businesses both directly and indirectly related to the project. In addition to BHP Billiton's commitment to the provision of certain infrastructure and support, the State will continue to provide infrastructure support to Roxby Downs up to a township population of 9000 people to facilitate the development of a long-term, sustainable township.

State commitments for project certainty

The State will provide BHP Billiton with an expanded Special Mining Lease (SML) of approximately 60,000 hectares. To provide certainty in the face of long lead times and high investment risk, the SML will be secured with an initial term of 70 years and ability to renew for a 50 year term. To facilitate further investment in the Olympic Dam area, the State has also provided BHP Billiton the opportunity to develop another project under the Indenture.

The State will also facilitate the provision of infrastructure and infrastructure corridors required for BHP Billiton's operations, including granting freehold title for certain project elements.

The royalty rates of the Mining Act will be applied to the project. BHP Billiton will not receive a concession on royalty rates payable and will pay the same rates as other existing mining operations. However, in recognition of the long lead times for development and need for certainty, the Indenture provides that current rates will be held for a term of 45 years.

The Olympic Dam expansion is one of the most significant development projects in South Australia. The provisions of this Bill strengthens the State's commitment to effective and efficient regulation of mining projects, whilst seeking to facilitate the long-term investment viability of the project for BHP Billiton and maximising the benefits that this project can bring to the State over the next Century.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause sets out definitions for the purposes of the amendment Bill.

4—Amendment provisions

This clause is formal.

Part 2—Amendment of *Roxby Downs (Indenture Ratification) Act 1982*

5—Amendment of section 4—Interpretation

This clause proposes the insertion of certain definitions into the Act.

6—Amendment of section 7—Modification of State law

The proposed amendment to section 7(2)(a) revises the names of the Acts listed in subsection (2). Other amendments are made to section 7 related to the modification of State law for the purposes of the Indenture.

7—Amendment of section 8—Licences etc required in respect of the mining and milling of radioactive ores

The proposed amendments to section 8 substitute references to 'Joint Venturers' with 'Company'.

8—Amendment of section 9—Application of Aboriginal Heritage Act to the Stuart Shelf Area and the Olympic Dam Area

Some amendments in this clause delete obsolete provisions. Other amendments are consequential or related, or update the scheme to conform with current provisions of the *Development Act 1993*.

9—Substitution of section 12

This clause inserts proposed section 12:

12—Special provisions in relation to local government

This section contains special provisions concerning local government related to the administration of the municipality.

10—Insertion of Parts 4, 5 and 6

This clause inserts proposed Parts 4, 5 and 6:

Part 4—Special provisions relating to Projects

13—Unlawful abstraction, removal or diversion of water

This section provides for an offence of unlawfully abstracting, removing or diverting water.

14—Protection of infrastructure and equipment

This section provides for offences relating to the protection of Desal Infrastructure and equipment.

15—Access to desalination plant land

This section provides for an offence for a person to access desalination plant land without authorisation from the Company.

16—Access to SML1 land

This section provides that the holder of a licence under the *Petroleum and Geothermal Energy Act 2000* will not be entitled to access any part of the area of a Special Mining Lease (or to be granted any such access) unless a statement of environmental objectives is in place in accordance with clause 19(13) of the Indenture.

17—Application of *Land Acquisition Act 1969*

The Minister may acquire land in accordance with the *Land Acquisition Act 1969*.

18—Approvals and declarations

Subsection (1) of this section relates to the validity of certain Project Approvals. Subsection (2) extends subsection (1) to project approvals given before the Ratification Date. Subsection (3) is a provision concerning the declaration made under section 46 of the *Development Act 1993* in relation to the Indenture on 21 August 2008.

Part 5—Authorised investigations

19—Appointment of authorised officers

The Minister may appoint persons to be authorised officers.

20—Authorised investigation

This section sets out the scope of an authorised investigation.

21—Powers of entry and inspection

An authorised officer may, for the purposes of an authorised investigation, enter and inspect land.

Part 6—Other matters

22—Water requirements

This section provides that any charges for the distribution of potable water or the provision of sewerage services within the town must comply with the requirements of clause 13(22) of the Indenture.

23—Supply of electricity

This section provides that any tariffs imposed by a power distribution authority must not, in respect of electricity supplied to consumers within the town, exceed the rates that apply under clause 18(16) of the Indenture.

Part 3—Variation of Indenture and SML1

11—Variation of Indenture

This clause provides that the amendments to the Indenture are ratified and approved.

12—Variation of SML1

This clause provides that the amendments to SML1 are ratified and approved.

13—Variation Date

This clause makes provision for the Variation Date, and prescribes procedures related to the extension of the Variation Date.

Schedule 1—Variation Deed

The Schedule contains the Variation Deed.

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

EDUCATION AND EARLY CHILDHOOD SERVICES (REGISTRATION AND STANDARDS) BILL

Received from the House of Assembly and read a first time.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (23:44): I move:

That this bill be now read a second time.

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

Leave granted.

The *Education and Early Childhood Services (Registration and Standards) Bill 2011* (the Bill) will provide a new modern legislative framework for the registration and regulation of all education and early childhood services in South Australia. This Bill is part of this Government's ongoing commitment to the reform of our education and early childhood legislation including the *Education Act 1972* and *Children's Services Act 1985*, which are now 39 and 26 years old respectively. The Bill will provide a legislative framework that underpins a streamlined approach to supporting the effective and efficient delivery of quality services to maximise benefits for children, their families and communities.

It is essential that we support parents by ensuring their chosen early childhood education and care services are of a high quality and provide the right foundation for children and young people. This has always been a priority for this Government. Australian and international research clearly demonstrates the importance of the early years in a child's brain development and on their future intellectual and social potential. We know that children who have access to stimulating and nurturing environments have better outcomes throughout their life, including enhanced self-esteem, improved educational outcomes and fewer health and social problems.

The lifelong benefits of quality early childhood education and care are well documented and the Bill helps South Australia fulfill its obligation to ensure children are given the best possible start in life.

The South Australian Government signalled its intention to improve outcomes in the regulation of education and early childhood services when the second legislation reform discussion paper was released for public consultation in 2008. This sought the South Australian education and early childhood sectors' and the broader community's views to help inform the drafting of legislation to support a quality education and care system for children and young people and this State's future. The discussion paper stressed that a collaborative partnership between sectors and communities involved in the education and care of children and young people is the hallmark of our approach to the delivery of quality education and early childhood services in South Australia.

The discussion paper proposed establishing a clearer, simpler, and more coherent legal framework for regulating the services that educate and care for children. The basis for the Bill is the strong feedback received in support of this approach.

As this Government has argued since that time, there is increasing recognition both at the State and national level of the need for legislative frameworks that support, not hinder, the effective and efficient delivery of services to maximise benefits for communities. Reducing red tape and focussing on how services can better assist families, children and communities is at the heart of this reform.

The Bill is the product of a two-year process of development through extensive consultation. An initial draft of the Bill was released for public consultation in October 2009. Over the intervening period it has been re-cast to address the scope and application of the commitments South Australia has made nationally under the Council of Australian Governments (COAG) in regard to the early years. The Bill has been the subject of intensive targeted consultation during the first half of this year. This has resulted in a number of improvements based on detailed and valuable input from stakeholders, particularly the Independent and Catholic schooling and early childhood sectors.

Consistent with the approach to consultation taken over the development of the Bill, all stakeholders have been invited to provide advice relating to the matters which will fall within the scope of subordinate legislation under this Bill. It is important to note that their input into this process will be vital in shaping any prescribed matters developed under the new Act.

The Bill provides the legislative underpinning for nationally consistent standards to ensure quality education and care is provided in long day care, family day care, preschool and out of school hours care services. These national standards were agreed by COAG in December 2009 and articulated in the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care (National Partnership Agreement), to which South Australia is a party. This Agreement includes the introduction of the new National Quality Standard through National Regulations. These cover seven quality areas:

- educational program and practice;
- children's health and safety;
- physical environment;
- staffing arrangements;
- relationships with Children;

- collaborative partnerships with families and communities;
- leadership and service management.

Key features of the scheme will be improved staff-to-child ratios, which will give each child more individual care and attention, higher staff qualifications, which will ensure staff have the skills to lead activities that help children learn, develop and participate fully in the programs on offer and a transparent ratings system which will give parents access to information about the quality of services so they can make more informed choices about the services their children attend

The foundation of this COAG Agreement was the establishment of a jointly governed, unified National Quality Framework for early childhood education and care and school-age care to replace existing separate licensing and quality assurance processes administered by States and Territories and the Commonwealth.

Australian Governments have agreed that the National Quality Framework will become operational from 1 January 2012 and will include a national system of provider and service approvals and supervisor certificates, the staged introduction of improved staff-to-child ratios and staff qualifications, the introduction of a quality assessment and rating system based on a National Quality Standard and the establishment of a new national body to oversee the implementation of the Framework.

The legislative approach taken in this State through the Bill is designed to have a positive impact on providers of all education and care services ensuring the regulatory framework is implemented and applied consistently across Australia. The Bill will streamline and enhance the regulatory system within this State by providing for the application in South Australia of the *Education and Care Services National Law Act 2010* (the National Law) as a law of the State of South Australia, as well as the regulation of other early childhood services not within the scope of the national early childhood reforms and the registration of both Government and non-Government schools in South Australia.

The National Law establishes the elements of the National Quality Framework, including adoption and transition processes, application processes and monitoring and compliance requirements. The National Law also sets out the roles and responsibilities of the Australian Children's Education and Care Quality Authority (ACECQA) and the Regulatory Authorities for the States and Territories. The new South Australian Regulatory Authority will be responsible for matters including approving persons and services that provide education and care, monitoring compliance with the National Law and assessing and publicly rating services against the new National Quality Standard.

Under the National Quality Framework, an approval to provide an education and care service is valid in all participating jurisdictions. This means a person or organisation will not have to receive separate approval for each State or Territory in which they wish to operate.

The National Law provides for a certification process for supervisors of a service, whereby the holder of a supervisor certificate is deemed fit proper to manage the day-to-day operation of a service. Like approved providers, these supervisors will have their certification recognised nationwide. This is an important reform as Australia's workforce becomes ever more mobile.

The National Law will also provide, in certain circumstances, for a system of waivers which will allow early childhood providers to operate and deliver services to their communities under strictly controlled conditions if they do not fully meet a standard.

In regard to family day care, it is the scheme, not the individual family day educator, that will be subject to provider and service approval. This will be a change for South Australia. The Department of Education and Children's Services (DECS) is currently the sole sponsor of family day care in this State and officers of the department will continue to regulate family day care educators within DECS schemes while being regulated themselves under the National Law. The Bill also provides for the regulation of individual family day care educators who are not part of a scheme.

To further reduce regulatory burden, existing approved providers and services and certified supervisors will be moved over in a seamless transition from the old system to the new.

The regulations which will be made under the National Law are currently being finalised following extensive national consultations. These regulations will provide further detail on the National Quality Standard, the assessment and rating system, staff to child ratios and fees associated with the National Quality Framework. As provided for in the National Law these will be made by the Ministerial Council for Education, Early Childhood Development and Youth Affairs and subject to parliamentary processes required in each jurisdiction. In South Australia these and any other required regulations will be tabled in Parliament once the legislation has been enacted.

Passage of this Bill, which applies the National Quality Framework in South Australia, reaffirms the high priority that this Government places on the health, welfare, safety and education of our children.

The Bill will also replace the myriad of regulatory systems under which providers of education and early childhood services currently operate. The Bill replaces the current Non-Government Schools Registration Board with the Education and Early Childhood Services Registration and Standards Board (the new Board).

Under the legislation the new Board will build on the excellent work undertaken to date by the Non-Government Schools Registration Board, while extending the regulatory system to all government schools, as well as preschools, out of school hours care, family day care and child care services in its role as the Regulatory Authority under the National Law. The new Board will also regulate the residual early childhood services not covered

under the National Law, thereby effectively linking the administration of regulation of all services, within a single independent regulatory authority for all education and care services.

This system will eradicate the requirement for a single service provider who provides a range of services to relate to multiple regulatory bodies under a range of legislation. The National Partnership Agreement anticipates that in the future some residual early childhood services will move within the full scope of the National Law. The approach taken in the Bill of having broad structural consistency will support a smooth transition and minimise the impact on service providers if this occurs. The introduction of a single National Quality Standard for nationally regulated services will ensure the same quality standards are met by services across Australia.

The Bill establishes the new Board with a large degree of autonomy, which is balanced with a limited power for the Minister to give written direction to the Board. The Minister may not give a direction in relation to the registration of a school, determination of criteria for registration, particular proceedings before the Board or a complaint, and any direction given is required to be laid before Parliament.

The Bill establishes Board membership that is reflective of the services it will oversee. Board members will bring with them the experience and knowledge of the various services and sectors the Board will regulate. The Bill also provides for the appointment of skilled, high level staff who understand and will be the first point of contact for providers in the relevant sectors. The Early Childhood Services, non-Government Schools and Government Schools Registrars will work together with the Board and the sectors in the best interests of children and our community.

Together with application of the National Law, the objects of the Bill are to ensure the provision of quality education and early childhood services and the high standards of competence and conduct of providers of such services through a system of registration of schools. The provisions in the Bill that cover school registration improve on the current provisions in the *Education Act 1972* that relate to non-Government schools, while setting out minimum entry requirements for the provision of schooling services.

When enacted, the Bill will repeal the provisions in Part 5 of the *Education Act 1972* (the Education Act) which date back to the early 1980's. These provisions were inserted into the Education Act to regulate a considerably smaller non-Government schooling sector. It is widely acknowledged that these provisions no longer provide an appropriate foundation and do not cover public schools. The consultations undertaken have identified a need for greater clarity around the role, function and operation of the regulatory functions currently undertaken by the Non-Government Schools Registration Board. The Bill continues this Government's approach to removing the outdated legislative provisions in the Education Act and locating them appropriately in relevant legation. The Bill will also repeal relevant sections of the *Children's Services Act 1985* which relate to the regulation of early childhood services, as these matters will fall within the ambit of the new South Australian Education and Early Childhood Services (Registration and Standards) Act.

Other key features of the Bill include:

- sound objects and principles to guide the Board and the operation of the Act;
- clauses to adopt the National Law as a law of South Australia, together with transitional and savings provisions to ensure a smooth changeover for services;
- functions of the Board in relation to regulation of schools and early childhood services, including approving requirements for registration, maintenance of registers and preparation and endorsement of codes of conduct;
- complaints handling processes, including the explicit provision for complaints to be referred back to schools in particular circumstances;
- provisions required to effectively support the maintenance of high standards, including offences and disciplinary proceedings, with specific protections for members of school governing authorities who are volunteers;
- provision of a range of compliance options ensuring the most appropriate and proportional response to issues that may arise, including powers for officers authorised by the Board to conduct investigations in relation to complaints;
- protections for those regulated by the Act, including the right to internal and external review of decisions of the regulator which guarantee the principles of natural justice apply at the same time as ensuring the safety, health and wellbeing of children.

The principles of best practice regulation, of integration, of proportionality and efficiency, of responsiveness and flexibility, of transparency and accountability, of independence, of mutual responsibility, of consistency and cooperation with an awareness of the broader regulatory environment are all reflected in the Bill. The regulatory approach taken in this Bill is outcomes focussed, while maintaining the minimum standards for the safety and welfare of children and young people.

The passage of this Bill will enable South Australia to maintain its place nationally in leading and implementing progressive reforms. The National Law was passed by the Victorian Parliament on 5 October 2010. New South Wales passed legislation to apply the National Law on 23 November 2010. The Australian Capital Territory introduced a Bill to apply this legislation on 7 April of this year. All other State and Territory Governments will be moving to enact the reforms embodied in the National Law.

This is ground breaking legislation, which will best underpin the delivery of our schooling and early childhood services, particularly those integrated services which provide a range of services from birth to the end of schooling.

This Bill will help to ensure that South Australians have confidence in the quality of all education, care and early childhood services for children and young people and for South Australia's future.

We are well on the road to legislative reform in the best interests of young South Australians.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in this measure.

4—Early childhood services

This clause defines 'early childhood services' for the purposes of the Act. Those services include in-home care services (ie baby sitting services), occasional care services and rural or mobile care services. The scope of those services is to be set out in the regulations.

These services are not the same as education and care services within the meaning of the *Education and Care Services National Law (South Australia)*, and are regulated under Part 3 of the measure rather than the National Law.

5—Parts of Act not to apply in relation to certain services

This clause provides that certain parts of the measure (being parts dealing with schools and residual early childhood services) do not apply to services that are to be regulated under the *Education and Care Services National Law (South Australia)*.

6—Governing authority

This clause sets out who or what is the governing authority of a school.

7—Limitation of liability for volunteer members of governing authorities

This clause limits when a volunteer member of a school's governing authority can be liable for a prescribed offence (defined in subsection (2) of the section). For a volunteer to be liable, a prosecutor must first prove that the volunteer acted in a manner contemplated by the clause.

8—Responsible authorities

This clause sets out who is the responsible authority for various schools or classes of school. A responsible authority accepts liability for certain conduct on the part of a school if that school is not incorporated.

9—Objects and principles

This clause sets out the objects and principles for the measure. Further matters are set out in the *Education and Care Services National Law (South Australia)* as they relate to that Law.

Part 2—Adoption of *Education and Care Services National Law*

10—Application of *Education and Care Services National Law*

This clause applies the Education and Care Services National Law text (set out in Schedule 1) as a law of this State.

11—Amendments to law to maintain national consistency

This clause provides a regulation-making power to amend the Education and Care Services National Law text if the Parliament of Victoria amends the National Law as set out in the Victorian Act.

12—Exclusion of legislation of this jurisdiction

This clause excludes the operation of specified legislation to the *Education and Care Services National Law (South Australia)*. The effect of the excluded legislation is preserved, however, by provisions in the National Law.

The clause also makes a consequential amendment in respect of the inclusion of new section 11, applying the *Subordinate Legislation Act 1978* to regulations made under that section, and requiring certain regulations under the National Law to be laid before the Legislation Review Committee of the Parliament.

13—Meaning of certain terms in *Education and Care Services National Law (South Australia)* for the purposes of this jurisdiction

This clause defines terms used in the *Education and Care Services National Law (South Australia)* in respect of its application in this State.

14—Penalty at end of provision

This clause makes clear that a penalty specified in the *Education and Care Services National Law (South Australia)* is a maximum penalty.

15—Tabling of annual report

This clause requires the Minister to table in Parliament the annual reports of the National Authority under the *Education and Care Services National Law (South Australia)*.

Part 3—Application of *Education and Care Services National Law (South Australia)* to residual early childhood services providers

16—Application of *Education and Care Services National Law (South Australia)* to residual early childhood services providers

This clause applies the *Education and Care Services National Law (South Australia)*, as modified by Schedule 1 of the measure, to residual early childhood services providers. Those providers provide services that would not otherwise be covered by the national law.

17—Exemption from certain provisions of *Education and Care Services National Law (South Australia)*

This clause enables the Minister to exempt certain persons from the application of the *Education and Care Services National Law (South Australia)*.

Contravention of a condition of an exemption attracts a maximum penalty of $10,000.

Part 4—Administration

Division 1—The Minister

18—Functions of Minister

This clause sets out the functions of the Minister under the measure. Further functions may be found in the *Education and Care Services National Law (South Australia)* in respect of services to which that Law applies.

19—Ministerial directions

This clause provides that the Minister may direct the Board in relation to certain matters.

However, the Minister cannot give directions in relation to particular matters before the Board, as set out in subsection (2).

The clause also makes procedural provisions in relation to directions.

20—Power of delegation

This clause provides a standard delegation power to the Minister, with the proviso that the Minister cannot delegate a function or power prescribed by the regulations.

Division 2—The Education and Early Childhood Services Registration and Standards Board of South Australia

Subdivision 1—The Board

21—Establishment of Board

This clause establishes the Education and Early Childhood Services Registration and Standards Board of South Australia (the *Board*).

22—Composition of Board

This clause sets out the composition of the Board, providing for a diverse membership drawn from the relevant sectors.

23—Conditions of membership

24—Casual vacancies

25—Allowances and expenses

26—Validity of acts

Clauses 22 to 25 are standard provisions in respect of Boards and their membership.

Subdivision 2—Registrars and staff

27—Registrars of Board

This clause establishes 3 Registrars of the Board, reflecting the different sectors. They are—

- the Registrar for the Government sector (the *Government Schools Registrar*);
- the Registrar for the non-Government sector (the *non-Government Schools Registrar*);

- the Registrar for the early childhood services sector (the *Early Childhood Services Registrar*).

28—Staff of Board

This clause sets out who may be employed by the Board as its staff, and deals with the entitlements of staff who transfer to the Board from the Public Service.

Subdivision 3—Functions of Board

29—Functions of Board

This clause sets out the functions of the Board under the measure. The Board may also have functions under the *Education and Care Services National Law (South Australia)* in its capacity as Regulatory Authority under that Law.

30—Complaint made directly to Board to be referred to school

This clause sets out what the Board must do if a complaint regarding a school is made directly to the Board rather than to the school. In short, the Board must refer the complaint to the school, however if the Board thinks the matter would be more appropriately dealt with by way of disciplinary proceedings under the measure, it can direct the appropriate Registrar to commence the proceedings without first referring the matter to the school.

31—Committees

The Board may establish committees to assist in its administration of the measure.

32—Power of delegation

This clause provides a standard delegation power to the Board, with the proviso that the Board cannot delegate a function or power prescribed by the regulations, nor its powers in respect of disciplinary proceedings.

Subdivision 4—Board's procedures

33—Board's procedures

This clause sets out procedures relating to how the Board operates. The provisions are essentially common to similar boards, however proposed subsection (2) requires a minimum number members of the Board representing particular sectors to be present at any meeting of the Board.

34—Conflict of interest etc under *Public Sector (Honesty and Accountability) Act 1995*

This clause provides that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* simply because the member has shared interests common across persons in the relevant sectors generally.

35—Powers of Board in relation to witnesses etc

This clause sets out the Board's powers in relation to persons appearing, or required to appear, before the Board. The Board has the power to summons people, and a person who fails to comply with a summons, or commits other offences set out in subsection (3), may be liable to a fine of up to $10,000 or imprisonment for 6 months. It is a standard provision in relation to Boards of this type.

36—Principles governing proceedings

This clause sets out some principles applying to proceedings before the Board. Most importantly, whilst the Board may dispense with rules of evidence, it must nevertheless afford natural justice and procedural fairness to parties, and must keep parties informed of progress in the proceedings.

37—Representation at proceedings before Board

A party to proceedings may be represented by a lawyer, and the Board itself may be assisted by a lawyer in proceedings.

38—Costs

This clause allows the Board to impose a costs order on a party to proceedings. The order may be taxed by the District Court in the event of a dispute over the quantum of the order.

Subdivision 5—Financial matters, audit and annual report

39—Accounts and audit

This clause requires the Board to keep financial accounts and have them audited by the Auditor-General.

40—Annual report

This clause requires the Board to provide the Minister with an annual report, and sets out what the report must contain. The report must be tabled in Parliament.

Part 5—Registration of schools

Division 1—Registers

41—Registers

This clause requires the Board to keep a schools register and a register of schools that have been removed from the schools register and who have not been reinstated to that register.

The clause also sets out what must be included in the registers, and access to them by members of the public.

Division 2—Registration on schools register

42—Schools to be registered

This clause provides that a school must not provide education services (ie primary and secondary education) nor enrol students unless it is registered on the schools register.

A school, or the responsible authority for the school, that does those things in contravention of the section is guilty of an offence with a maximum penalty of $75,000.

43—Registration on schools register

This clause sets out when a school is eligible for registration on the schools register. The regulations may set out further requirements for registration, however the regulations will only be made once the Board has consulted with specified bodies and has recommended the making of the regulations to the Governor.

Once registered, a school's registration will remain in force until it is cancelled under the Act.

44—Board may impose conditions on registration

This clause permits the Board to impose such conditions as it thinks fit on the registration of a school, and to vary or revoke such conditions.

Failure to comply with a condition may ground disciplinary proceedings against the school.

45—Certificates of registration

This clause requires the Board to provide a certificate or certificates of registration to each registered school, and requires the school to display such certificates.

Failure to comply with the section may ground disciplinary proceedings against the school.

46—Removal from schools register

This clause sets out when a school must be removed from the schools register (ie, on the application of the school, because the school is no longer eligible for registration, or because the registration is suspended or cancelled under the measure).

47—Board may cancel registration

This clause allows the Board to cancel the registration of a school if the Board is satisfied that the school is no longer providing education services pursuant to the registration.

48—Reinstatement on schools register

This clause sets out how and when a school that has been removed from the schools register can be reinstated to that register. This cannot happen while the school is disqualified or suspended from registration by order of the Board.

49—Endorsement of registration with approval to enrol full fee paying overseas students

This clause requires the Board to endorse the registration of a school with an approval to enrol full fee paying overseas students if that school satisfies the requirements set out in the regulations.

An endorsement may be subject to conditions.

Failure to comply with the conditions may ground disciplinary proceedings against the school.

50—Removal of endorsement

This clause requires the Board to remove the endorsement of a school's registration with an approval to enrol full fee paying overseas students if the school so applies, if the endorsement is cancelled under this measure, or if the school no longer complies with the requirements for endorsement.

Division 3—Offences

51—Procurement of registration by fraud

This clause creates an offence for a person who dishonestly procures registration on the schools register, carrying a maximum penalty of $75,000 or 6 months imprisonment.

52—Improper directions to another member of governing authority

This clause creates an offence for a person who occupies a position of authority in an incorporated or trustee services provider (a term defined in the measure) to direct or pressure a member of the governing authority of the school, or the responsible authority for the school, to engage in misconduct, carrying a maximum penalty of $75,000.

53—Illegal holding out

This clause creates offences of holding out in relation to a school, or the registration or endorsement of registration of a school. The maximum penalty is a fine of $50,000.

Division 4—Review of registration

54—Review of registration

This clause requires the Board to review the registration of registered schools in accordance with the requirements set out in the regulations.

Those regulations, and hence the requirements, require the recommendation of the Board to be made.

Part 6—Record keeping and information gathering

Division 1—Records to be kept by registered schools

55—Interpretation

This clause defines terms used in Part 6 of the measure.

56—Records to be kept by registered schools

This clause requires registered schools to keep certain specified records, including records previously required to be kept under section 72N of the *Education Act 1972*.

Such records must be kept in accordance with the requirements set out in the regulations.

Failure to comply with the section may ground disciplinary proceedings against the school.

Division 2—Information gathering

57—Board may require information

This clause allows the Board, by notice in writing, to collect information from a registered school or a person who occupies a position of authority in a corporate or trustee services provider.

The person or school must not fail to comply with such a notice. To do so may ground disciplinary proceedings against the person or school.

Part 7—Disciplinary proceedings

Division 1—Preliminary

58—Application of Part

This clause disapplies the disciplinary proceedings under the Part in relation to a teacher if the relevant matter would constitute a proper cause for disciplinary action against the teacher under the *Teachers Registration and Standards Act 2004*.

59—Interpretation

This clause defines terms used in this Part of the measure.

60—Cause for disciplinary action

This clause sets out the matters that will constitute a proper cause for disciplinary action under the measure against registered schools, members of the governing authority of registered schools, persons who occupy a position of authority in incorporated or trustee services providers and responsible authorities for registered schools respectively.

Division 2—Constitution of Board for purpose of proceedings

61—Constitution of Board for purpose of proceedings

This clause sets out requirements as to how the Board will be constituted for the purposes of proceedings under Part 7 of the measure. The provision ensures that appropriate representation and expertise in relation to the various education sectors is present on the Board when a matter related to their sector is being heard.

The Board must comprise at least 3 members for disciplinary proceedings, and a special member may be appointed by the Governor.

The clause also sets out procedural matters relating to the Board when conduct proceedings under Part 7.

Division 3—Proceedings before Board

62—Inquiries by Board as to matters constituting grounds for disciplinary action

This clause sets out when, and how, a complaint can be laid before the Board in relation to a matter alleged to constitute grounds for disciplinary action under the measure. Such a complaint can be laid by the relevant Registrar under the measure, or by the Minister.

The clause requires the Board to investigate the subject matter of the complaint.

If the Board is satisfied that there is proper cause for disciplinary action against a school or person, the Board may make 1 or more of the orders referred to in proposed subsection (4).

63—Contravention etc of condition

This clause provides that, if the Board imposes a condition in relation to a registered school or person under proposed section 61, it is an offence for the relevant school or person to fail to comply with the condition. The maximum penalty for the offence is a $75,000 fine.

64—Contravention of prohibition order

This clause provides that, if the Board makes an order prohibiting a person from taking certain actions under proposed section 61, it is an offence for the person to contravene the order. The maximum penalty for the offence is a $75,000 fine or 6 months imprisonment.

65—Register of prohibition orders

This clause requires the Board to maintain a register of persons who have been prohibited by order of the Board under Part 7.

66—Variation or revocation of conditions imposed by Board

This clause provides that the Board may vary or revoke a condition it imposed on the registration of a school under proposed section 61 on the application of the school.

67—Further provisions as to proceedings before Board under this Part

This clause sets out further procedural provisions relating to proceedings of the Board under Part 7 of the measure. In particular, Board must give 14 days written notice of proceedings to parties.

Part 8—Enforcement

68—Authorised officers

This clause provides that the Board may appoint a person to be an authorised officer for the purposes of the measure.

69—Powers of authorised officers

This clause sets out the powers of authorised officers under this measure.

In particular, an authorised officer may investigate a matter if he or she suspects on reasonable grounds that there is a proper cause for disciplinary action against a school or person, or that a school or person has committed an offence under the measure.

70—Offence to hinder etc authorised officers

This clause provides offences relating to authorised officers exercising powers under the measure. The maximum penalty for an offence against the proposed section is a fine of $5,000.

Part 9—Review and appeal

Division 1—Internal review

71—Internal review of certain decisions of Board

This clause provides a mechanism for the review of specified Board decisions, in contrast to the appeal provision in clause 71. The clause sets out what decisions can be reviewed, what can be done following a review and procedural matters relating to reviews.

Division 2—Appeal

72—Right of appeal to District Court

This clause sets out an appeal right to the District Court in relation to specified decisions of the Board. The provision sets out procedural matters in relation to appeals.

73—Operation of order may be suspended

This clause enables the Board or the District Court to suspend orders of the Board pending determination of an appeal.

74—Variation or revocation of conditions imposed by District Court

This clause allows the District Court to vary or revoke a condition on the registration of a school imposed by the Court.

Part 10—Miscellaneous

75—Use of certain terms or descriptions prohibited

This clause establishes offences comprising the use of specified terms or descriptions by a person or body who is not entitled to use them to describe a service the person provides. The measure specifies 'registered school' as such a term, but the regulations under the measure may prescribe further terms. The maximum penalty for an offence against the proposed section is a fine of $50,000.

76—Exemptions

This clause permits the Minister to exempt a registered school or person, or class of registered schools or persons, from provisions of the measure.

77—Statutory declarations

This clause allows the Board to require certain information provided to it under the Act to be verified by statutory declaration.

78—False or misleading statement

This clause creates an offence for a person to make a statement that is false or misleading in a material particular in any information kept or provided under this measure. The maximum penalty for an offence against this provision is a fine of $20,000.

79—Victimisation

This clause creates a right of action for a person who has been victimised because the person has provided information or made an allegation under the measure, or intends to do so. The clause also sets out procedural matters in relation to such actions.

80—Self-incrimination

This clause provides that if a person is required to provide information or to produce a document, record or equipment under this measure and the information, document, record or equipment would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide the information or produce the document, record or equipment, but the information, document, record or equipment so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than in relation to certain record keeping and false statement offences.

81—Punishment of conduct that constitutes offence

This clause provides that the taking of disciplinary action under the measure is not a bar to criminal prosecution for the same conduct, and vice versa.

82—Continuing offence

This clause is a standard provision providing for continuing offences and aggregating penalties for same.

83—Offences by bodies corporate

This clause provides that, if a body corporate commits an offence against this Act, any person with management or control of the body corporate who failed to exercise due diligence to prevent the contravention that is the subject of the offence also commits that offence. The penalty for such an offence is that which would apply to an individual found guilty of the offence.

84—General defence

This clause establishes a defence to charges of offences against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

85—Immunity of persons engaged in administration of Act

This clause confers immunity from personal liability to a person engaged in the administration of this Act for an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of official powers or functions. However, if liability is otherwise found to exist, that liability rests with the Crown.

86—Application of fines

This clause requires fines imposed by courts and paid by defendants to be paid to the Board.

87—Confidentiality

This clause makes provision regarding ensuring the confidentiality of personal information obtained in the course of administering the Act. The clause sets out the circumstances in which such information can be divulged, and creates an offence for where it is divulged in contravention of the proposed section, with a maximum penalty of $10,000.

The clause also sets out what use can be made of the information, and provides a regulation-making power in relation to the disclosure of information.

88—Service

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

89—Evidentiary provision

This clause sets out certain evidentiary presumptions, whereby an allegation in a complaint relating to specified information will be considered proved unless the defendant offers proof to the contrary.

90—Regulations

This clause confers regulation-making powers in relation to the measure. Of note is the power to vary Schedule 1 of the measure to modify the *Education and Care Services National Law (South Australia)* as it applies in this jurisdiction, both to education and care services (within the meaning of that Law) and residual early childhood services.

Schedule 1—Education and Care Services National Law

1. This Schedule sets out the Education and Care Services National Law text.

Schedule 2—Modifications to *Education and Care Services National Law (South Australia)* for purposes of Part 3

This Schedule modifies the *Education and Care Services National Law (South Australia)* as contemplated by section 15 of this measure.

Those modifications take 2 basic forms: clause 2 of the Schedule excludes the operation of specified sections altogether in relation to residual early childhood services (ie, those services to which the National Law does not apply because they do not fall within the definition of 'education and care service' in that Law). Such exclusions include rating such services, provisions dealing with associated children's services, fees set at a national level and other matters not relevant to residual services.

Similarly, the national regulations under the National Law do not apply to those residual services.

The other form is the modifications made by clause 3, being modifications that change the way the law, as it applies to residual services, is to operate. In particular, those modifications allow State regulations to set the relevant standards and exemptions for the residual services.

Schedule 3—Related amendments and transitional provisions

This Schedule makes related amendments and transitional provisions as follows:

Part 1 is formal.

Part 2 makes a number of amendments to a number of Acts consequential upon the passing of the measure. Those amendments are predominantly changes to obsolete references. However, the *Children's Services Act 1985*, the *Education Act 1972* and the *Teachers Registration and Standards Act 2004* are amended to reflect the changes made by this measure in respect of the relocation of the registration and standards component of the regulation of education and children's services to this measure.

Part 3 makes transitional arrangements related to the passage of this measure. In particular, schools and early childhood service providers operating in accordance with the current *Children's Services Act 1985* and *Education Act 1972* are deemed to hold the requisite registration and approvals under the new measure. Similarly, staff of those services are deemed, in the circumstances set out in the Part, to hold the necessary certificates and approvals required under the measure. This ensures continuity of the provision of education and early childhood services.

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

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

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

No 1. New clause, page 7, after line 9—

After clause 11 insert:

11A—Amendment of section 28A—Criminal intelligence

Section 28A—after subsection (2) insert:

(2a) If the Commissioner proposes to impose a licence condition to improve public order and safety or to issue a public order and safety notice in respect of a licence and the decision to do so is made because of information that is classified by the Commissioner of Police as criminal intelligence, the Commissioner is not required to provide any grounds or reasons for the decision other than that it would be contrary to the public interest if the condition were not imposed or the notice were not issued.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

At 23:46 the council adjourned until Thursday 20 October 2011 at 14:15.