LEGISLATIVE COUNCIL

Wednesday 30 May 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:18): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:18): I bring up the ninth report of the committee.

Report received.

PAPERS

The following papers were laid on the table:

By the Minister for Industrial Relations (Hon. R.P. Wortley)—

Central Northern Adelaide Health Service—Report, 2009-10
Reports, 2010-11—
- Ceduna District Health Services Health Advisory Council Inc.
- Coorong Health Service Health Advisory Council Inc.
- Eudunda Kapunda Health Advisory Council Inc.
- Loxton and Districts Health Advisory Council Inc.
- Mallee Health Service Health Advisory Council Inc.
- Mannum District Hospital Health Advisory Council Inc.
- Mid North Health Advisory Council Inc.
- Renmark Paringa District Health Advisory Council Inc.
- Waikerie and Districts Health Advisory Council Inc.

Response to the Health Performance Council's Report on the Review of Country Health Advisory Councils' Governance Arrangements, December 2011

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Reports, 2011—
- Department of Education and Child Development
- SACE Board of SA

QUESTION TIME

REGIONAL SKILLS SHORTAGES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Minister for Tourism a question about regional labour and skills shortages in South Australia.

Leave granted.

The Hon. D.W. RIDGWAY: My Victorian colleague, the Minister for Tourism and Major Events, Louise Asher, has announced a joint state-federal tourism plan to address labour and skills shortages. The plan is an initiative of the national tourism strategy called Tourism 2020. It identifies employment and training needs, linking businesses with government and industry programs. The Victorian coalition government recognises the challenges and opportunities facing the tourism industry, including a tight labour market.

That is why Victoria, a direct competitor of this fine state of South Australia, is in the international and interstate tourism industry making sure its tourism workforce meets the demand with skills required. I am told that South Australia has made a feeble attempt to emulate the same

program on Kangaroo Island, but here hotels, cafes, restaurants and travel and retail businesses are largely in the dark about any such initiative. The Victorian tourism industry is worth $15 billion to the state each year, which means it is more than three times the size of our industry. My questions are:

1. Why is South Australia not able to properly match this initiative?

2. Why is the minister content to let Victoria grow at South Australia's expense?

3. What action has the Minister for Tourism taken to ensure that domestic and international visitors can access Kangaroo Island on Christmas Day, following the announcement by Regional Express that it would not be flying there on 25 December? Of course, the SeaLink ferry service does not operate on Christmas Day.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:22): I thank the honourable member for his most important question. Indeed, the issue of an appropriate skilled labour force in the area of tourism is a real challenge for all jurisdictions, and it has been an issue that the tourism ministerial committee has been working on for some time with a number of projects placed throughout Australia.

We are very fortunate here in South Australia because, compared with many other states, we do not suffer the same skills and workforce shortages as many other jurisdictions do, so we are very well placed in that respect. Certainly in terms of work being done at a federal level, and of South Australia participating in that, we do continue to work on strategies to ensure that we have an appropriate skilled workforce in the area of tourism.

We know that here in South Australia we are doing extremely well, particularly compared with other jurisdictions. I have already mentioned in this place, but I will mention it again briefly, that South Australia attracted 4.95 million domestic overnight visitors in our last tally, an increase of 8 per cent from the year ending December 2010. I am advised that this is the highest year-on-year growth in visitor numbers for 11 years, the second highest growth of all states and territories, and twice the national growth rate of 4 per cent.

As I have said in this place before, South Australia is punching way above its weight. Our market share—that is, the proportion of Australian domestic visitors that occur in South Australia—rose from 6.8 per cent to 7.1 per cent, driven by very strong growth in both intra and interstate visitation. SA recorded growth in all purposes of visits: business, up 14.8 per cent; visiting friends and relatives, up 8.7 per cent; and holiday, up 3.3 per cent—higher again than the national results, so again, punching way above our weight.

It is good news and, as always in this place, we see the opposition coming in here and instead of singing our praises and pointing out the great strengths that South Australia offers the tourism sector and our hardworking relationship with tourist operators; instead of singing our praises and acknowledging the hard work year in, year out of our tourism operators, the hard grind—they are often very small businesses, often family businesses, that work their guts out day in day, out and make this state the success it is—do we hear any acknowledgement of the hard work of our tourism operators? No; all we hear is doomsday and bagging and bemoaning.

In relation to Christmas Day, that is a supply and demand matter. I am confident that, if there was a demand there, a supply would be forthcoming. I challenge the member opposite me, the Hon. David Ridgway, to come into this place one day and acknowledge the hard work and significant achievements of our tourism operators right throughout this state. They are the backbone of tourism.

ADELAIDE ENTERTAINMENT CENTRE

The Hon. J.M.A. LENSINK (14:27): I seek leave to make a brief explanation before directing a question to the Minister for Tourism on the subject of the Entertainment Centre corporate box.

Leave granted.

The Hon. J.M.A. LENSINK: Today the Treasurer announced that the government is giving up its schmoozing suite—No. 27—at the Adelaide Entertainment Centre, at a saving of some $300,000 over four years, which the Treasurer described as a place for 'ministers to provide entertainment generally to stakeholders in the areas of their portfolios'. My questions for the minister are:

1 If the government is so concerned about being seen to be cutting the cloth, as the Treasurer put it, why did the minister not simply cancel the lease when she sacked the CEO of the tourism board?

2. Can she take on notice and provide to the chamber the number of parliamentary staff and unionists who have used that suite in the last 12 months?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:28): Again, what do we see in this place? The government makes an announcement about doing away with our corporate box as part of budget savings, as part of pulling our belt in, and what do we get? More whingeing and whining and carping and moaning and griping from the opposition. That is what we get. It is absolutely pathetic. That is all we get: whingeing, whining, groaning, bemoaning, bagging, and talk about lazy!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gazzola and the Hon. Mr Ridgway will stop debating the issues across the floor.

The Hon. G.E. GAGO: Thank you, Mr President. The government has always sought to use the corporate box to promote the state to visitors and potential investors. We have also used the box to celebrate the achievements of volunteers, community groups and other non-government organisations and the like. However, we believe that, in this budget, the government needs to pull its belt in, so we have done away with our corporate box.

If the honourable member wants any detailed information about the box, that is available. She can put in an FOI request. All that information is available. It is all there, open and on the record. It is completely open and transparent. They need to get off their tails. They are lazy—completely lazy and indifferent. So, if they want that information, it is there. All the have to do is ask for it.

The PRESIDENT: The Hon. Ms Lensink has a supplementary.

ADELAIDE ENTERTAINMENT CENTRE

The Hon. J.M.A. LENSINK (14:30): Is the minister saying that she refuses to provide that information on notice and that members must FOI it to get it out of the government?

The Hon. J.M. Gazzola: What's the question?

The Hon. J.M.A. LENSINK: It's a supplementary to her answer. Weren't you listening?

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:30): I have answered the question.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The information is there and available. They are just lazy. They are a lazy, indifferent opposition—a lazy, whingeing, whining, carping opposition.

The PRESIDENT: The Hon. Mr Brokenshire has a supplementary or a confession.

ADELAIDE ENTERTAINMENT CENTRE

The Hon. R.L. BROKENSHIRE (14:30): Can the minister advise the house when the decision to do away with the very impressive government box was made, given that I have had an FOI in for some time and can't get a response?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:30): It was part of budget discussions, which are recent discussions that have been had over the last number of weeks. It was just really part of our budget discussions.

The PRESIDENT: Honourable members might be interested to know that I went and saw the Wiggles. The Hon. Mr Wade.

The Hon. D.W. Ridgway: In the box, Mr President?

The PRESIDENT: In the box, yes.

The Hon. D.W. Ridgway: I suppose you could understand what they were saying anyway.

The PRESIDENT: Yes. They sounded a lot like you, Mr Ridgway. The Hon. Mr Wade.

LOCAL GOVERNMENT

The Hon. S.G. WADE (14:31): We might be getting the Wiggles mixed up with the Teletubbies, but anyway. I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question regarding the Local Government Act.

Leave granted.

The Hon. S.G. WADE: The Independent Commissioner Against Corruption Bill was tabled on 2 May 2012. The bill proposes to make the most significant changes to the governance of local government in 15 years, through amendment of the Local Government Act. The changes totally reform the section 272 inquiry processes used in the Burnside council investigation.

The Local Government Act is committed to the Minister for State/Local Government Relations. Under the State-Local Government Relations Agreement, state and local government jointly commit to a legislative protocol which requires agreement with the LGA before the government commences the parliamentary process. My questions are:

1. As the minister responsible for local government and the Local Government Act, what steps did the minister take to consult the Local Government Association on proposed changes to the Local Government Act before the Independent Commissioner Against Corruption Bill was tabled?

2. In particular, when did the minister reach agreement with the LGA on the proposed changes to the Local Government Act before the bill was tabled, as required by the intergovernmental agreement?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:32): I want to make sure I get the right answer for you. Here we go; it's all there. I would like to thank the member for his very important questions. The State-Local Government Relations Agreement between the state government and the LGA has been refreshed and was signed by the Premier and the President of the Local Government Association on Thursday 17 May.

The agreement is in two parts: the agreement itself, which sets out principles of engagement between state and local government; and the schedule of priorities which outlines annual priorities for joint action. As Minister for State/Local Government Relations, I witnessed the signing of these two key documents. This agreement has been in place since 2004 and the government takes it very seriously.

The agreement also includes a protocol of consultation between state and local government on legislation that will impact on the sector. As the house would be aware, sometimes the priorities of government and public expectations limit the ability for extensive consultation. In addition, sometimes, of course, we need to agree to disagree.

Nevertheless, I understand there have been numerous discussions with the LGA about the ICAC legislation. I understand the LGA has raised concerns about provisions within the bill pertaining to the impact on the LGA itself. I am in the process of facilitating a meeting between the Attorney-General and the President of the LGA and other elected officials to discuss this matter.

The government is working very closely with the LGA on developing some of the detailed proposal contained in the ICAC bill that will have significant impact on local government, in particular, a mandated code of conduct for council members and council staff. This has involved an extended period of consultation with councils, the LGA and other stakeholders. The President of the LGA and I expect to receiving a briefing on the results of this during June 2012.

LOCAL GOVERNMENT

The Hon. S.G. WADE (14:35): By way of supplementary question, the minister referred to numerous discussions between the government and the Local Government Association in relation to the impact of the bill on local government. Has he been involved in any of these discussions?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:35): I have been involved with a number of discussions with the President of the LGA and the CEO—

The Hon. J.S.L. Dawkins: Who is that?

The Hon. R.P. WORTLEY: —Ms Wendy Campana. I thought you would have known that by now. After all these years I thought you would have known that—I caught you out on that one, didn't I? We've got an option paper and a discussion paper out with council at the moment. I have had extensive discussions with the councils themselves. I go out every week to a different council and discuss the issues about governance and codes of conduct.

Probably the consultation between myself as local government minister and councils is probably more extensive than under any other minister in the history of this state. I am quite confident that, at the end of the day, when we finally look at a code of conduct, sanctions and areas of conflict of interest and in-confidence meetings, by the time we are actually ready to act on that within the Local Government Act and regulations, the councils will know exactly what they are in for. I hope that answers the member's question.

LOCAL GOVERNMENT

The Hon. S.G. WADE (14:36): By way of further supplementary, in the original answer the minister referred to numerous discussions between the government and the Local Government Association, and he led us to believe that that involved him talking to the CEO of the Local Government Association and the President. Can he assure the house that those discussions involved discussion of the ICAC bill as it impacts on the Local Government Act?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:37): I have had discussions from the very beginning—from the moment I decided to terminate the Burnside investigation—with the LGA and with the President of the LGA, Mr McHugh, and we made quite clear then that we would be working together to ensure that the appropriate changes to the Local Government Act, with regard to governance, codes of conduct and other related issues, would be done as a joint operation. We have done that and we are continuing with this; it is a work in progress. We are looking forward to the outcome of the discussion paper that I sent out to get the views of the councils.

In addition, I have actually attended councils. I take the view that, while I respect the LGA and its role as the union covering the councils, I also think it is important that I actually get out to the councils as well so that I can talk to them in their environment. I have done that quite extensively and encouraged them to make sure there is plenty of feedback in relation to this discussion paper. By the time action is required, the consultation and input from councils would have been very extensive.

LOCAL GOVERNMENT

The Hon. S.G. WADE (14:38): By way of further supplementary question, if the code of conduct consultation is continuing, why has the government tabled a bill that legislates in relation to a code of conduct for local government?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:39): The Attorney-General himself has his own mandate. He has had discussions himself with the LGA with regard to how the ICAC bill affects the—

The Hon. S.G. Wade interjecting:

The Hon. R.P. WORTLEY: Do you want to know the answer or not?

MINERAL RESOURCES

The Hon. CARMEL ZOLLO (14:39): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about mining.

Leave granted.

The Hon. CARMEL ZOLLO: I know the Minister for Regional Development takes a keen interest in all sectors of the economy that are going to advance our regions and has carriage of the Upper Spencer Gulf Fund to help our regions take advantage of increased mining exploration and activity. My question to the minister is: can she outline to the chamber how this government is ensuring that the interests of this state are advanced in relation to mining?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:39): I thank the honourable member for her most important question. As minister for the regions, I certainly do take a great interest in our resources sector. Indeed, in contrast to the opposition, this government recognises the benefits created for this state and the people of South Australia through an expanding resources industry. We are committed to ensuring that this vital industry, which contributes around $3.9 billion to the state's GSP (as at 2010-11), continues to grow to ensure that the benefits of the mining boom are realised by all South Australians.

We have seen the Hon. Mr Ridgway and the opposition simply get it wrong yet again. While they sit there talking down mining in this state—and everything else—the government is putting the best interests of the state first and foremost to ensure that projects like Roxby proceed. Yesterday, in a media release, the Hon. Mr Ridgway tried to claim that I had said the government would tear up the indenture. This is simply not true, and we see the opposition—

An honourable member interjecting:

The Hon. G.E. GAGO: Your media release did. The honourable member publishes material in that statement that is not true. They are inaccurate and careless with, I believe, an intention to mislead the public. What I did say was that I supported the minister for mining to make decisions about the BHP project that would be in the best interests of the state. The Liberal Party, as we have seen, has shown that its approach to the minerals sector is to talk it down, to erode business confidence and to be completely dismissive of our mining boom and the important role of this sector to our economy. Comments from the opposition reported in yesterday's paper stated:

> The government has been talking about the mining boom for 10 years but the reality is that we are really still in a mining exploration boom and even that has tailed off in the last few years.

This is a Liberal government saying this—

An honourable member: Opposition, actually.

The Hon. G.E. GAGO: —and it just demonstrates how completely out of touch the opposition really is. It illustrates just how unprepared they are to lead.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: In *The Advertiser* Business Journal yesterday, Christopher Russell made it very clear that South Australia is doing extremely well. He stated, 'Over the past 10 years there's been vastly more than exploration.' He goes on to say, 'There would be very few jurisdictions anywhere in the world where the resources sector has advanced as rapidly.'

Consider these: Prominent Hill copper mine opened in 2009 at a cost of $1.2 billion; Jacinth-Ambrosia mineral sands opened in 2010 at a cost of $390 million; Kanmantoo Copper opened in February this year, $173 million; Honeymoon Uranium commenced production in 2011 at a cost of $146 million—the list goes on. Add that to our iron mines at Cairn Hill, Peculiar Knob and Iron Chieftain, lead and zinc, gold at White Dam, and the Ankata copper mine—the list goes on and on.

As Christopher Russell points out, the service industries are also growing with the acceleration of mining in this state. Industry is providing fabrication of mine plant, civil construction work, transport, logistics, stevedoring, accommodation, catering, legal and accounting—they are all advancing. He also goes on to point out that the mining sector has reinvigorated towns such as Whyalla, Port Augusta, Coober Pedy and Ceduna.

The government has clearly committed to expanding and supporting the resources sector in South Australia, and I have been advised that these efforts are being noticed. The recently released Victorian parliamentary Inquiry into Greenfields Mineral Exploration and Project Development in Victoria stated:

The main drivers of South Australian growth include the SA Government's strong support for minerals exploration and mining since 2004 through its PACE (Plan for Accelerating Exploration) initiative and the targeted marketing of PACE and SA more generally at a national and global level.

The report also states that South Australia was the 'model jurisdiction in Australia for effective government facilitation of mineral exploration and mining projects'. Just so the Hon. David Ridgway is clear about the government's position, the indenture that passed through the state parliament has given BHP Billiton the certainty it requires. The indenture does have a sunset clause, which will come into effect in December if BHP Billiton does not give Olympic Dam the green light.

The state needs to have certainty about its commitments, and it is important that BHP Billiton has consistency and certainty as well. I have been advised that, to date, the minister for mining has not received any reason why this project should be delayed. As I said earlier, the minister will ensure that this project benefits the state and will not undermine business and consumer confidence, which the opposition is, clearly, intent on doing.

SA PROGRESSIVE BUSINESS

The Hon. M. PARNELL (14:45): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion a question on the topic of SA Progressive Business.

Leave granted.

The Hon. M. PARNELL: My office has been sent the latest promotional flyer for SA Progressive Business, the party political fundraising body for the Australian Labor Party. The covering letter is, naturally, signed by the chair of SA Progressive Business, Nick Bolkus, who, I remind members, was also cc'd into the correspondence between property developers and the government in relation to Mount Barker, documents that took court proceedings to dislodge.

Through this SA Progressive Business document there is some confusion about who SA Progressive Business is actually working for. Is it the government or is it a political party? At times it says, 'Link your business with government' and at other times it says 'Linking Labor and business'. The pamphlet is completely upfront about the main benefit of joining these events, and that is, 'the opportunity to host senior government ministers' and also attendance at 'private briefings with key state ministers'.

I point out to members that 'minister' is a statutory role appointed by the Governor and that this role is now being shamelessly used by the Labor Party as bait to raise money for its political purposes. I guess that, sensing how the shameless blurring of the lines between the business of government and partisan fundraising would make some members of the community uncomfortable, the pamphlet is at pains to describe SA Progressive Business events as 'reputable business functions'.

I am actually surprised that there is no testimonial or quote in the pamphlet from the chair of the Keith Hospital describing the way that he finally managed to get the ear of government by shelling out cold hard cash to the ALP coffers to attend one of these SA Progressive Business fundraising events. The pamphlet lists a series of key events in 2012-13. First up is twilight drinks on 5 July with 'Hon. John Hill, Minister for Health and Ageing, Mental Health, Substance Abuse and the Arts and Hon. Ian Hunter, Minister for Communities and Social Inclusion, Social Housing, Disabilities, Youth and Volunteers'. My questions of the minister are:

1. How many SA Progressive Business events have featured you as the drawcard?

The Hon. D.W. Ridgway interjecting:

The Hon. M. PARNELL: You can ask that as a supplementary, the Hon. Mr Ridgway.

2. Do you think it is appropriate that a political party uses the lure of direct access to senior government ministers as a way of raising money for itself?

3. I remind the minister that the former ALP government in Queensland banned its ministers from attending these types of events because of the stench and the cynicism in the community that they caused. Will you push for a similar ban in South Australia? If not, why not?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:48): I have no portfolio responsibilities to this chamber about SA Progressive Business but, to entertain the council very briefly on this issue, I thank the honourable member for his advice that I have an

appointment for twilight drinks. I was aware that I had an appointment at some stage but I have not checked the date in my diary yet, so I did not really know when it was. The honourable member asked how many SA Progressive Business functions have featured me as a drawcard. The answer is none; I am not a drawcard. The key benefit to the community is the ability to listen to me speak at length on this government's achievements, which I am happy to do wherever I go and wherever I am.

SA PROGRESSIVE BUSINESS

The Hon. M. PARNELL (14:49): I have a supplementary question. Can I ask the minister why some of his more senior ministerial colleagues were not included on the list of ministers to be used as bait in these functions, including the Hon. Russell Wortley?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:49): I can only imagine that the Hon. Mr Wortley is an incomparable drawcard, much more significant than I will ever be, and they are saving him for a bigger crowd.

LOCAL GOVERNMENT MANAGERS AUSTRALIA GALA AWARDS

The Hon. G.A. KANDELAARS (14:50): Can the Minister for State/Local Government Relations provide information to the chamber on the Local Government Managers Australia, SA Branch Gala Awards night held last month?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:50): I would like to thank the member for this very important question. Recently I had the honour of attending the Local Government Managers Australia, SA Branch Gala Awards night. Every year, Local Government Managers Australia, known as the LGMA, formally recognises the outstanding work in the local government sector over the preceding 12 months.

This year there were 12 award categories ranging from recognising excellence in financial management to leadership in community services. Looking over the awards, one thing was very clear: the sheer range of services and activities that councils provide for South Australians. That is why it is so important that, every year, the LGMA presents awards to councils and employees who make an outstanding contribution to the day-to-day business of their councils—awards for great service and for great governance. I was honoured to be asked to present three awards: the Partnerships for Growth Award, the LGMA Challenge Champions Award, and the Excellence in Advancing the Status of Women in Local Government Award.

I think it is especially important to have an award that recognises excellence in advancing the status of women. Having women well represented in local government, both as elected members and as staff, is important to everyone in our community, not just women. It is not just a matter of assisting women to progress but of making sure our councils really represent our communities and that they make the most of the skills of all of our community members.

I am pleased to inform the chamber that the state government, through the Office for State/Local Government Relations, provides $12,000 (or $6,000 each) to the Management Challenge and the Partnerships for Growth Awards. Furthermore, the Excellence in Advancing the Status of Women in Local Government Award is partly funded by the Office for State/Local Government Relations and partly by the Office for Women.

I would like to take this opportunity to once again congratulate all of the award winners and nominees. Furthermore, I wish to recognise the commitment that these men and women show to their councils and the local government sector.

DRUG REHABILITATION PROGRAMS

The Hon. D.G.E. HOOD (14:52): I seek leave to make a brief explanation before asking the minister representing the Minister for Mental Health and Substance Abuse a question regarding the funding of drug programs.

Leave granted.

The Hon. D.G.E. HOOD: A number of non-government organisations, such as DrugBeat, have conducted abstinence-based drug rehabilitation programs and have achieved a high level of measurable success. Some other organisations that conduct abstinence-based programs are Teen Challenge and Karobran New Life Centre, which operates in the South-East. They regard

abstinence as essential to rehabilitation and, like DrugBeat, have a clear record of success in actually getting people to go through their program drug free and actually helping them to stay drug-free. Despite this, I understand that none of these abstinence-based programs are set to receive state government funding next financial year. My questions are:

1. Are there any non-government organisations that provide abstinence-based drug rehabilitation programs which will receive funding from the government in the coming financial year?

2. Has there recently been a change of government policy as to the funding of abstinence-based drug rehabilitation programs such that funding will no longer be provided for any such programs?

3. What is the current government policy with regard to funding for abstinence-based drug rehabilitation programs provided by non-government organisations as distinct from funding for DASSA, which uses a harm-minimisation approach and in some cases does not even track its success rate?

4. What evidence does the government possess as to the merits or otherwise and the success rates of harm minimisation?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:54): I thank the member for his important questions and I will refer them on to the Minister for Mental Health and Substance Abuse, the Hon. Mr Hill from another place, and get an answer for you as soon as possible.

LIVESTOCK PRODUCTION

The Hon. T.J. STEPHENS (14:54): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding livestock production.

Leave granted.

The Hon. T.J. STEPHENS: With water prices increasing from $2.75 per kilolitre in 2011-12 to $3.45 per kilolitre as of 1 July 2012—which I note is almost a tripling of the price from the 2007-08 period—costs for the agricultural industry are on the rise yet again. These increases can be attributed to this Labor government's poor budget management and investment in a superfluously oversized desal plant. Couple these increases with the government's recent decision to lift pastoral leases by up to 230 per cent and many producers in this state are starting to feel the pinch of this government's quest to rake in more money from taxpayers to fix a budget left ruined by a decade of Labor mess.

The agricultural industry is just starting to recover from years of drought, only to be faced by greater financial challenges posed by a government more interested in fixing their budget mistakes than ensuring the viability of our state's livestock industry. My questions are:

1. Given the almost tripled cost of water brought on by this government, what impact does the minister see this extra cost burden on South Australia's agricultural industry having on the viability of running livestock in our state?

2. Will the minister admit that the tripling of water prices, other mounting costs and the government's decision to increase pastoral leases by up to 230 per cent are threatening the ability of livestock operators to bounce back after long years of drought and minimal income?

The PRESIDENT: The minister should disregard a number of opinions in that question.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:56): Thank you, Mr President, and I thank the honourable member for his important questions. Indeed, the livestock industry is a very important industry to South Australia, contributing just over $3.6 billion to South Australia's gross food revenue, which I understand represents an increase of 8 per cent on the previous year.

There is a wide range of cost inputs that affect the industry as well as cost outputs. The industry, like most other areas of primary industry, is subject to the fluctuations of state, national and also global responses. We have seen things like the cost of the Australian dollar, which was very high for some time. It is very pleasing to note that it has come down recently, but that very much impacted on the price of our exports. However, we have also seen, for example, the United

States at one time have a huge domestic beef industry and now that that has completely shrivelled and almost disappeared.

The Hon. J.S.L. Dawkins: This is a question about water prices and the South Australian livestock industry, not America's.

The PRESIDENT: Order!

The Hon. G.E. GAGO: I thought we were talking about livestock, Mr President.

The Hon. J.S.L. Dawkins: Yes, we are, and you're talking about America's.

The Hon. G.E. GAGO: The Hon. John Dawkins doesn't realise that beef are livestock at some stage. When they are alive, they are livestock; when they are dead, they are—

The Hon. J.S.L. Dawkins: Dead stock!

The Hon. G.E. GAGO: —dead stock. The Hon. John Dawkins obviously doesn't realise that beef—

The Hon. J.M.A. Lensink: I think he knows a little bit more about it than you.

The Hon. G.E. GAGO: He obviously doesn't know, because he is asking me to talk about livestock—and that's exactly what I am doing. I am talking about all the cost influences and impacts on the viability and sustainability of our livestock industry. The Hon. Terry Stephens seems to suggest that water is the only element that has any impact, and what I am trying to point out is that there is a number of matters that impact on the viability and sustainability of the industry.

It is just a shame they do not get it on that side. They actually do not understand the industry. They do not understand the wide range of different impacts on the industry, domestically, nationally and internationally. They do not realise that in fact we do have an export market that does impact on the price of our beef. As I was pointing out, there is a wide range of different issues that impact on the viability of our livestock industry, and the cost of inputs such as water is only one of those.

The management of our pastures and the cost inputs to those, the ability for us to export and the cost of the dollar all impact on us. The American market, as I said, was a net exporter of beef at one time and now is a net importer of beef. That offers opportunities for the Australian beef industry. So as we see, these things are often cyclic. They rise and fall, as do climatic conditions, opportunities and threats from national and international markets.

I absolutely do acknowledge that at this present time there are many challenges for our livestock industry. In terms of water, the national agreement is that we charge the full cost of water. South Australia is doing that; other states are also doing it. We have high costs in South Australia because we are at the end of the river, and we are the driest state in the driest continent. That has cost impacts on water as well.

As I said, there are many issues that impact on the long-term sustainability of our livestock industry. What we do see are impacts that come and go, that can have a devastating impact one year and the next year we have a plethora of opportunities in front of us when prices come good, and the industry does extremely well.

LIVESTOCK PRODUCTION

The Hon. R.L. BROKENSHIRE (15:01): I have a question supplementary to the minister's answer. Does the minister acknowledge that a dryland beef or dairy producer, now spending $100,000 off the bottom line on buying water—

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: —that will now become $125,000, is at risk of not being able to continue their business?

The PRESIDENT: The minister explained all that in her original answer.

SLEEPWISE

The Hon. J.M. GAZZOLA (15:01): My question is to the Minister for Disabilities. Can the minister update the council on the findings of the recent report into the Sleepwise initiative, which aims to assist older children and adolescents with developmental disabilities to get a good night's sleep?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:02): I thank the honourable member for his most important question. As the member knows, ensuring that children get a good night's sleep is very important for all children, but also for their parents, I understand. Children with developmental delays often struggle with this process more than others. It has been recognised for some time that for many children with developmental delays sleep does not come easily.

In 2005 the former intellectual disability services council devised a program called Sleepwise, which provided parents with knowledge about the sleep process and taught a number of skills to assist their children to have a good night's sleep. Some of the strategies included providing a healthy bedtime snack as a positive sleep practice, or using sensory methods like massage to help them relax or behavioural measures like timetabling, or gradual ignoring by parents.

Later that year the first report into the efficacy of the program found that 83 per cent of children involved had developed positive sleep patterns and achieved many of their sleep goals. I am advised that much of that change was permanent. In 2009 further long-term research into this subject was approved by my department, and the Apex Foundation for Research into Intellectual Disability conducted a two-year project over 2010 and 2011 looking into this in a more extensive manner.

I was recently provided with this report, and I am pleased to say—although I must note that I am not qualified in this area of research at all—that the research still seems to back up the practice. I might add that it is also believed by my departmental officials that this was the first research of this kind, and that it is something that other jurisdictions may find themselves turning to for advice.

In short, the major finding of this two-year study was that children and parents who participated in the Sleepwise program had a significant reduction in sleep problems. It was concluded that 79 per cent of parents reported achieving short-term sleep goals within six to 18 months, and there was a significant drop in parent stress levels. I am pleased to see that Sleepwise is having a positive change in the lives of many South Australian families. If anyone wishes to get involved or obtain more information I encourage them to contact their local Disability Services office.

DISABILITY EMPLOYMENT

The Hon. K.L. VINCENT (15:04): I seek leave to make a brief explanation before asking the Minister for Disabilities questions about day options and employment with Australian business enterprises for people with disabilities.

Leave granted.

The Hon. K.L. VINCENT: I have been contacted by a number of people from a special school who are concerned about students' ability to access the day options program when they leave school. I am aware that they have also been in contact with the minister's office and that the minister has responded to their concerns, as I also wrote to the minister highlighting their concerns and received a copy of the minister's response.

Staff and parents at the school are concerned about a perceived change in the eligibility for accessing the day options program. They indicate that they were recently informed that students would no longer be able to work in supported employment part-time and attend day options on the days when they are not at work. In his response the minister indicated that, since its inception in 1997, day options has always been a program for people with developmental disabilities who are unable to work. While I recognise that this has perhaps been the government's policy, it would appear that it has not been its practice.

Those who have contacted my office have indicated that, in the past, young adults leaving the school have been able to work part-time to the extent that they were able and attend the day options program on days when they were not able to work, while waiting to be placed in supported accommodation. This arrangement has provided valuable social engagement and living skills for these young people with disability and also allowed parents and siblings to participate in employment and study.

It would appear that for the past 15 years, regardless of what the government's policy regarding day options has been, young people who were seeking work or working part-time in

supported employment have been accessing the service. The apparent sudden change in the government's approach to the day options program will place significant strain on families of young people with disabilities. Parents and siblings will find themselves unable to continue with work or study or will need to dramatically scale back their involvement in order to provide care and supervision for their child or sibling.

Young people with disabilities denied access to the program will also miss out on valuable opportunities to gain living skills, experience and social engagement. Many young people with disabilities may be discouraged from engaging in part-time supported employment, as working as little as one or two days per week will result in their being excluded from the opportunities that day options would otherwise provide. My questions to the minister are:

1. Has there been a change in Disability Services's approach to young people with disabilities working part-time in supported employment and accessing the day options program?

2. If the practice in relation to day options has changed, what prompted that change?

3. Will Disability Services be offering any alternative options to young people with disabilities and their families to allow these people to gain the benefits afforded by the day options program and allow their parents and siblings to continue to participate in employment and study?

4. If Disability Services does not have any alternative services available, what does the minister propose young people with disabilities and their families do?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07): I thank the honourable member for her most important questions and her continued interest in this area. In relation to her four questions, the answer to question 1 is no, and question No. 2 is therefore not applicable; No. 3, yes, and therefore the answer to No. 4 is not applicable.

To give a little bit more information, let me say that the day options program is for people with disability who have a moderate to severe intellectual disability and/or autism spectrum disorder and are unable to work upon leaving school. These eligibility criteria have been in place since the establishment of the Day Options program in 1997 and, as I understand it, have not changed.

Initially some people with low support needs were allowed to attend a day options program. However, in 2000, other pathways were determined to be more suitable for people with low support needs. Instead of day options, people with low support needs can access other post-school pathways, including formal education through programs offered at TAFE or university, and vocational training programs, such as VET to Work programs, which offer additional assistance and support in a structured work placement.

People with low support needs are also able to work in either open or supported employment. Disability Services has a sincere desire to give people living with disability the best possible outcomes in life, and these post-school pathways are much more suitable for people with low support needs, offering them meaningful study and employment options, whereas day options may not give them the sort of stimulus and interaction that they require. People who are employed either part-time or full-time are not eligible to receive day options allocations. This is not a new policy, as has been claimed by some.

I want to assure everyone and the community that the program guidelines and eligibility criteria have not changed; however, a person with a disability who works part-time and is eligible to receive support from Disability Services can elect to use their individual funding budget to purchase day options, if they choose to. Indeed, I am advised this is already happening with some clients who work, say, two days a week and purchase an additional few days of day options from their individualised budget. This will not change.

I would also like to point out that the Department for Communities and Social Inclusion has no requirement for people with disability to work five days per week, as some others were claiming. A person's ability to work and the availability of work will determine whether they are involved in part-time or full-time employment.

PRINTER CARTRIDGE SCAM

The Hon. R.I. LUCAS (15:10): I seek leave to make an explanation prior to directing a question to the minister representing the Minister for Finance on the subject of 'cartridgegate'.

Leave granted.

The Hon. R.I. LUCAS: On 6 February this year, police commissioner Hyde indicated publicly that, in relation to 'cartridgegate', there had been inquiries conducted by the Anti-Corruption Branch of SAPOL and there have been a number of matters referred to the DPP for advice as to whether or not prosecutions ought to proceed. However, on 30 March of this year, the then director of public prosecutions, Mr Stephen Pallaras, told FIVEaa:

> Where we're at the moment is I think at the moment, it has not reached my office as far as I'm aware and I think the investigation is still underway...

It would appear, on a clear reading of the statements of the police commissioner and the director of public prosecutions, that there is a conflict between the positions enunciated in February and March of this year. My questions to the minister are as follows:

1. As at that date, 30 March 2012, had any matters in relation to 'cartridgegate' been referred to the Director of Public Prosecutions for advice and, if so, how many matters and how many individuals were involved and what particular departments were involved?

2. Since 30 March, have any further matters in relation to 'cartridgegate' been referred to the Director of Public Prosecutions for advice and, if so, how many individuals are involved in those matters and what departments or agencies are involved?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:12): I thank the member for his questions. I will take them on notice and refer them to the Minister for Finance in another place and get an answer back as soon as possible.

WOMEN'S INFORMATION SERVICE

The Hon. CARMEL ZOLLO (15:12): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Women's Information Service.

Leave granted.

The Hon. CARMEL ZOLLO: The minister has spoken before about the importance of WIS to South Australia and the strategic directions that the service is heading in. Can the minister tell the chamber about the further changes at WIS?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:13): I thank the honourable member for her most important question. I am delighted today to announce that the Women's Information Service (WIS) will co-locate with the Office for Women in Grenfell Street. This move is indeed a significant new chapter in the 34-year history of the Women's Information Service.

The co-location of WIS and the Office for Women policy team at 101 Grenfell Street was a key recommendation of the 2005 Women's Futures report, and I am very pleased that we have been able to fulfil this very strategic recommendation. It is my view that the co-location of WIS with the Office for Women policy team is an ideal outcome, not only for women in South Australia but also for the staff and volunteers at WIS.

Just while I am speaking of the WIS volunteers, I should put on record that an event to celebrate the contributions of WIS volunteers over the years was recently held. It was wonderful to acknowledge the efforts of two WIS volunteers in particular: first, Pat Ellis, who has been an active volunteer for a remarkable 15 years. Pat was unfortunately not able to attend the celebration. I was also delighted to personally honour Marie Tyerman, who has reached a fantastic milestone of 20 years of volunteer service at WIS.

I am sure that the Hon. Michelle Lensink will be very pleased to know that I announced at that volunteer occasion the development of a new project that will record the history of the Women's Information Service. The project will involve the development of an interactive wiki website, which allows users to create and edit web page content.

You will recall reasonably recently that the Hon. Michelle Lensink asked me whether there was any history collection of WIS and I said that I was not aware of any, but I thought it was a very good idea and I have taken action, so thank you to the Hon. Michelle Lensink for that wonderful idea. Women who have been involved with WIS, either as employees or volunteers, or those who have used the service, will be encouraged to visit and contribute—

The Hon. T.A. Franks interjecting:

The Hon. G.E. GAGO: The Greens want to bag that idea, do they? Are the Greens bagging the idea of a WIS history?

The Hon. T.A. Franks interjecting:

The Hon. G.E. GAGO: No, they're not—they are acknowledging and giving the government and Michelle credit for it.

The Hon. T.A. Franks: No, we're bagging you for telling people to FOI government information that should be available—

The PRESIDENT: Order!

The Hon. G.E. GAGO: Oh, gee whiz, it's a class act, isn't it? Oh, gee, what a pack of whingers! The wiki platform, which will be moderated by the Office for Women, will allow for the community of women involved to edit and improve the information posted, enabling a history that is written and shaped by those who were directly involved. As members would know, the Women's Information Service is known for providing a range of services, including information and referral, computer access and support through Forward IT, the Family Court Support Program and tax help, as well as being a welcoming space for women.

All this work will continue with the co-location and will also continue to embrace new technology and collaborative projects through digital and community engagement strategies. I have no doubt spoken before about the WIS community engagement framework, the digital engagement framework and strategic partnerships with other services, which increase women's access to knowledge and services by ensuring that WIS actively is engaging with different communities of women.

I also want to briefly mention the digital engagement process through which the South Australian and commonwealth Ombudsman offices also provide a monthly outreach service from within WIS, and I have spoken about that before. I am sure members will agree that WIS is taking some very strategic and important actions in positioning and repositioning itself in both the online and broader community. The information service will remain open and operate as normal as it prepares for co-location, and details of the move are available on our online information site.

WOMEN'S INFORMATION SERVICE

The Hon. J.M.A. LENSINK (15:18): By way of supplementary question, will the minister advise whether the Liberal Party's women's spokesperson and former WIS volunteer, Vickie Chapman, was invited? She did provide pro bono services to the victims of domestic violence service, I think, in the 1980s and 1990s.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:18): No, but the Hon. Michelle Lensink was invited.

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

The Hon. G.E. GAGO: You were invited.

The Hon. J.M.A. Lensink: I was not invited.

The Hon. G.E. GAGO: Well, I certainly did ask—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —that Michelle Lensink be invited, and I was informed that the Hon. Michelle Lensink apologised and said that she was unable to attend, which was a real shame.

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

The Hon. G.E. GAGO: I'm just saying that was the information I was given. I definitely did ask that the Hon. Michelle Lensink be invited and was informed that she had apologised that she was unable to attend. I will certainly look into what broke down, but I was very disappointed when I heard that the Hon. Michelle Lensink was not able to attend. She was invited because I was announcing the history project, which the Hon. Michelle Lensink gave me the idea about, and that is why she was invited. I was very disappointed when my office informed me that she was not able to attend, but I will obviously look into that and find out what went wrong.

MOTOR VEHICLE REGISTRATION

The Hon. J.A. DARLEY (15:19): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Transport and Infrastructure, questions regarding car registrations.

Leave granted.

The Hon. J.A. DARLEY: I have recently had a number of complaints regarding registration of motor vehicles. In trying to resolve these issues potential problems have arisen, particularly with regard to the difference between registered operators or users and registered owners. I was told by the department of transport that there is no record of registered owners. This prompted me to pose a number of hypothetical scenarios to the department, and the answers I received demonstrated to me that there are significant problems with the current system.

An explanation of the problems would be far too involved to give in this setting, but I am happy to provide further information to the minister or any other member should they wish. In considering a solution it is apparent that many of these issues could be resolved if the Registrar changed the register of operators to a register of owners. From my observation the general public is of the impression that registration of a vehicle is proof of ownership, when this is not the case. My questions to the minister are:

1. Has consideration been given to change the register of operators to owners?

2. How difficult would it be to have a register of owners of motor vehicles instead of operators?

3. What problems, if any, have been identified if this suggestion was implemented?

4. What would be the likely cost of doing this?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:21): I thank the honourable member for his most important question on car registration. The member said that he could offer an explanation which is probably beyond question time, but I might invite the honourable member to write either to me or directly to the Minister for Transport and Infrastructure for that further information. I want to take those questions he has put on the record to the Minister for Transport and Infrastructure in the other place and seek a response on his behalf.

ANSWERS TO QUESTIONS

ANTI-POVERTY SERVICES

In reply to the **Hon. A. BRESSINGTON** (17 May 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Education and Child Development has advised:

1. The primary area of concern for Families SA is the protection of children. Children, young people and families who are in contact with Families SA care and protection and youth justice services are by far the most vulnerable in South Australia. The reformed Anti-Poverty program will ensure they will not be disadvantaged and will in fact receive priority access to such services.

2. Families SA financial counsellors were responsible for a range of services including financial counselling and the provision of emergency financial assistance. Families SA Financial Counselling staff will continue their work on financial counselling and support for clients of the Department's Child Protection and Alternative Care system, as well as those who were formerly in State Care.

3. The Government does not expect the non-government sector to only deliver emergency financial assistance payments through financial counsellors. The NGO sector interfaces with people in need in a range of settings. It is a decision by agencies to determine how they deliver their services. The South Australian Government has commenced negotiation for a model to fund the provision of financial counselling services to those members of the public not involved with Families SA. The South Australian Government has provided more than $600,000 in Emergency Financial Assistance for distribution to the wider community through existing non-

Government providers. These non-Government providers have been provided with funding for administrative costs related with the distribution of these funds.

4. The South Australian Government has commenced negotiation for a model to fund the provision of financial counselling services and emergency financial assistance to those members of the public not involved with Families SA.

5. As per question IV.

6. Analysis of data recorded by Families SA and data provided by NGO's was undertaken to determine the most effective distribution of available funds for the provision of Emergency Financial Assistance to the wider community and financial counselling episodes by non-Government organisations. The Executive Director of Families SA facilitated open discussion forums and liaised with the non-Government sector and the SA Council of Social Services (SACOSS).

ANTI-POVERTY SERVICES

In reply to the **Hon. A. BRESSINGTON** (17 May 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Minister for Education and Child Development has advised:

The Government has provided consistent advice to SACOSS and the Legislative Council:

- The 2010-11 State Budget requires Families SA to restructure the Anti-Poverty Program. From July 2011, the primary focus of the Families SA Anti-Poverty Program will be to work with children, young people and families who are in contact with Families SA care and protection and youth justice services.
- The Government of South Australia is committed to working actively to reduce hardship and Families SA has capacity to distribute financial support funds, including financial counselling, and are exploring options to achieve this.
- This reform presents significant opportunity to reduce the number of agencies people are required to attend on any one occasion, and for the one agency to distribute several financial services at once.
- The amount of emergency financial assistance provided in South Australia will not be reduced.
- Financial services will continue to be provided across the state, both metropolitan and country.

PRINTER CARTRIDGE SCAM

In reply to the **Hon. R.I. LUCAS** (27 September 2011) (First Session).

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women): The Attorney-General has been advised:

1. Printer cartridge purchases are normally classified under stationery as it is considered impractical to itemise each individual stationery item in the General Ledger. This has been the arrangement for over 10 years.

If information is required on the number and cost of a specific item, such as printer cartridges, this is more likely to be sought through other means, such as focussing on purchases from suppliers that deal exclusively with printer cartridges.

The member is correct to assert that the department has not counted the number of printer cartridges it has purchased in a given year, nor has it counted the number of staples, or rubber bands, or paper clips, or pens, or reams of paper. It is not considered an efficacious use of public servants' time to individually itemise these stationery purchases.

2. The department always co-operates with the Auditor-General and his department. In this instance, it will include sharing any information gathered as part of the Department's own investigations.

3. No.

MATTERS OF INTEREST

LEE, MR J.W.

The Hon. G.A. KANDELAARS (15:21): On 12 May, a great mate of mine, John Lee, passed away aged just 62. John William Lee was born in Prospect to Jim and Dora Lee on 17 September 1948 and moved to Port Augusta at the age of two when his father was employed there working for the commonwealth railways. In 1966, John was employed by the then postmaster-general's department as a technician in training and was assigned to the Port Augusta exchange.

In 1970 he married the love of his life, Lesley, and they went on to have three children—Rachel, Bianca and Steven. In 1972, John was appointed as a technical officer in training and he undertook that training at the Kilkenny TAFE, here in Adelaide. When he completed his training he was assigned to the telegraph and data section in Waymouth Street, where he worked until he was elected as assistant secretary of the ATEA in 1986.

I first met John when he came onto the branch council of the then South Australia/Northern Territory branch of the ATEA in the early 1980s. With John's support I became branch secretary of the CWU T&S SA/NT branch in 1992 and he remained my assistant until 2003 when he became the branch secretary of the then CEPU T&S SA/NT branch. This move facilitated the eventual amalgamation of the CEPU T&S and P&T branches in South Australia/Northern Territory in 2007, at which time John became the president of the combined branches.

John was an outstanding and dedicated union official who gave his all for members. He had great empathy for those who needed the assistance of the union. He was well regarded by his peers and respected by employers who dealt with him on behalf of members. John was seconded by the union's divisional office to negotiate a number of national agreements with employers because of his expertise and the respect in which he was held.

As John's son Steven said at his funeral, 'John worked on John time'; that is, he was not to be rushed, and he kept some unusual hours. In fact, it was not uncommon for John to get into the office at 10 in the morning, but I could also ring him at 10 or later at night and he would still be in the office working. For those of us who have been union officials, we know how difficult the task is. John's efforts were truly remarkable given his 25 years as a full-time union official. John was granted a much deserved life membership of the union in November last year.

Beyond John's union history, he was also a dedicated family man who was married to Lesley for over 40 years. He loved his kids, Rachel, Bianca and Steven, and was proud of their achievements. He welcomed their partners, Sean, Jason and Lisa, into the family, and he was also a proud grandfather, who doted on his grandkids, Adele, Eva and Huxley. John would do anything he could to help his family. Tuesday night was one night that he would set aside to be at home for the family dinner. It was a coming together of the family that he loved so much. John had a very full life, not only through his work and family but also within the local community. He was involved in the Modbury Kiwanis Club, where he was vice-president.

The real tragedy of John's untimely death was that he had only just retired in July of last year. I know that John and Lesley had many plans for John's retirement. They had hoped to travel, with more time together and more time for the family, in particular their grandchildren. Sadly, this was not to be the case. For Lesley, these words say it all: 'My love, my strength, my life'. My thoughts remain with Lesley and the family throughout this difficult time. Lesley, whilst John has left us, he will certainly not be forgotten. Vale, John William Lee.

RANN ADMINISTRATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:26): This afternoon I want to talk about connections. The horse racing industry has connections. The Mafia has connections. We read in South Australia about people connected with bikie gangs. But I want to talk about electrical connections and about Mike Rann, the worst premier South Australia has ever seen, whose administration was mired in personal scandal and professional incompetence, and who, together with his hapless treasurer, the truly inept Kevin Foley, set South Australia on the path to poverty.

Mike Rann came into power on a lie. He lied to Peter Lewis to secure Lewis as Speaker of the House of Assembly. He resisted, together with his unfit attorney-general, Michael Atkinson, the establishment of an independent commission against official crime and corruption. His contempt for democracy and the rule of law saw people able to be gaoled on the basis of hearsay and untested

evidence. His prisons became overcrowded under his rack 'em, stack 'em and pack 'em policies. The United Nations found that his children's gaol broke the UN Charter on the Rights of the Child.

This contemptible man has now been appointed by the Labor Party in Canberra to a $55,000 a year position as chair of Low Carbon Australia. What is Low Carbon Australia, you might ask? It is a creature of the federal Labor government, set up as an independent company with over $100 million of Australian taxpayer dollars, which it doles out to 'facilitate the transition to a low carbon economy'. So, not content with wrecking the South Australian economy, he now has a mandate from his Canberra Labor cohorts to create havoc federally, because the relationship between Mike Rann and the so-called low carbon economy is like the relationship between a leech and a vein.

In 2006, Mike Rann ordered the installation of mini wind turbines on city office blocks and schools. He ripped $331,000 out of the pockets of hard working taxpayers in suburbs like Salisbury, where families were struggling with their own electricity bills, so that he could pay for these wind turbines. The first one was put on the roof of his own office block in Victoria Square. None of them worked properly. The one installed on the Victor Harbor High School roof was such a dud that Rann's education minister had to admit that it had turned into an education project more than a generator.

South Australia has more than half of the nation's wind power. South Australia has one of the most wind-intensive power systems in the world. It all happened when wind power generators became donors to SA Progressive Business, which is the Labor Party's fundraising entity. In rolled the dollars and out rolled the wind farms. The government gave them major development status to get around local planning laws.

Next, Rann gave renewable energy companies massive tax breaks, rebates on payroll tax: up to $5 million for each solar project and $1 million for wind. If you wanted a blow-hard at the opening of a wind farm in South Australia you just rang Mike Rann. Babcock and Brown did before it collapsed in a heap of debt—bad debt. Mike Rann opened Babcock and Brown's Lake Bonney wind farm near Millicent in 2005. He spruiked the company as it went down. Babcock and Brown owed $3.2 billion in interest-bearing debt to local and international banks. The last thing that Mike Rann did as premier—his very last act before he departed his sullied office—was to change the law to allow wind farms to be built within a kilometre of anybody's house. That is twice as close as the minimum distance just over the border in Victoria.

Rann's changes also limit the liability of communities to challenge current and future developments. Why would he do that you might ask. It was to stop what he called the nonsense of the existing legal and democratic process. What better tutor could he have had for that than former UK prime minister Tony Blair. This year, Blair appointed Rann to the International Leadership Council of The Climate Group, so Rann will spend his honorariums, his large parliamentary pension and gratuities zipping between Canberra and London, burning up CO_2 as he jets wherever the wind blows. Mike Rann, political donations and self-aggrandisement—that is the connection. It is time we pulled the plug.

WARMINGTON, MS R.

The Hon. CARMEL ZOLLO (15:30): Last month I had the pleasure of representing the Premier, the Hon. Jay Weatherill MP, at the reception to celebrate the appointment of Ms Rosemary Warmington AM, CEO of Carers SA, as a member in the General Division of the Order of Australia Award.

Rosemary's wonderful achievement was in recognition of her service to the community of South Australia, particularly through advancing the recognition and rights of family carers and as an advocate for people with mental illness. My colleague, the Hon. Stephanie Key in the other place, was also present.

The reception was very well attended, with some 80-plus people present, including representatives from various carer organisations. It was a testament to the extent of respect and support that Rosemary has developed due to her tireless and unceasing efforts over the past 18 years. It was wonderful to see Rosemary's family present for the celebration: her husband Don McMaster, her children Simone and Shae, and their families, as well as her grandchildren, Calder and Ella.

All those who know Rosemary Warmington know of her many years of experience in government and community-based services, working across policy, funding and service delivery.

She has also worked as a therapist and a worker in the delivery of front-line community and health services.

It should also be noted that Rosemary's work on behalf of carers extends well beyond her role as CEO of Carers SA. Rosemary is a leading and active participant in a number of groups that span across sectors, including mental health, disability, transport, ageing, young people, health and chronic illness and housing, including ministerial advisory committees.

Her service to the community includes being heavily involved in the development of the state government's Carers Policy 2009, and she was a member of the review committees for the Mental Health Act 2009 and the Health and Community Service Complaints Act 2004.

The raison d'être of Carers SA is to improve the lives of 220,000-plus family carers across the state and to provide important services, including counselling, advice, advocacy, education and training to carers. I would like to take the opportunity to quote Ms Wallent, President of Carers SA as follows:

> Rosemary is tireless when it comes to fighting for the rights and wellbeing of family carers and people living with mental illness, and her appointment to the Order of Australia is extremely well deserved. Since 1993, she has been central to building Carers SA's state-wide representation of family carers. She has worked hard to ensure carers in regional South Australia have as much support as those in metropolitan areas and continues to do everything she can to improve the health, wellbeing, resilience and financial security of caring families.

In reading the message from the Premier, I commented that we are all aware that carers are the foundation of our current system of community care in Australia, and caring will affect most of us in our lifetime, either as a carer or as someone who is in need of care. We would all agree that the definition of a carer is infinite. They could be children, adults, older people and volunteers, and these carers provide care to partners, siblings, parents, sons, daughters, friends and neighbours.

Having been the state's first minister for mental health, I know firsthand of Rosemary's excellent work in this area, and I have always respected Rosemary's commitment and passion in her advocacy for carers. Again, I was not surprised to read in the Carers SA's media release that:

> In recent years she (Rosemary) has led Carers SA to receive international recognition for its Supporting Carers of People with Mental Illness program at the Australian and New Zealand Mental Health Services Achievement Awards and the organisation also took out the Margaret Tobin Award for Excellence in the provision of mental health services in 2011.

In thanking me for attending on the day, Rosemary said that she hoped her award would generate more public interest and awareness, keep thoughts of carers and their needs active in the minds of those who manage funding and legislation, and allow carers to know that they are not forgotten. I know I am joined by all in the chamber in offering congratulations to Rosemary Warmington on her achievement in receiving the well-deserved recognition.

CARBON TAX

The Hon. T.J. STEPHENS (15:35): I wish to take this time to talk about the implications of the federal government's carbon tax, which is to come into effect on 1 July. The point of a punitive tax is to change behaviour, and the Gillard government is of the belief that certain industries and companies need to be punished for doing exactly what they are meant to be doing. The government is changing the goalposts on crucial Australian industries in a way never seen before.

Industries which were welcomed with open arms five years ago are now being demonised as Labor is held to ransom by the socialist left. This is the key here. Because of the precarious nature of the government and its standing in a hung parliament, as well as the bleeding of Labor votes to the Greens, Labor is forced to sell out its former base of hardworking blue-collar workers to ensure its own political survival.

My government colleagues might say that the tax only punishes the 'biggest polluters' but these so-called biggest polluters are also major employers in Australia, and the harder the government makes it for these companies to compete in an already strained economy the more we will see industry closures. This kind of rhetoric, along with that about the budget, shows that the Gillard government is purely about pitting sections of the community against each other for their own political gain.

The government criticises the federal opposition for being climate change deniers, conspiracy theorists and the like in an already volatile public debate where even reasonable concerned people, dubbed sceptics, are treated as criminals. Yet that is not what is the most contentious here. The tax is poor economics. The Gillard government says the best way to deal

with the problem, according to economists, is through an emissions trading scheme, so why has the original bill for an ETS been shelved?

The government blamed the opposition for blocking the bill, but the then Rudd government had a double dissolution trigger and could have used section 57 of the constitution for exactly what it was intended for, but it did not. The reality is that the government's polling was not the greatest at the time and there was a fear that the result of a double dissolution election would not have been favourable to the government and it was therefore overlooked.

Again, the government is all about short-term political survival, not about core values or conviction. It is only about the perks of government; that is Labor. That brings me to the point that, even if you are truly concerned about climate change and want something done about it, you should not support this tax, as it will not help. To those who say it is a start and when the ETS component kicks in all will be well, I ask: will it?

It is generally believed that companies will be able to buy up enough carbon credits to continue production unabated. In other words, carbon emissions will not be reduced, yet companies have outlaid significant funds to the government in the form of carbon tax followed by carbon credits to continue to emit carbon dioxide, completely against the intention of the tax. How does this make any sense? The other flaw is: where are these carbon credits coming from?

The government has said that eventually there will be a global trading system, but will developing countries sign up to this? Which industrialised nations will sign up? How many have already? We know that Europe has a trading system, however, with a price almost a quarter of what Australia's will be per tonne. It is also largely ineffective, as there are apparently ample credits for companies to acquire and to continue to operate as they had before: a farce of a scheme.

This is what ours will be: a farce. It will not lead to a net reduction in emissions and it will certainly not meet the government's intended targets. In tough economic times all the government is doing is giving good companies and key industries a reason to shut the gates. Honourable members may know that my hometown of Whyalla has featured heavily in the rhetoric in Canberra. In particular, the Nyrstar plant under threat in Port Pirie is of grave concern.

Whilst closure may not happen straight away, the long-term viability of the plant is being threatened. As I have stated previously, the point of the tax is to punish these industries at the very least, and at best kill them, as, I suspect, is the Greens' desire. Industry is the backbone of this country. Unfortunately for some, Jimmy Barnes and Cold Chisel did not sing about shipping soy beans: they sang about shipping steel.

I could go on, but I am limited by time. I will conclude by imploring the people of South Australia to support the Liberal Party's efforts to repeal this tax and help save Australian industry and Australian jobs—real jobs, created by private enterprise and not phony positions created from the growing climate change industry by government.

APPLETON INSTITUTE FOR BEHAVIOURAL SCIENCE

The Hon. J.A. DARLEY (15:40): I rise today to speak about the Appleton Institute for Behavioural Science. The Appleton Institute is based in Adelaide and was established earlier in the year as part of the Central Queensland University. The Appleton Institute's mission is to foster an Australia-wide network of specialists to provide a one-stop shop providing practical and innovative solutions to complex social problems.

Formerly the Adelaide Centre for Sleep Research, the institute is under the guidance of fatigue expert Professor Drew Dawson. He leads a team of multidisciplinary researchers which includes human factor experts, anthropologists, social psychologists and organisational design specialists. Whilst it may have been thought that the centre predominantly conducted research in the field of sleep and the effects of sleep deprivation and/or sleep restriction, the rebadging of the centre to the Appleton Institute emphasises that there is a variety of research being conducted.

The institute is a multidisciplinary research group, which allows it to provide flexible and varied research perspectives. The Appleton Institute is currently involved in a number of research projects, including examining the operational readiness of volunteer firefighters. When consideration is given to the dangerous work that volunteer firefighters undertake, it is imperative to understand the effects of being on call and having to perform their duties at all hours of the day or night, often with very little or no sleep. Understanding the effects will ultimately lead to the development of better policies and practices, which could in turn lead to the prevention of loss of

property or, more importantly, life. The institute is also conducting organisational research relating to the CFS.

Research is also being conducted in the rail industry on a number of issues. These include driver fatigue, route knowledge acquisition, train crowding and risk mitigation. The institute is also involved in the development of a national rail safety management program as well as researching best practice for work health and safety not only in the rail industry but across the board. Further general basic sleep research conducted by the institute includes examining the influence of sleep on the sports performance of elite athletes, investigating sleep habits in students in rural and remote schools, and an investigation into the circadian rhythm—which many would know colloquially as a person's natural body clock—and what the impacts are when this rhythm is skewed or interrupted.

Leading paediatric sleep psychologist Dr Sarah Blunden is one of the researchers at the institute and has recently co-authored a book which is a guide to baby sleep in the first year. However, as previously mentioned, the institute is not only focused on sleep research. Studies are conducted on a variety of subjects, such as the relationship between animals and humans, pathways to employment for migrants and asylum seekers, and participatory processes at work, (that is, how management and employees can work together cooperatively to solve workplace problems).

The commitment by the Central Queensland University to invest in the Appleton Institute, based in Adelaide, is a coup for South Australia, as it will help to foster the state's education base. Over the next five years the Central Queensland University will invest more than $7 million in the institute. Research outcomes from the institute should be noted by all decision-makers in order to better facilitate good outcomes and to improve current policies and practices.

NATIONAL VOLUNTEER WEEK

The Hon. J.S.L. DAWKINS (15:44): Recently, we celebrated National Volunteer Week, and today I would like to celebrate and acknowledge the work of volunteers in the Gawler area, in particular, and bring forward some examples of that commitment. We recently had the Red Shield Appeal, conducted for the Salvation Army, and I have been delighted to chair that appeal in the Gawler and surrounding areas for more than a decade.

I am delighted to report that the neighbourhood appeal in that area has raised in excess of $11,000 this year, and I give great tribute to the large number of volunteers who assisted in raising that money, whether it be by doorknocking, as I care to do, or, as others participate, by collecting outside shopping centres and in places such as walking around football ovals and collecting in that manner.

I give a particular tribute to Jodie Jones, who has been the secretary of the appeal for Gawler this year, and wish her well with her further studies and efforts on behalf of the Salvation Army. I think, as I have said many times before, the Salvos do work in the community that no-one else will do, and I am delighted to make commitments towards them in what they do across South Australia and the nation.

Another group that I want to mention was the Gawler Branch of the Cancer Council, which last Thursday conducted its Biggest Morning Tea at the Gawler & Barossa Jockey Club. I was surprised to see 300 people in attendance at that event. It was largely coordinated by the Lions Club of Gawler, and there was a range of other contributors to the event. As I said, the Jockey Club must be commended for their involvement, particularly in the hospitality that they provided on the day.

As a bit of a surprise, when I arrived there, I noted that there were some of my colleagues from the Adelaide Plains Male Voice Choir in attendance there to provide some entertainment, and so, on an impromptu and unpractised basis, I joined them for some of the songs that we sang to the group. Some were more familiar to me than others but, for the ones that were unfamiliar, I kept a little bit more quiet.

I do give great credit to the Gawler Branch of the Cancer Council who are a small group but who have been raising money for many years in this area, and they really were pleased to get the assistance of a group like the Lions Club and the other community groups that came on board to assist.

I would also like to make mention of the Gawler History Team Inc which launched its new wiki on Sunday in the appropriately historic Gawler Institute. This is a new group which was

established by its President, Councillor Brian Thom, and it is a group that is really committed to making the history of Gawler available in a form that the young people of today will be prepared and keen to access.

That group is about creating and managing an online archive of Gawler, showcasing the history of Gawler, preserving local knowledge and memories, providing material for educating current and future generations, making history exciting for our youth, building technology skills in the community and contributing to the strong sense of community in Gawler. I commend Councillor Thom and the 30 other members of the Gawler History Team Inc. It can be accessed at www.gawler.nowandthen.net.au.

In conclusion, I would also like to mention the Friends of Parks from the Para Wirra national park who recently hosted the AGM of the Friends of Parks Inc for South Australia at the Ted and Molly Hughes Conference Centre and the election that day of a new patron, Mr Dene Cordes, who has been a wonderful supporter of Friends of Parks.

Time expired.

ROYAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

The Hon. T.A. FRANKS (15:49): I rise today to set the record straight in relation to the Royal Society for the Prevention of Cruelty to Animals (RSPCA). It is my understanding that the RSPCA feels its reputation has been severely maligned by a number of members in the other place this week. Specifically, contributions made by the members for Hammond, Stuart, Chaffey, Bragg, MacKillop, Schubert and Morphett all referred to the failed prosecution in the Brinkworth case to either say outright or imply that the RSPCA is somehow incompetent. Speech after speech alleged that the RSPCA is not equipped, skilled or experienced in handling prosecutions in relation to livestock, in support of the society being stripped of this role. The RSPCA feels, quite rightly, that this is absolutely incorrect and not based on factual evidence.

The RSPCA has been investigating and enforcing laws relating to livestock since animal welfare laws first came into being in 1908. In this time, they have undertaken countless investigations, and I say 'countless' advisedly, as the statistics for those early years are simply not available. However, in more recent times, comprehensive records are available and indicate, in fact, that the RSPCA does a very good job, despite the unfounded allegations and misrepresentations by members in the other place.

To give you an idea of the current workload over the past two years, from May 2010 to May 2012, the RSPCA received 1,535 complaints about livestock. The RSPCA subsequently investigated 1,535 complaints about livestock; in other words, they investigated every single complaint they received. The RSPCA makes a point wherever possible of looking to educate livestock owners, rather than resorting to prosecutions, and that is as it should be. Prosecutions should be and are the last resort, and they are undertaken when there is a good likelihood of success.

In this recent two-year period, the RSPCA initiated 17 prosecutions. Of these prosecutions undertaken, fully 16 were successful—a 94 per cent success rate. The society was forced to discontinue only one—that being the Brinkworth case—through extraordinary circumstances which can now never be repeated. Comparing this success rate with other prosecuting entities, it highlights that, in fact, the RSPCA is extremely efficient and effective in doing what it does, that is, to safeguard the welfare of all creatures great and small, without fear or favour.

I urge all members to carefully scrutinise the information they would have received from the RSPCA in these recent weeks. If members have any questions about the role of the RSPCA, the efficiency of the RSPCA or the rationale behind why it is so important for the society to retain the key role of investigating—and, where necessary, prosecuting—cases of animal cruelty against livestock, I urge them to contact the RSPCA and, in particular, the chief executive, Mr Neale Sutton, who I am sure will relish the opportunity to set the record straight, as I have done today.

The Hon. J.M. GAZZOLA: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

ROAD TRAFFIC (OWNER OFFENCES) AMENDMENT BILL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:55): I move:

That the Road Traffic (Owner Offences) Amendment Bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

LIQUOR LICENSING REGULATIONS

The Hon. T.A. FRANKS (15:56): I move:

That the general regulations under the Liquor Licensing Act 1997 concerning annual fees, made on 3 May 2012 and laid on the table of this council on 15 May 2012, be disallowed.

I so move to draw this council's attention to the current schedule that has been put before licensees of so-called risk-based licences. Members would no doubt be very well aware that in the past year in this place we had a long debate about liquor licensing in this state, and certainly the 3am lock-out proposal was a key feature of that particular debate that was in fact defeated in this council.

I draw member's attention to the fact that this new so-called risk-based licensing schedule has put operators of both small and large venues who operate beyond 2am in the position of having to pay many thousands of dollars extra for their liquor licensing fees each year, and given in some cases 11 days to decide whether or not to change their practices, to lower their patron rates, to shut earlier or to negotiate with the commission further under penalty of being given an extra 20 per cent whack on top of these exorbitant fees, should they not make that decision within that 11 day timeframe; or in fact having to find the money now to cough up in a three-week period, without these licensees having been properly consulted or properly informed before they received the notification that in a few weeks they would have to find a rather significant amount of money under the new regime, which to all appearances seems to be a back-door way of ensuring that we have venues in this state shutting not at 3am but at 2am.

Many people I have spoken to are involved with small venues, and particularly cultural venues have expressed concerns. For example, La Bohème on Gouger Street, which was licensed previously for 209 people and which is a late night venue that services arts clientele, particularly theatregoers into the early hours, has had to drop its capacity to under 200 and shorten the opening hours to close earlier, despite the fact that it is a targeted late night venue with an older and very well-behaved clientele in that cocktail bar serving mainly theatre patrons and arts goers.

It has had to make the decision to change its business practices in these few weeks, because it was looking at $5,000 or $6,000 at least more a year for its licence, again with no warning, with no consultation. It has chosen to change its practices, as has the Grace Emily Hotel, which is licensed for a little over 300 people, although typically it would not have more than 200 in that venue. It will also close earlier than it has previously.

Neither of those venues has ever had chronic problems with police or problems with violence or has been what I would call a risk-based proposition. They are small businesses, run by small business people, trying to get on and make a living and doing the right thing. They are providing alcohol responsibly and are providing niche markets in this city to ensure that we are not just supporting in this state the pokie barns and the big warehouse venues. They are very small venues servicing, in both those cases, an older niche market.

Another venue that serves a slightly younger market is the Edinburgh Castle Hotel. Again, I have spoken to the managers there who are most concerned about these fees but who say that if they do not open after 2am they will not make enough profit to keep going. So they will choose, in their words, to sell $25,000 worth of beer more a year to ensure that they can pay the new fees which total some thousands of dollars.

In general conversations with people, they say roughly that they are looking at between $5,000 and $6,000 to some over $10,000 as an unexpected, extra or additional financial burden. Again, the Edinburgh Castle Hotel informs me that it has not had previous problems with violence, nor has it had any cause to believe that it was seen as a risky venue. That particular venue, certainly like many others, sees it as a cash grab and suggests that for them the impact is quite catastrophic.

They are fortunate that they have a landlord who is quite supportive; other venues do not have landlords who will enable them to change their opening times or be more flexible, so some might be caught in a bind. I understand that there is at least one venue in the city where the landlord expects them to open late, so they are going to have to cop this money even if they cannot make it, and they may look at going out of business.

Quite wisely, the proprietor of the Edinburgh Castle Hotel suggests that perhaps risk-based licensing might actually be based on risk. That would probably be by looking at the liquor enforcement branch's top 10 venues that are contravening or not doing the right thing and establishing an oversight committee to ensure that those licensees who are not doing the right thing are the ones who fall foul of the extra penalties associated with the risk-based licensing. This, to me, seems to be quite a logical solution and certainly one that might have been in the sight of government had it actually spoken to licensees about this scheme.

In Canberra, when similar laws about risk-based licensing were proposed, there was a several hundred page document which consulted with licensees, political parties and the Hotels Association. Unfortunately, here we do not have a small bars association, but in WA they do, and I am sure that these sorts of measures may see South Australia soon have a small bars association. However, similar groups should be consulted before such measures are taken by government. It is simply good governance and simply good democracy to ensure that you talk to stakeholders and assess the impact of your legislation before you simply announce it. I dare say that you are going to be in a situation where the Weatherill government has, in this case, declared and will have to defend.

In recent months, we have seen a change of heart from the Weatherill government and, indeed, support for an Adelaide that is vibrant, that supports small venues and bars and that supports cultural venues. In fact, the Premier's own staff member Lois Boswell is on a committee charged with investigating this very issue that was broached at a liquor licensing forum, which I and the Hon. John Gazzola and the Hon. Michelle Lensink attended recently, which looks to support little niche venues providing the basis for a vibrant city that will keep our young people here, that will create opportunities for small business and that will create safer communities because people will not only be in the big venues, and then out on the streets, but can go out and enjoy themselves in a whole range of options.

As I say, I hope that this will not be a declare and defend situation but that the government will see fit to revise and review this particular so-called risk-based schedule for the licensees and perhaps take a step back and come up with a system that is going to be truly risk-based, that will punish those who do the wrong thing and that will support those who do the right thing. In fact, what we want are venues that are contributing to and creating good and safe environments. You only have to look at some of the work done in Canberra to see that there are a range of models that could be adopted, where you do not sacrifice the budget bottom line but you actually have better ways of managing this risk-based licensing.

I think it is accepted by all of us in this place that alcohol and violence are a problem in our community. This particular scheme does nothing to address either the provision of alcohol that is not responsible nor does it address violence. So, I think going back to the drawing board on this particular regulation is not only in order but should be done urgently.

I am sure all members in this place are aware that there is widespread community support for a reform to liquor licensing laws. Many of you would have received, as I have, emails from the Raise the Bar campaign, which was launched at that particular liquor licensing event at the Jade Monkey. The Hon. John Gazzola, the Hon. Michelle Lensink and myself attended that event, with, I do believe, the Lord Mayor serving pizza, which was possibly the most controversial event during that particular forum, because we were all in accord that we need a vibrant culture, we need to keep Adelaide creative and we need to support live local music. I would hope that we can all find accord here as well.

South Australia does not currently have an appropriate small bar or general bar licence. In fact, we have an archaic licensing system which does not nurture the arts or live music, and does not, in this case, support those small niche venues that are doing the right thing. I certainly support liquor licensing reform and I support the live music industry. I believe that we need to support those venues that support both of those things.

The government could also look overseas. Ontario, for one, has risk-based licensing, which is not a one-size-fits-all approach, as has been done here, where the government seems to have taken the attitude that after 2am nothing good ever happens, which is an episode of *How I Met Your Mother* rather than what forms good government policy. In fact, after 2am good things can happen and currently they do happen at places like La Bohème.

I commend the work of Driller Jet Armstrong, in particular. I have not contacted the venue that he is involved with, Sugar on Rundle Street, but Driller Jet has started a Facebook group on

this particular issue, which I only stumbled upon in the last few hours, but it already has over 4,000 members. So, people, I expect those emails that we have been receiving for the past few weeks to keep coming to us because they have just put up the link to those emails. They have also put a link to a circulating petition, which I understand the Hon. Michelle Lensink may be involved in. So, we have not heard the last of this issue.

I commend Driller Jet Armstrong for trying to galvanise community support. As I say, that community support is in the many thousands already, and that is in only a few short weeks. Driller Jet sought a meeting with the Premier's office, and I understand that happened last week, so I would hope to hear from the government that it has listened to the concerns and will be willing to revise this particular regulation. He also wrote to the commissioner. I read the letter he wrote to the commissioner (on Facebook) where he asked the commissioner to justify why this has happened. The commissioner's response seems to indicate that it is simply a budget measure.

As I say, if this is simply a budget measure, there are ways of cracking this nut that do not punish well behaving, responsible venues, and there are better ways to impose risk-based licensing that look at issues such as violence and contravention of liquor licensing laws and ensure that the people who contravene those particular laws are the ones who are taking on the risk and paying extra for the risk, or, in fact, lose their licences. There is no soft approach here from the Greens. We are very hard line when it comes to addressing alcohol-fuelled violence. However, this is not the way to do it.

With those few words, I commend the motion to the council and say that this will not be the last you hear of this issue. I look forward to members of both the opposition and the government making a contribution and, hopefully, this erroneous decision being revised and a better way forward being developed.

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

CORRECTIONAL SERVICES (GPS TRACKING FOR CHILD SEX OFFENDERS) AMENDMENT BILL

The Hon. A. BRESSINGTON (16:10): Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982. Read a first time.

The Hon. A. BRESSINGTON (16:11): I move:

That this bill be now read a second time.

In addition to my Criminal Law (Sentencing) (Mandatory Imprisonment of Child Sex Offenders) Amendment Bill, today I introduce another bill that I hope will, if enacted, further enhance our community's protection from convicted child sex offenders. The Correctional Services (GPS Tracking for Child Sex Offenders) Amendment Bill quite simply enables paedophiles either on parole or on a leave of absence from prison to be fitted with global positioning system trackers by which their every move can be monitored 24 hours a day, seven days a week, 365 days a year, and breaches of their conditions can be identified and punished.

Just as New South Wales, Queensland and to a lesser extent Victoria have recognised, sex offenders, and particularly paedophiles, have one of the highest recidivism rates of all offenders and, given the harm their offending causes, for the protection of the community they require additional monitoring and surveillance upon their release from prison.

My bill will require the Parole Board, when assessing a parole application by a child sex offender, to consider whether the offender should be required as part of their parole conditions to be subject to GPS tracking. Additionally, the chief executive will also be able to require a child sex offender applying for a leave of absence to attend, say, an education facility to wear a GPS tracker.

This will apply to those convicted of a child sex offence as defined in the Correctional Services Act 1982, which includes any of the following offences committed against a child under the age of 16: rape; compelled sexual manipulation; indecent assault; persistent sexual exploitation of a child; incest; an offence involving unlawful sexual intercourse; an offence involving an act of gross indecency; an offence involving child prostitution; an offence involving indecency or sexual misbehaviour, including an offence against Part 3 Division 11A of the Criminal Law Consolidation Act 1935, or against section 23 or 35 of the Summary Offences Act 1953; an attempt to commit, or assault with intent to commit, any of the offences referred to in the above paragraphs; and any other offence (such as homicide or abduction) if there are reasonable grounds to believe that any of the offences referred to in the above paragraphs were also committed by the same person

against or in relation to the child in the course of, or as part of the events surrounding, the commission of an offence.

Earlier this year, the Western Australian government announced that it too would be introducing GPS tracking for its most serious child sex offenders. As other jurisdictions have done, it is planning to use the software accompanying the devices to create exclusion zones, such as schools, kindergartens, day-care centres, parks, playgrounds, public toilets and, most importantly, the neighbourhoods of previous victims, which will alert those monitoring if a child sex offender enters any of these places.

Applying this to a South Australian case, Mark Trevor Marshall, the paedophile who was the subject of the protest on the steps of parliament last year, would have been deterred and, if not, identified early, when he went to the primary school of his then stepdaughter, where he would routinely take her off site, abuse her and then return her to the school. He did this while he was meant to be at a nearby TAFE campus, which I believe was approved as part of his parole conditions; if not, it was approved as part of his pre-release from detention.

In addition to exclusion zones, my understanding of the software accompanying GPS trackers is that it also enables the creation of inclusion zones, with alerts being used if an offender leaves the area. If utilised, this will enable the Parole Board to restrict the paedophile's movements to a confined area or, alternatively, better monitor other conditions imposed as part of their parole conditions, such as a curfew.

There are studies that show the effectiveness of GPS tracking of either child sex offenders or parolees more generally. As an example, I point to the review by the Florida Department of Corrections, which found monitoring by GPS halved recidivism compared with those supervised without it. There is limited quantitative research available. Many studies focus on individual case experiences or attempt to measure the qualitative deterrent effect on offenders.

While many are supportive of GPS tracking, such studies, of course, have their limitations. Here in Australia the few GPS tracking systems in place have so far been limited in duration and, to my knowledge, have not been comprehensively reviewed. However, anecdotal reports in the media are promising, with the Queensland system triggering 287 alarms in December 2011 by the 39 high-risk sex offenders fitted with GPS tracking devices, 53 of which were serious enough for follow up, with many of these leading to breaches of parole.

The *Courier-Mail* reported that authorities acknowledged at the time that these breaches 'would not have been detected so quickly, if at all'. As a testament, I guess, to the sex offenders' consciousness of being tracked, two inmates in the same period had attempted to remove the GPS device, with one successfully doing so before throwing it out of a car window. Needless to say, such interference is detected and would represent a violation of their parole conditions.

As part of its push for the use of GPS tracking for child sex offenders, the *Courier-Mail* revealed in May 2011 that a significant number of paedophiles were breaching their licence conditions, including one who tried to abduct a boy from a skate park. This revelation rightly resulted in community outrage, which was channelled into the demand for GPS tracking. Numerous prominent names lent their support to the campaign and within months the Bligh Labor government announced it would be introducing GPS monitoring for child sex offenders. Since then the Queensland government has sung its praises.

In addition to extolling the virtues of GPS tracking for monitoring compliance with parole conditions, the then Queensland police and corrective services minister, Neil Roberts MP, is quoted as saying:

> It's provided additional intelligence. For example, a person might be visiting a location that they're quite lawfully able to do within their order on a regular basis. That's led to questions, 'Well, why are they going there' and they've identified another sex offender in that vicinity.

Similarly, the New South Wales government praises its limited program for monitoring high-risk sex offenders.

In responding to my bill, I have no doubt the government will draw attention to proposed subsection 68(1aa) in the Correctional Services (Miscellaneous) Amendment Bill 2011, which enables electronic monitoring as a parole condition, and attempt to suggest that the bill I introduced today duplicates this. Instead, I suggest that my bill enhances the broad and non-obligatory ability to consider electronic monitoring by compelling the Parole Board to consider whether to impose

GPS tracking as a condition of parole in all applications made by child sex offenders. In doing so they must, of course, have regard to the legislated paramount consideration of community safety.

Similar to the requirement to consider whether a child sex offender should be prevented from providing accommodation to a child for whom they do not have custody, under my bill the Parole Board must turn its attention to, and consider whether, a child sex offender's whereabouts should be monitored whilst on parole. This, I know, has the support of the Parole Board, with the head of the Parole Board saying in a recent *Advertiser* article that it would be 'very helpful'. Further, as discussed, my bill enables GPS monitoring of those inmates released from prison prior to parole, something the government bill does not do.

The irony in advancing this argument is that the government currently has no intention of introducing GPS tracking for any parolee, let alone child sex offenders. Shortly after the Queensland government's announcement that it too would begin using GPS monitoring on its parolees, mainly paedophiles, a journalist contacted the then minister for correctional services, Tom Koutsantonis MP, who said that there were no current plans for GPS monitoring, despite it being theoretically enabled in the Correctional Services (Miscellaneous) Amendment Bill. The minister considered, to quote the Adelaidenow article, that 'the current monitoring of offenders on home detention bail is adequate.'

It is beyond me how the minister can find any correlation between the use of home detention radio frequency devices, with all their limitations, for those who are yet to be convicted and GPS monitoring, which provides 24/7 location data, for convicted child sex offenders on parole. By narrowing the focus to child sex offenders it is my hope the government will reconsider its position on GPS tracking to protect the community from these most heinous offenders, a sentiment recently echoed by the Victorian shadow minister for corrections Jill Hennessy MP who, in response to the Victorian government's announcement that it would be expanding its GPS monitoring program to those on low level community corrections orders, said:

> The government should focus its resources on monitoring sex offenders properly before it stumbles into these uncharted waters...There will be over 10,000 individuals on the Sex Offender Register by 2020. The priority should be keeping children safe.

I do not pretend that establishing GPS tracking of child sex offenders will be cheap, although it should be noted that the cost of the GPS units themselves is not exorbitant. Whilst governments routinely cite commercial in confidence, it is understood that in the most recent acquisition in Queensland the GPS anklets cost some $3,000 each. Victoria reportedly paid $3,000 to $3,500 for their devices, and New South Wales, some years ago, paid some $5,000 each. The true cost, of course, lies in monitoring; however, Western Australia has reportedly set aside only $6 million over four years, which I believe is not an exorbitant cost, given the benefits to community safety that it brings.

Despite GPS tracking having been extensively trialled in America, and now being compulsory for child sex offenders in many states, I would nonetheless welcome the government, if it is not going to support my bill, to at least trial GPS trackers for child sex offenders here in South Australia. I have no doubt this would expose all that we miss in our current supervision of child sex offenders, nor do I doubt that it would be welcomed by the public. I note that 80 per cent of respondents to the Adelaidenow survey were in favour of satellite tracking of dangerous offenders.

I also note that tomorrow I will table a petition with over 1,700 signatures in favour of my Criminal Sentencing (Mandatory Imprisonment of Child Sex Offenders) Amendment Bill. The management of convicted child sex offenders is clearly of concern to our constituents, and I hope that, by supporting these bills, it is of concern to this parliament as well. I commend the bill to the council.

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

DRUGBEAT

Adjourned debate on motion of Hon. A. Bressington:

That this council recognises the valuable work and outcomes achieved by the DrugBeat Program of South Australia in Elizabeth Grove over the last 14 years and that this program:

1. was the first to develop a painless and humane detoxification process for opiate addiction and methadone;

2. was the first to use naltrexone in a therapeutic situation for opiate addiction;

3. was the first to recognise the need for a structured and sequential recovery program for addicts;

4. was the first to recognise the need to include family in the recovery process;

5. was the first to develop a proactive parenting program for recovered addicts to break the generational cycle of addiction; and

6. fulfilled all three objectives of the harm minimisation policy, those being to reduce the harm, reduce the demand and reduce the supply of illicit drugs.

(Continued from 16 May 2012.)

The Hon. D.G.E. HOOD (16:27): I rise to speak to the motion of the Hon. Ann Bressington on 16 May—the last Wednesday of sitting in this place—concerning DrugBeat, of course. In that motion, and indeed in her speech following that, she detailed the history of DrugBeat and the circumstances leading to the cessation of funding for DrugBeat.

She touched on some fundamental issues that I consider should be the subject of further discussion and, indeed, action by this place. It was very clear from her very passionate speech, which included a great deal of her personal experiences and personal knowledge, that both the philosophy and methods used by DrugBeat were fundamentally different from those used by Drug and Alcohol Services (DASSA).

Questions about how we should deal with illicit drugs and drug addiction are of such fundamental importance that it would be irresponsible for us as legislators to avoid making an evaluation of the available evidence concerning methods of drug rehabilitation. There can be no doubt that drug addiction is one of the greatest threats to society as we know it today. In 1998, the United Nations set itself the aim of a drug-free world by 2008. So much for good intentions: another one of the United Nations' great lofty aims and dismal failures.

I will not summarise the whole speech of the Hon. Ann Bressington, other than to say that her passion was compelling, but I do wish to speak on two key questions that were raised by her expressly in her speech and touched on in a number of ways throughout her contribution. The first question was: what is the success rate of various organisations providing rehabilitation and what advice do they give to drug addicts? This is a fundamental question.

The Hon. Ann Bressington said that DrugBeat had an unrefuted 95 per cent success rate over a seven-year period. This is outstanding. She explained that, after seven years, former addicts were still drug free in these cases. Another organisation of which I am aware, Teen Challenge, is a Christian not-for-profit organisation and also runs abstinence-based drug rehabilitation programs for young people.

It has not received recurrent state government funding, although it has until now been receiving commonwealth government funding, but I am sad to say that this will soon cease. However, Teen Challenge is expected to continue to provide its services because it has supporters and workers who are personally dedicated to improving the lives of drug addicts. For the workers there, it is not just a job: it is a mission. Indeed, I have a close personal friend who is training to be a full-time worker for Teen Challenge.

It has an 80 per cent success rate with this program—another outstanding result—where success is defined as being drug free from addictive behaviour five years after graduating from the program. Teen Challenge has also been working in the remote Aboriginal lands of South Australia for some years and has received an award from the Prime Minister for this work. Both DrugBeat and Teen Challenge do fantastic work.

I recently sought, through a freedom of information request addressed to DASSA, details of the numbers of persons who completed methadone treatment, on the basis that they no longer took methadone or any other drug for addiction treatment. The response staggered me. It was that there were no documents with that information.

I must say that I was absolutely staggered by this, so I followed it up with a question in this house on 17 May, asking why DASSA does not keep records of the apparent success or failure of its programs and seeking details of what its policy objective is. Obviously, I still await the response but, just to be clear, it does not keep the data and it does not track whether it is working or not. It has a program and it simply does not know whether it works.

I cannot understand why DASSA does not publish or even appear to keep records of the success rate for its methadone program. Could it be that it simply does not wish to know the outcomes of its program? Why on earth does DASSA receive government funding, whilst other

non-government organisations that are successful, indeed highly successful, like DrugBeat and Teen Challenge, do not?

Does DASSA have any measurable success with drug rehabilitation programs generally? Does it have any measurable objectives at all? These are not questions that can be idly pushed aside. The young people in our community affected by drugs are far too valuable and, indeed, far too vulnerable for these questions to go unanswered. Nobody objects to taxpayers' money being spent on worthy rehabilitation methods, but I think everyone has a right to object when that money is just squandered and results are not even tracked for the success or failure of the program that valuable taxpayers' money goes towards.

The second question that the Hon. Ms Bressington raised in one way or another throughout her contribution was: what are the criteria for the funding of organisations that provide drug rehabilitation services? The Hon. Ann Bressington complained that it was made clear to her that DrugBeat's funding ceased for political reasons. She said it was clear that the funding submission from DrugBeat would never have been good enough because DASSA never wanted DrugBeat to get funding in the first place.

She detailed how DrugBeat was a leader in the field of pioneering new methods of rehabilitation and new drugs that were useful as an adjunct to rehabilitation. She detailed how DrugBeat had achieved award recognition for quality assurance. The submission for funding that was unsuccessful had actually been professionally prepared. The question must be asked: why was funding for a successful organisation suddenly cut off? If the Hon. Ann Bressington was totally unaware of any shortcomings of DrugBeat, were there any proper grounds for the funding to be cut?

As members of this house will be aware, I have been concerned about rehabilitation of drug addicts for some time—certainly since I have been in this place and, indeed, well and truly before that. Indeed, there are a few issues about which I am more passionate. I want to take the opportunity to thank the Hon. Ann Bressington for her speech and for sharing with us the story of her involvement in DrugBeat. I support her request for answers to the questions that she has raised.

I strongly support the motion and I think it is incumbent upon members in this house for us to take a look at this issue of why these very successful rehabilitation bodies such as DrugBeat and, indeed, Teen Challenge and the abstinence-based programs will no longer receive state funding, and yet we continue to fund an organisation that does not even track its success or failure, does not keep any records of how many people actually successfully get off drugs in any time period whatsoever—not one month after they cease treatment, not one year, not five years; nothing. They simply do not keep records. It is not good enough.

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

CITY OF ADELAIDE (CAPITAL CITY COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 May 2012.)

The Hon. A. BRESSINGTON (16:34): I rise to indicate my support for the City of Adelaide (Capital City Committee) Amendment Bill, first introduced in the other place by the member for Adelaide, Rachel Sanderson MP. The bill quite simply provides that the member for Adelaide must be on the Capital City Committee established under the City of Adelaide Act 1998 to improve cooperation between the state and City of Adelaide, particularly in relation to planning decisions. Our constituents in Adelaide deserve, and I am sure if given the opportunity would demand, that their chosen representative in the House of Assembly, regardless of whether their vote in parliament contributes towards the formation of government, be a member of the Capital City Committee.

For while the City of Adelaide is our state capital, and as such must be governed and planned for in the interests of all South Australians, for these constituents it is also their home town, and they must not be forgotten nor their voices silenced in the planning debate. However, in supporting this bill I do not subscribe to the partisan attack on the government that has accompanied it.

The reality is that since the Capital City Committee's inception in 1998 the state seat of Adelaide has not been held by a member who is not a member of the governing party. There has

literally been no opportunity for a precedent to be set, and one wonders whether the Liberal governments, led by either John Olsen, MP, or Rob Kerin, MP, would have included the member for Adelaide had it been held by Labor. Given the rhetoric in establishing the committee, specifically that it was intended to improve relations, cooperation and coordination between the state government and the City of Adelaide, I very much doubt it.

I am sure that if that had been the case this parliament would have seen a private member's bill no different from this originating from the Labor opposition bench, with the same attempt to score political points as the current opposition is doing. Removing the politics, the question is simply whether the member for Adelaide on behalf of constituents they represent, and regardless of from which party they hail, should be on the Capital City Committee. Clearly, I believe they should be and the bill has my support.

Debate adjourned on motion of Hon. T.J. Stephens.

OLYMPIC AND PARALYMPIC GAMES

The Hon. J.S. LEE (16:37): I move:

That the council congratulates all the South Australian athletes for their selection to the Australian team for the 2012 London Olympic and Paralympic Games.

As I move this motion, I acknowledge my colleague in the other place, the shadow minister for sport, recreation and racing, Dan van Holst Pellekaan, who is passionate about his portfolio, for initiating the same motion in the House of Assembly. We jointly congratulate South Australian athletes who have been successfully selected to embark on one of the most exciting and unforgettable experiences of their lives: to represent their country as a proud Australian and compete in the 2012 London and Paralympic Games.

Australia is the epitome of a sporting nation. As a big country with a relatively small population, our athletes perform and compete extremely well and produce some of the most amazing sporting achievements on the world stage. The opening ceremony of the London Olympics will happen on Friday 27 July 2012, and Australia is working hard to assemble our most talented teams for the 26 registered sports in the summer games.

It gives me great pleasure and honour to acknowledge and pay tribute to the 17 South Australian athletes who have qualified and been accepted into the Australian Olympic and Paralympic teams, and I am sure that when other sporting teams are finalised we will see more South Australians joining the elite athletes in London, and I encourage members to speak about the selection of these athletes in their electorates. Australians are considered a sports oriented people. We enjoy many outdoor activities, keeping fit and competing in team sports.

During winter we love to barrack for our favourite footy team on the weekend and throughout summer we follow the performances of cricket and tennis games. As the weather gets colder in South Australia during the winter months, we can be sure to warm ourselves by watching and cheering on Australians in the international sporting competition, the summer Olympic and Paralympic Games to be held in London.

As a sporting nation, Australia has sent athletes to almost all editions of the modern Olympic Games. We have competed in every summer Olympics since 1952. In 1895, Australia established the Australian Olympic Committee to ensure Australia received international recognition on a sporting level and to ensure funds and teams were selected leading up to the games. Our first national appearance was in 1896 when Edwin Flack won gold in both the 800 metres and the 1500 metres in the 1896 Olympic Games that were held in Greece.

Australia is a highly competitive country when it comes to sport. I think it is a reputation that we are pretty proud of. Since competing in the Olympics summer and winter games from 1896 to 2010, Australia has brought home 252 gold medals and since the 1992 Barcelona games Australia has finished in the top 10 countries. For instance, in the 1992 Barcelona Olympic Games, Australia finished 10th; in the 1996 Atlanta games, Australia finished 7th; in the 2000 Sydney Olympics, Australia finished 4th; in the 2004 Athens Olympics we finished 4th; and in the 2008 Beijing Olympics we finished 6th.

The Olympic Games are regarded as the world's foremost sports competition with over 200 nations participating. It is definitely an exciting achievement to see Australia competing at such an elite international level. Swimming, for example, is Australia's most prolific Olympic sport, having been responsible for 58 of Australia's 143 Olympic gold medals. Names like Shane Gould, Ian

Thorpe, Dawn Fraser, Murray Rose, Kieran Perkins, Susie O'Neill—just to name a few—are many outstanding Australian athletes that have now become international household names and have put Australia on the map.

While many of the outstanding athletes are well supported there are countless athletes across the country who have to work either full-time or part-time to keep their dreams alive. Many do not receive sponsorship and they have to pay from their own pockets to train for and play the sport that they love. These committed individuals deserve a special mention. I commend them on their perseverance, determination and ambition to be the best they can be and to represent Australia on the world stage. I encourage them to continue to seek support from the private and government sectors.

Athletes and their supporters deserve utmost respect because a mountain of work and perseverance behind the scenes leading up to the Olympic Games has to take place. Getting to the Olympic Games consumes years of sweat, pain and sometimes tears as athletes endure themselves in mental and physical preparation for that moment of glory, for that world record or for that opportunity to achieve PB—personal best—against the world's best. The achievement of Olympic athletes on the winning podium is not just a dream of individuals; it is the dream of a team—a team of people who believe in them and also believe in their ability to succeed.

We must acknowledge the hard work and supportive networks, including coaches, trainers, mentors, fund-raising committees, the respective sporting organisations, family and friends who have all worked hard to help the athletes achieve their goals. The teamwork and mechanics behind supporting athletes for the Olympic Games is phenomenal. The behind-the-scenes facilitators, volunteers and sporting organisations come together as one to work in a collaborative, committed and synchronised manner to maximise the full potential of that athlete to achieve a goal; a goal of representing their nation at the most leading international sports competition.

As the Australian Olympic Committee finalises the 2012 Olympic team it gives me great honour to pay tribute and recognise the 17 South Australians who will be representing their home country in London. We have athletes from various backgrounds with various talents. South Australian athletes will be participating in badminton, boxing and canoeing/kayaking—and I guess there is no surprise then when Adelaide is the host city for the Tour Down Under that we have 10 athletes competing in the cycling event. We will also be competing in the marathon, swimming and rowing, and have a Paralympic competitor in shooting.

Each athlete has their own challenging story of how they came about realising their dream of joining the Australian Olympic team. I would like to take this opportunity to highlight a number of South Australian athletes. I am proud to say that I am personally connected to one of them. It is a privilege to play a role in supporting Leanne Choo in her quest for her Olympic dream. With a world ranking of 30 in ladies doubles, South Australian Leanne Choo looks forward to representing Australia in the sport of badminton at her first Olympic Games in London.

Leanne will be turning 21 next week. This young achiever is an outstanding, hard working, ambitious lady, who has a fire in her belly to make her dreams come true. Last year, Leanne was a finalist in the sports award category of the South Australian Community Achievement Awards. Leanne is a role model for many young Asian migrants living in South Australia and has been very popular within the overseas university student circle as well.

Like many athletes, balancing studies or work with their sporting aspirations, Leanne is currently studying for an architecture degree at the University of Adelaide. She has represented Australia at various global competitions such as the World Badminton Juniors in 2006, 2007 and 2009 and the 2010 Commonwealth Games, and now the Olympic Games.

Her selection to the Olympic team would not be a reality without Leanne's hard working and supportive network. In August 2011, the South Australian Chinese Weekly, which is a Chinese media company, together with her family, hosted a fundraising dinner, which was attended and sponsored by members of the Chinese community and business sector.

I had the pleasure of attending the fundraiser and sponsoring Leanne in her quest for the Olympic dream. One can imagine how thrilled I was to learn that she was selected for the Australian badminton team for the 2012 London Olympics. On Thursday 3 May 2012 at 11.34 pm exactly, I received this email from Leanne's parents, which I would like to read onto the *Hansard*:

Dear Jing,

In case you have not heard, the result has just been announced a few minutes ago and you are amongst the first to know this wonderful news about Leanne's qualification for the 2012 London Olympics!

All our hard work and dedication finally pay off!

On behalf of Leanne and my family thank you very much for your support to make this important milestone a reality and an experience to be cherished!

What a great South Australian success story which will set the foundation for the next generation to move up the ladder in SA! With the 'wisdom' of the elders, I am confident Leanne and her generation can set South Australia on a journey of transformation. It will be indeed another legacy for the South Australian community.

Let us work hard to use Leanne's success to inspire others not only to interact in badminton but to build goodwill and friendship!

Thank you for your on-going support to bring about a fantastic Chinese Community multi-cultural story!

Regards

Peng and Lina Choo

It is indeed a wonderful multicultural success story because Leanne's parents are migrants but she was born in Australia. Leanne is now representing Australia and will compete in the London Olympic Games. This showcases that Australian migrants have made a significant contribution to enrich our country.

The other remarkable athlete I would like to highlight today is Libby Kosmala. On 22 May 2012, the Australian Paralympic Committee was pleased to announce that Australia will take its strongest Paralympic shooting team to the 2012 London Paralympic Games, with six shooters heading to the games. One shooter, the incredible Libby Kosmala, who is 70 years old, is a very proud South Australian who is attending her 11th Paralympic Games. With over 30 years' experience in shooting, Libby could be described as a legend within her field of sport. She currently has nine gold medals to her name and is still posting impressive international results.

In 1984, Libby won four gold medals and broke four world records in air rifle shooting. As described by Libby, her most memorable moment was in 1988 when she and her husband both won gold medals. Her husband won gold in lawn bowls. Libby is definitely one of South Australia's and Australia's most accomplished athletes, and I am sure that South Australia will be barracking for her during the London Paralympic Games, which will take place between 29 August through to 9 September 2012.

Today we have learned about the many inspiring stories of participating athletes. I wholeheartedly ask all honourable members to support this motion. Let us all congratulate South Australian athletes for their successful selection to the Australian team for the 2012 London Olympic and Paralympic Games. I wish all the athletes the very best in their endeavours. I cannot wait to watch the all-time great Australian team dominating the 2012 Olympic Games in London. Go Aussies! Bring back gold, silver and bronze—make us proud! I commend this motion to the chamber.

Debate adjourned on motion of Hon. Carmel Zollo.

GROWTH INVESTIGATION AREAS REPORT

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

That the Legislative Council, pursuant to section 14 of the Ombudsman Act 1972—

1. Refers to the Ombudsman, for investigation and report, compliance of the following processes in relation to administrative acts, relevant laws and policies—

   (a) the tender process for the preparation of the Growth Investigation Areas Report.

   (b) the probity investigation undertaken by the State Procurement Board in relation to the decision awarding a contract to Connor Holmes for the preparation of the Growth Investigation Areas Report, including the findings and advice arising from that probity investigation.

2. Resolves that the administrative acts warrant investigation by the Ombudsman, despite any availability of a right of appeal, reference, review or remedy, or the passage of time referred to under section 14(3) of the Ombudsman Act.

(Continued from 28 March 2012.)

The Hon. G.A. KANDELAARS (16:55): It will be no surprise to this chamber that the government opposes this motion. This motion seeks to direct the Ombudsman under section 14 of the act to investigate and report on matters surrounding the Growth Investigation Areas report. First and foremost, the government has nothing to hide on this matter. The former minister for planning, the Hon. Paul Holloway, addressed this matter of the tender process for the Growth Investigation Area report in significant detail in 2009.

I direct all members to *Hansard* for full details of that debate. However, there is a particular aspect that I would like to draw members' attention to. Minister Paul Holloway quoted a letter received from Connor Holmes in response to a question from the Hon. Mr Parnell. Part of the letter stated:

> As you are aware, the decision of your department to retain Connor Holmes to provide advice in relation to the Growth Investigation Areas and (via at KPMG) the 30 Year Plan projects was taken following a competitive tender process. The involvement of this firm in a large number of major urban development areas and projects on behalf of a range of clients (including the government itself via the LMC) was clearly disclosed and understood throughout this tender process. Indeed, at the time it was seen as a major strength of this firm. The final decision was authorised by the State Procurement Board, providing an independent high-level probity check. Mr Parnell appears to believe that our dual involvement in many development areas constitutes, prima facie, an insurmountable conflict of interest. The State Procurement Board clearly does not agree with this assertion. In any event, Mr Parnell's position would lead to one of two potential outcomes, neither of which are either logical or tenable.
>
> The first option would be to preclude the Government from retaining any consultant or adviser with any previous or current involvement in any areas subject to growth consideration anywhere in the Greater Adelaide region. This would disqualify from selection all of the planning firms in this State with the capacity to undertake the work, and would prevent the government from obtaining the highest quality planning advice.
>
> The second option would be to require that any consulting firm retained by the government terminate its relationship with any clients having an interest in any land being considered for growth anywhere in the Greater Adelaide region. This would undermine the financial success of the firm retained, and would be unacceptable to any large and successful planning consultancy. In this context, the course of action taken by your department, that is, requiring disclosure of any potential conflicts of interest so they can be taken into account in the selection process and in the management of any subsequent contract, is clearly the only tenable course of action.

This matter was long ago addressed in considerable detail, and it is unnecessary to go over this ground once more. Nevertheless, the government expects that there has been some kind of deal done between the Liberals and the Greens to spend more public money going over the matter that has had considerable attention already.

Before I finish, I would like to add some context to this motion and remind the house what has happened recently. The Hon. Mr Ridgway, on behalf of the Liberal Party, has recently opposed motions of the Hon. Mr Parnell to suspend the Mount Barker growth DPA and has opposed the motion to refer matters relating directly to Mount Barker to the Environment, Resources and Development Committee. Even when the Hon. Mr Parnell's motion was amended to be referred to a select committee instead of a standing committee, the Hon. Mr Ridgeway, on behalf of the Liberal Party, opposed the motion.

Now we are asking why this is relevant. The answer is, in opposing the motion, the Hon. Mr Ridgway stated that the best way to deal with this matter was to refer it to the Ombudsman. However, this motion does not refer the Mount Barker issue to the Ombudsman. It is clear that this motion does not directly address Mount Barker.

I understand that in his summing up of the debate on the previous motion the Hon. Mr Parnell stated that he would support this motion before us today. He then questioned whether the Liberal Party actually cared about Mount Barker. The group of Liberal Party members that went to visit the Ombudsman included the member for Kavel but, other than that, the Liberal Party is delivering no more than a disingenuous outrage over the matter of Mount Barker.

What this motion, and its voting on other motions, shows is that the Liberal Party does not want to undo anything the government has done at Mount Barker and, should it form a government in the future, it will not change the development plan at Mount Barker.

The Hon. M. PARNELL (17:01): I was all ready to disagree with absolutely everything the Hon. Gerry Kandelaars said, but he recovered it somewhat at the end when he pointed out the duplicity of the Liberal Party in not actually giving a toss about the people of Mount Barker.

The Hon. Gerry Kandelaars seemed surprised that the Greens would be supporting this motion to refer certain matters to the Ombudsman, given that it does not achieve what we set out to do. The answer is that there is so much that is wrong with what the government has done—not

just at Mount Barker but also with the precursor documents to Mount Barker, the growth investigation areas report, the 30-year plan—that, even though it is with a great deal of disappointment that I am supporting the Liberal motion, it is in that category of 'a little bit is better than absolutely nothing'.

I have spoken at some length on two occasions about why we need a proper inquiry into Mount Barker and, as tempting as it might be to re-agitate all those arguments, I am not going to today; however, I refer people to the motion I put forward on 14 March, and the Hon. Gerry Kandelaars referred to it. It would have been a comprehensive inquiry into a range of matters dealing with Mount Barker, dealing with conflict of interest and, as the honourable member said, the original plan was to send it to the committee that has statutory responsibility for this area.

The Liberals did not like that so it was amended by my colleague the Hon. Tammy Franks to be a reference to a select committee, but they did not like that because they do not really want to uncover anything wrong at Mount Barker because then they would then be in the hot seat and would be expected by their constituents, the honourable member for Kavel's constituents, to do something about it. They do not intend to do anything about it, so what they have done is put the smallest range of matters possible together in very soft terms of reference to a secret inquiry by the Ombudsman, where people will not be able to address the big picture issue.

I will name it. The big picture issue is, I think, the appropriateness of the government outsourcing to conflicted private sector operators fundamental questions about the future of our towns, our cities and our suburbs. That is the thing we have to get to the bottom of, that is the conflict of interest. It has not gone away. The protagonists will say that they declared their conflict of interest; well, that becomes a declared conflict of interest, it does not make it go away.

I am very disappointed that this parliament did not choose to accept the genuine inquiry the Greens were proposing, one that would have been under the scrutiny of the public. Members of the public could have come along, they could have seen the questions being asked, and they could have seen the answers. Instead, we have this Ombudsman's inquiry into a very narrow range of matters. I made a further contribution in this place on 4 April this year where I set out in some detail why it was that the Ombudsman inquiry is not an adequate replacement for the detailed parliamentary inquiry that the Greens were proposing.

It is with some sadness that we support it. It is an inquiry; it is better than nothing. We will see whether it comes up with any mismanagement or other behaviour that warrants further action in this place. I do not hide my disappointment that the people of Mount Barker are not going to get what they deserve, but let us have this Ombudsman inquiry and let us see what comes out of it. The Greens will therefore be supporting the motion.

The Hon. A. BRESSINGTON (17:05): I rise to indicate my support for the Hon. David Ridgway's motion to refer to the Ombudsman an inquiry into the engagement of Connor Holmes to conduct the Growth Investigation Areas Report. In doing so, I commend the Hon. Mark Parnell for bringing to light this and many other issues concerning the rezoning and development at Mount Barker.

Whilst the Hon. Mark Parnell has raised issues well beyond that before us today—and as an aside, I put on the record that I would have much preferred that those were pursued—the Liberal Party has instead chosen to focus on Connor Holmes' seeming conflict of interest in preparing for the government the Growth Investigation Areas Report while simultaneously lobbying on behalf of major developers to have significant areas of land rezoned and, more specifically, in the government's procurement process which, at least, overlooked this conflict and, at worst, enabled it.

Given that the Growth Investigation Areas Report informed the 30-Year Plan for Greater Adelaide, which has been characterised as the plan for growth, such a conflict, at least to my mind, is inappropriate. Addressing this perceived conflict of interest about the authors of the Growth Investigation Areas Report is clearly necessary to the integrity of any planning and zoning decisions flowing from the 30-year plan and more generally to the accountability of our planning system. For this reason, this motion has my support. I am aware that the District Council of Mount Barker supports referring the matter to the Ombudsman as well.

However, I do note that, in supporting references to the Ombudsman, we should be aware of the budgetary impact this has on the Ombudsman's office and, in turn, on access to an ombudsman investigation by our constituents. As the Ombudsman detailed in the 2010-11 annual report, the investigation into the City of Charles Sturt, following the referral by the former

Independent MLC David Winderlich, cost just over $425,000, which was met entirely from within the Ombudsman's budget.

Whilst I do not expect the investigation proposed by the Hon. David Ridgway to be as complex and lengthy as that, we should nonetheless bear this in mind when considering any such proposal. In doing so, my office spoke to the Ombudsman and it is my understanding that, while he awaits this year's budget before being able to accurately assess any impact such a referral may have, he believes that, given the relatively confined terms of reference, he will be able to conduct the investigation without impacting upon his statutory obligations.

If, however, this is not the case, I would certainly support any application he makes to the government for additional funding to meet the cost of this investigation, as I hope all other members of this council would. With that said, I support the motion, probably in the same heart as the Hon. Mark Parnell—that is, that it is better to do something than nothing—and look forward to the Ombudsman's report when it is handed down.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:09): I thank members for their contributions and I am pleased that it appears that we will have the numbers to have this investigation referred to the Ombudsman. It appears that we will; we will see how you call it, Mr President. In summing up, I respond to the Hon. Gerry Kandelaars' and the Hon. Mark Parnell's comments in relation to why we have chosen this path and not referred it to the ERD Committee or, indeed, a select committee.

Members will be well aware that the ERD Committee is controlled by the government. The Hon. Mark Parnell himself, I think, laments the fact that the government controls that committee. My colleagues, the Hon. Michelle Lensink and—it was Ivan Venning—now Tim Whetstone, the member for Chaffey, are on that committee. They often lament the fact that the chair shuts it down, does not call witnesses and the government basically controls it. Really, there was no likelihood of an outcome.

The Hon. Carmel Zollo: What a load of rubbish!

The Hon. D.W. RIDGWAY: It is not a—

Members interjecting:

The Hon. D.W. RIDGWAY: Absolutely true.

The Hon. Carmel Zollo interjecting:

The Hon. D.W. RIDGWAY: The Hon. Carmel Zollo says we can have all the witnesses we want. They would want to make sure the Liberal members of that committee table that statement.

The Hon. Carmel Zollo: The Hon. Mark Parnell will confirm that.

The Hon. D.W. RIDGWAY: And that will be good. I am pleased to hear that you can have all the witnesses you want. However, what happens is, at the end of the day, the government sanitises the report and, of course, we know the minister does not ever bother to respond to those reports.

The Hon. J.M. Gazzola: Better than the rubbish you concoct on your select committees.

The Hon. D.W. RIDGWAY: Yes, we could set up a select committee of the Legislative Council which does not have a majority of government members. However, in the 10 years I have been in this place, I am yet to see any recommendation of any select committee acted on by any minister. Even when we gave them the courtesy of having the minister chair them, and having the government with sufficient numbers, they still do not act on the findings.

What we wanted to do was to refer it to an independent person (the Ombudsman) and an independent body (his office). It will publish a report and I hope there will be some findings that the government will respond to; whereas, when we go through this parliamentary process with this arrogant government that just sweeps things under the carpet, we do not get any actual outcomes—and what we want is an outcome.

I accept that it is relatively narrow, but we went to the Ombudsman with all the information and said, 'We would like to have a meeting.' The Hon. Stephen Wade, the member for Kavel (Mark Goldsworthy) and I went to the Ombudsman and said, 'We want to look at instigating an inquiry. What sort of wording do you need?' The wording that we have is the wording that the Ombudsman's office gave us, so that he has the scope to inquire into the probity process. He gave

us advice—that is why you go to the Ombudsman. There is not much point referring something to the Ombudsman that does not give him the scope to do what he needs to do.

We have done that. We got advice from the Ombudsman's office on the sort of wording he would need. Although the Hon. Gerry Kandelaars and the Hon. Mark Parnell criticised us, the wording is based on the information that his office said he required to do the investigation into the probity checks that were done in awarding that contract. The Hon. Mark Parnell has referred to a 'conga line' of people coming to his office from the development industry raising issues about this particular potential conflict of interest. I have not had a conga line, but I have had a number of people from the development industry—

The Hon. M. Parnell: They go to the ones they trust, David.

The Hon. D.W. RIDGWAY: Yes. Well, you have always had a longer conga than most people anyway, Mark. At the end of the day, there are people in the industry who have been concerned about how this was allowed to happen. In Western Australia, the planning officials said it would never happen. A government official said that you cannot have somebody serving two masters, if you like, a consultant. It raised all these issues, so that is why we have chosen the Ombudsman's inquiry. It is interesting, when Mark Parnell talks about us—

The PRESIDENT: The Hon. Mark Parnell.

The Hon. D.W. RIDGWAY: —and says the people of Mount Barker do not deserve what they get. I was contacted by some people in Mount Barker who were outraged we were not supporting the Hon. Mark Parnell's motion. They said, 'We have been through all the letters, we have been through the information and it is littered with Liberal Party people.' I said, 'Well, thank you.' I will not name the person who I spoke to, but I said, 'Could you provide me with the names, please, because I would like to see who they are?' The only name they could provide me with was Nick Bolkus. Now, we are a broad church in the Liberal Party, but I can assure you he ain't part of it. So, it is interesting.

Members interjecting:

The Hon. D.W. RIDGWAY: That is why they thought he was a Liberal, because he was tied up with them. This is where the story gets misconstrued. Mark Parnell talks about Mount Barker people getting what they deserve. I will put on the record again that it was the Greens who preferenced Grace Portolesi, Chloe Fox and all of the people in marginal seats, with the deliberate intention of electing a Labor government. So, sadly, the people of Mount Barker and South Australia got a Labor government because the Greens wanted a Labor government ahead of a Liberal government, when we had a clear policy of a different approach to Mount Barker anyway.

We did not win the election. The Greens made their choice, and the rest is history. This poor excuse for a government is back in office. So I am pleased to hear that we are likely to get the support to refer this to the Ombudsman. I hope the Ombudsman has the budget and the financial resources—he is not starved of resources from this hopeless government—so that we will be able to conduct an inquiry and come up with some recommendations about how this certainly does not happen in the future. Really, this is about trying to make sure that it does not happen again, unlike what minister Rau was saying, that things in Mount Barker will never happen again. With those few words I urge members to support the motion.

The council divided on the motion:

AYES (13)

Bressington, A.	Brokenshire, R.L.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Parnell, M.
Ridgway, D.W. (teller)	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

NOES (7)

Darley, J.A.	Finnigan, B.V.	Gago, G.E. (teller)
Gazzola, J.M.	Hunter, I.K.	Kandelaars, G.A.
Zollo, C.		

Majority of 6 for the ayes.

Motion thus carried.

DISABILITY (MANDATORY REPORTING) BILL

The Hon. K.L. VINCENT (17:21): Obtained leave and introduced a bill for an act to provide for the protection of persons with a disability; and for other purposes. Read a first time.

The Hon. K.L. VINCENT (17:22): I move:

That this bill be now read a second time.

It gives me great pleasure to be reintroducing my Disability (Mandatory Reporting) Bill 2012. I will try to keep my comments brief as, in essence, the bill is pretty simple. It stands to protect some of our most vulnerable citizens which, to me, seems like a pretty simple concept. However, you will have to indulge me as I recap some of what I said in this chamber almost two years ago when I introduced in this bill in its first iteration.

As members will see, it seeks to protect people are unable or are likely to be unable to even recognise abuse or neglect toward them such as people with certain intellectual disabilities or people with physical disabilities such that they are unable or likely to be unable to report abuse and neglect. This may be because of a physical impairment which inhibits speech, for example.

I would like to elaborate on where the initial idea for this bill—or inspiration, if you like, for this bill—came from. In mid-2010 early in my time as a member of this chamber, I attended a Productivity Commission hearing which was inquiring into disability services. While there, I heard the story of a South Australian mother of a child with multiple and complex disabilities, now an adult child. She spoke as a parent of an adult child with an intellectual disability about her daughter's experience while living in institutional residences for people with disabilities.

This young woman had lived most of her life in such institutions and, whilst she was there, she suffered more abuse and more neglect than, frankly, her mother cared to know about. I believe the mother's exact words were, 'I'll never know exactly how much abuse my daughter suffered during her time in institutions and, frankly, I don't want to know.' I think this quote speaks for itself and speaks volumes.

Since the bill was first introduced I have discovered through consultation and feedback that a number of additions needed to be made to provide clarity and ensure adequate protection and effectiveness of the bill's intent. I also found that the current mandatory notification phone line used for notifying suspected abuse of under 18 year olds was so overloaded that it was preferable that, in the circumstances of this bill, prescribed persons instead contact the Public Advocates Office and that that office handle the report.

Why do we need this bill? First, while I am not suggesting for a minute that the moment we put people with disabilities into residential facilities or institutions they are going to be abused or neglected, we do need to recognise that people with both physical and intellectual disability are at much higher risk than the general population. In fact, research shows that people with intellectual disabilities in particular are at four to 10 times higher risk of being victimised than people without any form of disability.

If people are abused, it seems there is a lower incidence of reporting, so this bill seeks to address part of this issue by requiring those who do became aware of abuse simply to report it. Presently, it seems there is a culture of turning a blind eye to abuse against people with disabilities or denying that it is there, or perhaps indeed not recognising it for the abuse that it is, simply because it forms part of a person's daily care routine.

I would like to suggest that this occurs in mental health facilities and aged-care homes, and this bill ensures that people with disabilities have some protections when living in these places, too. Tragically you can see how perpetrators might target adults with physical or intellectual disabilities, mental health issues or communication impairments, or any combination thereof, given the limited likelihood that it will ever be reported, let alone investigated or prosecuted.

Another reason we need this bill is that we have no other suitable mechanisms for monitoring people with disabilities living in facilities or receiving services. In Victoria and Queensland at least they have enshrined in legislation through their disability acts some accountability measures in the form of a community visitors scheme and senior practitioner for

people with disabilities. This provides for some protection and is proving to be successful in those places. We have no such allowances here, yet my Disability Services (Miscellaneous) Amendment Bill seeks to address this but is yet to pass through this chamber.

This bill seeks to protect not only those people but also those who have the courage under this bill, if it should become an act, to report abuse and neglect. Why should it be a punishable offence or something that is feared to report the abuse and neglect of some of our most vulnerable people, those most in need of our help at times like these? Why should people feel afraid or that they are to be punished for standing up for people who cannot, in many cases, stand up for themselves?

As I said, I am not suggesting for a moment that all people with disabilities are subject to this treatment (thank heavens for that), but we do need to recognise that there is a much higher risk of its happening to these people. Article 17 of the UN Convention on the Rights of Persons with Disabilities states that 'every person with a disability has the right to integrity, both physical and emotional, on an equal basis with all others'. The trouble with the UN Convention on the Rights of Persons with Disabilities is that it does not have any teeth, if you like. It is more a philosophical document and, whilst it says some wonderful things, until we have a complete overhaul of the entire disability services system, such as that which my disability services bill seeks to instate, it will not actually stand for very much at all.

I think that is a pretty sad fact because all people, with or without disability, should have integrity and should have the right to protection. It is also important to note that this bill does not stand to provide mandatory reporting to people whose disabilities would not prevent them from recognising or reporting their own abuse. I suppose, for one example, people like myself. So, it does not take away from the privacy or dignity or choice of those people, but it does, in fact, protect the dignity of the people who cannot report abuse and neglect for themselves. Of course, this is a delicate balance to strike, and I look forward to receiving further feedback from members and the community on how this might be achieved.

I am aware that there will be some implications, particularly financially, if this bill should become an act. But we do have a six-month lead-in, as you will see in the bill, to provide time for the training for all necessary people to become mandatory reporters for people with disabilities specifically, and we do have several service providers onside to help us implement that training. So, it is out there and it does make sense to utilise it.

As you are aware, we have similar provisions for mandatory reporting for children, under the Children's Protection Act, and for the elderly, under the Aged Care Act, federally. So, it seems to make no sense to me and my party, Dignity for Disability, that people with disabilities can be completely underlooked—overlooked—both overlooked and underlooked in this sense. In fact, everyone we have spoken to in regard to this bill has said, 'I can't believe that this isn't already in place,' and the only response we can provide is, 'Nor can we.'

As I said, it just seems to make sense that, if we are going to protect our children and the elderly on the understanding that they are some of our most vulnerable people, why should we not protect people with disabilities who are just as vulnerable, if not more so? I would like to explain why only some types of disability are covered by this bill presently. Some people with disabilities, such as physical disabilities, lead mainly an autonomous life. It would be patronising to suggest that all people with disabilities require this mechanism because they do not. It would be an invasion of their privacy and not acknowledging their ability to lead an independent life.

I think that any implications of this bill, particularly financial, coming into place would be far overridden by the emotional and physical cost of not having mandatory reporting in place for people with disabilities—not just for people with disabilities but also for their families. Members would have heard the story I told about the parent of the child who lived in institutions and who now lives with the pain and regret every day of knowing that, in her mind, it is to some extent her fault that these things happened to her daughter because she allowed her daughter to live in those institutions.

It is also with great disappointment and even greater sadness that I point out to members that, if this bill should become an act, South Australia would, in fact, be the only state with a specific disability mandatory reporting mechanism for people with disabilities in place. As I said, it seems such an obvious thing that, again, I and many others cannot believe this to be true but, unfortunately, it is. Detractors of my bill seem to suggest that this is an overly punitive and

regulatory measure. However, we need something. We still have mandatory notification for children, after all.

On the positive side, however, as I do tend to be a bit of 'the glass is half full' type of person, I hope that, if this bill were to made into law, it would be only a matter of time until the rest of the states, I would hope, follow suit. All I can do is encourage members to consider this bill very seriously. I think we can agree that it seeks to do a lot in just six pages.

While I completely recognise that this is not a solution to solving the problem of abuse and neglect of people with disabilities, specifically in that it does not prevent people from being abused, any person with a disability who has ever felt vulnerable, or any parent or family carer of a person with a disability who has been involved in the consultation on this bill, such as the parent I talked about a little earlier, will tell you that this is a good start. This is one part of a very big puzzle. I hope that members will consider supporting this bill and making Article 17 of the UN Convention on the Rights of Persons with Disabilities in particular a reality for all people in this state. I commend the bill to the council.

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

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 May 2012.)

The Hon. T.A. FRANKS (17:36): I rise very briefly to indicate that the Greens welcome this bill and will be supporting it. We certainly believe that the laws of surrogacy need to address the contemporary society in which we live and as technology changes so should this parliament. I particularly commend the member for Adelaide for bringing this matter to this parliament and I also acknowledge the work of the Hon. John Dawkins in this area.

The bill contains quite common-sense measures of increased recognition where a mother who is unable to carry a pregnancy to term would also be added to the criteria where she would be able to commission surrogacy arrangements. Infertility being defined as simply not being able to conceive rather than acknowledging the realities where a woman might in fact be able to conceive but not carry that pregnancy to its full term, or to give birth without endangering either the child's life or her own life, certainly needs to be addressed.

We commend the member for Adelaide for that and also for working with the Minister for Health to finetune the language. I gather this was carried on the voices in the other place. With that, I commend both the member for Adelaide and the Hon. John Dawkins for bringing these issues to this place and I look forward to further recognition of the diversity of families in this council in the future.

The Hon. J.S.L. DAWKINS (17:37): It gives me great pleasure to sum up this bill, which some might say is minor, but it is an important provision which improves the original bill and one which, as you and others know, sir, has already been improved in a minor way since we originally passed it through this council late in 2009. I thank the Hon. Tammy Franks for her contribution and her consistency in the area of assisting people who find it difficult to have children to have some other way in which that can be facilitated.

It is important to recognise that the member for Adelaide in another place brought this bill to the House of Assembly and that she got it through in a relatively rapid fashion and on the voices. Having had to endure the great delay that I had with my bill when it was in that august chamber for some 16 months, I am delighted that we have progressed in our attitude to these bills. With those few words, I commend the bill to the house.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. J.S.L. DAWKINS (17:41): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUPPLY BILL 2012

Adjourned debate on second reading.

(Continued from 29 May 2012.)

The Hon. J.S.L. DAWKINS (17:42): I rise to support the second reading of this bill which provides, I believe, some $3.161 billion to ensure the payment of public servants and the continuation of state government services from 1 July until the Appropriation Bill for 2012-13 passes both houses. As we know, the Supply Bill gives parliamentary authority to the government of the day to continue delivering services via public expenditure.

The government is entitled to continue delivering these services in accordance with general approved priorities, that is, the priorities of the last 12 months, until the Appropriation Bill is passed. Before moving on to make some comments on one particular area, I note that the use of that money is for the work of public servants to service the constituents and residents of South Australia.

I want to focus this evening on the processes around the government's proposal to amalgamate a large number of primary and junior primary schools in this state. While there will always be a range of views about whether we should have separate primary and junior primary schools, the process that has surrounded this whole project, which was announced by the government in a previous budget, has been, I think, appalling and is one that has let down many of the communities that surround those schools.

It is a process which was commenced by the now Premier (the then education minister, Hon. Mr Weatherill) and which has been continued by the new education minister, the Hon. Ms Portolesi. I note a media statement that was made by the member for Unley in another place, Mr David Pisoni, who is the shadow minister for education. I will read an excerpt from that media statement which I think sums up some of the appalling nature of this process:

> Committees 'reviewing' the forced amalgamations of primary schools will be paid $375,000, Freedom of Information documents reveal.
>
> However it appears Premier Weatherill has little intention of reconsidering a decision Labor has already announced and will continue to defend.
>
> ...schools forced to amalgamate were told to expect to lose up to $365,000 in annual funding, leading to cuts to Leadership music classes, sports programs, IT and teacher support staff.
>
> 'Mr Weatherill's first budget as Education Minister set savings of $8.2 million from these school amalgamations as part of $100 million in education cuts including cuts to school security and maintenance, bus services and basic skills testing programs,' Mr Pisoni said.

Mr Pisoni went on to say:

> Departmental advice to Mr Weatherill in May last year—

that is, May 2011—

> informed him that 'savings' from the amalgamations were estimated to 'exceed the approved cabinet decision'.
>
> There seems little doubt that the Review Committee's role is to defend Mr Weatherill's education cuts.
>
> Mr Weatherill approved $375,000 in board member payments with the full expectation of recovering this cost and more with greater cuts to school budgets.
>
> Mr Weatherill's ally, and hapless successor, Minister Portolesi has been left to continue the charade.

As many members of this chamber would know, review panels were set up in all of the schools involved in this amalgamation process. Those review panels had ministerial nominees. In some cases, where it was felt that the representation of the school parent body was not adequate, an additional fourth ministerial appointee was made, but that was a parent.

There have been lots of issues raised with me, and some questions, from people in those affected school communities, and I would like to put them on the record. First: was it in fact true that the ministerial nominees were called into the head office of DECD prior to the meetings of the review panels to be briefed or, some might say, instructed on what role they would play? I have also been asked as to whether directions were given to minister's nominees to take into account anomalies and to raise these in the panel discussions.

I have also had parent communities ask me whether minister's nominees were allowed to vote on their own views or were they voting on instructions? An example of that was at Largs Bay, where I understand there was no support, written or oral, for the proposed amalgamation, but despite that certain minister's nominees voted in favour of the amalgamation.

I also understand that some generic reports were written. Some school communities are keen to see copies of these reports and also the minority reports, which were created after panels had settled their decisions (when the decision was unanimous not to amalgamate). So, you can understand the community's confusion as to why a minority report would be submitted when there was a unanimous decision not to amalgamate. Indeed, in some schools the panels minuted that there was no need for a minority report, but there was a minority report submitted anyway.

Another question that has been raised with me is whether the minority reports were signed, and this question arises because certain ministers' nominees were not even aware of a minority report until it was submitted and a copy emailed to them with their name on it. Another point is that some ministerial appointees have been paid but, due to the anomaly of the fourth ministerial representative being appointed as a parent, as I mentioned earlier, I understand that those parent ministerial nominees have not been paid for their services.

Finally, my understanding is that the administration staff who served as the confidential secretaries of those panels have not been paid as they were promised. They are some matters that are of concern about the process in which those panels were implemented and the way in which it would seem that they have been manipulated.

On 30 April, I understand that the minister (Hon. Grace Portolesi) wrote to the school communities involved in the process to indicate her situation, and I have a copy of the letter she wrote to the principals of the two schools at Para Hills, which is an area I have some responsibility for in the Liberal Party, but I am also well aware of that community. I quote, in part:

> I have considered the review committee's report and the recommendations made therein. As well as considering the broader implications that the amalgamation of your schools would have on the public education system, after visiting the schools to speak with school leaders and staff and my consideration of all of the information before me, I have determined to proceed with the amalgamation of the Para Hills Junior Primary School and the Para Hills Primary School. The schools will operate as a single reception to year 7 school from the start of the 2013 school year.

It is interesting that in that excerpt the minister talks about her visit to the school. In front of me, I have an email from an officer of DECD to, I think, one of the principals at Para Hills at 3.58pm on Thursday 15 March to indicate that the minister would be visiting the school at 8.30am the next day. It indicated, 'The minister would like to have a meeting with you, a tour of the school and meet with some students and teachers, if possible.' Without any mention of parents, of course there is no invitation for parents to be involved in that.

I would like to read a letter that does, I think, go into some detail as to why these schools should have been treated as different entities and not all as one. This letter is written from the Para Hills Schools Governing Council, and it indicates that this is a school that is different from many others. This letter was written on 4 April 2012, and it says:

> Dear [minister],
>
> Upon your attendance to our school sites, we are sure you would have developed an understanding of the topography of our sites and that in reality, the two schools are not co-located, but rather they are spread out over 7 Hectares and are separated by 300 metres of steep terrain, with a drop of 10 metres and a gradient of 1 in 30.
>
> There is no boundary separating our schools from a flood-prone gully and a large local shopping precinct on the northern boundary which is centrally located between the two current sites. If we were to become one site with only one principal and deputy as an amalgamated school, the ability of the leadership team to provide adequate support across such a sprawling site will possess serious OHS&W issues for both our children and staff.
>
> There are currently three flights of steep steps to negotiate between the two schools over the two levels, and this results in there being no disabled/pram access between the two sites. Movement between the two levels has been timed at between six to eight minutes for adults and about 10 to 12 minutes for children. Child, parent and staff movement between the two sites up and down the steep terrain to access specialist areas such as one administration, one library, one ICT suite will reduce our children's learning time and their time on task and compromise the quality of their learning outcomes.
>
> Under the proposed amalgamation for a single administration area would present serious logistical problems for families needing to access office facilities including signing children in and out, fee payment and first aid access just to name a few. It will also jeopardise our children's safety and duty of care requirements and present access and mobility issues for our children and people with a physical disability.
>
> One principal across the two sites will also risk student safety and compromise OH&S regulations. Subsequently, it would contribute to increased staff workloads, work stress and low staff morale, exposing DECD to additional risk and all of this would also be to the detriment of our children.
>
> We believe the topography and distance creates a barrier between the two schools, much as the road between the Port Lincoln schools and the distance between the Pennington schools.

I interpose to say that the junior primary and primary schools at Port Lincoln and the junior primary and primary schools at Pennington were not listed for amalgamation by the government due to their complex topography issues, even though those topography issues are not dissimilar to the Para Hills issues. I will continue with the letter:

> We too have obvious site complexities unique to Para Hills schools which would make an amalgamation unreasonable, unsafe and not cost effective. Governing council are aware that these two sites named above were not even listed for amalgamation by your government due to their complex topography issues, which are very similar to ours.
>
> These are just a few of the very serious and major concerns that we as parents on the governing council wish to bring to your attention. We hope that it would be blatantly obvious to you after attending our sites and understanding these complex issues and concerns that we should not be amalgamated. The expense alone to amalgamate our two sites into one after addressing the safety issues would far outweigh the money your government hopes to save by amalgamating us.
>
> We therefore request that you seriously take into consideration the implications an amalgamation would have on our children's educational, social, health and safety, not to mention the staff, parents and visitors to the schools.
>
> In closing we would like to request that you uphold the recommendation of the review committee which was as follows:
>
> That Para Hills Junior Primary and Primary Schools not be amalgamated.
>
> That DECD conduct an immediate site risk assessment to attend to compliance expectations.
>
> Thank you for taking the time to overlook the very serious concerns that we as parents feel will seriously impact on our children and their learning, and issues that will arise if an amalgamation was to take place of our school sites. We will look forward to a favourable outcome.
>
> Yours faithfully,
>
> Kerry Faggotter
>
> Chairperson
>
> Para Hills Schools Governing Council

That decision has been made—which is totally unsuitable—to amalgamate. I can attest to the topography of that site and the difficulties that that will cause as a joint facility. However, I want to raise tonight issues about the manner in which the whole process of amalgamations has been undertaken.

Certainly, the establishment of the review panels has been a facade. They have been set up to come up with a result, even though there have been those strong views by so many of those schools that they should not be amalgamated. Yet there were these minority reports that were brought up, even though there was no evidence backing them up, and the names of ministerial representatives were put on those minority reports when they had no knowledge of it.

Having made those comments about that particular matter, I reiterate that I appreciate the opportunity to make some comment about the public services which the Public Service provides to the community of South Australia via the government. I support the facilitation and continuing delivery of public services by public servants, which is facilitated by this bill, I support the role of public servants and their commitment to delivering services to the people of South Australia, and I support the bill.

The Hon. J.S. LEE (18:01): I rise today to support the second reading of the Supply Bill 2012. This important bill ensures that our public servants and government departments continue to be funded pending the announcement and subsequent approval by this parliament of the 2012-13 budget. As I understand it, the Supply Bill provides for some $3.161 billion to be expended prior to the required appropriations being in place. It is important that we ensure that those billions of dollars are spent efficiently and effectively in areas that will provide the very best benefit to the 1.6 million people living across South Australia.

After a decade of Labor, unfortunately South Australia is now in an economic mess. The government of the day is in power to help their constituents and businesses to ease economic and social pressure. However, since the last budget things in South Australia have merely worsened. Households and businesses are drowning in excess costs, the state's taxes are consistently rising, and our deficit and debt are the worst they have been since the early 1990s. In six years, this Labor government will run five budget deficits, and this is coming from a treasurer who said he would not be running up a large credit card debt. It is unfortunate that Labor continues to spend more than

South Australia earns. To me, it is common sense that if you spend more than you earn it will only set you up for disaster.

In 2012, Labor will run the largest deficit in nearly 20 years. Once the new rail yard Royal Adelaide Hospital is completed, the state's debt will reach $11 billion. This is a similar debt figure to that which we had after the collapse of the State Bank in the early 1990s. The mind-boggling factor is that the interest this state will need to find per day will be $2 million. The Labor government will be wasting $2 million per day on interest to cover their erratic spending habits rather than investing and trying to improve the state's health system, education system, law and order, or transport infrastructure. For 10 years, this Labor government has been unable to control spending and has gone over budget by a total of $3.3 billion. Labor even forecast a $424 million surplus for 2011, but now this has deteriorated to a $367 million deficit.

Three independent reports by the Commonwealth Grants Commission, Institute of Public Affairs and Pitcher Partners have confirmed that under the Labor government South Australia has become the highest taxed state in the nation. South Australia's tax revenue has increased by 81 per cent, proving that we are now the highest taxed state in the nation. This government is taxing our population and businesses at more aggressive levels than any other state. For example, South Australia's land tax is 40 per cent above the Australian average, insurance tax is 53 per cent above the Australian average and stamp duty is 27 per cent above the Australian average. Raising taxes is Labor's way of getting the community to cover their economic mishaps and their bad budget decisions. This government has recklessly spent money on projects the state could not afford and continues to spend money on things, clearly stating its intentions are not in the right place.

It is reckless spending like that that negatively influences the state's finances, which then will guide the leading economists to make assumptions that the state of South Australia is in recession. It is quite reasonable for them to think that, because when you look at it we have a record now for the worst economic growth in the nation. South Australia has the worst business confidence in the nation, the worst retail figures in the nation and also the worst housing finance commitments. In terms of building approvals, we have the worst building approvals in 11 years, and the real estate figures have been the worst in 27 years as well.

South Australia's households are suffering, and the 2011-12 'family' budget, as the Treasurer would like to call it, has done nothing but add to the living costs of families who are struggling during the economic climate. While current costs are consistently rising, it shows how out of touch this government truly is with the average Australian. The media headlines actually prove this: 'Price pressure hits strugglers hardest', *The Advertiser* of 22 May 2012; 'Cost of living is voters' key fear', *The Advertiser* of 6 April 2012; 'Blow to Labor's economic message: Households feeling the pinch', *The Advertiser* of 29 March 2012; 'Constant price rising hurting families', *The Advertiser* of 28 March; and 'Power prices biggest worry', *The Advertiser* of 20 March. All these headlines are not just there to sell newspapers. They report the concerns of the wider community and they are something that the government should consider seriously.

Because the Supply Bill allows the government to pay its bills, including the wages of public servants, until the passage of the budget, I cannot help but notice that during 2010-11 the Department of the Premier and Cabinet reported seven employees who earn in excess of $300,000 a year. It is staggering to think that within the Premier's department there are seven people who each earn more than the Premier himself. The hypocrisy of the Premier beggars belief. On the one hand he happily cuts funding to the Keith hospital, and sells forward rotations of the forests and SA Lotteries, while on the other hand he maintains a team of high-end public servants who earn in excess of $2 million.

It must be devastating for people to be confronted with this when they live in the nation's highest taxed state, with the third highest electricity bills in the world and soon the carbon tax, all while Mr Weatherill, the Premier, continues to feed his government's addiction to waste. Mr Weatherill, the Premier, needs to explain to South Australians why seven of his department's public servants are paid more than the Premier and how they contribute more than the people of South Australia, than the Keith hospital, than assets like the forests important to the South-East. With those few words, I support the passage of the Supply Bill and I urge the government to review their decisions in the budget.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:08): I believe there are no further contributions to the second reading of the Supply

Bill. I would now like to take this opportunity to make a few concluding remarks. Firstly, I would like to thank all honourable members for their second reading contributions and just state that this bill provides for government service delivery until the budget has been passed by the parliament and the Appropriation Bill 2012 receives assent. In the absence of special arrangements in the form of the Supply Act, there would be no parliamentary authority for expenditure between the start of the new financial year and the date on which the assent is given for the main appropriation bill.

In closing the debate, I just want to emphasise some of the achievements of the government's economic management. The South Australian gross state product growth in the last financial year was 2.4 per cent. This was the third highest of the states and higher than the national average of 2.1 per cent. Export incomes in South Australia are near record highs, with growth in South Australia outperforming the national average, based on ABS data. In the 12 months to January 2012 the value of South Australia's overseas goods exports rose by 25 per cent, the highest growth rate amongst the states, and private new capital expenditure is at high levels in South Australia, growing by 3.6 per cent over the year to the December quarter.

The state government's investment in critical infrastructure and transport projects has boosted the construction sector; for example, the investment in a new RAH, the Adelaide Oval redevelopment, the electrification of the rail network and the South Road Superway project. While there have been variable conditions across various sectors of the national and state economies, the latest Bank SA business confidence survey shows 70 per cent of businesses surveyed are positive about their own future, an increase of 11 per cent.

I also want to reiterate some of the major initiatives of the state government in the 2011-12 budget. We have made a record investment of $4.6 billion in the 2011-12 year to help cater for the demands of growing and complex health needs. We have a state-of-the-art health system that we should be very proud of, one that continually outranks many other states in Australia. This government has also prioritised funding for community services and provided $140.7 million over four years to support those who need it most in our community. That includes provisions for disability, families and carers and also for reducing waiting lists for equipment and such like.

We have also focused on the education system, with an extra $56.1 million to be spent over the next four years on initiatives that include $18.8 million over four years to expand and improve facilities through the construction and refurbishment of infrastructure in many schools. The government has committed about $22 million to the 2011-12 budget to keep our community safe by supporting our emergency services and justice system.

Additionally, in the mid year budget review the government and BHP Billiton announced $25 million over two years to upgrade the road between Port Augusta and Olympic Dam to facilitate the safe and efficient transport of goods and the Olympic Dam expansion. The government's record speaks for itself, and we continue to provide responsible fiscal management for the benefit of all South Australians. I thank honourable members who contributed and look forward to the Supply Bill being dealt with expeditiously.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:14): I move:

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (SUPERANNUATION) BILL

Received from the House of Assembly and read a first time.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:15): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill seeks to amend the following Acts for the purposes of making amendments to the superannuation arrangements provided under those statutes: the *Judges' Pensions Act 1971*, the *Parliamentary Superannuation Act 1974*, the *Police Superannuation Act 1990*, the *Southern State Superannuation Act 2009* and the *Superannuation Act 1988.* The Bill also seeks the repeal of the *Unclaimed Superannuation Benefits Act 1997* and proposes consequential and technical amendments to the *Subordinate Legislation Act 1978* and the *Superannuation Funds Management Corporation of South Australia Act 1995* .

One of the main proposals dealt with in this Bill is the repeal of the *Unclaimed Superannuation Benefits Act 1997*. The reason for this is that the Commonwealth Government has introduced national legislation dealing with unclaimed superannuation benefits that is aimed at having all unclaimed superannuation money centrally collected by the Australian Taxation Office. Under the new national arrangement, not only is the money centrally collected and held by the Australian Taxation Office while that office tries to reunite workers with their lost superannuation money, but taxpayers who believe they have lost any unclaimed superannuation benefits can perform their own search of the national database using the ATO's SuperSeeker online search tool. The Commonwealth and all State Governments have agreed that the Commonwealth arrangement of having the Australian Taxation Office centrally collecting all unclaimed superannuation money provides the best opportunity for workers to be reunited with their lost superannuation money. In order for South Australia to become part of the new national collection arrangement, the State's *Unclaimed Superannuation Benefits Act 1997* needs to be repealed and appropriate provisions inserted into those statutes dealing with the superannuation schemes for public sector employees that will provide for any future unclaimed superannuation benefits to be transferred to the Commissioner of Taxation.

The amount of unclaimed superannuation money held by the Treasurer is of the order of about $300,000, the vast majority of which has been collected from the State Superannuation Scheme and the Southern State Superannuation Scheme (Triple S). Only a small amount of money has been collected from non public sector employees because very few private sector superannuation schemes operating in the State were subject to the State legislation, and from 2007 all private sector schemes became subject to the Commonwealth legislation. As part of the government's plan for the superannuation schemes established for public sector workers to become part of the Commonwealth's unclaimed superannuation arrangement, the Bill includes amendments to the *Police Superannuation Act 1990*, the *Southern State Superannuation Act 2009* and the *Superannuation Act 1988* to provide for the Treasurer to pay to the Commissioner of Taxation any unclaimed superannuation money of a member. The legislation provides that following the payment of a member's unclaimed benefit to the Commissioner of Taxation, the relevant Superannuation Board will be required to then close the accounts held in the name of the member whose account balance has been paid to the Commissioner in accordance with the Commonwealth's *Superannuation (Unclaimed Money and Lost Members) Act 1999*. Schedule 1 of the Bill includes transitional provisions related to the repeal of the *Unclaimed Superannuation Benefits Act 1997*. The transitional provisions provide for the Treasurer to transfer to the Commissioner of Taxation an amount equal to the balance of money held and collected by the Treasurer under the provisions of the State's *Unclaimed Superannuation Benefits Act 1997* , the statute that is to be repealed under this Bill.

The second main proposal contained in this Bill is the repeal of some legislation dealing with the method to determine the value of an accrued superannuation interest for the purposes of splitting a superannuation interest under the Commonwealth's *Family Law Act 1975*. The Bill proposes the repeal of the method to determine the value of an accrued interest in the *Judges' Pensions Act 1971* and the *Parliamentary Superannuation Act 1974* because, subsequent to the enactment of the relevant provisions in those statutes, the Federal Attorney General issued legislative instruments pursuant to regulations 38 and 43A of the *Family Law (Superannuation) Regulations 2001*, providing the Commonwealth's method of determining the value of a superannuation interest in the Judges' Pensions Scheme and the Parliamentary Superannuation Scheme. As the Commonwealth rules for determining the value of an accrued benefit or superannuation interest at a particular date are inconsistent with the provisions under section 17D of the *Judges' Pensions Act 1971* and section 23C of the *Parliamentary Superannuation Act 1974*, the provisions under the Commonwealth law prevail. It is therefore proposed that the methods for determining an accrued benefit or interest under the *Judges' Pensions Act 1971* and the *Parliamentary Superannuation Act 1974* be repealed.

The third group of proposals contained in the Bill seeks to make several amendments to the *Southern State Superannuation Act 2009*, which continues the Government's Triple S superannuation scheme for public sector workers. One of the proposed amendments is to the definition of 'salary' to ensure that superannuation benefits under the Triple S scheme are based on 'ordinary time earnings'. The Australian Taxation Commissioner has issued an interpretative ruling in relation to the allowances, over award payments and payments made in lieu of leave that are considered to be 'ordinary time earnings'. On the basis that the Taxation Commissioner has ruled an amount paid in lieu of long service leave whilst the employee is still in employment is 'ordinary time earnings', the Bill seeks an amendment to the definition of 'salary' in order to comply with this ruling. Furthermore, in order to bring the definition of remuneration on which employer superannuation contributions are payable into conformity with the requirements of the Commonwealth's *Superannuation Guarantee (Administration) Act 1992* , the Bill also seeks to vary the definition of 'salary' to make it clear that payments in respect of parental leave are not a component of 'salary' that would attract an employer superannuation contribution. The Bill also includes an amendment to the regulation making powers in section 30 of the *Southern State Superannuation Act 2009* to remove the provisions that exclude the operation of section 10AA of the *Subordinate Legislation Act 1978* but nevertheless enable the Minister to certify that it is necessary or appropriate that a proposed regulation come into operation on a date that is earlier than the standard commencement date of four months after the day on which a regulation is made. This amendment has been recommended on the grounds that the exclusion of section 10AA is unnecessary and could be confusing. The effect of the amendment is that regulations under the Act will, like all other regulations that are required to be laid before Parliament, be subject to section 10AA and will no longer be subject to the alternative commencement provisions currently set out in section 30.

The fourth group of amendments contained in the Bill is a series of amendments to the *Superannuation Act 1988*. It is proposed to amend the provision in the Act that deals with the situation where a contributor has suffered a reduction in salary which is not a reduction in salary resulting from disciplinary action taken against the contributor nor a reduction in the contributor's hours of work. Whilst in terms of the current provision in the Act dealing with such a situation, a contributor's salary for contribution and benefit purposes is based on the salary of the previous position held, where the previous position held no longer exists, the contributor's salary for the purposes of the Act is the highest rate of salary paid in the previous position held, indexed by movement in the Consumer Price Index. The current arrangement that applies where the previous higher salaried position held by the contributor no longer exists has the effect of disadvantaging a contributor, over the longer term. It is for this reason that the Government seeks to amend the current provisions in section 4(4) of the Act to adjust by the rate of general salary movement, the notional salary used for the purposes of dealing with the situation where a contributor has suffered a reduction in salary.

One of the other proposed amendments in the package of amendments to the *Superannuation Act* is a proposal to expand eligibility to vote in elections for a member representative on the South Australian Superannuation Board (Super SA Board) and the Superannuation Funds Management Corporation of South Australia (Funds SA Board of Directors). Under the existing provisions, spouse members of the Triple S scheme and persons who have invested in what are commonly referred to as post retirement products are not eligible to take part in the elections for member representatives on the boards. This Bill seeks to change the current arrangement and provide a right to vote for spouse members and for persons who have invested in a Super SA Flexible Rollover or Super SA Income Stream Product. A minor amendment is also being made to provide clarification that a decision of the Board may include a decision based on a circular resolution by letter, telegram, telex, fax, email or some other written communication.

An amendment is also being proposed to the regulation making powers contained in the *Superannuation Act*. The regulation making powers are proposed to be expanded to enable the making of regulations that would allow the Electoral Commissioner to withhold sending ballot papers for board elections where the Super SA Board considered a member was a 'lost member'. Generally a 'lost member' is considered to be a member who has terminated his or her employment with the public sector and reasonable attempts at communicating with the member by general post have been unsuccessful on more than one occasion. This regulation making power is being sought because at each of the last ballots held to elect members of the Super SA Board and the Funds SA Board, there was a significant and increasing number of ballot papers returned because the person was no longer living at the address on Super SA's database. At the last election held in 2009, there were about 20,000 ballot papers that were undeliverable. Enabling the Electoral Commissioner to withhold sending ballot papers to 'lost members' will prevent wastage of money on postage, which means that members' money is not wasted.

The last component of the amendments being sought to the *Superannuation Act* involves proposed amendments dealing with the Electricity Industry Superannuation Scheme, known as the EISS scheme. The EISS scheme is an exempt public sector scheme that operates principally under a Trust Deed. As the scheme is the former restructured ETSA Superannuation Scheme, there remain provisions under Schedule 1B of the *Superannuation Act* that complement or provide options for members of the scheme in certain circumstances. One of the options available to members of the scheme is found in clause 3 of Schedule 1B of the *Superannuation Act* and provides that on the basis of a request from the EISS Trustees, and following an agreement between the EISS Trustees and the Treasurer, members of EISS who are in receipt of, or about to receive, a pension benefit as a consequence of their retirement can be transferred to the State Scheme. Whilst several hundred EISS members have transferred to the State Scheme under the existing provision, most of these transfers occurred before the scheme became a fund operating in the taxed environment. The EISS Trustees have approached the Government about the possibility of transferring under clause 3 of Schedule 1B more persons in receipt of a pension. However, there is now a technical problem that prevents an EISS pensioner from being transferred to the State Scheme in terms of the provisions of clause 3 and for this reason the Bill includes provisions that seek to insert a new Part into Schedule 1B. The proposed Part will provide for persons in receipt of a pension from a taxed source the option of having that pension paid from a taxed fund that would be administered by the Super SA Board. The proposed legislation would overcome the problem inherent with the current clause 3, in that clause 3 is based on untaxed assets being transferred to the Treasurer so that a life pension can be paid from an untaxed source. In terms of the proposed new Part 2A to be inserted into Schedule 1 B of the *Superannuation Act*, members of the EISS scheme would have the same pension paid from the taxed EISS fund, paid from a fund established by the Super SA Board and holding taxed assets. The legislation provides that an EISS pensioner would not be transferred under this proposal unless that member has agreed to be transferred.

The fifth group of amendments contained in the Bill proposes amendments to the *Superannuation Funds Management Corporation of South Australia Act 1995*, which is the statute that establishes and maintains Funds SA. Apart from the clause that proposes an amendment to the definition of 'contributor' in section 3 of the Act, for the purpose of expanding the eligibility to vote in elections for a member representative on the Funds SA Board of Directors, the other proposed amendments to the Act are of a technical or consequential nature. The proposed amendment to the definition of 'contributor' in the Act will enable spouse members of the Triple S scheme and persons who have invested money in post retirement products offered by Super SA to take part in board elections to select a member representative for the Funds SA Board of Directors.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Judges' Pensions Act 1971*

4—Amendment of section 5—Certain pensions not payable

Under section 5 of the *Judges' Pensions Act 1971*, a pension is not payable to or in respect of a Judge who is first appointed as such within 5 years of the day on which he or she would attain the age of retirement. The *Superannuation Act 1988* currently applies to a Judge who falls within this category and was, immediately before being appointed as a Judge, a contributor under that Act as if the Judge's judicial service were service as an employee as defined in the *Superannuation Act 1988*. As amended, the section makes it clear that a Judge to whom the *Superannuation Act 1988* applies by virtue of this provision will be taken to have contributed under that Act during the period of his or her judicial service at the standard contribution rate (which is defined in the Act).

5—Repeal of section 16

This clause repeals section 16, which is redundant.

6—Amendment of section 17C—Interpretation

This clause amends the definition of *Southern State Superannuation Fund* so that it refers to the *Southern State Superannuation Act 2009* rather than the similarly named Act of 1994.

7—Repeal of section 17D

This clause repeals section 17D, which is redundant as a result of the prescription of a method in the *Family Law (Superannuation) Regulations 2001* of the Commonwealth for determining the value of the interest of a Judge under the *Judges' Pensions Act 1971*.

8—Amendment of section 17G—Entitlement where pension is in growth phase

This amendment is consequential on the repeal of section 17D.

Part 3—Amendment of *Parliamentary Superannuation Act 1974*

9—Amendment of section 5—Interpretation

This clause inserts a definition of *approved form* into the *Parliamentary Superannuation Act 1974*. An approved form is a form approved by the South Australian Parliamentary Superannuation Board.

10—Repeal of section 23C

This clause repeals section 23C, which is redundant as a result of the prescription of a method in the *Family Law (Superannuation) Regulations 2001* of the Commonwealth for determining the value of the interest of a Member of Parliament under the *Parliamentary Superannuation Act 1974*.

11—Amendment of section 23F—Non-member spouse's entitlement where pension is in growth phase

This amendment is consequential on the repeal of section 23C.

Part 4—Amendment of *Police Superannuation Act 1990*

12—Insertion of section 45B

This clause amends the *Police Superannuation Act 1990* by inserting a new section that sets out the way in which the Treasurer is to deal with unclaimed superannuation benefits.

45B—Unclaimed superannuation benefits

Under proposed section 45B, if an amount of the Police Superannuation Fund is attributable to an unclaimed superannuation benefit of a contributor, the Treasurer may pay an amount equal to the unpaid benefit, or any amount required to be paid under the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth on account of the unclaimed superannuation benefit, from the Consolidated Account to the Commissioner of Taxation.

The proposed section also provides for reimbursement of the Consolidated Account by charging the Police Superannuation Fund and the closure of accounts maintained by the Board in the name of the contributor.

Unclaimed superannuation benefit is defined by reference to the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth.

Part 5—Amendment of *Southern State Superannuation Act 2009*

13—Amendment of section 3—Interpretation

This clause amends the definition of *salary* in the *Southern State Superannuation Act 2009*. Currently, the definition excludes, among other payments, an amount paid in lieu of recreation leave, long service leave or any other kind of leave. The amendment clarifies that it is only such amounts paid on the termination of employment that are not included in the definition of 'salary'. The definition as amended also excludes amounts paid in respect of

parental leave. Remuneration of a prescribed kind may also be excluded from the definition under the proposed amendments.

14—Insertion of section 23A

This clause inserts a new section that sets out the way in which the Treasurer is to deal with unclaimed superannuation benefits.

23A—Unclaimed superannuation benefits

Under proposed section 23A, if an amount of the Southern State Superannuation Fund is attributable to an unclaimed superannuation benefit of a member, the Treasurer may pay an amount equal to the unpaid benefit, or any amount required to be paid under the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth on account of the unclaimed superannuation benefit, from the Consolidated Account to the Commissioner of Taxation.

The proposed section also provides for reimbursement of the Consolidated Account by charging the Southern State Superannuation Fund and the closure of accounts maintained by the Board in the name of the member.

Unclaimed superannuation benefit is defined by reference to the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth.

15—Amendment of section 30—Regulations

Under section 30 of the *Southern State Superannuation Act 2009*, regulations under that Act are currently excluded from the operation of section 10AA of the *Subordinate Legislation Act 1978*. Subsection (7) provides that a regulation under the Act comes into operation 4 months after the day on which it is made or a later date unless certain circumstances (specified in subsection (8)) apply. This clause proposes the deletion of subsections (7), (8) and (12) so that section 10AA of the *Subordinate Legislation Act 1978* will apply to regulations made under the Act.

16—Amendment of Schedule 1—Related amendments, repeal and transitional provisions

This clause inserts a new transitional provision relating to the amended definition of *salary*.

16A—Definition of salary

The amended definition of salary excludes amounts paid in respect of parental leave from the definition. The transitional provision provides that if a member of the Triple S scheme is on parental leave when the amendments to the definition come into operation, an amount received by that member in respect of that period of leave pursuant to an enterprise agreement will, despite that paragraph, be taken to be salary for the purposes of the Act.

Part 6—Amendment of *Subordinate Legislation Act 1978*

17—Amendment of section 16A—Regulations to which this Part applies

This clause amends section 16A of the *Subordinate Legislation Act 1978* so that regulations made under Schedule 1A clause 1(1) of the *Superannuation Act 1988* do not expire. Regulations under that clause can declare a group of employees who are members of a public sector superannuation scheme to be contributors for the purposes of the Act, make provision for the transfer of assets and liabilities of a fund established for the purposes of the superannuation scheme and modify the provisions of the Act in their application to employees who have been declared to be contributors for the purposes of the Act.

Part 7—Amendment of *Superannuation Act 1988*

18—Amendment of section 4—Interpretation

This clause inserts a definition of the *Administered Electricity Industry Superannuation Scheme* into the *Superannuation Act 1988* and makes a number of other amendments to definitions consequential on the introduction of that scheme.

Under section 4(4) of the *Superannuation Act 1988*, if there is a reduction in a contributor's rate of salary (otherwise than because of disciplinary action) and the contributor makes an election to contribute as if the reduction had not occurred, his or her contributions will be based on the salary of the position or office he or she held immediately before the reduction occurred. If the position or office no longer exists, or if the classification is changed, the contributions will be based on the salary of that position or office immediately before it ceased to exist or its classification was changed, with adjustments to reflect changes in the Consumer Price Index from time to time.

This clause amends section 4(4) so that the method prescribed under that subsection for determining contributions only applies if the reduction in the contributor's rate of salary, and the contributor's election to contribute as if the reduction had not occurred, both happened before the commencement of new subsection (4a). Under new subsection (4a), if there has been a reduction in a contributor's rate of salary (otherwise than because of disciplinary action or a reduction in the contributor's hours of employment), the contributor's contributions will be based on his or her notional contribution salary (see below). This principle applies only if—

- the contributor—

- elected, before the commencement of subsection (4a), to contribute as if the reduction had not occurred; and
- has not made an election under subsection (4)(b); or

- the contributor elects, in a manner approved by the Board, to contribute as if the reduction had not occurred.

A contributor's *notional contribution salary* is—

- the salary of the position or office held by the contributor immediately before the reduction occurred; or
- if that position or office ceases to exist or the classification of the position or office is changed—the salary of that position or office immediately before it ceased to exist or its classification was changed (adjusted if any increase occurs in the rate of salary payable in respect of the contributor's position or office by a percentage equal to the percentage that the increase bears to that salary).

Existing subsection (4) and new subsection (4a) differ primarily in that new subsection (4a) links adjustments to rates of salary where a position or office has ceased to exist to increases in the rate of salary payable in respect of the contributor's new position or office whereas the existing subsections links adjustments to changes in the Consumer Price Index from time to time.

19—Amendment of section 8—Board's membership

Section 8 of the *Superannuation Act 1988* deals with membership of the South Australian Superannuation Board. Currently, the section provides for the election of 2 members of the Board by contributors under the Act and members of the Southern State Superannuation Scheme (also known as the Triple S scheme). Under the section as amended, the 2 elected members will also be elected by spouse members of the Triple S scheme and persons provided with investment services or other products or services under the *Southern State Superannuation Act 2009*.

20—Amendment of section 9—Board proceedings

Proposed subsection (4b) of section 9 provides that a proposed resolution of the Board becomes a valid decision even if it has not been voted on at a meeting if notice of the proposed resolution is given to all members in accordance with procedures determined by the Board and a majority of the members express concurrence in the proposed resolution by letter, telegram, telex, fax, email or other written communication.

21—Amendment of section 20B—Payment of benefits

22—Amendment of section 43AB—Purpose of Part

These amendments are consequential on the establishment under clause 28 of the Administered Electricity Industry Superannuation Scheme.

23—Amendment of section 43AC—Interpretation

This clause removes the definition of the *SIS Act* from section 43AC because a definition of the term is to be inserted into the general interpretation provision of the Act.

24—Insertion of section 50A

This clause proposes the insertion of a new section.

50A—Unclaimed superannuation benefits

Under proposed section 50A, if an amount of the South Australian Superannuation Fund is attributable to an unclaimed superannuation benefit of a contributor, the Treasurer may pay an amount equal to the unpaid benefit, or any amount required to be paid under the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth on account of the unclaimed superannuation benefit, from the Consolidated Account to the Commissioner of Taxation.

The proposed section also provides for reimbursement of the Consolidated Account by charging the South Australian Superannuation Fund and the closure of accounts maintained by the Board in the name of the contributor.

Unclaimed superannuation benefit is defined by reference to the *Superannuation (Unclaimed Money and Lost Members) Act 1999* of the Commonwealth.

25—Amendment of section 55—Confidentiality

These amendments are consequential on the establishment under clause 28 of the Administered Electricity Industry Superannuation Scheme.

26—Amendment of section 59—Regulations

Under section 59 as amended by this clause, regulations under the Act may set out procedures for the election of a member of the Board.

27—Amendment of heading to Schedule 1B

This clause amends the heading to Schedule 1B to reflect the fact that the Schedule will provide for the transfer of members of the Electricity Industry Superannuation Scheme to the new Administered Electricity Industry Superannuation Scheme in addition to the State Scheme.

28—Amendment of Schedule 1B—Transfer of certain members of the Electricity Industry Superannuation Scheme

This clause makes a number of amendments to the existing clauses of Schedule 1B as well as adding a new Part providing for the transfer of members of the Electricity Industry Superannuation Scheme to the new Administered Electricity Industry Superannuation Scheme.

Amendments to clause 3 of Schedule 1B clarify that the members of the Electricity Industry Superannuation Scheme who may be transferred to the State scheme under the clause are those in receipt of, or entitled to, a pension of which the taxable component consists wholly of an untaxed element of the fund from which the pension is payable.

An amendment to clause 5 of Schedule 1B makes it clear that the aggregate value of the employer components of benefits payable to, or in respect of, a person transferred under clause 5 is to be determined on the basis that no tax is payable on the income of the Scheme assets.

This clause also proposes the insertion of new Part 2A into Schedule 1B. The new Part provides for the transfer of certain members of the Electricity Industry Superannuation Scheme to the Administered Electricity Industry Superannuation Scheme, which is to be established by a trust deed prepared by the South Australian Superannuation Board. The Board is to be the trustee of the scheme. The new scheme is to provide persons transferred from the Electricity Industry Superannuation Scheme with rights and benefits equivalent to the rights and benefits to which they were entitled in respect of a taxed pension under that Scheme.

Part 2A further provides for the establishment by the Board of a fund and the making of a set of rules for the purposes of the scheme. The assets of the scheme are to be invested, managed and held for the benefit of the scheme and will not belong to the Crown. The Fund will be subject to the management of the Superannuation Funds Management Corporation of South Australia.

29—Amendment of Schedule 3—Administered schemes

Under Schedule 3 Part 2 clause 2(c) of the *Superannuation Act 1988*, the Minister may declare that the fund of a superannuation scheme will be invested and managed by the Superannuation Funds Management Corporation of South Australia. A *superannuation scheme* is a private or public sector scheme established for the purposes of providing superannuation or retirement benefits.

This clause substitutes a new clause 5. The new clause applies if a declaration is made under clause 2(1)(c) that the Corporation is to invest and manage a superannuation fund and provides that the Corporation may assume the management of an existing fund or establish a fund for the purposes of an administered scheme.

Part 8—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

30—Amendment of section 3—Interpretation

This clause amends the definition of *contributor* in the *Superannuation Funds Management Corporation of South Australia Act 1995* so that the definition includes spouse members and persons provided with investment services or other products or services pursuant to regulations under section 30(2)(g) of the *Southern State Superannuation Act 2009*. This amendment is significant in relation to the operation of section 9, which provides that a member of the board of directors of the Superannuation Funds Management Corporation is to be elected by the contributors.

An amendment is also made to the definition of the *funds* so that the definition includes the fund established by the South Australian Superannuation Board for the purposes of Schedule 1B Part 2A of the *Superannuation Act 1988*.

31—Amendment of section 10—Conditions of membership

This clause updates a reference to the South Australian Institute of Teachers by substituting 'Australian Education Union (SA Branch)'.

32—Amendment of section 20B—Other performance plans

This clause makes provision for the preparation by the Corporation of a plan in respect of the investment and management of the fund managed by the Corporation for the purposes of Schedule 1B Part 2A of the *Superannuation Act 1988*.

33—Amendment of section 39—Regulations

Under section 39 as amended by this section, regulations setting out the procedures for the election by the contributors of a member of the board of directors may include procedures that determine eligibility to vote in the election.

Part 9—Repeal of *Unclaimed Superannuation Benefits Act 1997*

34—Repeal of Act

This clause repeals the *Unclaimed Superannuation Benefits Act 1997*.

Schedule 1—Transitional provisions

1—Superannuation Act and Superannuation Funds Management Corporation of South Australia Act

Regulations made under the *Superannuation Act 1988* or the *Superannuation Funds Management Corporation of South Australia Act 1995* are to be read as if the amendments to the regulation making powers under those Acts effected by the *Statutes Amendment and Repeal (Superannuation) Act 2012* had been in force when the regulations were made.

Other transitional provisions make it clear that amendments made to the *Superannuation Act 1988* and the *Superannuation Funds Management Corporation of South Australia Act 1995* relating to the eligibility of scheme members to elect a persons to the South Australian Superannuation Board or the board of directors of the Corporation do not affect the term of office of the persons occupying those positions at the time the amendments come into force.

2—Unclaimed Superannuation Benefits Act

This clause deals with unclaimed superannuation benefits paid to the Treasurer pursuant to the *Unclaimed Superannuation Benefits Act 1997* but not paid by the Treasurer to any person before the repeal of that Act. The Treasurer is required to pay the unclaimed superannuation benefits to the Commissioner of Taxation within 1 month of the commencement of the clause.

Schedule 2—Statute law revision amendment of *Superannuation Act 1988*

Schedule 2 consists of statute law revision amendments of the *Superannuation Act 1988*.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Received from the House of Assembly and read a first time.

TELECOMMUNICATIONS (INTERCEPTION) BILL

Received from the House of Assembly and read a first time.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:21): 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 *Telecommunications (Interception) Bill 2012* is a companion bill to the *Independent Commissioner Against Corruption Bill 2012*. Its purpose is to enable the Independent Commissioner Against Corruption (the 'ICAC') to be declared an agency under the *Telecommunications (Interception & Access) Act 1979* of the Commonwealth and so enable it to obtain telephone intercept warrants for the purposes of investigating corruption in public administration. The measure replaces the *Telecommunications (Interception) Act 1988*.

In order for the Commonwealth Attorney-General to declare the ICAC as an agency under the Commonwealth legislation, State legislation that meets all of the preconditions for a declaration set out in section 35 of the Commonwealth Act must be enacted, including provisions for compliance auditing of the agency's use of telephone intercepts. It is also necessary for the Commonwealth Act to be amended to define the ICAC to be an eligible authority and for a number of other consequential amendments to be made. Following amendment of the Commonwealth Act, the Premier will seek a declaration under section 34 of the Commonwealth Act that the ICAC is an agency for the purposes of that Act.

SAPOL already constitutes a declared agency under the Commonwealth Act and this status will not be affected by the measure. SAPOL has been consulted and supports the measure.

There have been an extensive number of amendments made to the Commonwealth Act since the State Act was enacted and this measure will bring the State Act into line with the current requirements of the Commonwealth Act.

The review agency for compliance auditing of SAPOL's use of telephone intercepts will continue to be the Police Complaints Authority (to be renamed the Police Ombudsman under consequential amendments in the *Independent Commissioner Against Corruption Bill 2012*). Auditing will continue to be required at least once in each period of 6 months, with a report being provided to the Attorney-General. The existing powers supporting the conduct of an audit are reproduced in the measure.

As it is essential for the ICAC to maintain independence from all public agencies and authorities, it is proposed that review of the ICAC's records in relation to telephone intercepts will be performed by a person who is independent of the ICAC and is appointed by the Governor as a review agency.

I confirm that the ICAC's use of telephone intercepts will be limited to investigations into corruption in public administration.

I commend the Bill to the House

Explanation of Clauses

1—Short title

2—Interpretation

This clause contains definitions for the purposes of the measure. Warrants for telecommunications interception are obtained under the *Telecommunications (Interception and Access) Act 1979* of the Commonwealth. This measure includes requirements relating to record keeping, reporting and review that are required under the Commonwealth Act to be included in State schemes. Warrants may only be obtained by SA Police or the Independent Commissioner Against Corruption.

3—Obligations of chief officer of eligible authority relating to records

This clause requires the chief officer of the relevant State agencies to keep records in the same way as is required under the Commonwealth Act in respect of Commonwealth agencies. Sections 5 and 7 of the current Act are the corresponding provisions.

4—Obligations of chief officer of eligible authority to report to Attorney-General

This clause requires the chief officer of the relevant State agencies to give to the Attorney-General a report about each warrant issued and an annual report of the same kind as must be given by Commonwealth agencies to the Commonwealth Minister. Section 6 of the current Act is the corresponding provision.

5—Obligations and powers of review agency

This clause requires the records of the relevant State agencies to be inspected at least once in each period of 6 months and a report to be given to the Attorney-General. The Police Ombudsman is to conduct the review in relation to SA Police and an independent person appointed by the Governor is to conduct the review in relation to the Independent Commissioner Against Corruption. Necessary powers to support the conduct of a review are included as in the current Act. Sections 8, 9, 9A, 10 and 11 of the current Act are the corresponding provisions.

6—Obligations of Attorney-General

This clause requires the Attorney-General to give copies of reports to the Commonwealth Minister. Section 13 of the current Act is the corresponding provision.

7—Regulations

This clause provides general regulation making power.

Schedule 1—Repeal of *Telecommunications (Interception) Act 1988*

The current Act is repealed.

Debate adjourned on motion of Hon. T.J. Stephens.

At 18:23 the council adjourned until Thursday 31 May 2012 at 11:00.