LEGISLATIVE COUNCIL

Tuesday 17 July 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:03 and read prayers.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) 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) (11:04): 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.

SITTINGS AND BUSINESS

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) (11:04): I move:

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

Motion carried.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

Adjourned debate on second reading.

(Continued from 27 June 2012.)

The Hon. M. PARNELL (11:05): The Greens, in speaking to this bill today, want to highlight three of the areas of amendment that are included in this large grab bag of notionally budget related measures, many of which, as I will explain later, deserve, I think, to be the subject of stand-alone bills rather than being hidden within a statutes amendment and repeal budget bill.

The first issue is the question of costs that are payable to successful defendants in criminal trials. The second issue is the one that is commonly referred to as the biosecurity levy, and the third issue is in relation to land-use planning and control of land that is adjoining some of our highways and freeways.

In relation to the criminal law costs matter, members will recall that the provision in this bill is similar to that which we examined in the 2011 budget bill. The provision is that costs in criminal cases will not be awarded where that case is an indictable matter and where it is heard by election in the Magistrates Court, unless the court is satisfied that the party seeking costs can show that the other side has unreasonably obstructed the proceedings or if the proceedings were delayed through neglect or incompetence.

The amendment in this bill is to bring the practice of the Magistrates Court into line with the practice in superior courts, where costs are generally not awarded on indictable matters. This issue was controversial back in 2011 and it continues to be controversial. At its heart is the question of whether or not successful defendants in criminal matters ought to be compensated for having been put through a trial that ultimately resulted in their acquittal.

I have received an amount of correspondence on this, including from the Australian Lawyers Alliance. That organisation makes its opinion very clear with the words:

ALA is of the view that under no circumstances should this become part of the law of South Australia. As with the Common Law the ability to obtain a costs order is both compensatory and regulatory in nature. It leads to a form of discipline so the Prosecutions know that they can only bring matters where there is some reasonable prospect of success.

I think that within that statement is a matter of some controversy. I was pleased to receive a briefing from government officials yesterday, including a representative of SAPOL who assured me that the costs issue was not a part of any of the decision-making process that SAPOL goes through in deciding whether to bring a prosecution. According to the police, the only two criteria are whether there is a reasonable case, one that has some prospect of success, and whether it is in the public interest for the case to be brought. The police deny whether or not costs are available has any

bearing on whether or not a case should proceed. That is in stark contrast to the view that many lawyers take, which is that, having the spectre, if you like, of a costs order hanging over you does add an extra discipline to the decision about whether or not to bring a case that might otherwise only have marginal prospects of success. That is one aspect of it.

The other aspect, and one that does concern me somewhat, is the idea that a person can be put to considerable expense in successfully defending criminal charges against them and then walk away from the court tens or even hundreds of thousands of dollars out of pocket with no chance of any compensation for those expenses. I am not convinced that it is a good enough argument to say that bringing the Magistrates Court costs rules in line with the superior courts is of itself sufficient reason for approving this new measure, because it begs the question about whether the approach in the superior courts is in fact the right approach to take as well; and I am not convinced that people having to fund their own successful defence is necessarily the best way for the justice system to operate.

I note that the opposition has flagged amendments to oppose these clauses in the bill. At present we are minded to support those clauses, but we do look forward to the committee stage of debate and hearing whether there are any other arguments that the government might want to put forward as to why this is a fair and just thing to do. My understanding from the briefing is that the amount of savings involved in not having to pay the costs of these successful litigants is less than $2 million. We are therefore not talking about a major budgetary measure but we are talking about a degree of unfairness to a large number of successful criminal defendants.

The second matter I wish to raise is that of the biosecurity levy. This is a matter that we have discussed in this place on a number of occasions, and it is a matter that is currently under investigation in at least two separate forums: one is a government sponsored discussion, if you like, with key stakeholders (I understand chaired by Dennis Mutton); and the other process is referral to the Environment, Resources and Development (ERD) Committee which is yet to conclude its work.

The position that the Greens bring to this issue is that we are not necessarily against biosecurity fees, we are not necessarily against the creation of a livestock health programs fund, as is proposed in this bill and that being a fund to which owners of livestock are legally obliged to contribute. However, we are concerned that the process that was set up by the government to consult stakeholders has yet to be concluded.

The ERD inquiry is yet to conclude as well. That is less significant, although ideally the ERD Committee would finish its work before the parliament debated legislation in this area. Whilst the failure of the ERD Committee to finish its work should not necessarily be fatal, it does raise the question about why the rush to legislate for this now and why is it buried within a budget bill rather than stand-alone legislation.

I understand that the Hon. Ann Bressington has an amendment to delete these clauses from the bill, and, as I understand it, if those deletions were successful that would force the government to bring back a stand-alone amendment to the Livestock Act to introduce these new fees, and I would hope that that was done after the government's consultation process was completed, not whilst it was underway.

We are inclined to support the approach of the Hon. Ann Bressington but, as I have said, we are also generally supportive of a user-pays component to these programs because, as always, there is a balance to be struck with funding programs about whether they should be funded wholly or in part out of general revenue or whether they should be funded wholly or in part by levying a particular class of persons, in this case the owners of livestock. The right balance to be struck will depend upon the extent to which the entire community benefits from the program or whether a disproportionate benefit rests with a smaller section of the community. The Greens would like to see the outcome of at least the Mutton review before deciding on the best approach.

In the briefing from the government, we were told that these amendments were simply an enabling mechanism. On my reading, if these amendments were to pass now there would be no obligation on the government to come back to parliament with the detail of the programs; in fact, that could be done through regulation. If I am wrong in that regard then I would like to hear from the government as to why I am wrong, but if this is the main chance we are going to get to debate biosecurity levies then the Greens' approach is not to debate it as part of the budget bill and to do it properly once consultation has been completed.

The third issue in this bill that I want to raise relates to highways and freeways and the development rights associated with those facilities. In his second reading explanation, the minister pointed out that freeways and expressways have high volumes of traffic and, as a consequence, they are well suited to commercial activities such as service centres and advertising. The minister also pointed out that whatever commercial activities were to be placed on these high volume roads would be placed and planned in such a way that road safety was not compromised.

The heart of this measure is raising money by the disposal, either permanently or temporarily through lease, of excess land. The types of developments proposed include service stations, advertising signs, mobile phone towers and underground fibre optic services. The minister pointed out that any such development on highways or freeways would need to go through the Development Act process and would need development approval. The government also states that one possible use of this excess land on highways and freeways would be for park-and-ride facilities for public transport users. That is certainly something that the Greens support. We know that the Mount Barker park-and-ride facility fills up early in the morning, it is not sufficient for the demand, and the Greens strongly support more park-and-ride facilities being available.

There are still a number of questions that need answering in relation to this component of the bill. I know that the Local Government Association has some concerns. I have not yet received correspondence from them but I expect to do so before we get to the committee stage. As I understand it, the issues of concern to local councils would fall into a number of categories. The first is whether it is appropriate for the state government or local government to have the care and control of these road reserves outside the actual paved area. To a certain extent, some councils might be happy to get rid of the obligation, the requirement to mow or otherwise upkeep this land. Another situation is that the council might like to retain control over the development rights that attach to those areas of road.

One issue that I would like the minister to respond to at the conclusion of the second reading debate is to explain exactly how the development arrangement on excess roads alongside freeways would work. The minister said in the second reading explanation that development approval would be required. My understanding is that, once the state government owns the land and the state government is the proponent, the pathway for development approval would be section 49. Under section 49, the requirement is for the government to give their development application to the Development Assessment Commission. The DAC then has a look at it. If the DAC is of the opinion that the proposed development is seriously at variance with the local development plan, they will give a report to that effect back to the minister.

However, the minister is not under the same obligation that a local council would be under when development that is seriously at variance with a development plan is put forward. The local council is obliged to say no, but the minister can say whatever he or she wants; in fact, I think that is the nub of the problem. For example, if a government, for revenue-raising purposes, decided to install large advertising signs the entire length of the South Eastern Freeway, right through the Hills Face Zone, all the way out towards Murray Bridge, even though such advertising signs would be seriously at variance with the Hills Face Zone provisions through which the freeway passes, there would be nothing that anyone could do about it—no appeal rights, no challenge of any sort.

The only checks and balances on government developments are that, if the local council is against it and if the Development Assessment Commission says that it is seriously at variance with the development plan, a report has to be tabled before both houses of parliament. However, we do not have the power as a parliament to overturn any approval that the minister might give.

My questions of the minister are: what exactly are you intending in relation to the freeways that are named in this legislation? We are talking about the Northern Expressway, the Southern Expressway and the South Eastern Freeway, for example. What exactly does the government have in mind? If there are petrol stations, where are they going to go? If advertising is planned, where is that going to go? Where are the park-and-ride facilities going to be placed?

How does the government propose to manage the conflict between the proprietors of service facilities just off the freeway—for example, in small townships through the Adelaide Hills—with potentially competing facilities constructed within the road reserve? In other words, if you need petrol and you are at the Stirling interchange, you would probably drive off, fill with petrol at Stirling and get back on the freeway. However, if the government is now going to take control of these road reserves and place commercial facilities in the road reserve, then that has serious implications for towns that are bypassed by the freeway. There will be no reason for people to have to leave the freeway; therefore, that is going to impact on local businesses—that is my fear anyway.

If the government has other plans in mind, if the minister could outline those at the conclusion of the second reading that would be appreciated. In relation to the location of billboards, billboards are often seen as an easy way of making money, but they are also an eyesore. When it comes to the main entry points into Adelaide, we would have to ask ourselves whether the impression we want to give is one of billboard after billboard on the major entry roads or whether Adelaide's other natural attractions ought to be allowed to dominate the landscape.

Those are the issues that have been raised with me so far. I understand that there are a large number of other issues within this bill; generally, the Greens do not have a particular concern with most of those, but we are not seeking to pull the entire bill apart. The bulk of these measures were budget announcements and will go through as part of the budget. However, where there is a case for deferring a measure, because public consultation is underway, or removing a measure because it is unfair and unjust, the Greens are more than happy to go down that path. With those words, we will be supporting the second reading of this bill and I look forward to the committee stage of debate.

The Hon. A. BRESSINGTON (11:25): I rise to indicate my opposition to the Statutes Amendment and Repeal (Budget 2012) Bill in its current form. This should come as no surprise to the government, which by now should have realised that its desperate and somewhat arrogant attempt to introduce a biosecurity levy through the back door, circumventing a parliamentary inquiry and industry consultation, has been exposed.

As members would be aware, the government has previously attempted to introduce a biosecurity levy to provide cost recovery for Biosecurity SA's animal health program. In fact, many hours of this parliament have been dedicated to debating the merits—or not—of doing so. Initially, the government intended to introduce the levy in the Livestock (Miscellaneous) Amendment Bill 2011; however, following industry backlash, it abandoned its attempt. Instead, the minister seemingly agreed to await the report of the Environment, Resources and Development Committee, to which the issue had been referred through a motion by the Hon. John Dawkins, and to further consult the livestock industry, with the minister establishing the Animal Health Cost Recovery Review Reference Group, headed by Mr Dennis Mutton, for this purpose.

It was the understanding that the levy would not proceed until both of these had been finalised that I believe convinced the Hon. Robert Brokenshire not to proceed with his amendment to the livestock bill, which would have prevented such a levy and encouraged peak industry bodies, such as the South Australian Farmers Federation, the South Australian Dairy Farmers Association, Equestrian South Australia, HorseSA and Pony Clubs SA, to genuinely engage with the reference group.

However, despite the parliamentary committee deferring its consideration of the levy until the reference group reported its recommendations, and despite the reference group still meeting and consulting with stakeholders, the government in part 7 of this bill (the budget bill) is attempting to provide the legislative basis for the animal health program fund and the levy which will swell its coffers.

To me, it demonstrates the absolute arrogance—not only the arrogance, but the trustworthiness—of this Labor government, a government that seemingly pays little regard to the views of others, whether they be expressed through its own consultation or even through this parliament, that it is willing to reveal that it has predetermined the outcome. Again, the third rule of politics is: never have an inquiry unless you know what the outcome is going to be.

In Labor's eyes there will be a biosecurity levy regardless, so why not introduce it under the cover of a budget bill? While members may choose to see this as a debate about the merits of introducing a biosecurity levy, I am happy to have that debate during the committee stage and also, if my amendment is supported, during the course of an amendment to the Livestock Act.

I personally consider this to be a debate about what we expect from the government and what we as a Legislative Council will allow it to get away with. Do we require due process and due diligence? Do we require consultation to be finalised before we consider a bill? Will we allow parliamentary committees to be sidelined and ignored in this way when a majority of the members of this council voted in support of the terms of reference? And do we expect ministers to honour their commitments? Whilst I know views in this place vary on whether a biosecurity levy is required or appropriate, surely we can all agree that we expect more from the government than this. I know I do, and, as such, I will be amending the bill to delete part 7.

The other amendment I will require before the bill will have my support is that proposed by the Liberal Party, to delete clauses 46 and 47, which amend the Summary Procedure Act 1921. While not strictly deja vu, the amendments—or at least their intent—are very similar to the proposed section 189A in last year's Statutes Amendment (Budget 2011) Bill, which would have limited cost recovery for defendants found not guilty of a summary offence. That amendment was successfully deleted by the Liberal Party, with the support of the crossbenchers.

Yet again the government is seeking to curtail the ability of successful defendants to be awarded costs for their representation, this time in relation to indictable offences heard in the Magistrates Court. While this would bring the Magistrates Court in line with the District Court, it undermines the established understanding that costs will be awarded against the police in unsuccessful prosecutions in the Magistrates Court.

Further, this will repeat many of the injustices and risks identified in relation to last year's amendments, as detailed by the Law Society and the shadow attorney-general at the time. It is my hope that, if this clause is again successfully deleted, the government will accept the position of this council and we will not need to have this debate again next year. That said, I look forward to the committee stage of the budget bill.

The Hon. R.I. LUCAS (11:31): I rise on behalf of the Liberal Party to support the second reading of the Statutes Amendment and Repeal (Budget 2012) Bill. As the Hon. Mr Parnell and the Hon. Ms Bressington have outlined, concerns have been raised by a number of stakeholders and reflected by members in this chamber about two specific elements of the bill.

On behalf of the Liberal Party, the Hon. Stephen Wade will move during the committee stage the appropriate amendments to reflect the decision taken by the Liberal party room on the issue in relation to court costs, and the Hon. John Dawkins, on behalf of the party room, will put during the committee stage the Liberal Party's position in relation to the biosecurity levy issue.

I do not propose to delay the proceedings at the second reading by going through the detail of those particular amendments, other than to indicate that the Liberal Party has expressed its concerns about those issues publicly not only in relation to this budget but on previous occasions when this parliament has addressed both of those issues. My contribution to the second reading will be brief. In relation to my overall comments about the 2012-13 budget, I will make the majority of my comments during my contribution on the Appropriation Bill later in the week, and I do not intend to repeat them during this debate.

The other point I should make is that, whilst the majority of the debate during the committee stage will be about those two issues (that is, court costs and the biosecurity levy issue), it is important to note that the bill does traverse a whole range of other issues, including issues in relation to long service leave and retention entitlement, the first home owner grants, payroll tax and stamp duties amendments, the repeal of the State Bank of South Australia Act and a range of other issues that have been incorporated into the Statutes Amendment and Repeal (Budget 2012) Bill. The Liberal Party is not proposing to oppose or to move amendments in relation to all those issues.

I want to highlight and to congratulate my colleague the member for Davenport on his exposition of the relevant provisions of the bill during the second reading debate in another place. I noted that during the committee stage the minister in charge (Minister for Finance, representing the Treasurer) undertook to come back with advice on a number of questions that the member for Davenport raised. I hope the minister in this chamber who is handling the bill will be in a position, either at the conclusion of the second reading debate or whenever we come to the committee stage, to provide the answers that have been promised by minister O'Brien in another place.

One provision in particular was a series of questions that the member for Davenport asked about the retention leave issue. He raised some questions in relation to the Director-General of Education under clause 4(2)(3a) being able to make a determination under which the accrual of the entitlement will be calculated instead as a number of working hours' leave for each completed month of effective service. He put the question as to how the parliament would be advised that such a determination would be made and whether or not there should be an amendment to the act in another place to have that matter tabled by regulation so that the parliament is aware that a different form of calculation has been applied by the Director-General. Minister O'Brien indicated that he would get advice from that section within Premier and Cabinet (the Public Sector Workforce Relations Unit) and come back with advice on that particular matter.

The minister in that area, and I think one or two other areas, has undertaken to provide further information and I seek from the minister to put on the public record any response that the

minister has already provided to the member for Davenport or, if he has not provided a response to the member for Davenport, whether the minister in charge of the bill in this place will place on the record the government's response to that question and any other question that the minister promised to provide to the member for Davenport during the House of Assembly debate on 27 June.

With that, I indicate the Liberal Party's support for the second reading of this bill, and again I repeat that my colleagues will outline the Liberal Party's position on those issues during the committee stage.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

APPROPRIATION BILL 2012

Adjourned debate on second reading.

(Continued from 27 June 2012.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (11:38): I rise to be one of a number of speakers from the opposition to speak to this year's Appropriation Bill. I expect that we will be expressing dismay and despair at the state of the state's finances. If we turn back to the last 20 years and perhaps back to 1993 to the last time a Liberal government was elected to office and put it in some context, the state at that time had about $9 billion of debt and a $350 million deficit in the budget. Look forward 20 years to 2014 and, on the budget that has been presented, we will have a $13 billion debt and a $867 million deficit.

If you look at what has happened in that 20 years, we had a Liberal government for the best part of a decade that restored confidence in the economy and went through a range of asset sales, often with political opposition from the Labor Party and sometimes hostile approaches from the media, but by and large that sold a number of assets—electricity, maintenance of SA Water, the ports, the TAB and a number of assets. Really, the only two that were not looked at to be sold—and probably for good reason—were the forests and the Lotteries Commission. Of course, now this government is selling both of those assets.

We also need to look at that in the context of what has happened in that 20-year period. We went from particularly high interest rates in the late eighties and early nineties and low business confidence. Business confidence was restored; that was not just a function of the former Liberal government but also of the wonderful stewardship by the Liberal Party and, I suspect, some of the reforms that were made in the dying days of the Keating government to set up our economy, but its stewardship under John Howard and Peter Costello certainly gave the states an opportunity to really flourish.

In that 20-year period, especially from about 1998 to 2008, we had probably one of the best decades this state has ever seen, rivalling any of the good what they call post-war periods. Just to summarise where we are today, we have had a range of asset sales; in fact, nearly everything has been sold or is about to be sold that can be sold. We had a decade in the middle of that of probably as good economic times as we could ever wish to see, and yet in that period we have gone from a $9 billion debt and a $350 million deficit to, 21 years later, a prediction of a $13 billion debt and an $867 million deficit.

The government will argue that it has invested in some infrastructure. A large portion of that has been funded by the feds. Federal government has funded a large portion of the road projects and the rail electrification. It is only things like Adelaide Oval and the hospital that the government has not funded. To put it in context, we are in an unsustainable position. This government, I think, inherited a good set of books in 2002, and it is interesting to note that the debt continued to decline after the change of government in 2002. I know former treasurer Foley would often say that it was his good work. I suspect it was not his good work but the policies of the former Liberal government that this government had not unwound at that point, so they were still driving down the debt.

The thing that is really frightening about that is that in 2014 we are looking at a $13 billion debt and an $867 million deficit. If it takes a future Liberal government a year or two to unwind some of the crazy policies of this government, the inertia may be so great or the problems so deep that we may well see that it is hard to constrain those budget figures in the first year or two. In fact, some of the budget predictions have been made on the back of some very optimistic figures. We saw only last week South Australia's unemployment rate go over 6 per cent. If those trends continue, this state will be in a very sorry state of affairs.

We have to look at that also in context of what our constituents—the people who vote for us and for the members of the House of Assembly—are confronted with. We have the nation's highest taxes, the nation's highest capital city water charges and the nation's worst business confidence. We have the nation's worst retail sales figures in the last 12 months, the nation's worst export performance in the last 12 months, the nation's worst-performing workers compensation system, the nation's slowest growth in wages but the fastest growth in consumer prices, the world's highest electricity prices from 1 July, the worst property sales figures in 27 years and the lowest quarterly dwelling commencements in 10 years. This is what we see today: a list, not leading but trailing the nation or leading the nation with the price and height of some of the taxes and charges our community has to bear.

South Australia's economy has declined from 6.8 per cent to just 6 per cent in the last few years. If South Australia had kept pace with the national jobs growth under Labor, we would have 41,000 more jobs in South Australia than we do at present. In each of the manufacturing, farming and fishing sectors, South Australia had more jobs 27 years ago than it does now. In the South Australian manufacturing sector, there are 10,000 jobs fewer compared with when Labor was re-elected in 2010—10,000 jobs fewer in just two years.

In the South Australia mining sector, there are 10,000 jobs. This is a growth of only 1,400 jobs in the last 26 years, yet premier Rann for a decade said we would have a mining boom, there would be jobs everywhere and we would not have enough people to fill them. But there has only been a growth of 1,400 jobs in the last 26 years. There are 10,900 jobs in mining in South Australia, which compares with 64,000 Queensland mining jobs and 104,000 jobs in the Western Australian mining sector.

Access Economics forecasts that South Australia's jobs growth, economic growth, exports and population will continue to underperform the national growth over the next five years. South Australia had 7 per cent of national business investment when Labor came to office—that was to 12 March 2002—and now we only have 5.5 per cent of national business investment.

The Hon. R.L. Brokenshire: You have been busy doing all this research, Ridgy. I am impressed.

The Hon. D.W. RIDGWAY: Thank you. The Hon. Robert Brokenshire is impressed with my research. I need to compliment the wonderful staff we have who support the opposition. They have very slim resources but they are very, very good at what they do.

Let us just have a quick look at the actual fiscal position. It is interesting to see that, in the 2012-13 budget, there are budget deficits on all three measures: the net lending deficit of $1.901 billion in 2012-13, a cash deficit of $1.952 billion in 2012-13 and a net operating deficit of, as I have said before, $867,000 million in 2012-13. Year after year, the Auditor-General has warned Labor that it cannot rely on the revenues continuing to come in over budget to rescue its high spending habits. Just to quote from his 2005-06 report:

> Given the forecast expectation that such revenue growth may not be sustained, control of expenses will be important.

The reason for that warning is that, in 2005-06, the budget was overspent by $370 million. In response to the warning in 2006-07, the budget was then overspent by $374 million. The Auditor-General went on to say in the 2007-08 report that:

> ...the State may have developed a culture of expecting growing revenues to continue to support increasing expenses.

Of course, the response to that warning was an overspend of some $304 million in the 2007-08 budget and, of course, the response to the next warning in 2008-09 was a budget overspend of $670 million. It gets worse, of course. The Auditor-General said in his 2008-09 report, part C, page 12, that 'the State has received large amounts of unbudgeted revenues that enabled net operating surpluses'. Of course, the 2008-09 budget was overspent by $670 million and, in a response to the next warning, the budget was overspent by some $599 million. So, you can see that, despite the windfall revenues, the government continued to overspend.

You did not have to be an Einstein or a rocket scientist to know that things never keep just expanding and booming forever but, sadly, this government expected that they would and now we are faced with the dilemma where they have sold nearly everything that the state owns. This government is about to sell the last remnants of the forests and the Lotteries Commission, and our

debt, after 20-odd years of being in what some people call the State Bank era—the darkest days for our state economy—is now significantly worse.

It is interesting. The former deputy premier, Graham Ingerson, has a role with the Liberal Party and he made a comment to me the other day at a party meeting that he thought things were significantly worse in this budget and in what we are likely to face in 2014 and beyond than they faced in 1999.

It is interesting to note that there really has not been any real constraint on the taxes that have been charged. I notice land tax increased by 316 per cent under this Labor government. The costs are not only paid directly but are passed on through commercial and residential leases and goods and services, so there is a flow-on effect, as we are seeing with the carbon tax. With some of these big taxes you will see that same type of flow-on.

The increased cost of living is something I know hurts everybody in the hip pocket, and members here and in the other chamber are, more and more, having people come to our offices not being able to pay for the basics. Since 2002, if we look at where this government has taken us and where we have now ended up, CPI has gone up by some 32 per cent but housing rents have gone up 45 per cent. Property charges are up 72 per cent, gas bills are up 79 per cent, state taxes and charges are up 85 per cent, electricity is up 124 per cent—

The Hon. G.A. Kandelaars: And who privatised it?

The Hon. D.W. RIDGWAY: —and the big one of water has gone up 249 per cent.

The Hon. R.L. Brokenshire: Did anything go down?

The Hon. D.W. RIDGWAY: Only confidence and people's spirits. They are the only things that have gone down under this government. You can see there is just a continual pressure. Everything is on an upward trend and will cost more and more. I did hear an interjection about who privatised ETSA, and I will not let the Hon. Gerry Kandelaars get away with that. We had a pledge from Mike Rann. In 2002, his pledge card said, 'Elect me and I will build an interconnector to New South Wales and keep down the price of electricity.' Either he was lying to the South Australian people or he never intended to do that.

We see now that South Australia has the highest penetration of wind power in the nation and, in fact, per head of population probably one of the highest penetrations in the world, and we have the highest electricity charges in the nation. I know that the Hon. Mark Parnell, and probably all of us here, are pleased that wind power is clean, but it certainly is not cheap, and we are now paying the price of this government's fetish and Mike Rann's love affair with the wind sector.

We saw Mike Rann on his last day in office impose a ministerial DPA—a statewide one—on wind farm developments. I digress a little but I know I am given a bit of latitude when it comes to appropriation speeches. Ministerial DPAs are a mechanism by which the minister puts in a development plan amendment that stops the clock. It says nothing can happen so that nobody can take advantage of a set of circumstances that may be changed in the future. We saw the Barossa Valley and McLaren Vale DPAs put in place and there was quite an outcry because people could not build a house where they had previously been able to build a house, or build a shop in a commercial zone or rebuild a house that had been burnt down.

The nature of a ministerial DPA is to stop development so that people do not get an unfair advantage but, interestingly, the wind farm DPA relaxed all that. There were no third-party appeals, one kilometre from houses and one kilometre from towns. You would have to ask yourself: why was that so? If, in the end, it is the South Australian consumers who pay more for electricity, what a horrible and unfortunate legacy Mike Rann has left South Australia.

This government talks about its commitment to infrastructure and some of the things it has been doing. Look at the promises and then the broken promises. They are going to build a brand-new Royal Adelaide Hospital for $1.7 billion; actually, they are going to add $2.8 billion to our state debt. They will spend $450 million on Adelaide Oval and not a penny more, said treasurer Foley. Now it will be approaching $600 million for that project, and there are parts of it—Memorial Drive and the tennis facility—that were in the original proposal that have been scrapped.

Even today, the city council is not certain that the bridge is narrow enough and should be narrower. We do not see any commitment from any of the bigger players such as the SkyCity Casino or the Intercontinental on the southern side of the river, which is the area that is to be

activated by the Adelaide Oval development. There is no commitment from them at all to develop anything there.

We have seen the Southern Expressway duplication promised at $370 million and it is now at $407 million, and I expect it will be more than that. The Darlington interchange at $75 million has been scrapped. The doubling of Mount Bold reservoir some years ago, which was going to cost billions of dollars, thankfully has been scrapped. The $160 million project for the Upper Spencer Gulf to be able to take desalinated water from BHP's desal plant has been scrapped. I think it was a fanciful promise in the first place because BHP, if it gives the go-ahead to the project this year, is some years away from having any access to water. The $122 million underpass along South Road between Port Road and Grange Road—

The Hon. J.M. Gazzola: Federal money.

The Hon. D.W. RIDGWAY: I do not know whether that was federal money, but we saw the $840 million given to the state government for the South Road superway. I was always sceptical of that because it was announced by the government on the first Thursday of sitting after premier Rann had that unfortunate incident at the Wine Centre, where he may have come in contact with a *Winestate* magazine. That announcement was purely designed to distract media attention.

Members interjecting:

The Hon. D.W. RIDGWAY: There are interjections coming from the other side of the chamber. I know that to be almost certain, because the project manager was asleep and on holiday in Europe when it was announced. He was rung by the Road Transport Association and asked, 'Is this this project?' It took a while to wake him, and he said, 'I have no idea; I'm on holidays in Europe; I'm asleep, it's the middle of the night—I have no idea what they're announcing.' Minister Atkinson said that it had not gone through cabinet. Treasurer Foley rebutted that and said, 'Oh no, look, Mick was at the toilet when we discussed it in cabinet.' I know we talk about spending a penny, but the government spent $860 million while he was in the toilet! In the end it was announced in October and it went through cabinet sometime in early December. Again, this government has no idea about the management of money and the processes it goes through.

We saw $600 million worth of prison facilities scrapped; the $140 million Sturt Road/South Road underpass scrapped; a solution for the Britannia roundabout at $8.8 million was scrapped; and, of course, the trams to the western suburbs have been put on the scrap heap. The people in the western suburbs—the Premier's own electorate and that of the former deputy premier in Port Adelaide—are taken for granted. They promise them stuff and they never deliver.

In the public sector we saw the no forced public sector redundancies and the no public sector job cuts policies both scrapped. Up to 8,000 redundancies have been offered since 2002. The pledge to have no increase in taxes and charges and no new taxes has been scrapped: they put in the River Murray levy and put up gambling taxes and mining royalties. There were to be no increases in water rates, yet water bills have more than trebled under Labor. No privatisations! I remember the premier coming on to 891 after the 2006 election saying, 'Kevin Foley and I have just reaffirmed our decree of no more privatisations.' That morning, no toll roads were also put into that decree.

Of course we have seen the bus contracts privatised, along with forests, the Royal Adelaide Hospital, the super schools, SA Water's piping network and the Lotteries Commission—all privatised. I asked a former minister about the premier's statement about no toll roads and his decree and why, after winning a substantial victory in the 2006 election, the government would play that card. The response was, 'I don't really know; Mike said all sorts of things without talking to us.' That is one of the reasons we are in the mess we are in, because he said all sorts of things without talking to his cabinet.

There was a pledge to stop taxpayer-funded political advertising, and the government now spends $70 million a year on advertising, and some campaigns are clearly political. You can see that this government has simply had no capacity to rein in its spending, and now most of the promises they have made they have had to break.

The Hon. R.L. Brokenshire: You've just about talked me out of voting for them.

The Hon. D.W. RIDGWAY: I would hope, Robert Brokenshire, you have never voted for them or ever considered it. If you have, you should have a good, long, hard look at yourself! The other thing that is interesting to note is that one of the things—

The PRESIDENT: The Hon. Mr Ridgway should not respond to interjections.

The Hon. D.W. RIDGWAY: I know I am not supposed to respond, but I would be distressed if the Hon. Robert Brokenshire was ever considering voting for the Labor Party, given he was a minister in a Liberal government. He should go and have a very good, long, hard look at himself!

There has been some discussion about the AAA credit rating. At the end of the day, the AAA credit rating is something that the Liberal government had worked hard on. It had not quite got back to restoring it, but we achieved it as a state in the first couple of years of this Labor government. As mentioned earlier, the policies were still in force and things were still carrying on well, and so that is why the debt continued to decline in the first couple of years.

However, it will probably mean $20 million to $25 million in extra interest payments each year. That means that our borrowing becomes more difficult because, with the level of the debt, we are less attractive to investors. It will also continue to add to those negative perceptions about South Australia, reducing our attractiveness as a destination for investment, with the resultant negative impacts on our economic activity in general. Of course, the other thing it does is send a really bad message to the community that this government cannot manage its own affairs. Clearly, that is what we have seen with this particular government.

Another area, and something that has been discussed over a long period of time, is the increasing size of the public sector. In the 10 years or so of this government there have been about 6,535 what you would call front-line type people—nurses, teachers, doctors, police officers, the types of people that every modern society needs to make sure that we have adequate resources in those areas. However, we have seen an increase of about 20,000, so there are 13,000 additional public servants employed outside core government areas under this Labor government. The majority of these—and this is something I struggle with—were unbudgeted.

Ministers, the cabinet, did not exercise their control over the increases throughout the process. As Michael O'Brien, now Minister for Finance, said in October 2010, we are actually having to borrow to pay public sector wages. That is unsustainable in the long term.

It has been a long-held view of the opposition that there has simply been no control at a government level. How on earth can you set a budget, as we are passing today, the budget that was tabled some six weeks ago in the House of Assembly, with the program laid out of what you hope to do, and then exceed the number of staff you use over a decade by some 13,000? Surely somewhere along the line there would have been then treasurer Foley getting advice from his department, or other ministers from their chief executives, saying, 'Minister, Treasurer, we are actually 50 above our budget; we need to try to bring that back into line before next year.'

I think I have used this analogy before, but running a budget such as this is a bit like trying to balance a big tractor tyre—and I go back to my farming days. The hard thing to do is to lift it up; once you have it upright it is not that hard to keep it rolling and keep it balanced, but if you get out of balance and it starts to fall then it is very heavy and bloody hard work to lift it up again. That is where we are today.

The Hon. R.L. Brokenshire: Use a front-end loader.

The Hon. D.W. RIDGWAY: The Hon. Rob Brokenshire says, 'Use a front-end loader.' The trouble is that the people of South Australia are sick and tired of being the front-end loader and having to dig this lot out of a hole. So you might say that is an option, but it is not.

We now have this budget that is out of balance. The people of South Australia will, again, have to do some heavy lifting, and, when I listed those 10 or 12 items where we lead the nation—the most expensive place to do business, with water and electricity, the worst economic activity, the worst jobs growth—it is a very daunting task, indeed, for the people of South Australia.

I will just make a few comments in relation to the areas which I have some responsibility for. Planning and tourism are the two areas I would like to cover as I make my closing remarks. There have been significant cuts in planning which, of course, mean significant delays with any of the rezonings and work being done in Planning SA. I know that the Mount Barker council was promised, when that rezoning, the ministerial DPA went through, that the structure plan work would be done within six months. My understanding is that the council is still waiting for that to be done some 12 months later. At the end of the day the log jam or bottleneck is in Planning SA.

There are also some concerns at the local government level in relation to the 30-year plan. In areas like Playford and Salisbury and some of the more broadacre-type councils, vast areas of land are earmarked for either residential or commercial development in the 30-year plan but the state government expects the local councils to provide all the planning support in areas where councils had not expected them to be brought on so quickly.

I think the Playford council initially had quite a significant rate increase and its justification was, 'Well, we have all these extra planning staff that we need to employ to do the work the state government is forcing upon us.' So there is a bit of a flow-on effect: if you do not have adequate staff in Planning SA here in the city, you pass the buck to local government and in the end local government has to increase its rates so there is another whack for the poor old consumers in the area of local government.

Tourism is something I would like to touch on. I know the minister opposite—

The Hon. R.L. Brokenshire: It's booming, I heard the other day.

The Hon. D.W. RIDGWAY: Booming, yes. There is nothing much booming in tourism at the moment. If we look at what has happened in tourism, we have had cuts right across the tourism industry for a number of years: all the regional offices are gone; I think there was a commitment to budget saving of some $4.5 million and an understanding that any other savings that could be made could be kept for marketing, but the next year Treasury came back and said, 'Sorry, we need another $4.5 million,' so they took $4.5 million dollars again.

This is one industry, Mr President, that provides investment and income right across our state, from little places like Beachport—your new home town—right through to suburbs in Adelaide. Tourism manages to spread a little bit of money right around this great state. Mr President, we know it will be many years before you are fully retired, and I am sure you will take an active interest in what happens in here, but rumour has it that you will be leaving your current role in October. It is people like you, who have worked hard and are able to provide themselves with a cash flow, who are the sorts of tourists we need in order to make sure that we spread out across the state and try to capitalise on.

We have neglected our regions, we have neglected marketing, and we have virtually no new events. The only two events that are still successful in South Australia are the Tour Down Under and the Clipsal 500—two events that were started under a Liberal government. The World Tennis Challenge has gone and Tasting Australia, sadly, looks like it has gone now. There were also a number of smaller events—we saw what happened on Kangaroo Island, and the Guitar Festival being questionable.

We have no new events. Everybody loves Mad March, but that was primarily the Festival, the Fringe, WOMADelaide, Clipsal and Tour Down Under beforehand, and they were all events that had been around for a very long time. The lack of vision from this government and the lack of understanding of how important the tourism industry is have certainly driven the morale of a lot of the operators and people in the tourism industry to a new low. I think that is exemplified by the very messy way the government has handled the visitor information centre—a budget cut when they needed it.

I am told it cost $1.4 million to run the visitor information centre on its old site in King William Street. We know all the details of the arrangement that was made to shift it to the underground basement site on Grenfell Street. I suspect that if it had been a site that gave better activity, more public access and a better promotion of our state, people may have lived with it, but it was not: it was a disaster. Of course, the private operator eventually could not make ends meet because either the figures he was given were wrong or the location was so poor that nobody went there.

However, again, it was all due to the actual lack of leadership and understanding from the minister, minister Rau. People have said to me that he was too busy—well, that is no excuse. He made a decision and he supported the decision to shift it from a main street, ground level site to a side street, basement site. When the lease ran out and interim arrangements ran out with Holidays of Australia, we had to scramble to find a new site. I am advised that the Tourism Commission was negotiating with the Rundle Mall authority and the little—I want to say 'caboose', but it is not that: what is it called?

An honourable member: Booth.

The Hon. D.W. RIDGWAY: Booth—a little booth that they used. I knew it had a B in there somewhere, but I had a mental blank for a minute. They had a little booth, but of course that cannot display everything. At the end of the day, they had gone through a range of negotiations before it dawned on the Tourism Commission that, 'Actually, they are going to redevelop Rundle Mall; that's going to be bulldozed later in the year and we'd have to shift again.'

The decision was made with only a matter of days' notice to go to the EDS building and into Service SA. I have to say, after I went down there for a press conference, that I thought it was going into the vacant office of Thinkers in Residence, which has a glass front; it is out of the way and it is not an ideal location, but it would have given it some presence. But no: this mob has stuck it inside Service SA. You have to go in, turn the corner and there is the counter with two staff.

We had 23 staff over here in King William Street; we now have five—4.8 FTEs. It is all about a public display of our great state. Victoria has its visitor information in the middle of Federation Square in Melbourne. Every other state has it in a prominent location, with some satellite operations around the city. I had an opportunity to do some talkback radio about the location, and the switchboard lit up with the number of people who had a view on it. This is something that clearly the community is interested in, and clearly the community is very disappointed with the appalling way that this government has handled tourism and the lack of investment in it.

Finally, as we move into the technological age, as members would be aware, I have been disappointed with the way that the applications on iPads and iPhones have been used by Tourism SA and the disdain with which it has treated tourists by not updating them; they are out of date and I think still do not work properly. It really is a disgrace and it just exemplifies how dysfunctional tourism is under this government, with the lack of investment, and under the lack of leadership from this minister. With those few comments, I support the passage of the bill.

The Hon. CARMEL ZOLLO (12:12): I rise to speak on the Appropriation Bill before the chamber. This bill is designed to provide a strong platform for South Australia which will allow the state to take full advantage of future economic opportunities. There is no doubt that we operate in a difficult economic environment. The 2012-13 budget handed down by Treasurer Snelling certainly reflects this. The Treasurer, as he stated in his budget address, has been faced with the biggest writedown of government revenue in the state's history. This is something, one has to observe, that those opposite conveniently overlook when they go on and on about debt and deficit.

As the Treasurer showed on budget day, this government has not shirked from making the tough decisions. This includes the cutting of a further 1,000 public servant positions, the suspension of electrification of the Gawler and Outer Harbor lines, and the postponement of the stage 3A upgrade of The Queen Elizabeth Hospital until 2015-16, when the budget is projected to return to surplus.

However, whilst the current uncertain economic environment has significantly reduced projected revenues, the government, to its credit, has remained committed to building a better South Australia. There is no doubt that the momentary adulation that comes from delivering a surplus can be so alluring to some governments that they will sacrifice just about anything in order to achieve it. This is not what this government is about.

To cut services and major infrastructure projects, as the Treasurer stated in his budget address, would be damaging in the short term, with a loss of jobs, as well as in the long term, as opportunities to transform the state's economy into a truly modern, innovative and diverse economy would be put in jeopardy. This government, unlike those opposite, sees the bigger picture: that as leaders of our state we must make decisions not only for the now but also for the future, so that the prosperity of our state is secure. On that note, I would like to take the opportunity to highlight some of the key elements of the budget.

In relation to infrastructure, in my contribution to the debate last year I made mention of the many infrastructure projects being undertaken by the government that were just getting underway. Today it is almost impossible to look across Adelaide and not notice the multitude of machinery, as well as construction workers busily working away on either the South Road superway (which is well under construction), the new Royal Adelaide Hospital and medical research institute in the city or the Southern Expressway. It shows that this government is truly one of action and not just words.

This is a Labor government that is committed to building up the infrastructure in South Australia to a truly international standard. This year's budget also saw the announcement of a number of community infrastructure projects, and most notable is the redevelopment of The Parks

Community Centre. The state government, in partnership with the Port Adelaide Enfield council, will invest some $28.7 million in the facility, which will see the replacement of the existing indoor pool, the refurbishment of the existing general purpose buildings, car parks and theatre areas. The upgrade will also see the development of two new outdoor soccer pitches, change rooms and recreational areas. The investment being made in The Parks Community Centre ensures that those living in the inner western suburbs will continue to have access to high-quality community facilities for many years to come.

In relation to disability funding, I have to say that one aspect of this budget that I am truly proud of is the government's continuing investment in disability services. Whilst these measures may not get the headlines that the new RAH gets and whilst there are always more and more needs, I am certain that those South Australians living with a disability welcome this commitment. As the Treasurer stated on budget day, the government will, on top of last year's funding commitments, provide a further $106 million over the next five years for extra accommodation support and respite, $61 million for new community-based supported accommodation and $21 million to move the remaining residents of the Strathmont Centre into high-quality community supported accommodation facilities.

As Treasurer Snelling mentioned in his budget address, the state government will also commit $20 million to assist with the South Australian launch of one of the most fundamental reforms ever to occur to disability service provisions in South Australia, that being the introduction of the National Disability Insurance Scheme (NDIS). These commitments show that Labor will always stay true to its values and stand up for those who have a limited voice within our community to ensure that they receive the quality care they deserve, and that they are afforded every chance to actively fully participate in society. I am pleased that minister Hunter has placed on the record our state's commitment to the NDIS.

I would also like to quickly note the government's continuing commitment to the health and wellbeing of rural and regional South Australians. As minister Hill has previously announced, some $728 million will be spent on country health, which is almost double the amount spent on country health when those opposite were running the state.

Concerning law and order, as a former minister for corrections I am pleased to see that the government will invest in this budget some $37.3 million over the next four years in our state's prison system. This money will go towards the construction of a high dependency unit at Yatala, providing 26 extra beds for elderly prisoners and inmates with serious health conditions, as well as the construction of a new 112-bed cell block for the Mount Gambier Prison and the addition of 86 new beds at Port Augusta.

In relation to the environment, there is little doubt that the future of the River Murray and the ecosystems that rely on the river are at a crossroads. As a result of decades of misuse from upstream irrigators in Victoria, New South Wales and Queensland, the health of the river is in severe decline. To help secure the long-term future of the River Murray in South Australia, the government has contributed some $49.1 million to the Riverine Recovery Project, which will assist to rejuvenate wetlands, improve water quality, provide for increased environmental flows and give a much-needed boost to the ecosystems that rely on a healthy river.

However, this good work may be put at risk by the Murray-Darling Basin plan, which, as of the revised draft released in May this year, does not allocate the required flows necessary to maintain a healthy river. That is why the government announced it would allocate $2 million to evaluate and respond to the draft plan to help achieve an improved outcome for the River Murray and for South Australia. Just last week, minister Caica announced that the government had formally responded to the draft plan, stating that 'independent scientific analysis has confirmed that the 2,750 billion litres the plan proposes to return to the river will not be enough'. There is no doubt that this will be a tough fight, but it is one that this government will not shy away from.

Concerning regional South Australia, we all recognise the important social and economic contribution that rural and regional South Australia makes to our state. The government understands the need to invest in rural communities to ensure they continue to play an important role in our state's future. To assist with the development of regional infrastructure, the budget will see the creation of a new $3 million Regional Development Fund. Grants of between $50 to $200,000 will be able to be assessed by Regional Development Australia committees, local councils, businesses and community groups to assist with local projects.

In relation to government support for rural communities, we have before us the character preservation legislation. The legislation introduces measures to help protect some of the state's key agricultural and tourism assets, being the Barossa Valley and McLaren Vale regions. The protection zone legislation, introduced by the Minister for Planning in the other place, seeks to ensure that these green belts are kept primarily for agricultural production and that any development will be in keeping with the character of the regions in question. This will guarantee that the valuable agribusiness and tourism revenue they generate will be protected, along with local jobs.

During the recent estimates, the Minister for Agriculture, Food and Fisheries advised the committee of our food priority, known as Premium Food and Wine from our Clean Environment. The overall vision for our food policy is to achieve a South Australian premium brand for food, wine and tourism that underpins high quality food and wine that is sustainably produced and processed to the highest standard. The bills before us, which we are debating at the moment, are all about guaranteeing that prime agricultural land continues to be available for the pursuit of premium food and wine. As to be expected, horticulture is an important sector in South Australia and contributes approximately $2.64 billion to South Australia's gross food revenue.

I would like to applaud the work of minister Rau and his office for the extensive consultation process they undertook to ensure the character legislation meets the needs of these two regions. This was evidenced by the minister taking on board some of the suggestions made by the Hon. David Ridgway with regard to the proposed boundaries for the DPA. The South Australian government, I believe, has delivered a prudent budget that recognises the difficult economic times which have buffeted the state's economy. We should also mention that it is following a 10-year drought as well. However, the government has kept its focus on transforming South Australia into a truly modern economy, allowing South Australians to take full advantage of the expected mining boom.

As I have previously mentioned, projects such as the Royal Adelaide Hospital, the South Road superway and the Southern Expressway are now well underway, with the redevelopment of The Parks Community Centre to follow shortly. These are projects which provide thousands of jobs to local workers. The government has also invested substantial amounts into disability services to help ensure that those living with a disability have access to the quality of service they require. This is in addition to the government's continuing commitment to improve rural and regional health services.

As this budget shows, the government is about achieving real results which improve the lot of each and every South Australian, ensuring that they are afforded every opportunity to grow and prosper. I add my support to the Appropriation Bill.

The Hon. J.S.L. DAWKINS (12:25): In supporting the passage of this bill I recognise its importance in providing finance to the various programs incorporated in the 2012-13 budget of the government. It is my intention to focus on one particular area that has come to my attention as it relates to the priorities of the government and the manner in which public servants carry out those wishes. The particular area is something that I touched on in my Supply Bill speech earlier this year, which is the process of amalgamations of primary and junior primary schools in South Australia, and particularly that process at the Para Hills schools, which are quite unique due to the topography of that site and which is quite different from many of the other schools that have been amalgamated.

The community of the Para Hills primary and junior primary schools and the combined governing council have worked very hard over a long period of time to try to get across to the bureaucrats and officers within the Department for Education and Child Development and to the minister the particular significance of having the two schools rather than amalgamating on that site. I wish to take some time to document the work that this community has done to put their case.

Firstly, on 11 November 2010, a petition from the community with over 800 signatures was collected and presented to this parliament opposing the amalgamation of those two schools. As part of the government's process, an amalgamation review committee was formed around that time. The community requested that two parent representatives, one from each school—not one, as the minister had allowed for—be part of that committee. Lisa Manning and Kerry Faggotter were appointed by the governing council to represent the two schools. They put in over 12 weeks of work and read over 200 submissions from the community and reported back on them to the committee. The review committee was unanimous in its decision that the schools should not

amalgamate. The committee therefore wrote a recommendation to the minister to not amalgamate the schools.

On 11 August 2011, a letter was written to the Hon. Jack Snelling MP, the local member for Playford, asking him to support the community in its wishes not to amalgamate the schools, and no reply was ever received. On 12 August 2011, a letter was written to Mr Tony Zappia MP, the federal MP for Makin, requesting his support to stop the amalgamation. Kerry Faggotter, the chair of the governing council, received a phone call from his personal assistant asking her to keep them informed, that Mr Zappia was too busy to attend the information meetings and that, as a federal member, he could not intervene in a state matter.

On 23 August 2011, a letter was sent to parents asking them to write a submission to the panel to express their concerns, opinions and views on the proposed amalgamation. On 1 September 2011, 12 corflute signs were designed, printed and put up on main roads and outside the school for public awareness. On 13 September 2011, a letter was sent to the then education minister Weatherill, with an invitation to attend the schools to see the complexity of the site of the two schools. Unfortunately, the then minister (now Premier) never replied or acted upon this request.

On 13 September 2011, a survey was sent out to all parents and collated for the review committee's information. On 27 September 2011, a letter was sent to the Chief Executive of the DECD requesting that he attend the site. Unfortunately, no reply was ever received. On 14 October 2011, a delegation from the Para Hills schools and the community attended the Save our Schools Alliance protest rally at Elder Park in the city and cooked a fundraising sausage sizzle for people who had come from other schools.

On 7 November 2011, a letter was sent to the new education minister, the Hon. Grace Portolesi, requesting that she attend the schools before making her decision. No reply was received. On 10 November 2011, a delegation of 21 of the schools' community, staff and parents attended the office of the local member (the Hon. Jack Snelling) to ask him to support the retention of the junior primary school. There has been no response to the attendance on that day.

On 16 March, the Hon. Grace Portolesi, in her role as the minister, attended the school. As I have highlighted in this place before, she attended at 8.30 on a Friday morning, having notified the school community a couple of minutes before 4 o'clock the previous day, giving no time for parents to be notified or staff to be able to organise a time to chat with the minister.

On 4 April, a letter was sent to minister Portolesi after she attended the schools, confirming the topography and site issues to be faced if the amalgamation of the schools went through and requesting her to seriously consider the implications for the community and the children should she go ahead. Unfortunately, again, there was no reply.

On 2 May 2012, the principals of the two Para Hills schools each received an email informing them of the minister's decision to amalgamate the schools. On that day, Kerry Faggotter, as chair of the governing council, received phone calls from the media in the morning in relation to this announcement. It is interesting that the calls from the media came before the emailed letters actually reached the principals. So, the media were obviously notified before the principals of the schools.

I believe that the time taken until the decision was made was some six months, but the school communities were then given three months to organise everything to make the transition process smooth, particularly for the children and also the staff. On 5 May 2012, the school communities informed the minister in writing of a resolution that was passed through the governing council as follows:

> Para Hills Schools Governing Council has continually asserted that our schools are NOT co-located and that this was a unanimous decision within the Review Committee report. Therefore we request that the Minister upholds the decision of the Review Committee to refrain from amalgamating our schools.

On this occasion, an acknowledgement was given with the promise of a reply but, once again, no reply has been received.

On 11 May 2012, a delegation of 28 staff, parents and students attended the SOS Black Friday protest at the DECD head office. On 30 May, a letter was written to the DECD complaints unit regarding the rushed process and the pressure on the governing council and parents of the community in relation to organising the amalgamation transition by term 4 of 2012. A reply was received from the manager of the complaints unit, which said:

I am writing to inform you that the Parent Complaint Unit is not able to take any action on your complaint as the decision of your schools amalgamation was taken by the Minister for Education and Child Development and as such complaints involving this decision do not sit under the auspices of the Department for Education and Child Development Parent Complaint Policy.

I think that probably summarises some of the overall frustration the community has felt. They as volunteers have acted in a very consistent sense. They have been frustrated by running up against a brick wall, but particularly they are frustrated by the fact that so many of their pieces of correspondence have not been responded to by the department or, in fact, the minister or the local member of parliament, the Hon. Mr Snelling.

To further sum up the situation, I would like to read from a letter that was sent by the Para Hills schools governing council to the Hon. Mr Snelling on 27 June this year. The letter states:

Dear Mr Snelling,

Para Hills Schools Governing Council held a community meeting on Tuesday 26th June as a requisite of a letter that our Principals received from a Mr Ross Treadwell from DECD, asking us to propose a new school name for the forced amalgamation that your Government is forging ahead with in 2013, against our community's will.

Due to the forced closure of our CPC, Kid Zone and Junior Primary Schools the registration of a new name has had to be rushed to meet time frame requirements of your Government amalgamating us onto the primary school campus.

During this meeting there were very angry and concerned parents of your electorate and our schools with many questions as to the impact this closure will have on their children's education at the Para Hills Schools in the future.

Parents have requested that governing council write to you demanding answers to the questions stated below:

1. What actions did you take to support the community's campaign to keep their Junior Primary School?

2. Asset Services have told us that the Junior Primary School buildings will be mothballed. Will you fight to have our school compensated by your State Government for the BER money that is now being wasted on the open space unit totalling $800,000? Will you guarantee that we will receive an additional $800,000 to restore the money lost from the federal government?

3. It is unlikely that the $1.25mill allocated to us will be sufficient to redevelop the Primary classroom block to accommodate all of the Junior Primary Classes, the expanded Resource Centre and the refurbishment of the Administration Building. Will you fight for our children to receive additional funds so that the promised work can be done without more loss?

4. What will you do to ensure that the money spent on emergency maintenance over the inadequate allowance will be fully refunded, not at the suggested DECD arrangement of 71¢ in the dollar?

5. Will you support the community in ensuring that the school is fully compensated for the increase in utility costs to prevent more cuts to learning programs over the cuts already being contemplated because of your Government's closure of our Junior Primary School?

Awaiting your reply,

Yours faithfully,

Kerry Faggotter

Chairperson, Para Hills Schools Governing Council

I understand that, as of today's date, that letter has received an acknowledgement only.

As I said, I think this whole process that many of the schools have gone through has been a disappointing one, particularly in relation to Para Hills. As I said in the previous speech on the Supply Bill, the topography of the area—the fact that there is a deep gully in the area between the schools—makes it totally impractical for these schools to be run as one entity.

I made mention earlier of the need for a new name for the amalgamated school to be dealt with in a speedy fashion. The governing council was asked to indicate to DECD what its preference was for a new name. I understand that there were some suggested names put forward by DECD. However, the preference of some 70 per cent of the people of the governing council and the schools community was for the name to be the Para Hills P-7 Schools. I think to highlight the ridiculous way this whole process has been handled by the department and also minister Portolesi is that DECD will not accept this but they will accept Para Hills School (singular not plural) P-7. This is nonsense and it sums up what has been a disappointing process for a group of people who believe passionately about the identity of their schools and their community.

I think it is a significant indictment on the local member. I was at a public meeting last year that was held about the time that the review process started and, while the Hon. Mr Snelling was there, he did not stand up for the community then and he appears not to have stood up for that community at all in this whole process.

Having noted the disappointing way in which this whole amalgamation process has impacted on the Para Hills community, I think it is also important to note that there are many good people who work within DECD who have had to implement the priority of the government. The government has its right to do that. This bill supports the government in seeking its priorities but I think it is unfortunate the way in which officers of DECD have been forced to deal with some of the passionate and dedicated volunteers in this school community, of which they are very proud. With those words, I support the passage of this Appropriation Bill.

The Hon. G.A. KANDELAARS (12:44): I rise to make a second reading contribution to the Appropriation Bill for the 2012-13 fiscal year. There are a number of areas that I wish to concentrate my remarks on today: firstly, the current economic environment we find ourselves in; secondly, the Weatherill government's commitment to the future of our state through its record of ongoing investment in infrastructure; and thirdly, the ongoing commitment of the Weatherill government to provide good quality health and disability services.

As the budget papers point out, this year's budget has presented the government with significant challenges, in particular in respect of taxation and GST revenue writedowns over the forward estimates in the amount of $2.8 billion. I draw on my experience as a former director of a super fund to highlight the nature of the current economic cycle. In the past decade, we have seen one of the most volatile financial markets in world history. If you look at the typical balanced fund investment returns, in four of the last 10 years, we have seen negative returns. This year it is likely to see many funds barely showing positive returns.

This is unheralded and shows the level of turmoil in financial markets around the globe. This in turn has seen Australians move from being net debtors to net savers with a consequential and profound effect on GST receipts. In itself, Australia becoming a nation of net savers is not a bad thing at all, but the consequence of this has seen a substantial decline in the flow of money within the economy. The result is a decline in GST revenues for all states, including South Australia.

There is no doubt that South Australians are worried by world economic events such as are occurring in the eurozone—in particular, the Greek debt crisis—as well as the British and United States' economies which are still struggling with their recoveries post the global financial crisis. These events are certainly providing a dampener for our economy. However, the fundamentals of the South Australian economy remain very sound indeed.

State economic growth is predicted to be about 2.75 per cent for 2012-13 and there remain $109 billion worth of both government and private projects underway or in the pipeline. Examples of these major infrastructure projects are numerous. The amounts I list reflect the total capital cost of each project:

- upgrading the metropolitan rail network—Belair and Noarlunga line, $143 million; Gawler, $128 million; the remaining network, $48 million; the construction of electrified line from Noarlunga to Seaford, $316 million;
- duplication of the Southern Expressway, $407 million;
- South Road superway, $842 million;
- developing and upgrading major metropolitan and regional hospitals—Berri Hospital, $36 million; Flinders Medical Centre redevelopment, $162 million; Lyell McEwin stage C, $201 million; Modbury Hospital, $46 million; Queen Elizabeth stage 2, $127 million; Repatriation General Hospital, $33 million; Whyalla Hospital redevelopment, $69 million; Women's and Children's Hospital upgrade, $64 million;
- Sustainable Industries Education Centre at Tonsley Park, $130 million;
- Adelaide Convention Centre expansion and redevelopment to improve the Riverbank promenade and surrounding precincts to Morphett Street, $354 million;
- new Royal Adelaide Hospital, $1.8 billion, which is associated with the design and construction currently being undertaken by SA Health Partnership; and

- Adelaide Oval redevelopment, $535 million, which includes operating expenditure.

The budget delivers many new infrastructure investments this year including:

- $28.7 million over four years to redevelop The Parks Community Centre;
- $13.7 million to provide critical traffic-related infrastructure supporting the residential land release at Evanston;
- $2 million to expand the Techport Common User Facility to support the air warfare destroyer project;
- $11.7 million building the Adelaide Entertainment Centre park-and-ride facility, increasing the parking capacity by 602 spaces;
- $443 million in partnership with the commonwealth to upgrade the Torrens and Goodwood rail junctions;
- $75 million over four years to construct new community-based accommodation for the disabled;
- beginning in 2011-12, $38.3 million over three years to build a new state-of-the-art mining, engineering, defence and transport training centre at Regency TAFE;
- $11.3 million over four years to improve facilities at Salisbury East High School and Windsor Gardens Vocational College;
- $7.7 million over three years for critical work on Her Majesty's Theatre and the Adelaide Festival Centre;
- beginning in 2011-12, $4.7 million over two years to replace the Glen Osmond Fire Station; and
- $4 million over two years to strengthen the Saltfleet Street bridge at Port Noarlunga.

The government has introduced a fiscal strategy to limit the government's net debt to 50 per cent of general government revenue. The planned and current spend in infrastructure in this state is an investment in this state's future and has also the added benefit of providing employment, particularly in the civil and building and construction sectors of our economy.

The Weatherill government has shown a continual and ongoing commitment to improving public health services in South Australia. This year's budget allocates $489 million to building new health facilities in the 2012-13 year. This is an increase, compared with the 2005-06 budget, of $353.5 million or 260 per cent. In terms of the South Australian country health system, $728.5 million has been allocated in 2012-13. This is an extra $348.2 million or 91.5 per cent compared to what was spent on public health in the country in 2001-02.

When Labor came to government in 2002, South Australia had the oldest health infrastructure in mainland Australia. The government has made a commitment to record infrastructure spend, upgrading all of the state's major metropolitan and country hospitals. The jewel in the crown will be the new Royal Adelaide Hospital where work has just commenced on the foundations. The new hospital will be a world-class facility which our state can be rightly proud of.

My wife until recently was a nurse in the public health system and I can assure you that she and many of her former colleagues believe that the new RAH will lead to better health outcomes for patients who will be treated there. One of the key reasons for this is that there will be 100 per cent single inpatient rooms. This will greatly assist in infection control which is increasingly difficult in multibed wards, particularly with the spread of superbugs such as MRSA and VRE.

Whilst on the issue of hospital beds, South Australia has the highest ratio of public hospital beds per head of population in Australia with three beds per 1,000, which is 15.4 per cent above the national average figure of 2.6 beds per 1,000. Across metropolitan acute hospitals, there was an average of 2,866 overnight beds in June 2011. This is over 300 more beds than in 2001-02.

Currently, there are capital works programs to extend the number of public hospital beds with work at Lyell McEwin, approximately 100 beds; the Modbury Hospital, approximately 30 beds; the Women's and Children's Hospital, approximately 10 cots; and the new RAH, approximately 120 beds. This will provide more than 250 additional beds by 2016 compared with the stock position at 2008-09.

The Weatherill government is also showing its ongoing commitment to assist those with a disability, and in 2012-13 the state budget allocated an extra $212.5 million in funding for those in the community who suffer from a disability. The allocation of this $212.5 million over five years represents an increase in disability funding of more than 15 per cent, and there will be a 33 per cent increase in disability expenditure across the forward estimates.

Assisting people with disabilities is a major priority of the Weatherill government. The Premier has been a passionate advocate throughout his career for people living with disabilities, and this is not only limited to his time as minister for disabilities from 2004 to 2008. Since coming to office, the Labor government has more than doubled its spending on disability, from $135.4 million in 2002-03 to $345.9 million in 2012-13.

The government is proud of its record of supporting people with disabilities but acknowledges that more needs to be done in this area. This is why this new money will assist in major reforms across the disability sector, including changes in preparation for the NDIS, moving to individualised and self-managed funding, getting a new disability act underway, working on a disability justice plan and expanding community visitor schemes. I know that minister Hunter is doing all he can to ensure that those living with a disability in this state are given the same opportunities to genuinely participate and contribute in our society as every other South Australian.

In conclusion, this budget reflects a time of global economic uncertainty, although a time when the fundamentals of this South Australian economy are sound. The international uncertainty has fed back into the Australian economy. Consumers have been reluctant to spend, which has seen a significant decline in GST and stamp duty receipts, which has led, as I said earlier, to a writedown of forward estimates of $2.8 billion.

The Treasurer has framed a budget that looks to South Australia's future with a significant ongoing infrastructure investment as well as looking to assist those in our community who need it most. The budget provides a strong foundation for a strong future for South Australia. I commend the 2012 Appropriation Bill to the house.

Debate adjourned on motion of Hon. J.A. Darley.

[Sitting suspended from 12:59 to 14:17]

AQUACULTURE (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

PUBLIC SECTOR EMPLOYEES

89 The Hon. R.I. LUCAS (29 June 2010) (First Session). For the period between 1 July 2009 and 30 June 2010, will the Minister for Employment, Training and Further Education list—

1. Job title and total employment cost of each position with a total estimated cost of $100,000 or more, which has been abolished; and

2. Each new position with a total cost of $100,000 or more, which has been created?

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 Employment, Higher Education and Skills has provided the following information:

1. The following positions with a total estimated cost of $100,000 or more were abolished in the 2009-10 financial year:

- Director, Office of the Chief Executive (Total Employment Cost (TEC)—$151,855);
- General Manager (A), Education, Programs & Services (TEC—$112,322);
- Institute Director (TEC—$141,236);

- Director, Science and Innovation (TEC—$174,296); and
- Director, Education Programs (TEC—$180,349).

2. There were two positions with a total cost of $100,000 or more which were created between 1 July 2009 and 30 June 2010 and they were:

- Director, Quality and Tertiary Education Policy Directorate; and
- Senior Education Manager Mechanical Engineering and Transport.

GOVERNMENT CAPITAL PAYMENTS

104 The Hon. R.I. LUCAS (30 June 2010) (First Session). What was the actual level of capital payments made in the month of June 2010 for each Department or agency then reporting to the Minister for Employment, Training and Further Education—

1. That is within the general Government sector; and

2. That is not within the general Government sector?

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 Employment Higher Education and Skills and Minister for Science and Information Economy has provided the following information:

The actual level of capital payments in the month of June 2010 for the Department of Further Education, Employment, Science and Technology were:

1. $13,043,000 in the general Government sector;

2. $816,000 in the non-government sector.

CONSULTANTS AND CONTRACTORS

119 The Hon. R.I. LUCAS (30 June 2010) (First Session). For the year 2009-10—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister for Employment, Training and Further Education, who had previously received a separation package from the State Government; and

2. If so—

   (a) What number of persons were employed;

   (b) What number were engaged as a consultant; and

   (c) What number engaged as a contractor?

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 Employment, Higher Education and Skills has provided the following information:

1. Yes.

One person, who had previously taken a separation package effective 28 June 2006, was employed by the Department of Further Education, Employment, Science and Technology (DFEEST) from 4 May 2009 to 22 October 2010 to undertake a specific piece of work for the Department.

2. (a) One

   (b) Nil

   (c) Nil

DEPARTMENTAL EXPENDITURE

236 The Hon. R.I. LUCAS (7 July 2011) (First Session). Can the Minister for Recreation, Sport and Racing advise the actual level for 2010-11 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which were not classified in the general government sector) then reporting to the Minister?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Recreation and Sport has provided the following information:

The Office for Recreation and Sport, Office for Racing and Veterans Affairs are classified as being within the general government (GG) sector, this question on notice does not apply to those agencies.

CONSULTANTS AND CONTRACTORS

311 The Hon. R.I. LUCAS (7 July 2011) (First Session). For the year 2010-11—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister for Recreation, Sport and Racing, who had previously received a separation package from the State Government; and

2. If so—

(a) What number of persons were employed;

(b) What number were engaged as a consultant; and

(c) What number engaged as a contractor?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Recreation and Sport has provided the following information:

1. No persons in the Office for Recreation and Sport, the Office for Racing and Veterans Affairs were employed or otherwise engaged as a consultant or contractor, who had previously received a separation package from the State Government.

2. Not applicable.

CHRISTMAS PAGEANT

315 The Hon. T.J. STEPHENS (27 July 2011) (First Session). Can the Minister for Tourism advise the Key Performance Indicators for the Christmas Pageant?

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): I am advised:

The primary event delivery key performance indicators (KPI) for the Credit Union Christmas Pageant are:

- Stage a safe world class pageant event creating a strong sense of community spirit and based on detailed risk management planning; and
- Through the event, generate editorial exposure of more than $5.25 million and encourage families in South Australia to attend the event.

Some of the measures used to track the success of the KPIs are:

- Attraction of live audience of 450,000 people, including both attendance at event and live TV viewers; and
- Event staged within budget with pageant staff, community and participants and property safe.

PUBLIC SECTOR EMPLOYEES

333 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

334 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Premier provide a detailed breakdown, by all Departments and agencies then responsible to the Premier, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

336 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Treasurer provide a detailed breakdown, by all Departments and agencies then responsible to the Treasurer, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

337 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister for Manufacturing, Innovation and Trade provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

338 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

339 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister for Health and Ageing provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

340 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister for Employment, Higher Education and Skills provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

341 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister for Police provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

342 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister for Sustainability, Environment and Conservation provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

343 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister for Transport and Infrastructure provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

344 The Hon. R.I. LUCAS (24 November 2011) (First Session). Will the Minister for Education and Child Development provide a detailed breakdown, by all Departments and agencies then responsible to the Minister, of the number of full-time employees—

1. As at 30 June 2011; and

2. Estimated for 30 June 2012?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

345 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

346 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Premier—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

347 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Deputy Premier—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

348 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Treasurer—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

349 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister for Manufacturing, Innovation and Trade—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

350 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

351 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister for Health and Ageing—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

352 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister for Employment, Higher Education and Skills—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

353 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister for Police—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

354 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister for Sustainability, Environment and Conservation—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

355 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister for Transport and Infrastructure—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

PUBLIC SECTOR EMPLOYEES

356 The Hon. R.I. LUCAS (24 November 2011) (First Session). As at 30 June 2011, for each Department or agency then reporting to the Minister for Education and Child Development—

1. What were the number of people on short-term contracts (and also the FTE number)?

2. What were the number of trainees and graduates?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for the Public Sector has provided the following information:

The requested information is available at http://www.oper.sa.gov.au/page.php?id=57.

DISABILITY ACCESS, CINEMA

1 The Hon. T.A. FRANKS (13 March 2012).

1. How many South Australian mainstream and independent cinemas currently offer accessible sessions for persons with disabilities?

2. Typically, where and when are these sessions held and with what frequency?

3. What correspondence or communications is the Minister aware of with regards to any possible exemption request under the Disability Discrimination Act for mainstream and independent cinemas?

4. When will more South Australian cinemas begin accessible sessions under the Cinema Access Implementation Plan?

5. What is being done to ensure the provision of information concerning movie sessions is adequate and accessible for people who are hearing or vision impaired?

6. Are the sessions available to view on cinema websites accessible to those who are blind or vision impaired?

7. What is being done to ensure the provision of information concerning movie sessions is adequate and accessible for people who are hearing impaired?

8. How many equipment units, on average, are available for an accessible session?

9 Is it clear in the advertising for accessible sessions that there may be a limited number of units for these sessions?

10. What processes exist to ensure that patrons are not disappointed in not being able to access the limited equipment should the number of patrons exceed the available equipment?

11. What are the impediments in providing an online booking system for accessible movies and access to equipment for people who are blind or vision or hearing impaired?

12. When will the independent sector commence the rollout of a similar access plan?

13. What is Screen Australia doing to ensure end product with captions and audio description appear on Australian cinema screens?

14. What is Screen Australia's plan to update the policy to reflect the global move to digital cinema and the need for producers to provide access features on digital cinema packages as opposed to DTS access discs?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): I have been advised:

1. Under the Building Codes Australia, Access to Premises Standards, all cinemas in South Australia are required to ensure their services are accessible. The Commonwealth Government has provided funding to support a trial of new technologies in cinemas. The Cinema Access Implementation Plan was proposed by the four major cinema chains: Hoyts, Village Cinemas, Event Cinemas (Greater Union Birch Caroll and Coyle), and Reading Cinemas. Information obtained from Media Access Australia shows three sites in South Australia, Marion Megaplex (which is part of the trial under the Cinema Access Implementation Plan), Norwood Hoyts and Whyalla Cinema.

2. Information obtained from Media Access Australia shows Marion Megaplex has closed captions and audio description on three screens, with 15 closed caption units and 15 audio units. Norwood Hoyts has one closed caption screen and five closed caption units. Whyalla Cinema has open captions and audio description on one screen with open captions appearing at dedicated sessions, they also have ten audio description units.

3. I am aware that an application for exemption was made under the *Disability Discrimination Act 1992* to the Commission by Village Roadshow, Greater Union Cinemas, Event Cinemas and Birch Carroll & Coyle, Reading Cinemas and Hoyts. The Commission refused the application on 29 April 2010. The Commission has not received any further temporary exemption applications from cinemas.

4. I understand cinemas in the Cinema Access Implementation Plan trial are expected to have 242 screens by the end of 2014. For South Australia this will mean one screen per cinema from the four major cinema chains. I believe no other cinemas will be incorporated in the plan as part of the trial, but this does not mean other cinemas cannot incorporate accessible sessions and advertise availability through their own websites, newspapers and the Media Access Australia website.

5. All three South Australian cinemas with accessible technology provide screening information on their own websites. These cinemas also provide telephone booking services.

6. Website standards, created by the World Wide Web Consortium, provide all agencies with recommended requirements to ensure accessibility of their websites, for people who are blind or have visual impairments. These standards are enforceable under the *Disability Discrimination Act 1992*.

7. People who have a hearing impairment will find the information they require on the cinema websites.

8. Information obtained from Media Access Australia gives a clear breakdown of the services available. The three South Australian cinemas vary in the number of equipment units available. Marion Megaplex, which is part of the trial, has a higher number of units available over more screens than Norwood Hoyts and the Whyalla Cinema. I am pleased to see that, although not part of the trial, Norwood Hoyts and the Whyalla Cinema have taken the positive step of introducing these services albeit on a smaller scale.

9. The three South Australian cinemas offering accessible screens provide information on their websites about which sessions have closed captions, open captions and audio descriptions. The cinemas do not advertise the number of assistive devices available. The cinemas do have 'contact us' functions on their websites to assist in such circumstances.

10. As with any patron of the cinema, there is the chance that people may not get into the movie session they want.

11. All cinemas have a requirement to ensure their websites are accessible and meet the *Disability Discrimination Act 1992*, World Wide Web Consortium, Web Content Accessibility Guidelines. The World Wide Web Consortium is applicable under the Disability Discrimination Act under section 67(1)(k) which authorises the Australian Rights Commission to issue guidelines for the purpose of avoiding discrimination. It is not a legal requirement but adhering to it will mean that one is less likely to be held liable.

12. There is currently no plan for the independent sector to develop Cinema Access Implementation Plans.

13. The Commonwealth Government and Screen Australia are working to ensure that all digital based technology reduces barriers to people with a disability in accessing cinema screen entertainment.

14. Screen Australia is currently revising the Cinema Access Implementation Plan, which I believe should be released shortly. Advice on progressing technology to improve access is provided by the Accessible Cinema Advisory Group (ACAG). The ACAG was proposed by the four main cinema chains to advise and assist the cinema industry to meet its goal, to improve cinema accessibility for people who are deaf or hearing impaired, blind or vision impaired.

PAPERS

The following papers were laid on the table:

By the President—

Report of the Ombudsman SA on an Audit of Prisoner Complaint Handling in South Australian Department for Correctional Services, June 2012

Final Report of the Ombudsman SA on an Investigation into the Courts Administration Authority and the Department of Planning, Transport and Infrastructure—
Delayed Disqualification Notices, June 2012

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Report regarding Ministerial Contract Staff dated 30 June 2012

Report of the Judges of the Supreme Court of South Australia to the Attorney-General pursuant to section 16 of the Supreme Court Act 1935 (SA) for the year ended 31 December 2011

Reports, 2010-11—
Agriculture Bureau of South Australia
SA Citrus Industry Development Board

Regulations under Acts—
Aquaculture Act 2001—Application and Licence Fees
Development Act 1993—

Building Rules Assessment Audits
Riverbank Footbridge
Liquor Licensing Act 1997—Dry Areas—Long Term—
Hahndorf—Mount Barker—Nairne
Wattle Park
Petroleum and Geothermal Energy Act 2000—Licence Fees
Public Corporations Act 1993—Playford Centre—Dissolution and Revocation
WorkCover Corporation Charter

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

Reports, 2011—
University of South Australia
University of South Australia—Financial Statements
Report by the South Australian Government on Gene Technology Activities, 2009-10
Regulations under Acts—
Health Practitioner Regulation National Law (South Australia) Act 2012—Occupational Therapy Board of South Australia
Southern State Superannuation Act 2009—Additional Income Protection for Police Officers

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

Determination of the Third Party Premiums Committee, March 2011
Determination of the Third Party Premiums Committee, March 2012
Notice of Ministerial Determination under the Protective Security Act 2007

SELECT COMMITTEE ON HARVESTING RIGHTS IN FORESTRYSA PLANTATION ESTATES

The Hon. R.L. BROKENSHIRE (14:21): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

ABORIGINAL ELDERS

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:22): I table a copy of a ministerial statement relating to Mr Gilbert Coulthard, Auntie Rose Dixon and Mrs Ningali Cullen made in another place by my colleague the Minister for Aboriginal Affairs and Reconciliation.

QUESTION TIME

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:26): My question is to the Minister for Tourism regarding another bungle at the Tourism Commission.

Members interjecting:

The PRESIDENT: Order!

Leave granted.

The Hon. D.W. RIDGWAY: My questions are:

1. Is it a fact that the board of the South Australian Tourism Commission has not—I say again, 'not'—signed off on its current financial year's budget?

2. Is it also a fact that the South Australian Tourism Commission is in such disarray that it will not sign off on its current financial budget until 25 July?

3. As a result of this inexplicable delay, is it a fact that the Tourism Commission is in paralysis, completely moribund, barely twitching? Is it a fact that even the regional chairs' forum, set down for later this week, has been cancelled and cannot meet until August?

Members interjecting:

The PRESIDENT: Order! The honourable minister should disregard all of the opinion 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) (14:27): I thank the honourable member for his question. The South Australian Tourism Commission, as we know, is an extremely competent and hardworking commission. It is an extremely successful organisation. It runs as a commercial enterprise and at arm's length from government—as it should be—so that it can maximise its commercial opportunities, and it does so very successfully.

I have said in this place before that I had asked the commission to undergo a reform and restructure process given a number of saving commitments that it was required to achieve. I have asked it to undergo that reform and restructuring process, which it has given a commitment to do. I have received progress reports in relation to that, so it is well underway, though it has not yet been completed.

The result of that process is obviously going to impact on the budget. Again, I have received interim reports on the budget development, so those considerations are well underway; but, as I said, there are a number of situations that are in flux, and it is obviously prudent that those matters be addressed prior to that being signed off.

As I have said, each of the commissioners is very competent. They have a wide range of different skill sets, and they bring an enormous breadth and depth of expertise and understanding to the table. They are all extremely hardworking and extremely committed, and they really put in far more work and commitment than is ever acknowledged or appreciated by the opposition in this place, which is a real shame, because they are a real pinnacle in our tourism operations.

As I have said in this place, it is a real shame that we come in here day in, day out and all we see is an opposition that is negative and complaining—an opposition that moans, groans, whinges, whines and carps. They are not satisfied until they have discredited the interests of this state and discredited these important, hardworking and competent bodies. They are not satisfied until they have undermined public confidence in these authorities. I think it is quite a disrespectful thing to do, and it is also a highly irresponsible thing for the opposition to do. We should be talking up this state and those agencies and institutions.

The Hon. D.W. Ridgway: It's pretty hard to talk it up while you're the minister, Gail.

The Hon. G.E. GAGO: I don't mind as minister copping it. I will take one on the chin any time—as minister, I am responsible—but what I cannot abide is the snivelling cowardice of an opposition that comes into this place and badmouths and puts down individuals and important and valuable agencies. They put down—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —incredibly committed and hardworking individuals—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: They put those people down, and they put our agencies and institutions down. They do this because they know—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens should have a look where he is—

The Hon. G.E. GAGO: —that these people are not able to come into this place to defend themselves. That is why I think it is irresponsible and the ultimate act of cowardice. If the member wants to have a go at me and criticise me, he can go right ahead; I am more than capable of defending myself. But what I cannot abide is when the opposition comes in here and knocks our really important agencies and also individuals they come in and name in this place, who are unable to defend themselves.

As I have said in this place before, the hard work of our Tourism Commission underpins our state tourism industry. Of course, our tourism industry is basically small and medium-sized businesses, which are highly successful. The work the Tourism Commission does underpins those

small and medium-sized businesses, which are often mum-and-dad operators; some are obviously larger than that and more sophisticated organisations. But there are hundreds and hundreds of them, whose livelihood and hard work provide an important economic driver to this state. The work that the South Australian Tourism Commission does to underpin and support that industry is critical.

I have come into this place before and held up our really successful tourism statistics. We have record levels of visitors to South Australia. Our tourism industry is growing, and all we ever hear in this place is the opposition knocking that hard work. To have tourism grow in such hard economic times is a major feat and success. You can't refute the statistics that show that the economic flow and the visitor numbers to this state are growing. Unlike in some other jurisdictions that aren't anywhere near as successful as us, our figures have surpassed many other jurisdictions and, what is more, surpassed the national average on a number of fronts.

Instead of coming in here and acknowledging the hard work that our Tourism Commission achieves and the hard work of our tourism operators out there on the ground, instead of acknowledging the remarkable achievement of this industry during, as I said, some years of incredibly harsh economic times, what we see is the opposition come in here and knock, whinge, whine and carp. It is a disgrace.

YOUTH DRUG AND ALCOHOL SERVICES

The Hon. J.M.A. LENSINK (14:35): I seek leave to make an explanation before directing a question to the Minister for Youth on the subject of counselling in the South-East.

Leave granted.

The Hon. J.M.A. LENSINK: On 30 June this year, the Weatherill government axed funding to the South East Drug and Alcohol Counselling Service, which was a highly successful service which had been operating in Mount Gambier for 20 years. It employed 4.0 FTEs to provide drug and alcohol counselling plus it had the use of an additional FTE from the South East Regional Community Health Service to deal solely with counselling youth—so, a total of five.

The government is now only providing funding for 1.4 FTEs, with one to come from the organisation Life Without Barriers and 0.4 from UnitingCare Wesley to do the job that was previously done by five, and there is no longer to be a designated youth drug and alcohol service in the South-East. My questions for the minister are:

1. According to government figures, there will be 1,440 hour-long appointments available in 2012-13. How many of those hours will be dedicated to youth services?

2. What capabilities does Life Without Barriers have in drug and alcohol counselling?

3. How much money has the government saved by abolishing a designated youth drug and alcohol service for the South-East?

4. How long is the contract for the new staffing arrangements?

5. Can the minister assure the South-East that no young person will be worse off under these new staffing arrangements?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:37): I thank the honourable member for her very important question. My understanding, however, is that youth drug and alcohol service provision is the responsibility of another minister, the Minister for Health in the other place. I will take the question on notice and seek an answer on her behalf from him.

SAFEWORK SA

The Hon. R.I. LUCAS (14:37): I seek leave to make an explanation prior to directing a question to the Minister for Industrial Relations on the subject of SafeWork SA.

Leave granted.

The Hon. R.I. LUCAS: Yesterday, SafeWork SA issued a press release saying that last week they had laid charges under the Occupational Health, Safety and Welfare Act against Ferro Con (SA) Pty Ltd, which was the crane company involved in an incident on 16 July 2010 at the Adelaide desalination plant which led to the death of a worker. These charges were laid just prior to the expiration of the two-year statute of limitation under the OHS&W Act.

I have been advised that Ferro Con (SA) Pty Ltd went into liquidation on 29 April 2011 and that it is widely known that there are restrictions on what actions can be taken against companies in liquidation. For example, under section 471B of the Corporations Act, and I quote:

> While a company is being wound up in insolvency or by the Court, or a provisional liquidator of a company is acting, a person cannot begin or proceed with:
>
> (a) a proceeding in a court against the company or in relation to property of the company; or
>
> (b) enforcement process in relation to such property;
>
> except with the leave of the Court and in accordance with such terms (if any) as the Court imposes.

Put simply, I am advised that this means that SafeWork SA could not validly take action against Ferro Con (SA) Pty Ltd unless they had first sought leave of either the Supreme Court or Federal Court to do so. I am further advised that SafeWork SA did not comply with section 471B of the Corporations Act and did not seek leave from either the Supreme Court or Federal Court. I am also advised that insurers for Ferro Con (SA) Pty Ltd, and possibly other parties, have already raised this problem with SafeWork SA. Members will note that the two-year statute of limitations has now expired. My questions to the minister are:

1. Did SafeWork SA comply with section 471B of the Corporations Act; and, if not, why not?

2. Has this problem been raised with SafeWork SA by the insurers of Ferro Con (SA) Pty Ltd, or any other party and, in particular, has any party advised SafeWork SA that the charges have not been validly laid in accordance with the law?

3. When was the minister advised of this particular issue?

4. Can the minister assure this house that either incompetence or negligence by him, or his agency, will not mean the charges cannot be pursued against this company?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:41): Members will be aware that this matter is currently before the courts and, in light of that, I am constrained to some extent in what I can say. There has, however, been considerable media commentary on a range of issues which go to procedural and policy matters that I am able to address.

First, why did it take two years? I think it is important that we understand why it took two years. This was a complex investigation involving a considerable amount of technical assessment. Members will be aware that the desalination plant is a highly complex construction activity involving a wide variety of specialist services. When an incident of this magnitude occurs it is critical that investigators interrogate every single aspect of the work activity. SafeWork SA conducted a thorough investigation into this fatality, ensuring that all avenues of inquiry were comprehensively investigated.

SafeWork SA has obtained numerous statements and sought specialist advice on up to nine separate and specialised work activities. This included geotechnical surveys of the site, the operation of the crane and all aspects associated with the use of the sling. Every item of specialist advice required careful assessment and interchange between the investigating inspectors and the specialists. These are not processes that can be rushed and members will appreciate that every detail required careful consideration.

Naturally, the finalisation of the prosecution brief relied upon the expert advice of the Crown Solicitor, and these are matters which, again, required time and careful attention. These are not matters that can or should be rushed. Did the investigation take a long time? Yes, it did; but members of this chamber would agree that the investigation needed to be done accurately and thoroughly, and rushing matters such as this is not helpful to any party.

These questions could be asked. Why were other companies not prosecuted? Should any other companies have been prosecuted, or have they slipped through the net? Again, SafeWork SA conducted a thorough investigation into this fatality, ensuring that all avenues of inquiry were completely and comprehensively investigated. All findings of the investigation were provided to the Crown Solicitor for consideration. It is the Crown Solicitor who advises which avenue of prosecution should be pursued. SafeWork SA and the Crown Solicitor have my full confidence in discharging these duties on behalf of the South Australian government.

In regard to the statute of limitations two-year time frame, the two-year time frame is a nationally applied standard for prosecutions of industrial matters in recognition of the fact that many investigations in an industrial setting are both legally and technically complex. It is too simplistic to assign arbitrary time limits without due regard for the nature of the investigations that are being undertaken. Any change in this time frame would put South Australia out of step with legal standards in other jurisdictions and potentially compromise the finalisation and determination of the legal process.

Should members hold reservations about the process applied by SafeWork SA, they may wish to consider how matters might be dealt with in a more timely manner by other parties. To this end, members may want to consider the model used in New South Wales, where trade unions have the right to prosecute for offences under the work health and safety legislation. This would allow union officials to activate and manage a prosecution independent of the regulator. I am quite open to any consideration by the opposition, if they are so concerned about this, of such a proposal.

SafeWork SA has previously engaged the consultant Robin Stewart-Crompton to review internal structures and procedures within the agency to highlight strategies for improvement. SafeWork SA has established a working committee dedicated to enacting the recommendations of this report, and this demonstrates that SafeWork SA is committed to improving its operations wherever possible as an ongoing process.

SAFEWORK SA

The Hon. R.I. LUCAS (14:44): A supplementary question; did SafeWork SA comply with section 471B of the Corporations Act and, if not, why not? That has not been addressed by the minister at all in his Dorothy Dixer.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:45): I will take that on notice and check up with SafeWork SA. I will make it quite clear right now that I have total confidence in SafeWork SA. They come under criticism quite often in this chamber by various people. The reality is that SafeWork SA has overseen one of the largest reductions in workplace injury throughout the country. They have had about a 38 per cent reduction since 2002 because this government is serious about making sure workplaces are safe, unlike the opposition here that has opposed every step of the way anything we could do to make workplaces safer.

SAFEWORK SA

The Hon. R.I. LUCAS (14:45): I have a supplementary question. Have the insurers of Ferro Con (SA) Pty Ltd raised with SafeWork SA the issue that the charges have not been validly laid and has the minister been advised by SafeWork SA of that issue?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:46): I will take that question on notice, but I will say you spend more time talking to Ferro Con than actually considering the death of this poor young lad. You are complicit—

The Hon. R.I. Lucas: Have you been advised or not?

The Hon. R.P. WORTLEY: I am talking to you now. I will take this on notice, but I can—

The Hon. R.I. Lucas: You are incompetent.

The Hon. R.P. WORTLEY: You are the incompetent one and you are the sneaky, conniving sort of fellow who would work to undermine this new work health and safety legislation right from the very beginning. You are devious, you are misleading and your a liar, so don't come to me telling me here—

The Hon. T.J. STEPHENS: Point of order; unparliamentary language—'liar'.

The PRESIDENT: The minister should withdraw the word 'liar'.

The Hon. R.P. WORTLEY: I will withdraw the term 'liar'.

SAFEWORK SA

The Hon. T.A. FRANKS (14:47): I have a supplementary question. Can the minister confirm whether or not Ferro Con (SA) Pty Ltd and Mr Fritsch had an employee/employer relationship and therefore section 19 is the applicable section of the act?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:47): I will take that on notice and I will give a comprehensive answer to these questions.

EMIRATES AIRLINES

The Hon. G.A. KANDELAARS (14:48): I seek leave to make a brief explanation before asking the Minister for Tourism a question about Emirates.

Leave granted.

The Hon. G.A. KANDELAARS: Direct flights to cities are important for the development and accessibility of destinations. Here in South Australia the government has been committed to increasing access to our state and I know that this commitment has recently paid dividends. Can the minister tell the chamber about arrangements with Emirates?

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) (14:48): Again this is another success story for tourism in South Australia—another success story. I am absolutely delighted to be able to provide members with information about this very wonderful news—a real success story. From 1 November, Emirates will launch four weekly flights to Adelaide from Dubai, raising to a daily service from 1 February 2013. Adelaide will be the airline's fifth destination in Australia. The government and Adelaide Airport Limited have been pursuing this opportunity for some time, but it is one that the government has been absolutely committed to.

From a tourism perspective, securing a direct air service from the Middle East will also help provide increased access to one of South Australia's Tourism Commission's priority markets, Europe, which makes up 45 per cent of SA's total international visitation and it will also provide benefit to the conference sector, which depends on access for delegates.

Trade will also provide better access to suppliers through customers and new markets, and it is estimated by the South Australian Tourism Commission that daily flights from Emirates will contribute around $40 million in direct expenditure, which is a new economic benefit to the state and will generate over 200 additional jobs. I am also pleased to advise members that the South Australian Tourism Commission will enter into a cooperative marketing agreement with Emirates over a three-year period.

Tourism Australia will also contribute to a cooperative marketing strategy. The campaign activity will be discussed and agreed between the partners, with the intention that advertising of Adelaide and the direct flights will also leverage existing marketing activity to be undertaken by Emirates and Tourism Australia in the core long-haul markets of UK, Germany, France and Italy. I have been advised that some of SATC's international representatives will meet with their Emirates' counterparts within the next few weeks to develop marketing and sales plans to promote the new services to Adelaide.

I am told that some of the likely activities could include launch activity targeting the travel trade and media, possibly involving functions, social media and other PR strategies, VIP familiarisation to South Australia for trade and media travelling on the inaugural flight to Adelaide, and cooperative marketing activities to promote specific packages to Adelaide with wholesale and retail partners who work closely with Emirates.

I am sure members will agree that this is really wonderful news for the state, and I congratulate all those involved, including my parliamentary colleague the Hon. John Rau, Deputy Premier and former minister for tourism. I also acknowledge the Hon. Tom Koutsantonis, Minister for Trade, who obviously worked very hard to assist in making these flights a reality.

South Australia is doing well with other airlines as well. I was delighted recently to announce that Singapore Airlines increased its Singapore to Adelaide flights from seven to 10 per week from July. Arrival of international passengers is not just by air; more are arriving now by sea. South Australia is also doing very well with cruise ships, and I am advised that between 2006-07 and 2011-12 there has been a 187 per cent increase in ship arrivals—from eight up to 23. For the same time, there has been a 546 per cent increase in passenger numbers, and that has gone from just over 6,500 to around 42,000, and this shows we are not only attracting more cruise ship visits but also visits from much larger ships.

Five years ago regional ports had no large cruise ship arrivals at all under the former Liberal government, but in 2012-13 we now have four quite large ships going to regional ports, and it seems evident to me that more and more people are becoming aware of the wonderful things this state has to offer, whether they choose to arrive by air or sea.

EMIRATES AIRLINES

The Hon. T.J. STEPHENS (14:53): By way of supplementary question, where is Tiger's money? How much of that have you managed to recover from one of those marvellous—

The PRESIDENT: Order! Without information.

The Hon. T.J. STEPHENS: —one of those marvellous entrepreneurial jobs you did and lost a heap of dough?

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) (14:54): It is not a supplementary—

The PRESIDENT: No, it wasn't a supplementary, so the minister can chuck it in the bin if she likes.

The Hon. G.E. GAGO: That is where it deserves to go, but nevertheless I will make a couple of comments. It is obviously a matter with which the Treasurer is dealing. On 1 July the Civil Aviation Safety Authority (CASA) suspended Tiger Airways' operating licence and grounded all aircraft until an audit of its safety policies had been undertaken. A hearing in the Federal Court in Melbourne was delayed several times because the CASA was not satisfied that Tiger had met conditions imposed on its air operator's certificate. The suspension was partly lifted in August 2011, and Tiger immediately recommenced albeit limited services between Melbourne and Sydney. No Tiger services have been resumed to Adelaide, which is what was underpinned in the agreement.

The SATC met with Tiger in August 2011, and the airline indicated that its initial route preference would be one daily service from Melbourne to Adelaide. The SATC has met with DTF and DMITRE regarding correspondence received from Tiger's lawyers concerning the aircraft base dispute. Discussions between DTF and Tiger are continuing, and we are obviously trying to achieve an acceptable outcome for our interests.

EMIRATES AIRLINES

The Hon. T.J. STEPHENS (14:55): I have a supplementary question arising from the answer. Have you got any money back from Tiger at all—one cent?

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) (14:55): The honourable member is not listening. I have said that negotiations are underway and that we are continuing to try to return an outcome. Tiger has not resumed flights to Adelaide and that's what was critical to their contract. Given that they have not resumed that, they are saying that they are not required to pay any penalty. Our view is quite different to that, of course, and proceedings are underway and discussions and negotiations continue.

EMIRATES AIRLINES

The Hon. D.G.E. HOOD (14:56): I have a supplementary question. In light of the decision by Emirates to introduce flights to South Australia, has the minister or the government had any discussions with Qantas, which does appear to almost neglect Adelaide in its international routes?

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): I thank the member for his most important question. Indeed, it is not just international airlines that South Australia has had negotiations with: we have also had discussions with our own internal, domestic airlines—they are all important to us. The lack of direct flights from Tasmania and New Zealand, for instance, is quite irksome. Those are areas that we think we could and should be doing much better with. We continue that dialogue and continue those negotiations.

It is an extremely tough environment at the moment, particularly in relation to domestic travel. We have found that with the softness of the dollar people are more inclined to travel overseas than from overseas to Australia. It is a very tough climate, and we know that the aviation industry generally, both domestically and internationally, is suffering a really tough time.

Nevertheless, we continue those negotiations, and I think what it does point to is how incredibly successful South Australia has been in this very challenging climate to have achieved increased direct flights from both Singapore Airlines and Emirates airlines within a fairly short period of time, albeit those negotiations have obviously been undertaken for some time. In spite of the difficult climate, we have been able to achieve that very successful outcome. We are certainly not going to stop there. We continue to negotiate with as many airlines as we possibly can that might have an interest in direct flights here to Adelaide.

SEX TRAFFICKING

The Hon. D.G.E. HOOD (14:59): I seek leave to make a brief explanation before asking a question of the Minister for the Status of Women concerning reports of sex slaves being trafficked in mining towns.

Leave granted.

The Hon. D.G.E. HOOD: An article in *The Australian* newspaper on 10 July, earlier this month, reported that at Mount Isa and other Queensland mining towns police are increasingly dealing with:

> women…and girls who cannot speak English, or who have a very low level of English, and a very low level of education, who are basically being trafficked for sex, from one mining town to the next.

The report quotes the police as saying:

> They are working on a fly-in, fly-out basis, two weeks here, two weeks in the next town and so on; they are being advertised as available in the local newspapers, and they are coerced or threatened into doing it...They are being told they cannot go to the police because in the countries they come from, the police might even be part of the problem.

They don't understand. The report continues:

> Threats are being made against their families and whenever we have an operation to target them, they come into the station and you can see that they are being controlled mentally and physically and it's very difficult to get them to open up to authority and enable us to help them.

Prostitution, of course, has been decriminalised in Queensland, and the minister has introduced a bill to do the same in South Australia. My question is: in light of the fact that Queensland has previously decriminalised prostitution, as is proposed by the minister's private member's bill here in South Australia, can the minister give an absolute assurance to the South Australian public that, if her bill is passed, it will not result in the same widespread trafficking of women for sex as acknowledged as fact by the Queensland police to have occurred and be occurring there as we speak?

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) (15:01): I thank the honourable member for his most important question. Indeed, I read the same article myself and found it to be an incredibly interesting and insightful piece. It certainly did outline a number of issues of concern, but it also interviewed a number of women who are obviously well educated and very articulate who are very pleased to be running very successful businesses to mining operations and who have been doing so for a number of years and without problems; so, I think that there are a number of different sides to this issue.

Indeed, if there are illegal practices occurring in terms of the illicit sex trade of women, particularly under-age girls, that is illegal in this state—in fact it is illegal in this nation—and any reports about that should be made to the appropriate authorities and those matters should be prosecuted accordingly.

We know that issues around prostitution are conscience matters, so obviously I am talking from my own personal point of view here. This is not a government policy position, but my personal view is that the best way to protect sex workers, the best way to protect the consumers of sex workers, the best way to protect the communities in which sex work occurs—and let us be frank, it occurs in almost all communities and has done since time began so it is nothing new there; it has always been, and what I can probably guarantee is that it will always be thus—and the best way to put those protections in place is to decriminalise prostitution.

In that way the doors are open on the industry and it is much easier to make sure that the proper protections and scrutiny are in place for sex workers and the consumers of sex workers,

and it makes it much more open to those communities where these business practices are occurring, and, again, to make sure that proper protections are in place.

It is interesting. I have looked at a number of legislative and regulatory models, and I have to say that I have been much informed by the New Zealand experience. The New Zealand Prostitution Reform Act in 2003 decriminalised sex workers, and that was done with an aim to safeguarding the human rights of workers and promoting their welfare and also occupational health and safety.

I believe that a government committee reviewed the impact of that legislation about five years after the act had been in place. The committee found that the health and safety of sex workers had, in fact, improved largely because sex workers were more aware of their rights. As I said, the industry was more open to scrutiny and open to protection, industrial relations, occ health and safety, planning, etc. I understand that the committee also found no corresponding increase in the size of the sex work industry in relation to that model. I think we need to look at the facts and figures around these things very carefully. I do not believe that deregulating or decriminalising sex work in itself has demonstrated that it somehow produces a great influx in sex work activity.

The issue, though, of mining is one that, historically, we know that where mining industries have grown and developed, so too has sex work demand grown around that sector. I do not think there is probably anyone in this room who would be surprised about the correlation between those two industries. I still believe that the best way to ensure the protection and the health, welfare and safety of sex workers and the health, welfare and safety of sex work consumers and communities in which those businesses operate is to decriminalise the industry, open the doors, and to open up that industry to greater scrutiny and accountability.

ASBESTOS SAFETY

The Hon. CARMEL ZOLLO (15:06): My question is to the Minister for Industrial Relations. Can the minister inform the chamber about how the government is addressing asbestos safety amongst home renovators?

The PRESIDENT: And in the House of Assembly. The honourable minister.

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:07): I thank the honourable member for her very important question. The increased popularity of do-it-yourself home renovations in Australia has led to the unfortunate consequence of exposing a new generation of people to asbestos, thereby increasing their risk of disease, illness and death arising from that exposure. Recognising this potential for increased risk, SafeWork SA continues to work with asbestos industry groups to improve awareness and understanding of asbestos in the community.

Through the Asbestos Advisory Committee, which is a tripartite committee which provides advice on asbestos issues in South Australia, SafeWork SA recently formed the asbestos and home renovator task force. This task force comprises representatives from the Asbestos Advisory Committee, the South Australian Asbestos Coalition, Consumer and Business Services, the Department for Health and Ageing, the local government sector, the Real Estate Institute of South Australia, the asbestos removal industry, and the Environment Protection Authority.

The task force provides a forum where these representative groups can exchange information and consider different options to address this community-wide issue. The group will also provide me with advice on options, including regulatory options, available to improve the management, removal and disposal of asbestos by home renovators. The task force, which held its first meeting in June, will be an important mechanism for ensuring that the community is aware of the dangers of asbestos in the home.

SafeWork SA, together with the South Australian Asbestos Coalition, also took the opportunity to spread the message about the dangers of asbestos at the recent Master Builders SA Building and Home Improvement Show, which was held at the Adelaide Showground from Friday 6 July to Sunday 8 July 2012.

A staffed Asbestos Awareness in the Home display presented the opportunity for asbestos safety experts to provide important information to home renovators about asbestos-containing materials, where to expect it and how to manage it safely. Members of the Asbestos Coalition and SafeWork SA were on hand to answer questions, provide information and offer advice about the dangers of asbestos, as well as general workplace health and safety. In addition, hundreds of publications were also distributed, particularly SafeWork SA's *Asbestos and the Home Renovator*

and *Asbestos in the Workplace*. The Asbestos Coalition also hosted daily seminar presentations, which proved to be extremely popular in encouraging visitors to the display.

This is the second year the Asbestos Awareness in the Home display has been at this major event, which attracts more than 18,000 people, serving as an excellent vehicle for public education on this important issue. Now in its 10th year, it is one of Adelaide's largest events for renovation and building products. It is an excellent avenue for delivering the asbestos awareness message to the community, renovators particularly.

Through these recent initiatives, the state government remains committed to improving asbestos safety and continues to raise public awareness through the Asbestos and the Home Renovator Task Force; displays, such as the Asbestos Awareness in the Home; plus other forums and workshops, information material and support for the Asbestos Victims Memorial Day and the Asbestos Awareness Week each November. I look forward to our continued involvement in these initiatives in educating the community on this very important issue.

DISABILITY REFORM

The Hon. S.G. WADE (15:10): I seek leave to make a brief explanation before asking the Minister for Disabilities a question relating to whole of government disability planning.

Leave granted.

The Hon. S.G. WADE: In October 2011, recommendation 3 of Monsignor Cappo's Strong Voices report called for a body external to the disability service system to monitor the implementation and quality of disability services reform and service standards on an ongoing basis. In its response to the report, the government said it would expand the role of the Minister's Disability Advisory Council to undertake this monitoring role with annual reports to parliament. Yet, in an answer to a question from the Hon. John Dawkins on 13 June 2012, the minister denied he had responsibility to ensure that whole of government plans for disability are implemented. My questions are:

1. What processes has the minister put in place to monitor the implementation and quality of disability services reform and service standards on an ongoing basis as recommended by the Strong Voices report?

2. What resources have been given to the Minister's Disability Advisory Council to undertake its monitoring role independent of government?

3. When will the first monitoring report be tabled?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:11): I thank the honourable member for his most important question about whole of government disability planning. It is important to note that a lot of the issues that have been reported in Strong Voices have been somewhat overtaken by our new collaboration with the federal government on the National Disability Insurance Scheme and the subsequent developments of that.

It is worth noting, of course, that, of the 34 recommendations contained in Strong Voices, 24 recommendations are either completed or being implemented in full, eight recommendations are partially supported and are being progressed as we speak, and two recommendations not supported by government are being addressed in other ways. I can provide the chamber with a very brief overview of the recommendations and the government's response to each. In regard to recommendation 1—a new disability act—I have spoken about that in this place before, and that, to some extent, will go to some of the issues the Hon. Mr Wade has raised. The Weatherill government will be drafting a new disability act and, with luck, will be introducing it into this place later this year.

There are also provisions to have an external body to monitor disability service reforms and standards. The role of the Minister's Disability Advisory Council will be broadened to oversee the implementation of the Strong Voices recommendation, including access and inclusion plans. The access and inclusion plans are being worked on as we speak by my advisory council. They are not access and inclusion plans in relation to just disability issues: they are access and inclusion plans in relation to social inclusion key indicators generally, and that may go to issues for access and inclusion for members of the CALD community, the culturally and linguistically diverse community, in South Australia.

In regard to disability, the MDAC will be required to report on an annual basis on how those issues are being run out across all of government. Of course, as I say, I am not responsible for how individual departments will be responding to access and inclusion plans, but I will be overseeing how my department responds and leading from the front, and I will have, I hope, an important role in making sure that, across government, those access and inclusion plans are rolled out at an exemplary level.

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

DISABILITY REFORM

The Hon. K.L. VINCENT (15:14): In the spirit of a whole of government approach to disability services, has the minister himself or has he directed the MDAC yet to meet with the Attorney-General's Department on the implementation of a disability justice plan and, if so, when will he do 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) (15:14): I thank the honourable member for her most important question. I can advise the chamber that we are, as a department, working very closely right now with the Attorney-General's Department on such a disability justice plan.

The PRESIDENT: The Hon. Mr Wade has a supplementary.

DISABILITY REFORM

The Hon. S.G. WADE (15:14): I want to clarify from the minister's answer: does that mean there are no resources and no plans to provide any monitoring until a disability services act is passed?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:14): No.

Members interjecting:

The PRESIDENT: Order! Does the Hon. Ms Vincent have a further supplementary?

The Hon. I.K. HUNTER: The Hon. Kelly Vincent's supplementary was to clarify my answer, sir, and the answer is: no, it does not mean that.

DISABILITY REFORM

The Hon. S.G. WADE (15:15): Can the minister outline, in light of his response, when the parliament can expect the monitoring report, if he is not waiting for the Disability Services Act to be reviewed?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:15): I thank the honourable member for his important follow-up question. I will advise parliament in due course.

DISABILITY ACCESS, AIRLINE TRAVEL

The Hon. K.L. VINCENT (15:15): I seek leave to make an explanation before asking the Minister for Business Services and Consumers a question regarding air travel for people with disabilities.

Leave granted.

The Hon. K.L. VINCENT: On 12 June 2012, a well-known Adelaide disability advocate was returning from his annual family holiday in Fiji. They had risen early, prepared for travel, and checked out from their hotel and were at Nadi airport by 7.15am. On arrival at the airport to check in for the return flight to Adelaide, some 105 minutes before the scheduled departure, the constituent was told the flight was oversold and did not have enough seats and he and his family would not be able to board that particular flight. They would either have to come back tomorrow or accept carriage on an earlier flight to Brisbane, with a six-hour wait there before flying back to Adelaide.

As on the outward-bound leg, the booked return flight had been via Sydney, with a short transfer between flights. The alternative was not only different to the paid-for and ticketed flight route, but changed the meal time, flying times and route plan of these passengers. They were travelling on full economy fares that had been booked and paid for on 7 September 2011, nine months before their travel date.

This story was, of course, covered in *The Advertiser* on 28 June and at the time in the news article the large Australian airline questioned said it was standard industry practice for airlines to overbook international flights. They acknowledged an overbooking rate of up to 10 per cent. The airline spokesperson also said that it was standard practice in the hotel and other time-sensitive industries.

I am not sure what other industries the spokesperson was referring to, but I am not aware of any other travel service that can ticket you and take your money for nine months and then not provide you with the service promised without good reason. This is not an unforeseen travel delay caused by bad weather or engineering difficulties. This is the airline effectively planning to have some customers miss out. Even in Adelaide's troubled public transport services, it would be hard to imagine ministers allowing consumers to be so ripped off.

Since this story came out, constituents have contacted my office, and the disability advocate involved has also contacted the offices of other MPs reporting similar stories of travel woes. The particular issue with this story is not just the standard inconvenience involved. In this particular case, the constituent was travelling with his adult child who has an intellectual disability, and she already finds travelling a challenge. Add these factors of a changed route, timing and the meal planning, and this father had one very agitated co-traveller to manage.

Australia's most well-known airline has a 51-page Disability Access Facilitation Plan. Bumping their loyal passengers, who also have disabilities, off flights does not seem to fit comfortably within the guidelines of this document. The difficulties constituents are reporting to me regarding their travel plans, particularly with airlines, are continuing to increase.

In 2012, when we are supposed to be facilitating full access to society for people with disabilities, it would seem that we are moving backwards, not forwards. I note also that the front page of the *Sunday Mail* on 8 July this year announced the appointment of a federal airline complaints czar, or Airline Customer Advocate, in Julia Lines. This has come off the back of increasing volumes of complaints about the services provided—

The PRESIDENT: The honourable member should ask her questions.

The Hon. K.L. VINCENT: —this is the very last sentence, I promise—by airlines and cover airlines licensed within Australia. My questions to the minister are—and I promise they were worth waiting for:

1. Is the minister concerned about South Australian consumers paying for flights that airline companies are fully aware they may not be able to board due to the practice of overbooking?

2. Has the minister had a discussion with his federal counterpart Anthony Albanese regarding this South Australian case or other situations in which consumers have not been given what they have paid for from airlines?

3. Is the minister concerned that these issues seem to discourage people with disabilities and their families from accessing travel options?

4. Will he encourage minister Anthony Albanese to introduce regulations that prevent airlines from 'bumping' travellers with special needs such as disabilities?

5. Why do Australia's national airlines seem to wield so much power with our state and federal governments when other industries are held to account by government to their consumers?

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) (15:21): I thank the honourable member for her most interesting explanation and her questions. Having been the former consumer minister, I have some awareness of the complexity around some of these issues, and I was consumer minister at the time when the national consumer law was brought in and there were a range of provisions made around unifying laws around the contracts and tightening up basic contract provisions. I know a couple of industries were targets at

the time: one of them was airlines and the other one was gymnasiums. Both were fairly notorious for the number of complaints from consumers around a number of concerns. In relation to airlines, the issue of bumping people off flights, etc., was raised at that time.

I know that a number of changes were made when the national consumer law came in and improvements to universal contracts were made to uniform standard contracts around the nation. I know that certainly did improve a number of service provisions in relation to that. However, I am also aware that it was not a panacea; it did not address all the issues that were involved.

Basically it is a federal government issue because it now comes under the national consumer law and it is a matter for the federal government. However, I am happy to refer those matters to the Minister for Business Services and Consumers, and I am sure he would be more than happy to give an update in terms of his negotiations and input into national forums around addressing those sorts of consumer issues.

YOUTH PARLIAMENT

The Hon. J.M. GAZZOLA (15:23): My question is to the Minister for Youth. Minister, will you inform us about the Youth Parliament program 2012?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:23): I thank the honourable member for his most important question and tell him that I will be happy to do so.

The Hon. T.J. Stephens: That is good of you.

The Hon. I.K. HUNTER: Indeed, as long as my voice holds out. Last week I opened the 17th session of Youth Parliament actually in this chamber—and they were very pleased, I can say, to be in our chamber for a change. I did tell them on the day that they should not be too disappointed in the lower house not being available to them. I said that the lower house lets us all down from time to time and they should take it as an omen that they are opening their Youth Parliament in this chamber because they would learn how to comport themselves in a proper manner as youth parliamentarians, unlike the behaviour they could have emulated in that other place.

Since its inception 17 years ago, more than 1,000 young people have participated in the annual Youth Parliament program. The program provides a unique forum for young people between the ages of 16 and 25 to express their views, develop their skills and also learn about South Australia's parliamentary system. The program is run by the YMCA of South Australia and sponsored by the Office for Youth. Parliament House was the venue for the opening and closing ceremonies, as well as for the motion of public interest debates held later in the day, which gave all participants the opportunity to debate inside Parliament House. This year, many of the team debates were held at Rostrevor College due to the asbestos removal being undertaken in the House of Assembly.

The state government is proud to support the Youth Parliament program, as it provides young people with a unique opportunity to learn more about the parliamentary system in a very practical, hands-on way. The program gives young people a voice about topics important to them, and the state government is certainly interested to hear these young people's opinions and also to listen to the debates on motions of importance and the bills because, even though many of those bills were passed with an overwhelming number of people supporting them, there are different levels of support for those individual bills in the chamber at the time.

In recent years, Youth Parliament has led the debate and sparked interest across the wider community on issues such as gay marriage and plastic shopping bags indeed long before they were even debated in the state or federal parliament. This year, 14 bills were debated and six were officially passed, including, I understand, the Rural Health Scheme Act, the Jumps Racing Outlaw Act (an unusual title in itself), the Tertiary Education Assistance Act, the Rural Transport Enhancement Act, the Rural Development Act, and the Migrant Support and Cultural Awareness Act.

Youth Parliament has proven to be a platform for young people to express their views, develop their public speaking and leadership skills and gain credits towards SACE subjects and the Duke of Edinburgh Award, and this year has been no exception. I commend the work of the YMCA and the Office for Youth in conducting another successful Youth Parliament in 2012 and look forward to their returning next year.

ANSWERS TO QUESTIONS

TRAFFIC POLICE PLAN

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (21 July 2010) (First Session).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Road Safety has advised:

The Road Safety Advisory Council considered the SAPOL Traffic Review Consultation Paper at its meeting on 27 July 2010 and unanimously agreed to strongly support SAPOL's proposed restructure of its traffic policing model from a road safety perspective. The Council noted that the proposal includes a net increase in dedicated traffic policing.

The Advisory Council supports enhanced high visibility policing particularly in regional areas where fatal crashes and safety risks are disproportionately higher compared to the metropolitan area.

POLICE, IMPOUNDED VEHICLES

In reply to the **Hon. J.A. DARLEY** (24 March 2011) (First Session).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Police has provided the following information:

The South Australia Police (SAPOL) have advised that the provisions provided by the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 allow eight days for determination of an application made for early release of an impounded vehicle.

I understand that on 17 March 2011 a prime mover vehicle was impounded by police.

An application for early release of the vehicle was made by a company director of the company owning the vehicle. The application was received by SAPOL on 17 March 2011. The application was assessed and recommended for early release on the basis that it was a company vehicle required for income generation.

On 18 March 2011, the Director Business Service (Commissioner's delegate) exercised his authority and approved early release, per standard SAPOL procedures.

Over 450 early release applications have been received, assessed and determined since the early release provisions came into effect.

The Commissioner of Police has advised that there was no requirement to deviate from standard procedure in this instance and each early release application will continue to be assessed and determined on a case by case basis.

BOSTON CONSULTING GROUP

In reply to the **Hon. T.A. FRANKS** (24 March 2011) (First Session).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Premier has advised:

1. The consultancy work undertaken by the Boston Consultancy Group in 2009 was not related to the work of the Sustainable Budget Commission.

2. In 2009 the Boston Consulting Group organised a series of policy catalyst workshops for the Department of the Premier and Cabinet to develop key new ideas for taking our state forward. From this, a series of policy ideas and enablers were generated.

3. The contract was for leading of policy catalyst workshops, not the creation of a report.

TRAMLINES

In reply to the **Hon. D.G.E. HOOD** (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 Transport and Infrastructure has been advised:

1. to 3. Works to upgrade power supply across the broader tram network have been a fundamental element of all projects to enable the extension of the network, provide redundancy in supply, as well as the purchase and operation of additional trams.

Examples of these works have included the installation of an additional feeder cable running through the city business district from South Terrace to the Entertainment Centre, the upgrading of all existing substations within the network, and the provision of an additional substation in April 2011 at Morphett Street. I can advise that new converter stations were also commissioned at South Terrace in November 2011 and Glenelg East in December 2011.

DRUG ADDICTED BABIES

In reply to the **Hon. D.G.E. HOOD** (22 June 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 Health and Ageing has been advised:

The data referred to by the Honourable Member relates to an article published on 24 October 2007 in the Standard and Guardian Messenger.

Professor Ross Haslam, the then Medical Unit Head of the Department of Neonatology at the Women's and Children's Hospital, quoted data in the article for the number of substance abusing women as 3.5 per cent for 2007.

Since 2007, there has been a decrease in the percentage of mothers who are substance users (i.e. drug and/or alcohol users) birthing at the Women's and Children's Hospital.

Calendar Year	Mothers who are substance-users at the WCH	Total Mothers at the WCH	%
2006	136	4,476	3.04
2007	170	4,832	3.52
2008	158	4,973	3.18
2009	146	4,701	3.11
2010	118	4,728	2.50

At the Women's and Children's Hospital over the past five years, the percentage of substance abusing women ranged between 3.52 per cent to 2.5 per cent of total births at the Hospital, which equates to between 170 to 118 mothers respectively who are substance users.

A number of strategies have been established by the Government to improve the outcome of babies born to mothers who are substance users.

At the Women's and Children's Hospital for example, women who are identified as drug and alcohol dependent during pregnancy are referred to the Women's and Children's Hospital High Risk Pregnancy Clinic.

This clinic assists women with the control of their condition and thus minimise post birth consequences for both them and their baby.

Children born into drug and alcohol dependent situations are often at risk of neglect. Staff at the Women's and Children's Health Network (formerly the Children, Youth and Women's Health Service), who work with vulnerable infants such as these, undertake mandated notification training for reporting child abuse and neglect. There is also information available to staff in relation to the rights and responsibilities of patients in this regard.

A notification is made to Families SA, where it is assessed that the infant is at high risk of neglect or abuse.

Babies born with a physiological dependence to drugs are assessed and treatment provided. Some infants are discharged on treatment if stable, where drug therapy has reached a minimum level, and the family environment is considered safe.

The Women's and Children's Hospital provides a midwife to assist the family in the first two weeks within the metropolitan Adelaide area and referral is made, with parental consent, to the Child and Family Health Service for the initial universal contact visit.

The Universal Contact Visit is voluntary and in partnership with the client the Child and Families Health Service determines the best service response. Some clients are suitable for the Family Home Visiting program which is a two year parenting program.

Babies discharged from the Women's and Children's Hospital after being treated for withdrawal from their physiological dependence are visited at home by Women's and Children's Hospital neonatal nursing or domiciliary midwifery staff, depending on the level of care required.

WORKPLACE SAFETY

In reply to the **Hon. S.G. WADE** (19 October 2011) (First Session).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): I have been provided the following information:

The compliance for the horizontal and vertical borer project was completed in April 2011 and the final Project Report was issued in May 2011. A total of 34 workplaces were inspected involving a total of 54 borer machines.

TOURISM COMMISSION

In reply to the **Hon. D.W. RIDGWAY (Leader of the Opposition)** (29 March 2012).

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): I am advised:

The South Australian Tourism Commission (the SATC) has a contract with HWR Media for the sales and production of the 11 Regional Visitor Guides (the Guides).

Under the contract, HWR media return a fixed amount of revenue generated through the sales and production of the Guides to the SATC.

The SATC uses this revenue for regional marketing, specifically for the *Best Backyard Program*, as per the SATC's commitment to regions under the Regional Growth Plan.

While the mechanism of funding regional marketing via the guides has changed, revenue from the Guides is still expended on regional initiatives, primarily marketing.

MARINE PARKS

In reply to the **Hon. J.M.A. LENSINK** (3 April 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Sustainability, Environment and Conservation has been advised:

The Commonwealth and State marine parks processes are being run separately and under different pieces of legislation. The proposed timeline for completing both processes is 2012. The South Australian Government is committed to working closely with the Commonwealth Government as marine protected areas are developed for each jurisdiction. This includes consideration of all matters relating to the establishment of marine protected areas, including achievement of conservation outcomes, of zoning and possible implications on the commercial fishing sector.

Particular consideration is being given to the combined effect of commonwealth reserves and state marine parks on the commercial fishing industry.

MEDICAL HEATING AND COOLING CONCESSION

In reply to the **Hon. J.S. LEE** (4 April 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): I am advised:

1. The average waiting time for applicants for a Medical Heating and Cooling Concession (MHCC) is currently four to six weeks, where the application form has been fully completed and where the applicant's doctor or medical specialist has indicated that they have one of the nine primary medical conditions shown on the form.

2. As at 20 April 2012, 381 applications were being assessed, whilst 89 were being followed up because their application was incomplete.

3. I consider a waiting time of four to six weeks to be appropriate and timely for the processing of applications given that this is a new concession, and the large influx of initial applications.

HOUSING SA

In reply to the **Hon. S.G. WADE** (1 May 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): I am advised:

In December 2009 Cabinet approval listed 64 outcomes to be retained as social housing from the Woodville West Urban Renewal Project (that will create 425 housing allotments and three shops. 139 land/dwellings will be sold for affordable rental or home ownership and the balance of 225 sold at full market price).

This represents the Government's set target of at least 15 per cent affordable housing, including a 5 per cent component for high need housing, in all new significant housing developments.

MOUNT LOFTY RANGES WATER ALLOCATION PLANS

In reply to the **Hon. J.A. DARLEY** (3 May 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Water and the River Murray has been advised:

The Department is committed to ensuring the accuracy of the data that it uses to manage the State's water resources. The Department has spent considerable effort to assess its dam measurement methodologies. The Department uses a number of scientifically validated methods which have been trialled on dams across the Mount Lofty Ranges to estimate the capacity of farm dams. These methods include a simple method based on an assessment of the surface area of the dam and more sophisticated methods which use a range of measurements. Nearly all licensed dams in both the Eastern and Western Mount Lofty Ranges, except for a number of quite small dams (1 ML or less) have been measured twice using both the surface area method and measurements collected from site visits.

The Department recognises that any dam measurement is an estimate and has a process in place to resolve any case where a landholder disagrees with an estimate. Should a landholder disagree with the Department's assessment, the Department is prepared to reassess the volume of the dam or alternatively accept an estimate from a bathymetric survey of the dam undertaken by licensed surveyor engaged by the landholder. This surveyed capacity is then adopted by the Department for the purposes of determining the allowable annual extraction from the subject dam.

The Department is happy to reassess the dam in question if the Hon. J.A. Darley can supply the location and property details.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:28): I move:

That this bill be now read a second time.

I seek leave to have the detailed explanation of the bill and clauses incorporated in *Hansard* without my reading it.

Leave granted.

On 1 July 2010 the *Health Practitioner Regulation National Law (South Australia) Act 2010* came into effect. The Act sets out the legislative provisions for the operation of the National Registration and Accreditation Scheme, whereby practitioners in ten health professions across Australia are registered under a profession-specific national board and subject to nationally consistent registration standards and codes for their profession. The Act established the South Australian Health Practitioners Tribunal to hear disciplinary matters against health practitioners and appeals against decisions of the national boards.

The Act also covers the regulation of related matters in South Australia that are not part of the National Scheme. These matters include the registration of pharmacy premises and pharmacy depots.

The Amendment Bill before the House today makes changes to the legislation to give effect to:

- a standardised timeframe within which appeals against decisions of a national board may be made to a tribunal;
- revising the legislative provisions that relate to the ownership of pharmacy premises and pharmacy depots in South Australia; and
- provisions relating to the transition of the occupational therapy profession into the National Registration and Accreditation Scheme.

I will now outline these changes in detail for the benefit of Members.

Timeframe for the lodging of appeals against decisions of a national board

Under the National Registration and Accreditation Scheme practitioners and other persons may appeal a decision made by a national board. This appeal is made to a tribunal, which in the case of South Australia is the South Australian Health Practitioners Tribunal. Section 199 of the National Law outlines those decisions of a national board that are appellable and include decisions by the national board to:

- refuse to register a person;
- refuse to endorse or renew a person's registration;
- impose a condition on a person's registration;
- refuse to change or remove a condition or undertaking on a person's registration;
- reprimand or suspend a person's registration.

These actions may be undertaken by a national board to protect the health and safety of the public by ensuring that only those persons that are appropriately qualified can practise within the profession, and that these persons maintain high standards of competence and conduct when practising.

When the National Law was introduced in July 2010 there was no timeframe outlined within which a person must lodge an appeal against a decision made by a national board. It is important that any timeframe established is consistent across all jurisdictions to maintain the integrity of the National Scheme. Many jurisdictions have already set a timeframe of 28 days for appeals against a decision made by a national board. I have been advised that legislation is currently before the Northern Territory Parliament to introduce a similar timeframe, and the intent of the clause before the House will ensure that the National Law as it applies in South Australia is brought in line with all other jurisdictions.

The clause requires a person to appeal a decision of a national board within 28 days after which the decision of the board is made, or reasons for the decision by the board are given to the person, whichever is the later. The tribunal may consider an appeal outside of this timeframe if it is of the view that there are extenuating circumstances for why the person was unable to appeal within the 28 days. These circumstances will be provided for within the rules determined by the South Australian Health Practitioners Tribunal.

Ownership of pharmacy premises and pharmacy depots in South Australia

The *Health Practitioner Regulation National Law (South Australia) Act 2010* provides for the regulation of pharmacy premises and pharmacy depots in South Australia. These provisions are the same as those that previously existed in the now repealed *Pharmacy Practice Act 2007*, with the exception that the current provisions introduced a new category of pharmacy ownership, trustee pharmacy services providers. The identification of trusts as a means of pharmacy ownership was at the request of the former Pharmacy Board of South Australia which became aware that some pharmacists were using trusts to increase the number of pharmacies that they may own. I understand that the use of trusts as a form of pharmacy ownership has grown markedly in recent years to the extent that it is now more common than the use of companies (or corporate pharmacy services providers).

Until 1 July 2010 these trusts did not have to be registered with a regulatory body, and so no details were recorded about them. From 1 July 2010, these trusts have been required to be registered with the regulatory body to ensure that they are subject to the same requirements as other pharmacy services providers under the Act. This was considered to be important to ensure that the persons providing pharmacy services in South Australia are 'fit and proper' and that these providers can be subject to disciplinary proceedings for improper or unethical conduct or negligence.

Pharmacy stakeholders were consulted on the provisions relating to trusts, or trustee pharmacy services providers as they are referred to in the Act, when an exposure draft of the legislation was released. No objections were raised to the identification and regulation of this group. However, during the first year of operation of the legislation, the South Australian Branch of The Pharmacy Guild of Australia brought to the attention of the Government that the definition of a trustee pharmacy services provider in the Act was having an unforeseen impact on the ability of trustee pharmacy services providers to conform to the legislative requirements by only allowing trusts to distribute income to individuals and not to companies or other trusts.

The Guild advised that the exclusion of companies and trusts from the legislation would have a significant negative financial impact as institutions made loans to pharmacy businesses on the basis that tax rates would be set at corporate rates, and without this being the case, pharmacists would be at risk of breaching their loan governance

arrangements. The Guild also advised that corporate pharmacy services providers (or companies) also distributed income to other companies and trusts, and definitions under the legislation also precluded this.

It was not the Government's intention in regulating pharmacy premises to impede the business practices and models that pharmacists have established. The policy position underpinning the regulation of pharmacy premises is to protect the public by ensuring that:

- pharmacy premises and depots are registered and, as a result, are suitable to provide pharmacy services; and
- persons who are in 'positions of authority' are held accountable should they not meet their responsibilities under the Act.

It was not the policy intent that the legislation refer to the various pharmacy ownership models and business practices which are of course a matter for pharmacists to determine in conjunction with their financial or legal advisers.

The amendments before the House, which have been developed in conjunction with the Guild and the Pharmacy Regulation Authority SA, the body responsible for the regulation of pharmacy premises in this State, brings the legislation back to the basic policy principle for statutory regulation which is to protect the public.

The Bill also includes amendments to the rules on who may own a pharmacy in South Australia. As background, pharmacy premises may only be owned by a pharmacist (or a prescribed relative of a pharmacist). This restriction is endorsed by the Commonwealth Government and is applied across all jurisdictions on the basis that the public is protected by ensuring that only qualified persons can provide restricted pharmacy services (i.e. dispensing drugs or medicines on prescription).

However, in South Australia the pharmacy ownership requirements were not restricted to practising pharmacists; non-practising pharmacists (for example, retired pharmacists) could own a pharmacy but any restricted pharmacy services were to be provided only by a practising pharmacist. With the commencement of the National Registration and Accreditation Scheme in July 2010 the Pharmacy Board of Australia assumed responsibility for the regulation of pharmacists, but pharmacy premises continued to be regulated by States and Territories.

This split in regulation has caused some policy overlap resulting in confusion for pharmacists. The Pharmacy Board of Australia, whilst recognising that pharmacy ownership is the responsibility of separate legislation in States and Territories, has formed the view that it is in the public interest for proprietor pharmacists to hold general registration. The Board has issued *Guidelines on responsibilities of pharmacists when practising as proprietors* that include requirements that non-practising pharmacists are unable to comply with, for example, in relation to recency of practice and continuing professional development. The Board expects all registrants to comply with the requirements of the National Law, including all relevant registration standards and guidelines.

The Pharmacy Regulation Authority SA has advised that it now supports the Pharmacy Board of Australia's position that pharmacy service proprietors should hold general registration under the National Law. The Pharmacy Guild of Australia has also supported the national board's position.

The requirement that only practising pharmacists may own a pharmacy will bring South Australia in line with all other jurisdictions except Victoria. However, I am advised that there are a small number of non-practising pharmacists in South Australia that still own pharmacy premises. The legislation includes a transitional provision that will allow these non-practising pharmacists to continue their ownership until these holdings are sold. Should the pharmacist wish to increase their holdings after the commencement of this provision, then they will need to take out general registration with the Pharmacy Board of Australia.

Two other changes have been made to the legislative provisions as they relate to the regulation of pharmacy premises in South Australia. These two changes relate to administrative matters only. The first of these changes concerns the granting of exemptions that will allow an unqualified person to provide restricted pharmacy services. The intent of this clause allows public and private hospitals to operate their own pharmacies and provide services to their patients. Currently only the Little Company of Mary Health Care Limited at the Calvary Hospital has been granted an exemption with the condition that any services must be provided by a pharmacist who holds a current practising certificate. Previously, any exemptions were granted by the Governor by way of proclamation. It is now proposed that any such exemptions are granted by the Minister for Health and published in the Government Gazette.

The second change relates to the setting of fees for the registration of pharmacy premises and depots and other related matters such as register extracts and issuing of duplicate registration certificates. The fees are set at a level to ensure that the activities of the Pharmacy Regulation Authority SA are fully-funded. The legislation currently requires the Minister for Health to fix these fees, but the amendment transfers this power to the Pharmacy Regulation Authority SA. This follows a similar process to that which State health registration boards previously operated under.

Transition of the occupational therapy profession into the National Registration and Accreditation Scheme

On 1 July 2012 four additional health professions were incorporated into the National Registration and Accreditation Scheme being:

- Aboriginal and Torres Strait Islander health practice;
- Chinese medicine;
- medical radiation practice; and

- occupational therapy.

National boards were appointed for each of these professions in June 2011, and over the last ten months, these boards have developed registration standards, codes and guidelines that will apply to their profession. Of these four professions, only occupational therapy was regulated in South Australia. Occupational therapists that were registered with the Occupational Therapy Board of South Australia transitioned into the National Scheme and were deemed to be registered with the Occupational Therapy Board of Australia on 1 July 2012. South Australian practitioners in the other three professions applied for registration with the relevant profession regulatory board in order to meet the practice requirements from 1 July 2012.

Whilst the National Law provides for the inclusion of the occupational therapy profession in the National Scheme from 1 July 2012, saving and transitional provisions need to be established to repeal the current *Occupational Therapy Practice Act 2005* and dissolve the Occupational Therapy Board of South Australia. The transitional provisions that will apply are the same that pertained to the nine South Australian registration boards for those health professions that were included in the National Registration and Accreditation Scheme on 1 July 2010.

Assets and liabilities from the Occupational Therapy Board of South Australia will transfer to the Australian Health Practitioner Regulation Agency for distribution to the Occupational Therapy Board of Australia. The amount to transfer into the National Scheme has been determined by an agreed formula covering the operating costs, liabilities and revenue derived from registration fees. Any balance of funds after the transfer to the National Scheme will be distributed to the Minister for Health for distribution to external agencies to administer for purposes agreed between the Minister and the State board (for example: research or scholarships). No funds from the State board will be used by the Government for other purposes; this is money derived from registrants and it will be used for the development of the occupational therapy profession in this State.

I would like to take this opportunity to thank those staff and members, both past and present, of the Occupational Therapy Board of South Australia for the service that they have provided in ensuring the regulation of the occupational therapy profession in this State since 1974. It has been a difficult time for the Board over the last two years knowing that the health profession was to be included in the National Scheme from 1 July 2012. But the Board has continued under the leadership of Dr Mary Russell to ensure that it meets its statutory responsibilities and continues to support the occupational therapy profession in this State. I am pleased to advise the House that Dr Russell was appointed the inaugural Chair of the Occupational Therapy Board of Australia in June 2011 and has ably led the Board in the enormous challenge to prepare the profession for national registration. Members will appreciate the amount of lead-in work that has been involved and the challenges that the national board has faced when I advise that an estimated 5,800 occupational therapists across Victoria, New South Wales, Tasmania and the Australian Capital Territory have not previously been subjected to statutory registration.

The incorporation of the occupational therapy profession into the National Scheme will result in the closure of the last health registration board in this State as regulation transfers to the National Scheme. This does not imply that regulation of health practitioners in this State has failed. In fact, unlike other jurisdictions, South Australia has been fortunate not to have cases of practitioners who have been found not to be fit and proper persons to practise, or to have engaged in unprofessional conduct. However, the move to national registration means that all practitioners in those health professions that are part of the scheme are subject to nationally consistent registration standards and codes and are able to work across jurisdictions. Additional health professions will be incorporated into the National Scheme where it is demonstrated that there is a need for regulation to ensure the health and safety of the public.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Health Practitioner Regulation National Law (South Australia) Act 2010*

4—Insertion of section 6A

It is intended to specify that an appeal to the Tribunal for the purposes of the National Law must be instituted within 28 days after the person making the appeal was given notice of the relevant decision or was given reasons for the relevant decision, whichever is the later. The Tribunal will also be given a discretion to extend the time for instituting an appeal.

5—Amendment of section 26—Interpretation

It is intended to revise some of the provisions and definitions associated with the persons or bodies that are entitled to be involved in a pharmacy business.

6—Amendment of section 34—Functions of Authority

These are consequential amendments.

7—Amendment of section 41—Registration of premises as pharmacy

This amendment will require that a person does not own, or hold a proprietary interest, in a pharmacy business unless the business is carried on at premises registered as a pharmacy under the Act.

8—Amendment of section 43—Supervision of pharmacies by pharmacists

It is proposed that the pharmacist who must be in attendance at a pharmacy must be a person who holds a general registration under the National Law to practise in the pharmacy profession.

9—Amendment of section 49—Registers

These are consequential amendments.

10—Amendment of section 50—Registration of pharmacy services providers

This is a consequential amendment.

11—Amendment of section 51—Restrictions relating to provision of pharmacy services

It is intended to provide that a person must not own, or hold a proprietary interest, in a pharmacy business unless the person satisfies a requirement as to being a pharmacist, a prescribed relative of a pharmacist, or a specified entity. Another set of amendments will provide that exemptions under the section will be conferred by the Minister by notice in the Gazette rather than by proclamation.

12—Amendment of section 53—Cause for disciplinary action

13—Amendment of section 54—Inquiries as to matters constituting grounds for disciplinary action

14—Amendment of section 55—Contravention of prohibition order

15—Amendment of section 68—Providers of pharmacy services to be indemnified against loss

16—Amendment of section 69—Information relating to claims

17—Amendment of section 71—Evidentiary provision

These are consequential amendments.

18—Amendment of section 82—Regulations

It is proposed to allow (by regulation) Pharmacy Regulation Authority SA to fix fees or charges in relation to Part 4 of the Act.

19—Amendment of Schedule 1—Repeals and transitional provisions

These amendments provide for the repeal of the *Occupational Therapy Practice Act 2005* and the winding up of the activities of the Occupational Therapy Board of South Australia.

Schedule 1—Transitional provision

The amendments effected to Part 4 of the Act will not affect an existing interest while the interest continues to be held by the same person.

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

NATIONAL HEALTH FUNDING POOL ADMINISTRATION (SOUTH AUSTRALIA) BILL

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

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:29): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation of the bill and clauses incorporated in *Hansard* without my reading them.

Leave granted.

The Bill before the House forms part of a national reform process to improve the transparency and accountability in how our public hospitals are funded and managed. In August 2011 the Council of Australian Governments signed the National Health Reform Agreement committing all Commonwealth, State and Territory Governments to work in partnership to improve the health outcomes for all Australians and to ensure the sustainability of the public health system going forward.

The national reforms will result in changes to the organisation, funding and delivery of our health care system. Under the National Health Reform Agreement the Commonwealth and States and Territories have joint responsibility for funding hospital services. Activity based funding will be used as the primary basis for funding the majority of public hospital services, although some services that are not appropriately funded through this method will continue to be block (or grant) funded.

The National Health Reform Agreement provides for the establishment of four independent national bodies to focus on increased accountability, transparency and performance of the health system:

- Independent Hospital Pricing Authority
- National Health Funding Authority
- National Health Performance Authority
- Australian Commission for Safety and Quality in Health Care.

These bodies have been, or are in the process of being, established under the Commonwealth Government's *National Health Reform Act 2011*. I will briefly outline the role of each of these bodies in the health reform process.

The *Independent Hospital Pricing Authority*, or IHPA, is responsible for determining the national efficient price for public hospital services for use in activity based funding, and the efficient cost of block funded services and teaching, training and research. IHPA will also determine what public hospital services will be eligible for Commonwealth Government funding contribution and formulate the data requirements and standards relating to public hospital services for States and Territories to achieve national consistency.

The *National Health Funding Body* will support the Administrator of the National Health Funding Pool to provide activity based funding and block funding to local hospital networks. All Commonwealth Government public hospital funding and the State Government's activity based funding will flow through the National Health Funding Pool to local hospital networks. This funding arrangement is the subject of the Bill before the House and I will outline the role of the Administrator and the National Health Funding Pool in more detail later.

The *National Health Performance Authority* is responsible for monitoring and publicly reporting on the performance of local hospital networks in addition to public and private hospitals, Medicare Locals and other health bodies. This will allow communities to compare the performance of their health service in a way that is nationally consistent.

The *Australian Commission for Safety and Quality in Health Care* which is an existing body, has had its powers extended as an independent statutory authority to lead, coordinate and monitor improvements in safety and quality in health care, including nationally agreed clinical standards and standards for safety and quality improvement. The Commission is responsible for publicly reporting on the safety and quality performance of health services against national standards.

All costs associated with the establishment and ongoing operation of these national bodies are the responsibility of the Commonwealth Government.

The organisation and delivery of health care services is through local hospital networks, or local health networks as they are known in South Australia, and Medicare Locals. The South Australian Government established five local health networks that came into operation from 1 July 2011:

- Central Adelaide Local Health Network
- Northern Adelaide Local Health Network
- Southern Adelaide Local Health Network
- Country Health SA Local Health Network
- Women's and Children's Health Network.

Each of these networks is responsible for managing the delivery of hospital and health services to improve the health of their local communities. These services will be agreed by the State Government through annual Service Agreements. Each network is responsible for the management of their budget.

The Commonwealth Government has established five Medicare Locals in South Australia:

- Central Adelaide and Hills Medicare Local
- Country North SA Medicare Local
- Northern Adelaide Medicare Local
- Southern Adelaide – Fleurieu Medicare Local.
- Country South SA Medicare Local.

Medicare Locals consist of general practitioner and primary health care organisations working together to coordinate the delivery of services to meet local health care needs. Medicare Locals are responsible for assessing the health care needs of their local communities, identifying gaps in general practitioner and primary health care services and putting strategies in place to address these gaps. Medicare Locals will need to work closely with the local health networks to make sure that the primary health care services complement the public hospital services to meet local health care needs.

These initiatives are about the governance of the public health system in making it more accountable to local communities.

A key part of the health reform process, and the purpose of the Bill before the House, is to ensure the ongoing sustainability of the public hospital system, and that there is complete transparency and accountability in the manner which public hospital funding is allocated.

I will address each of these points in more detail later but from 1 July 2012:

- all monies received from the Commonwealth Government for public hospital services will go direct into an account established for each State and Territory to be allocated to each local health network in accordance with their Service Agreement
- funding from the Commonwealth and State Governments will increasingly be allocated on an activity basis rather than the current method of special purpose payments. This will better reflect the cost of providing public hospital services
- the Commonwealth Government has agreed to provide funding towards the growing costs of the public hospital system.

The move to activity based funding will ensure that public hospitals will be funded for each and every service that they provide, based on a national efficient price determined by the Independent Hospital Pricing Authority. From 1 July 2012, acute inpatient services, emergency department services and eligible non-admitted patient services will be the subject of activity based funding. From 1 July 2013, activity based funding will be extended to include mental health services and those remaining inpatient and non-admitted patient services not previously picked up.

As part of the transition to activity based funding the Commonwealth Government has guaranteed that until 1 July 2014 no State or Territory Government will be worse off. Until this time the Commonwealth Government will continue to provide funding to the amount that would have been otherwise payable through South Australia's special purpose payments for public hospital services.

The Bill before the House provides that there will be complete accountability and transparency on the funding provided by the Commonwealth and State Governments to local health networks and the consequent accounting and reporting of these funds. All Australians will be able to clearly see how much funding is allocated to public hospital services and how this funding is spent. These arrangements will commence in South Australia as soon as practicable after the legislation is passed by both Houses of Parliament.

Under the National Health Reform Agreement each State and Territory Government has agreed to pass legislation to give effect to the establishment of a State Pool Account with the Reserve Bank of Australia to receive all Commonwealth Government monies for the public hospital system and all activity based funding from the jurisdiction. These State Pool Accounts will be collectively known as the National Health Funding Pool. All monies from the State Pool Account will flow to a local health network in accordance with their Service Agreement.

The Commonwealth and States and Territories will also pass legislation to establish the position of Administrator who will be responsible for all payments into and out of the National Health Funding Pool. There will be a single person appointed as the Administrator, and this person will administer the State Pool Accounts of the National Health Funding Pool for all jurisdictions. The person appointed as Administrator will be an independent statutory office holder, separate from any Commonwealth and State and Territory department.

Each Health Minister, as part of their membership on the Standing Council on Health, will be entitled to nominate a person to be appointed as the Administrator. The Administrator will be appointed by each Health Minister once agreed by all members of the Standing Council on Health.

The Administrator will perform discrete functions which include:

- the calculation and provision of advice to the Commonwealth Treasurer of the amount to be paid by the Commonwealth Government into each State Pool Account
- ensuring that payments are made into each State Pool Account
- making payments from each State Pool Account in accordance with the directions of the jurisdiction
- reporting publicly on the payments made into and from each State Pool Account.

The Administrator may be suspended by the Chair of the Standing Council on Health if requested by at least three jurisdictional Health Ministers or the Commonwealth Health Minister if the Administrator:

- is unable to perform the functions of the office satisfactorily because of physical or mental incapacity
- has failed to comply with their obligations or duties
- has been accused or convicted of an offence that carries a penalty of imprisonment
- has or may become bankrupt.

The Administrator may be removed from office if the majority of members of the Standing Council on Health so request.

The Administrator will be entitled to remuneration determined by the Commonwealth Remuneration Tribunal and will be supported by staff and facilities provided by the National Health Funding Body. The remuneration of the Administrator and all costs associated with the operation of the National Health Funding Body will be met by the Commonwealth Government.

In order to ensure consistency in the performance of the Administrator, the Commonwealth and State and Territory Governments have agreed a set of common provisions detailing the financial management and accountability arrangements pertaining to the functions of the Administrator. In order to simplify governance arrangements Commonwealth legislation will apply to the functions of the Administrator rather than individual State and Territory legislation. For example, the relevant Commonwealth legislation will apply to the functions of the Administrator rather than this State's *Acts Interpretation Act 1915*, *Freedom of Information Act 1991*, *Ombudsman Act 1972*, and *State Records Act 1997*.

The Administrator will make payments out of the State Pool Account in accordance with directions from the responsible Minister for the State. These directions include the amount to be paid and when the amount is to be paid to a local health network.

In addition to the State Pool Account there will be a State Managed Fund which will receive funds from the Commonwealth and State Government for block grants and teaching, training and research. These funds are for those non-patient hospital services or for patient services that are not appropriately funded through activity based funding. These services, including smaller country hospitals, will continue to receive a set contribution ('block funding') rather than funding based on individual services provided. Payments from the State Managed Fund will be made in accordance with directions from the responsible Minister for the State.

It is important to stress that funds held in both the State Pool Account and the State Managed Fund will be under State control and both will be subject to the requirements of this State's *Public Finance and Audit Act 1987*. Payments from these accounts will be at the direction of the responsible Minister for the State.

The Administrator will provide monthly reports and an annual report on the amounts paid into, and from, both the State Pool Account and the State Managed Fund and the number of public hospital services funded. The South Australian Auditor-General will continue to be responsible for auditing the State Pool Account and the State Managed Fund for this jurisdiction. The Auditor-General is also able to undertake a performance audit of the Administrator to determine whether they are acting effectively, economically, efficiently and are complying with the legislation.

The Bill also provides for the provision of information between a Minister for the State and the Administrator. For example, under the Bill the Health Minister is to provide the Administrator with a copy of the Service Agreement, and any variations, for a local health network. This Service Agreement is to also be made available in such a manner that it is accessible to members of the public. The responsible Minister for the State is also to provide the Administrator with information on the State Managed Fund for incorporation into the monthly and annual reports. The Administrator is to provide a Minister for the State with information for the State that may be requested as well as a copy of the advice provided to the Commonwealth Treasurer on the amounts to be paid by the Commonwealth Government into each State Pool Account.

The National Health Reform Agreement builds on changes the South Australian Government has been putting in place through *South Australia's Health Care Plan 2007-2016*, to make sure that the public hospital system is more efficient so it can continue to deliver quality services to all in our community.

The National Health Reform Agreement ensures transparency and accountability in the manner in which our public hospital services are funded and the way that the health care system is managed. It also ensures that the Commonwealth Government works in partnership with the State and Territory Governments to make the public hospital system more sustainable.

As Members are aware the cost of health care to South Australia has been growing steadily, as is the case across Australia. This has been exacerbated by a steady decline in the Commonwealth Government's share of funding which has fallen from around 50 per cent to below 40 per cent over the last decade. This decline has been halted with the signing of the National Health Reform Agreement and we now have a commitment from the Commonwealth Government to restore its funding to a reasonable balance with the State's contribution. From 2014-15 the Commonwealth Government will meet up to 45 per cent of the efficient growth in public hospital costs and by 2017-18 will meet up to 50 per cent of efficient growth. So every year, the funding will contribute to the growth of public hospital services and increasing cost of public hospital services.

The funding arrangements outlined in this Bill provide more certainty and more money for South Australia's public hospital system which will lead to a more effective health system that meets the health needs of the South Australian community. South Australia will receive an estimated total of $1.1 billion in growth funding over the period 1 July 2014 to 1 July 2020.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Interpretation

This clause sets out the definitions required for the purposes of the legislation. Under this measure, 2 accounts are to be established, namely a *State Managed Fund*, being a bank account or fund established as a State Managed Fund for the purposes of the National Health Reform Agreement (see clause 17), and a *State Pool Account*, being the bank account established under Part 3.

In order to provide for consistency across a series of provisions that will form part of the common scheme to be established by the Commonwealth, States and Territories, the interpretation provisions applying under the *Health Practitioner Regulation National Law* (as enacted as a law of South Australia) will apply in relation to Parts 2 to 5 (inclusive) of this measure and the *Acts Interpretation Act 1915* will not apply in relation to those Parts (see subclauses (5) and (6)).

Subclause (7) expressly provides that any incorporated hospital under the *Health Care Act 2008* is a local hospital network for the purposes of this measure.

4—Extraterritorial operation of Act

This clause makes express provision for the operation of the legislation in relation to the following:

(a) things situated in or outside the territorial limits of this jurisdiction; and

(b) acts, transactions and matters done, entered into or occurring in or outside the territorial limits of this jurisdiction; and

(c) things, acts, transactions and matters that would, apart from this measure, be governed or otherwise affected by the law of another jurisdiction.

5—Act binds the Crown

This measure will bind the Crown.

Part 2—Administrator of the National Health Funding Pool

6—The office of Administrator

This clause provides for the establishment of the office of Administrator of the National Health Funding Pool for the purposes of the law of the State. It is intended that the same individual will hold the same office under the corresponding law of the Commonwealth and the other States.

7—Appointment of Administrator

This clause sets out a scheme for the appointment of the Administrator under an agreement established by all members of the Standing Council on Health.

8—Suspension of Administrator

It will be possible to suspend the Administrator from office on specified grounds.

9—Removal or resignation of Administrator

An Administrator will be removed from office on the decision of a majority of the members of the Council. The Administrator may resign by notice in writing to the Chair of the Standing Council on Health.

10—Acting Administrator

The Chair of the Standing Council on Health will be able to appoint a person to act as the Administrator during any period when the office is vacant or the holder of the relevant office is suspended or absent from duty.

11—Provision of staff and facilities for Administrator

The National Health Funding Body will provide staff and facilities to assist the Administrator in the performance of his or her functions.

12—Functions of Administrator

This clause sets out the functions of the Administrator, which will include—

(a) to calculate and advise the Treasurer of the Commonwealth of the amounts required to be paid by the Commonwealth into each State Pool Account of the National Health Funding Pool under the National Health Reform Agreement (including advice on any reconciliation of those amounts based on subsequent actual service delivery); and

(b) to monitor State payments into each State Pool Account; and

(c) to make payments from each State Pool Account in accordance with the directions of the State concerned; and

(d) to report publicly on the payments made into and from each State Pool Account.

The Administrator will not be subject to the control or direction of a Commonwealth Minister but the Administrator is required to comply with any direction given by COAG.

Part 3—State Pool Accounts—the National Health Funding Pool

13—Establishment of State Pool Accounts with Reserve Bank

The Chief Executive of the Department will open and maintain a bank account at the Reserve Bank of Australia as the State Pool Account for the State.

14—Payments into State Pool Account

The following will be payable into the State Pool Account:

(a) money paid to the State by the Commonwealth for payment into the State Pool Account under the National Health Reform Agreement; and

(b) money made available by the State for the purposes of funding in the State through the State Pool Account under the National Health Reform Agreement; and

(c) money paid to the State by another State for payment into the State Pool Account under the National Health Reform Agreement; and

(d) interest paid on money deposited in the State Pool Account, unless directed to be paid into another bank account by the responsible Minister for the State.

15—Payments from State Pool Account

There will be payable from the State Pool Account amounts to fund the following in the State under the National Health Reform Agreement:

(a) the services provided by the local hospital networks;

(b) health teaching, training and research provided by local hospital networks or other organisations;

(c) any other matter that under that Agreement is to be funded through the National Health Funding Pool.

Payments from the State Pool Account are to be made by the Administrator strictly in accordance with the directions of the responsible Minister for the State.

16—Distribution of Commonwealth funding

This clause provides that directions given by the responsible Minister for the State for payments from the State Pool Account are to be consistent with the advice provided by the Administrator to the Treasurer of the Commonwealth about the basis on which the Administrator has calculated payments to be made into that Account by the Commonwealth.

Part 4—State Managed Fund

17—Establishment of State Managed Fund

The Chief Executive of the Department will open and maintain with a financial institution a separate account as the State Managed Fund for the State for the purposes of health funding under the National Health Reform Agreement.

18—Payments into State Managed Fund

The following will be payable into the State Managed Fund:

(a) block funding allocated to the State, or paid from the State Pool Account, for the provision of hospital and other health services under the National Health Reform Agreement; and

(b) funding for teaching, training and research related to the provision of health services allocated by the State, or paid from the State Pool Account, under the National Health Reform Agreement; and

(c) interest paid on money deposited into the fund, unless directed to be paid into another bank account by the responsible Minister for the State.

19—Payments from State Managed Fund

Payments from the State Managed Fund will be decided by the responsible Minister for the State.

Payments from the State Managed Fund will be made to—

(a) local hospital networks and other providers of hospital and other health services; and

(b) universities and other providers of teaching, training and research related to the provision of health services.

Part 5—Financial management and reporting

20—Financial management obligations of Administrator

The Administrator will develop and apply financial management policies and procedures with respect to the State Pool Accounts, keep proper records in relation to the administration of the State Pool Accounts, and prepare financial statements in relation to the State Pool Accounts.

21—Monthly reports by Administrator

The Administrator will provide monthly reports to the Commonwealth and each State containing information about payments into and out of each account, the number of public hospital services funded for each local hospital

network in accordance with the system of activity based funding, and the number of other public hospital services and functions funded from each account.

22—Annual report by Administrator

The Administrator will prepare an annual report, which will include relevant financial information. The annual report will include audited financial statements in relation to the State Pool Accounts.

23—Administrator to prepare financial statements for State Pool Accounts

The Administrator will prepare the relevant financial statements in respect of each financial year.

24—Audit of financial statements

The financial statements for the State Pool Account of the State will be audited by the Auditor-General.

25—Performance audits

It will be possible for the Auditor-General to conduct a performance audit to determine whether the Administrator is acting effectively, economically, efficiently and in compliance with all relevant laws.

26—States to provide Administrator with information about State Managed Funds

The responsible Minister for the State will provide information required by the Administrator for the preparation of relevant reports and financial statements.

27—Provision of information generally

The Administrator will provide relevant information requested by the responsible Minister for the State. The Administrator will also provide a copy of any advice provided by the Administrator to the Treasurer of the Commonwealth about the basis on which the Administrator has calculated the payments to be made into the State Pool Accounts by the Commonwealth.

Part 6—Miscellaneous

28—Exclusion of legislation of this jurisdiction

29—Application of Commonwealth Acts

These clauses set out a scheme for the application of certain common 'oversight' laws to the activities of the Administrator. The relevant enactments will apply as laws of the State.

30—Public finance and audit

The Administrator will not be regarded as a public authority under the *Public Finance and Audit Act 1987*, other than for the purposes of the performance audit to be conducted under Part 5.

The State Pool Account and the State Managed Fund will be taken to be special deposit accounts under the *Public Finance and Audit Act 1987* and will be required to be maintained in accordance with the requirements of the *Public Finance and Audit Act 1987*.

31—Service agreements

The Minister will establish a Service Agreement with each local hospital network.

32—Provision of information

A Minister acting under this legislation is specifically authorised to provide any information to be provided to the Administrator under the National Health Reform Agreement.

33—Delegation

A Minister will be able to delegate a function of the Minister under the Act.

34—Regulations

The Governor will be able to make regulations for the purposes of the Act.

Schedule 1—Transitional and validation provisions

1—Transitional and validation provisions

This schedule sets out a provision that will assist if all jurisdictions are unable to commence their legislation on the same day.

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

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

LOCAL GOVERNMENT (ROAD CLOSURES—1934 ACT) AMENDMENT BILL

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

STATUTES AMENDMENT (SERIOUS FIREARM OFFENCES) 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) (15:31): 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 last six months has seen an escalation in gun violence in Adelaide; much of it in public. Recently, *The Advertiser* highlighted the fourth shooting in Adelaide in eight days and, later, the fifth shooting in a fortnight. Later still, it was six in 18 days. The trend has continued unabated. At the end of May it was 5 shootings in 5 days. This level of serious firearm violence is intolerable.

Recent events in Queensland make it clear that members of criminal organisations will cross state borders to shoot people. The Queensland incident involved the shooting of an innocent female as collateral damage. It seems clear that incidents of this nature are the product of gang members fighting amongst themselves. The Government is attacking these criminal organisations through its serious and organised crime reforms, but a targeted attack on firearm crime is needed.

The courts do not impose substantial periods of imprisonment for offences against the *Firearms Act 1977*, despite the high maximum penalties available. In 2006-2010:

- the penalty was a fine for 72.3% of cases heard in the Magistrates Court in which the major charge was a firearm offence;
- the penalty was a suspended sentence for 59.1% of cases heard in the District Court in which the major charge for was a firearm offence. Only 22.7% of cases resulted in imprisonment.

Also, many firearms offences are committed while the offender is on conditional liberty (ie while on bail or parole). Between 2007 and 2011:

- 497 offenders were convicted of a firearms offence committed while on bail;
- 37 offenders were convicted of a firearms offence committed while on a suspended sentence; and
- 20 offenders were convicted of a firearms committed while on parole.

These figures are not satisfactory.

This proposal includes a series of interlocking measures aimed at attacking firearms offences at the serious end of the scale with a view to the protection of the public and the deterrence of those who commit these offences. A cornerstone of the proposal is the legislative creation of a category of offender to be known as a 'serious firearm offender'.

Serious firearm offenders

- The *Criminal Law (Sentencing) Act 1988* will be amended so that a new sentencing category of 'serious firearm offenders' is created. A person will be deemed a serious firearms offender in the following circumstances;
- The person commits an offence against the *Firearms Act 1977* while on conditional liberty (ie parole, bail, released on licence or subject to a suspended sentence) if a condition of that liberty was that the offender not possess a firearm;
- The person commits an offence against the *Firearms Act 1977* in the course of or for a purpose related to the commission of a serious drug offence;
- The person commits an offence involving the use or possession of a firearm against the *Firearms Act 1977* or the *Criminal Law Consolidation Act 1935*:
    - when that offence was committed in the circumstances contemplated by s 5AA(1)(ga) of the Criminal Law Consolidation Act 1935;
    - while subject to a control order under the Serious and Organised Crime (Control) Act 2008; or
    - in breach of a firearms prohibition order.
- The person commits an offence involving the use or possession of a firearm against the *Firearms Act 1977* or the *Criminal Law Consolidation Act 1935* if that firearm:
    - is an automatic firearm;
    - is a prescribed firearm;

- is a handgun and the person committing the offence does not have a licence for that handgun and if the handgun is not registered to that person.

It will not be possible to fall into this category except by personal liability; that is to say, the offender cannot be caught in this category by way of conviction for complicity in the crimes of another. Those guilty of this category of offences by way of complicity will be subject to quite severe criminal sanctions but the particularly harsh measures should be reserved for primary offenders.

Bail

There will be a presumption against bail for those who are charged with a serious firearm offence. If a serious firearm offender is to be granted bail, there will be a presumption that the grant of bail will contain a condition prohibiting the person from possessing any firearm, part of a firearm or any ammunition. That person will also be liable to random testing for gunshot residue. There will be a discretion for a bail authority to relieve the bail applicant from the mandatory conditions if there are cogent reasons for doing so and there is no undue risk to the safety of the public.

General Sentencing Reforms

Section 10 of the *Criminal Law (Sentencing) Act 1988* will be amended to say that in sentencing for firearms offences, the primary role of sentence is to emphasise public safety and specific and general deterrence.

The consequence of falling within the 'serious firearm offender' category is that there is a presumption that a sentence of immediate imprisonment will be imposed on conviction. The only reason for not imposing a sentence of immediate imprisonment will be if exceptional circumstances exist - exceptional circumstances cannot be found unless the sentencing court is satisfied by evidence on oath that the personal circumstances of the offender are sufficiently exceptional to outweigh the primacy of public safety and personal and general deterrence.

Some explanation of the general meaning of 'exceptional circumstances' may be helpful. In *R v Kelly(Edward)* [2000] QB 198. Lord Bingham of Cornhill said:

> We must construe 'exceptional' as an ordinary, familiar English adjective, and not as a term of art. It describes a circumstance which is such as to form an exception, which is out of the ordinary course, or unusual, or special, or uncommon. To be exceptional a circumstance need not be unique, or unprecedented, or very rare; but it cannot be one that is regularly, or routinely, or normally encountered.

In *R v Fowler* [2006] SASC 18, Gray and Layton JJ had occasion to describe the difference between 'exceptional circumstances' and 'good reason':

There is a substantial and important difference between the 'exceptional circumstances' test as discussed in *Manglesdorf* and the 'good reason' test to draw from the wording of the statute. The 'good reason' test established by the legislature requires the sentencing judge to consider all of the circumstances of the instant case and make an assessment as to whether those circumstances give rise to good reason to suspend the sentence.

On the other hand, the 'exceptional circumstances' test implies that a sentencing judge ought to compare the circumstances of the instant case with other cases and determine whether there are aspects of the instant case that set it apart from the other cases and thereby justify an exercise of the discretion to suspend. This may lead the court to be asked to first consider what the common or typical features of drug trafficking cases are and then compare such features with the case at bar to decide whether such circumstances may be characterised as 'exceptional' before considering then whether to suspend. Such an approach would require the fulfilment of conditions which contradict the statutory requirement.

Reforms to Forms of Conditional Release

The *Criminal Law (Sentencing) Act 1988* and other applicable legislation will be amended so that it is presumed that every form of conditional release (probation, parole, on bail, release on licence or on a suspended sentence) contains conditions prohibiting the possession of any firearm or ammunition and subjecting the person to random testing for gunshot residue. The conditions may be excluded or modified by the release authority.

The provision relating to gunshot residue testing is precautionary and intended to act as a deterrent. Given current procedures for testing, the condition will be used infrequently. If the testing technology adapts to accommodate this initiative the condition may be used more frequently.

Amendments to Serious Repeat Offenders Provisions

It is proposed to amend the *Criminal Law (Sentencing) Act 1988* to reform the provisions dealing with serious repeat offenders.

First, the declaration provisions will be amended so that two repeat convictions for any one of the new category of serious firearm offences described above will qualify for a declaration. That will also be so for:

- Home invasions; and
- Any criminal offence aggravated by being committed in association with a serious criminal organisation.

Second, the declaration provisions will be amended so that a person is a declared serious repeat offender if there is repeat offending on three occasions for:

- Home invasions;

- Any criminal offence aggravated by being committed in association with a serious criminal organisation; and/or
- The new category of serious firearm offences described above;

It should be possible to avoid being sentenced as a serious repeat offender only if the sentencing court is satisfied by evidence on oath that the personal circumstances of the offender are sufficiently exceptional to outweigh considerations of public safety and it is not appropriate, in all the circumstances, that the offender be sentenced on the basis of a declaration.

Shooting at Police Officers

In order to provide greater protection for police officers, the Bill also inserts a new section 29A into in the *Criminal Law Consolidation Act 1935*, with the new section creating two new offences relating to shooting at police officers.

First, section 29A(1) creates an offence constituted by a person discharging a firearm intending to hit a police officer (whether or not the person intends to cause the police officer a particular level of harm), or being reckless as to whether the police officer is hit, and by that conduct causing serious harm to the police officer. An offence against the new subsection carries a maximum penalty of 25 years imprisonment.

The second offence, created by section 29A(4), occurs if a person discharges a firearm intending to hit the police officer (whether or not the person intends to cause a particular level of harm), or being reckless as to whether the police officer is hit. It is not necessary that the police officer is, in fact, hit or suffers any harm. An offence against new subsection (4) carries a maximum penalty of 10 years imprisonment.

Both of the new offences are serious firearm offences under the measure, and conviction of either offence will see the defendant become a serious firearm offender.

Shooting at Premises

It is quite clear that there has been an increase in the number of drive-by shootings both in this State and elsewhere. The Government will not put up with this type of criminal behaviour.

The problem faced by SAPol when confronted with this type of reckless and dangerous act is that if no person is home at the time of the drive-by shooting it is very difficult, if not impossible, to successfully prosecute the offender for an act endangering life or creating risk of serious harm. The only other charge available (other than the general offence of possessing a firearm for a purpose not authorised by a firearms licence under s 11 of the *Firearms Act 1977*) is under s 51 of the *Summary Offences Act 1953* which says:

> 51—Use of firearms
>
> (1) A person who discharges a firearm or throws a stone or other missile, without reasonable cause and so as to injure, annoy or frighten, or be likely to injure, annoy or frighten, any person, or so as to damage, or be likely to damage, any property, is guilty of an offence.
>
> Maximum penalty: $10,000 or imprisonment for 2 years.
>
> (2) In this section—firearm means a gun or device, including an airgun, from or by which any kind of shot, bullet or missile can be discharged; throw includes to discharge or project by means of any mechanism or device.

A two year period of imprisonment is not good enough for offending involving firearms.

The Bill will create two new categories of offences. One will deal with missiles and remain in the *Summary Offences Act 1953*. The other will deal with firearms and will go into the *Criminal Law Consolidation Act 1935* with considerably enhanced penalties.

The offence to be inserted in the *Criminal Law Consolidation Act 1935* will be a new s 32AA. The offence deals with the discharge of a firearm without lawful excuse. The series of offences distinguishes between intentional and reckless offences, the former being more serious. It also distinguishes between offences aimed at personal safety and offences aimed at property.

Conclusion

These measures are a major attack by the Government on serious firearm crime and complacent attitudes to serious firearm crime. We must make it clear that serious firearm crime will not be tolerated. The Government calls on Parliament to support these measures.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the *Bail Act 1985* to insert definitions of *ammunition* and *firearm*.

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

This clause amends section 10A of the *Bail Act 1985* to extend the categories of prescribed applicants in relation to whom a presumption against bail exists to include a person taken into custody in relation to a serious firearm offence under this measure.

6—Amendment of section 11—Conditions of bail

This clause amends section 11 of the *Bail Act 1985* to impose the conditions specified in new subsection (1) on every grant of bail. However, if a bail authority is satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked, then the bail authority may vary or revoke those conditions.

The clause also makes procedural provisions in relation to such a variation or revocation.

7—Insertion of section 11A

This clause inserts new section 11A into the *Bail Act 1985*. That section allows a bail authority to direct a person granted bail that is subject the condition imposed by new section 11(1)(a) to surrender to police any firearms, ammunition or parts of firearms the person may own or possess. Refusal or failure to comply with a direction is an offence.

The new section requires the Commissioner of Police to deal with the firearms etc in accordance with the scheme to be set out in the regulations.

No compensation is payable in relation to firearms etc surrendered in accordance with a direction under the new section.

Part 3—Amendment of *Correctional Services Act 1982*

8—Amendment of section 4—Interpretation

This clause makes a consequential amendment.

9—Amendment of section 37A—Release on home detention

This clause amends section 37A of the *Correctional Services Act 1982* to impose the conditions specified in subclause (1) on every release of a prisoner on home detention. The Chief Executive Officer can only vary or revoke the conditions if satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked.

10—Amendment of section 66—Automatic release on parole for certain prisoners

This clause extends the class of prisoner to whom section 66(1) of the *Correctional Services Act 1982* does not apply (a subsection that provides for automatic release on parole for certain prisoners) to include serious firearm offenders.

11—Amendment of section 68—Conditions of release on parole

This clause adds conditions that a prisoner not possess a firearm, any part of a firearm or any ammunition, and that the prisoner submit to related tests, to the conditions that a release on parole must be subject to.

Such conditions are designated as conditions, that, if breached, will result in automatic cancellation of parole.

12—Insertion of section 68A

This clause inserts new section 68A into the *Correctional Services Act 1982*. That section allows the Parole Board to direct a person granted bail that is subject the condition imposed by new section 68(1)(a)(ia) to surrender to police any firearms, ammunition or parts of firearms the person may own or possess. Refusal or failure to comply with a direction is an offence.

The new section requires the Commissioner of Police to deal with the firearms etc in accordance with the scheme to be set out in the regulations.

No compensation is payable in relation to firearms etc surrendered in accordance with a direction under the new section.

13—Amendment of section 71—Variation or revocation of parole conditions

This clause inserts new subsection (5) into section 71 of the *Correctional Services Act 1982*, providing that the Parole Board can only vary or revoke the conditions imposed by new section 68(1)(a)(ia) and (iii)(C) on the release on parole of a person if satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked.

Part 4—Amendment of *Criminal Law (Sentencing) Act 1988*

14—Amendment of section 10—Matters to be considered by sentencing court

This clause inserts new subsection (3a) into section 10 of the *Criminal Law (Sentencing) Act 1988*, which provides that a primary policy of the criminal law in relation to offences involving firearms is to emphasise public safety by ensuring that, in any sentence for such an offence, paramount consideration is given to the need for specific and general deterrence.

15—Insertion of Part 2 Division 2AA

This clause inserts new Part 2 Division 2AA into the *Criminal Law (Sentencing) Act 1988* as follows:

Division 2AA—Serious firearm offenders

20AA—Interpretation This section defines key terms used in the Division.

20AAB—Serious firearm offenders

This section provides that a person is, by force of the section, a serious firearm offender if he or she is convicted of a serious firearm offence (as defined in new section 20AA). It does not matter whether the offence was committed as an adult or as a youth.

However, subsection (2) provides that subsection(1) does not apply in respect of offences where the basis of the conviction is the derivative liability of the defendant; that is, subsection (1) will only apply to an offence actually committed by the defendant.

20AAC—Sentence of imprisonment not to be suspended

If a court is sentencing a serious firearm offender for a serious firearm offence that carries a sentence of imprisonment, then a sentence of imprisonment must be imposed. That sentence cannot be suspended (except in the case where a defendant satisfies (by evidence given on oath) the sentencing court of the matters specified in subsection (2)).

The new section also makes procedural provisions in relation to sentencing.

16—Amendment of section 20A—Interpretation and application

This clause amends section 20A of the *Criminal Law (Sentencing) Act 1988* to insert definitions of terms used in the sections inserted or amended by the measure.

17—Amendment of section 20B—Serious repeat offenders

This clause amends section 20B of the *Criminal Law (Sentencing) Act 1988* by inserting new section 20B(a1). The new subsection provides that a person will be a serious repeat offender (without a court needing to make an order or declaration) if he or she commits and is convicted of at least three category A serious offences that occurred on separate occasions (namely any combination of home invasion, serious and organised crime offences and serious firearm offences, all of which are defined in section 20A).

Section 20B is further amended to allow a court to declare a person to be a serious repeat offender if the person commits and is convicted of a category A serious offence on 2 separate occasions.

18—Insertion of section 20BA

This clause inserts new section 20BA into the *Criminal Law (Sentencing) Act 1988*, which replaces current section 20(4) and sets out how a court may sentence a person who is a serious repeat offender.

The clause allows a court to declare that the provisions of section 20BA(1) do not apply to a person's sentencing if the person gives evidence on oath that satisfies the court of the matters specified in subsection (2).

19—Amendment of section 24—Release on licence

This clause amends section 24 of the *Criminal Law (Sentencing) Act 1988* to impose the conditions specified in new subsection (2a) on every release of a person on licence under that section. However, if the appropriate board is satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked, then the bail authority may vary or revoke those conditions.

20—Insertion of section 24A

This clause inserts new section 24A into the *Criminal Law (Sentencing) Act 1988*. That section allows the appropriate board to direct a person released on licence under section 24 of that Act (being a release on licence that is subject the condition imposed by new section 24(2a)(a)) to surrender to police any firearms, ammunition or parts of firearms the person may own or possess. Refusal or failure to comply with the direction is an offence.

The new section requires the Commissioner of Police to deal with the firearms etc in accordance with the scheme to be set out in the regulations.

No compensation is payable in relation to firearms etc surrendered in accordance with a direction under the new section.

21—Amendment of section 42—Conditions of bond

This clause amends section 42 of the *Criminal Law (Sentencing) Act 1988* to impose the conditions specified in the clause on every bond granted under section 38 that Act (that is, bonds relating to suspended sentences).

22—Insertion of section 42A

This clause inserts new section 42A into the *Criminal Law (Sentencing) Act 1988*. That section allows a probative court to direct a probationer under a bond granted under section 38 (being a bond that is subject the firearm conditions imposed by new section 42(a1)(a)) to surrender to police any firearms, ammunition or parts of firearms the probationer may own or possess.

The new section requires the Commissioner of Police to deal with the firearms etc in accordance with the scheme to be set out in the regulations.

No compensation is payable in relation to firearms etc surrendered in accordance with a direction under the new section.

23—Amendment of section 44—Variation or discharge of bond

This clause inserts new subsection (1c) into section 44 of the *Criminal Law (Sentencing) Act 1988*, providing that a probative court can only vary or revoke the conditions on a bond imposed by section 42(a1) if satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked.

Part 5—Amendment of *Criminal Law Consolidation Act 1935*

24—Amendment of heading to Part 3

This clause makes a consequential amendment to the heading to Part 3 of the *Criminal Law Consolidation Act 1935*.

25—Amendment of section 21—Interpretation

This clause amends section 21 of the *Criminal Law Consolidation Act 1935* to include the new offences inserted by the measure into the alternative verdicts scheme of Part 3 Division 7A of the Act.

26—Insertion of section 29A

This clause inserts a new section 29A into in the *Criminal Law Consolidation Act 1935*, with the section creating two new offences. First, section 29A(1) creates an offence constituted by a person discharging a firearm intending to hit a police officer (whether or not the person intends to cause the police officer a particular level of harm), or being reckless as to whether the police officer is hit, and by that conduct causing serious harm to the police officer. An offence against the new subsection carries a maximum penalty of 25 years imprisonment.

The second offence, created by section 29A(4), occurs if a person discharges a firearm intending to hit the police officer (whether or not the person intends to cause a particular level of harm), or being reckless as to whether the police officer is hit. It is not necessary that the police officer is, in fact, hit or suffers any harm. An offence against new subsection (4) carries a maximum penalty of 10 years imprisonment.

The new section makes procedural and evidentiary provisions relating to the new offences, and provides for an alternative verdict to be returned in specified circumstances.

27—Insertion of Heading to Part 3 Division 7AB

This clause inserts a heading to new Part 3 Division 7AB of the *Criminal Law Consolidation Act 1935*.

28—Insertion of section 32AA

This clause inserts new section 32AA into the *Criminal Law Consolidation Act 1935*, which creates offences in respect of discharging a firearm with intent to injure etc a person or damage property, or being reckless as to whether discharging the firearm does or may injure etc a person or damage property.

In prosecuting the offence, it is not necessary for the prosecution to establish that a person was, in fact, injured, annoyed or frightened or that property was, in fact, damaged (as the case requires) by the defendant's actions: in other words, it is the nature of the defendant's conduct that underpins the offence, not whether anyone was actually injured etc.

The new section defines what it means to be 'reckless' in respect of the offences.

29—Amendment of section 269O—Supervision

This clause amends section 269O of the *Criminal Law Consolidation Act 1935* to impose the conditions specified in new section 269O(1a) on every licence under which a person is released under new section 269O(1)(b)(ii). However, if a court is satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked, then the court may vary or revoke those conditions.

30—Insertion of section 269OA

This clause inserts new section 269OA into the *Criminal Law Consolidation Act 1935*. That section allows a court to direct a person subject to a supervision order (being an order that is subject the condition imposed by new section 269O(1a)(a)) to surrender to police any firearms, ammunition or parts of firearms the person may own or possess.

The new section requires the Commissioner of Police to deal with the firearms etc in accordance with the scheme to be set out in the regulations.

No compensation is payable in relation to firearms etc surrendered in accordance with a direction under the new section.

Part 6—Amendment of *Summary Offences Act 1953*

31—Substitution of section 51

This clause substitutes a new section 51 into the *Summary Offences Act 1953*. The new section extends the operation of the current section 51 to include an offence of throwing a missile where a person is reckless as to whether that act injures, annoys or frightens (or whether it may injure, annoy or frighten) any person, or damages (or may damage) property.

In prosecuting the offence, it is not necessary for the prosecution to establish that a person was, in fact, injured, annoyed or frightened or that property was, in fact, damaged (as the case requires) by the defendant's actions: in other words, it is the nature of the defendant's conduct that underpins the offence, not whether anyone was actually injured etc.

Part 7—Amendment of *Young Offenders Act 1993*

32—Amendment of section 4—Interpretation

This clause amends section 4 of the *Young Offenders Act 1993* to insert the definition of *serious firearm offender*.

33—Amendment of section 15A—Interpretation

The clause amends section 15A of the *Young Offenders Act 1993* to add whether or not the youth is a serious firearm offender to the list of matters that must be taken into consideration in deciding whether a youth poses an appreciable risk to the safety of the community.

34—Amendment of section 23—Limitation on power to impose custodial sentence

This clause amends section 23 of the *Young Offenders Act 1993* to allow a sentence of detention to be imposed in respect of a youth who is a serious firearm offender.

35—Amendment of section 37—Release on licence of youths convicted of murder

This clause inserts new subsection (3a) into section 37 of the *Young Offenders Act 1993* to impose the conditions specified in the new subsection on every release of a youth on licence under the section. The Training Centre Review Board can only vary or revoke the conditions if it is satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked.

36—Amendment of section 41A—Conditional release from detention

This clause amends section 41A of the *Young Offenders Act 1993* to provide that the release of a youth from detention is subject to the conditions specified in the clause.

The Training Centre Review Board can only vary or revoke the conditions if it is satisfied that there are cogent reasons for doing so, and that the safety of the public is not unduly risked.

37—Insertion of Part 5 Division 3A

This clause inserts Part 5 Division 3A into the *Young Offenders Act 1993*. New section 41D allows the Training Centre Review Board to direct a youth whose release from detention is subject the condition imposed by new section 37(3a)(a), or section 41A(2)(c)(iia) or 41A(3)(c)(iia), to surrender to police any firearms, ammunition or parts of firearms the youth may own or possess. Refusal or failure to comply with a direction is an offence.

The new section requires the Commissioner of Police to deal with the firearms etc in accordance with the scheme to be set out in the regulations.

No compensation is payable in relation to firearms etc surrendered in accordance with a direction under the new section.

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

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The House of Assembly disagreed to the amendments made by the Legislative Council.

TAFE SA BILL

The House of Assembly agreed to the amendment made by the Legislative Council.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. R.L. BROKENSHIRE (15:33): I will not speak for very long on this bill, just so that all my colleagues will be happy, but there are a couple of key points that I do want to raise with respect to this bill. We were briefed yesterday by department officials and the Treasurer's senior adviser and, by and large, because it is a budget bill, we have agreed that we will support what the government has here. However, there are a couple of things where we have a real problem. I find that the way in which the government has gone about this is quite a sneaky way of doing business

in the parliament. I challenge the government from the point of view of the way in which it has gone about this, because, by and large up until now in the 17 years I have been in here, these bills have been generally pretty straightforward and have not tried to slip in amendments to pieces of legislation that will allow the government to hit the constituents of South Australia in the pocket.

This time it has done this on a number of fronts, and frankly the government is going to have to wear that with the community as these imposts start to hurt the community. That is the government's call except where Family First has made absolute commitments and where I personally believe that I have been possibly misled or certainly where there has not been transparency when it comes to one aspect of this bill.

Before talking about that one, we have been on the public record as expressing some concern about issues that will affect individuals, as the Hon. Mark Parnell highlighted this morning, with respect to District and Supreme Court costs and caps that apply. However, we have to deliberate between that and the government's intent to bring a number of factors into this bill that are going to give it more revenue and the fact that we have to toss up the situation regarding individuals—often smaller people, if I can put it that way—from the point of view of economic opportunity, or people who do not have the opportunities of wealthier people to meet costs when they defend themselves.

On the other hand we have a budget in SAPOL which is terrible for police. If the government is going to try to hit SAPOL further—if this particular part of the bill was not to pass—by cutting its budget further, then that would put safety and front-line police services at even more risk than we are going to see them. Bearing in mind that we have seen a cancellation of the recruitment commitment for at least a couple of years, and given the state of the budget, I am concerned that we may not see police recruitment anywhere like it has been over the last 12 to 14 years into the foreseeable future.

Then, of course, we have the massive recurrent budget cost to SAPOL somewhere to the tune in the forward estimates of about $116 million which will already be affecting front-line services. I know the budget well enough with respect to police to know that you cannot cut $116 million out of that budget without seeing a lot of essential police delivery reduced or programs and operations finished. We will listen to the debate on that particular matter, but, at the end of the day, it is on the head of the government.

We have had representation very late in the piece from the Australian Lawyers Alliance and, again, from the Local Government Association. I raised this with the minister's adviser yesterday. I think this is the second time in a matter of a few weeks that we have been alerted to the fact that the government has failed to consult with one of the most important organisations that represents councils across the state, namely, the Local Government Association.

We will be later dealing with the ICAC Bill, and, again, the LGA was not consulted on the ICAC Bill. I thought that this was not an 'announce and defend' government anymore, but a government that said that it was going to go out there and consult, consider and announce. The LGA for one must be asking whether that is happening in reality, frankly. The issue there is one, again, that the government is going to have to sort out. I know that the Minister for State/Local Government Relations continually claims that he has a good relationship with the LGA. Well, where is that relationship, because we should not even be talking about the LGA sending information to us as late as today expressing concerns about matters like this if the minister does have a good relationship.

If the minister had proper protocol practices through the cabinet, then surely the cabinet—namely the Treasurer on this occasion—should have been alerting the Minister for State/Local Government Relations to this issue and the potential concerns that the LGA may have. However, it is not for our party to build relationships between the LGA and the government: the government will have to work this one out with the LGA, given the lateness of this. I want to put our position on the public record so that the LGA understands it. It is incredibly late when you get representation only last week and again today, and the government has put itself into a real corner if this bill does not get up; the government would be in a major dilemma.

I put on the public record that this is another example of the government taking for granted not only organisations and peak bodies but also this parliament. The government will have to start to change its attitude to this parliament and realise that we still have a democracy here. This is not Queensland and we actually have two houses here, and where necessary the government will cop a bit of pain from the Legislative Council, I am sure.

One area where Family First will not flex is with respect to the amendment of the Hon. Ann Bressington. We will be supporting that amendment. I was incredibly disappointed to find out that a bill we had debated only in the last few weeks—namely, the Livestock (Miscellaneous) Amendment Bill—was coming in through the back door to set up a situation where they could still rip $3 million off farmers. As is the protocol in this place, I declare again my interest and my family's interest as farmers, but I also represent farmers, and this full cost recovery nonsense has to stop. Not only does the full cost recovery nonsense have to stop but we have to see a situation where democratic process occurs.

The Hon. John Dawkins moved a motion in this house in private members' time which was supported by the majority of the house, including Family First, to put a reference across to a committee to have a look at this. I thought that made some sense. We were ready and I had an amendment to knock out the biosecurity fees—just blanket, bang, knock them out. To be fair to this minister, she did not start this nonsense of full cost recovery on biosecurity fees; it was started by cabinet before she had the portfolio.

This minister (Hon. Gail Gago) did realise that there was a real issue and concern here, so she initiated, through Dennis Mutton, that there be an inquiry into the issues around biosecurity fees. In fact, as late as last week I received at my home a communiqué from those who are involved in the discussions and who work on the biosecurity fees which said that it was still a work in progress.

I for one am not going to stand up in this house and not protect democratic processes and people who honour their commitment to work through a situation. Those people—I have spoken to some since then—are incredibly disappointed and amazed that, through the Treasurer's bill, they could still potentially be hit for $3 million. To let you know what is happening out there at the moment, yes, we do have a spike, which we hope will hold, in grain prices because of drought in the Northern Hemisphere. However, when it comes to everything else—prices for lamb, pork, cattle, wool, dairy product, vegetables—it is all a slippery slope the wrong way for the farm gate.

In fact, we are looking at a 10 to 15 per cent reduction in opening prices for dairy at the moment. That is not sustainable for farmers, and the last thing we need at the moment, on top of another massive cut to PIRSA, is to try to hit farmers with another $3 million in costs. Those farmers are already paying and contributing, both voluntarily and by virtue of legislation (PIF schemes and the like), into a lot of initiatives to do with biosecurity, research and development, and marketing and growth of their industry sectors. At some point in time a line needs to be drawn in the sand that says enough is enough.

The government have a simple opportunity here with any of these amendments, if the floor of the house here gives an absolute majority to the voting of that amendment, to withdraw those sections and then put back the bill that we can have a look at. They can get that through both houses this week because the other house is sitting on Thursday and we are sitting on Friday, and they can come back on Friday if they have to. There is a clear and easy way for the government not to be embarrassed by the financial structures of the budget and the need to get this bill through this week, and that is to listen to this house.

I got my adviser to check with the committee that the Hon. John Dawkins put the reference to through the support of this house and they did not think that anything was finalised at all and were waiting on the Mutton report and the consultation. That is a parliamentary committee that was waiting for this. For the government and for Treasury to think that they can just bombard through—it is not the fault of this chamber here or the South Australian community that there has been mass mismanagement in this state over the last 10 years. It is not the fault of this chamber here or the people of South Australia that in the forward estimates we face $13 billion worth of core debt and $11 billion of unfunded public sector super liability which the Treasury have allowed to run out. That was being reined back in when I was in ministry. Yes, it was not going to help get re-elected doing that but it was a responsible thing to do. Now we are in a difficult position, but why hit and hurt people more every day because someone messed up? It is not on.

The Hon. Ann Bressington's amendment on this is important to rural people but it is an amendment on principle. There is a way that this can be done. I have said that in fairness to this Minister for Agriculture I would wait and see. I do not believe that the minister for primary industries here now has had anything to do with this. This is Treasury running roughshod; that is what this is about. I believe that the primary industries minister was waiting for the Mutton report and would have come back and consulted with all of us. That is what I believe the minister said when we debated this and that is why I removed my amendment, but I did reserve the right to bring that

amendment back in. Now suddenly like a juggernaut we have this here now before us and we are expected to rubberstamp it.

I am sorry but Family First will not be rubberstamping that but we will be supporting the Hon. Ann Bressington's amendment. As for the other amendments, I will be listening to the debate but I think the rest of it is on the government's head from our point of view; it is a government bill. But when it comes to this one where we have already had debate a couple of sitting weeks ago. It is not like it was months ago or anything like that. We had commitments and in good faith I believe we honoured the commitment from the government and now we have seen this come through. If Treasury have to miss out on $3 million, I am sorry about that, but farmers have missed out for six years of drought. We have a high dollar. Things are not easy and they need a little bit of relief and they need a little bit of focus from this chamber to show them that they are an integral part of this state. With those words, we will wait and see where the debate goes but we will certainly be supporting the amendment of the Hon. Ann Bressington.

The Hon. K.L. VINCENT (15:49): I would like to very briefly put on the record a couple of comments in relation to two parts of the bill—part 7 and part 15. Firstly, part 7 refers to amendment of the Livestock Act 1997. This amendment, through what I would characterise as a bit of a sneaky method (and I do not think I am alone), seeks to establish a biosecurity levy. Whilst a levy, a tax, a toll or whatever you want to call it may well need to be introduced at some point in the future, this is actually an issue about process rather than a question of whether or not we should have the levy itself.

There is already a process in place to assess exactly what the industry needs in relation to livestock health and organisations such as the South Australian Farmers Federation (SAFF). Usurping this process and just assuming what the outcome will be in enshrining such a levy in legislation now is incredibly presumptuous of the government and the department, and it does them no service in their relationship with their stakeholders in this industry. For this reason, I cannot support the inclusion of this, and I will be supporting the Hon. Ann Bressington's amendment to remove this part of the bill.

The second part of the bill I take issue with is part 15, which relates to the Summary Procedure Act 1921 and which removes the right to claim costs in the Magistrates Court for indictable offences. I will not rehash the issues that have already been canvassed at length by some other members in both the lower and upper houses regarding this matter, but I will say that I think the Australian Lawyers Alliance and other professionals in the area have made a number of valid points, and for this reason, I will be supporting the opposition's proposal to remove this from the bill also.

The Hon. T.A. FRANKS (15:51): I also rise to speak briefly to the Statutes Amendment and Repeal (Budget 2012) Bill. I note that my colleague, the Hon. Mark Parnell, has already expressed the Greens' overall position, so I will not labour on the points of the biosecurity fee or the reforms with regard to the awarding of costs. However, I do want to raise the issue of a change in both heart and mind in attitude to public servants, which I do welcome. Members would be well aware that, in the 2010 budget, we saw the removal of industrial conditions public servants had gained through enterprise bargaining, with the removal of provisions with regard to long service leave and so on, which was a complete betrayal of the good faith placed in that process.

I certainly welcome the restoration of those entitlements in this budget bill. I cannot but take note that the CPSU has recently been successful in the High Court with its appeal to be able to have its case heard first in the Supreme Court and then presumably the Industrial Relations Commission with regard to the legality of that original move to strip those employees' hard fought rights won at the bargaining table and negotiated in good faith.

I put on notice that it would be useful for the council to receive information about the cost incurred so far in terms of the legal processes involved in this ill-considered initial measure to strip those industrial rights, both in terms of contesting the matter in the courts and also the initial legal advice that was taken with regard to putting forward that ill-considered initial 2010 budget measure. I also note that not only are further cuts slated in terms of overall employment in the public sector but also efficiency dividends. I also ask the government to confirm that these efficiency dividends will not, in fact, translate to job cuts in any way, and I seek an assurance that that will not be the case.

Although I welcome the rebate in terms of drinking water for tenants, I note with some concern that is intended to be effected through amendments to the Residential Tenancies Act,

where landlords will be under an onus to pass on the benefits of that rebate. The reason I draw attention to this is that I have grave concerns that it will be the case that tenants will know they can claim this rebate or, even when they do know, the process of getting that rebate from the landlord will be an unduly difficult and onerous one.

I ask the government to give some clarity about the costs of the education process around this that they have planned, some details on whether additional staffing will be made available for the administrative burden that no doubt Consumer and Business Services will carry as a result of this administrative component of claiming that rebate and, in fact, how those costs and investments weigh up against the receipt of the rebate itself—a comparison of those two things and whether or not a simpler method that could have seen tenants be able to claim the rebate straight from government perhaps might have been a better way to go. So, could the government indicate whether they considered that option?

I also note the welcome initiative of the Vibrant Adelaide project. It has certainly been a centrepiece of the Weatherill government and the extension in this particular bill of the stamp duty concessions, not just to the Adelaide CBD but to the whole Riverbank Precinct, is something, I think, to be seen as a laudable measure. I look forward to the Vibrant Adelaide initiative becoming a reality. Certainly, the Greens have been supportive of moves so far not only to encourage residents to live in the city but also for there to be a good balance between business and residential and the needs and desires of those two groups in particular, creating Adelaide as something special, which we know it is.

I will have some further questions on specific clauses and certainly welcome the debate and echo my colleagues' indication that the Greens will not look favourably on the amendments to the Livestock Act and will look favourably on the current amendment put forward by Ann Bressington to this bill. We also have some concerns and I will have further questions with regards to the costs awarding issues.

My final question is again a flow-on from the original 2010 budget, but it is replicated here in some of the further cuts. I seek an answer from the minister with regard to the transition from families and communities to DECD of the 80 positions that had previously been identified as antipoverty financial counselling positions. I am keen for the council to be privy to the information on what has happened to these positions. Are there, in fact, any current positions in government which are dedicated to the antipoverty financial counselling role which, as we know, was lost with the loss of the antipoverty unit? Where they sit in government, how they are resourced, what the full-time equivalent ratios are and so on would be useful. With that, I look forward to the committee stage of the 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) (15:58): I do not believe there are any further second reading contributions to this bill. By way of concluding remarks, I would like to put on record some responses to some of the questions that have been raised in both the other house and this place.

In relation to public sector skills and experience retention entitlement—clause 4(2)(3a)(a)—this provision allows for the Director-General to make a determination to allow the accrual of the entitlement to be calculated in working hours as opposed to working days. This provision does not allow for the entitlement to be increased or decreased. The making of the determination involves operational flexibility to deal with situations where employees have non-standard working hours without detracting from the substantive legislative provisions.

Clause 4(2)(3a)(d) provides that skills and experience retention leave entitlement that is not taken within five years of the end of the financial year in which it accrues will be lost. This provision does not allow for the five-year time period to be extended. If an officer is on extended leave—sick or otherwise—they have the option of converting the entitlement to a monetary amount in accordance with clause 4(2)(3a)(b) rather than losing the entitlement.

It is also noted that the Commissioner for Public Sector Employment determination regarding sick leave—CD 3.4A—provides for an employee to be granted other types of leave for an absence caused by illness or injury. Whilst a determination has not yet been made in relation to the new retention leave, it is envisaged that a similar provision would be made in relation to skills and retention leave, allowing it to be interspersed with sick leave and taken before the expiration of the five years at the end of the financial year in which it accrues.

The budget of $20.3 million in 2012-13 includes $9.929 million for 2011-12 for the transitional entitlement of up to two working days in relation to 2011-12 if the person is employed at 1 July 2012, and $10.326 million for 2012-13. The figure of 26,000 public sector servants is based on workforce data as at 30 June 2011.

In relation to stamp duty concession for purchases of off-the-plan apartments, if the government's scheme is applied statewide, the total cost of the scheme is estimated to be in the order of $80.5 million. As conveyance duty is paid and concession provided upon the transfer of a completed apartment, actual annual costs will vary depending on the time taken by developers to achieve the requisite predevelopment sales, receive final development approvals and complete construction of the apartments. The scheme is expected to continue to incur costs beyond the forward estimates period.

The six stages of construction are relevant for the partial concession which operates for contracts entered into between 1 July 2014 and 30 June 2016. In the first two years—that is, from 31 May 2012 to 30 June 2014—stamp duty will be payable on the notional land value of the apartment plus the value of any construction already undertaken at the date the contract is signed.

The notional land value is set by the bill as being 35 per cent of the contract price. This percentage was set having regard to the value of general capital and land values for apartments in the Adelaide City Council area. The value of any construction undertaken is worked out as a proportion of the remaining 65 per cent of the contract value, which varies according to how much of the apartment complex has been completed on the date that the contract is signed.

The bill allows for six separate stages of construction being 0 per cent (not commenced), and 20, 40, 60, 80 and 100 per cent completed. For example, where a person signs a contract and the apartment complex has yet to be started, the duty will be calculated based on only 35 per cent of the contract price; that is, duty will be payable on the notional land value component of the apartment. Regarding the inner city rebate administrative scheme, in 2010-11, 112 inner city rebates were provided which cost the government $168,000. To 30 June 2012, 11 inner city rebates were provided in 2011-12, at a cost of $16,500.

In relation to the modelling basis for animal health cost recovery budget measures, overall this cost recovery initiative recognises the importance of Biosecurity SA's animal health program to the health, welfare, quality and safety of South Australia's livestock and livestock products. I also recognise that cost recovery of services may assist with the efficient allocation of resources across the economy where it is consistent with the underlying policy objectives and is a cost-effective and efficient way to do so. It may also improve equity where users of services bear the cost of the provision of those services.

In regard to a specific query on modelling, they underpin animal health cost recovery budget measures. In 2010, the financial estimates produced at the time of the Sustainable Budget Commission in 2010 were based on the understanding of the net costs to government of providing exotic and endemic disease services at the time. The cost of providing these services included both direct costs and estimated overhead costs.

The costs of policy advice in the animal health area are explicitly excluded. The preliminary cost recovery policy review was also undertaken at the time including addressing key questions such as: is cost recovery appropriate; in particular, would cost recovery adversely impact on achieving the underlying objectives of the animal health program; would cost recovery be efficient—that is, can users be identified and potentially charged; and would cost recovery be effective? The preliminary assessment concluded that cost recovery was potentially appropriate. Cost recovery design, including design of a cost recovery mechanism, was not undertaken at the time. The intent was that a subsequent cost recovery design and implementation would align with the PIRSA cost recovery policy, including stakeholder consultation.

In preparation for further consideration of cost recovery, PIRSA engaged ACIL Tasman to undertake an economic analysis of Biosecurity SA's Animal Health program. Industry was engaged in both the selection and consultation to undertake the evaluation as well as contributing to reviews of the study itself. ACIL Tasman's report was completed in June 2011 and is publicly available. ACIL Tasman's report provided an assessment of the net benefits of the program and provided some options for design mechanisms and potential imposts at the industry level that may be of interest.

With the significant stakeholder concern being raised, I asked for an independent review to be undertaken. The Animal Health Cost Recovery Review Reference Group was instigated in

April 2012, chaired by Dennis Mutton, and is made up of animal industry leaders to undertake more comprehensive work on the details of a cost recovery model. Key elements of this review include consideration of the cost recovery design issues and have been raised by the member for Davenport and other members in this place, and I obviously look forward to the reference group's findings and recommendations.

This clause within the bill is not something that is deceptive or an attempt to railroad members. It is merely a head of power. It does not have any direct cost implications. It simply provides a capacity to apply a fee, but regulation would be needed in actually determining what that fee would be before any fee would be applied. That is the advice I have received.

In supporting a head of power, members are not, in fact, approving the application of a specific fee; that would need to come at a later date. I gave a commitment in this place that the review being chaired by Dennis Mutton would be completed before I would proceed to design a fee structure. The terms of reference of that group are about a cost recovery model and, if they are asked to look at a cost recovery fee model and to look at the sorts of services they believe are appropriate to apply a cost recovery fee to and decide there are no services that a fee should apply to, that would be the recommendation I receive. I have given a commitment to that process being completed before any fee would be applied, and I stand by that commitment. Passing this bill, and this head of power, would not change that.

Nevertheless, I read the sentiment in this place and can do the numbers, and so be it. We need to proceed and move on, and we will come back to the recommendations from that review at a later date and deal with them at another time. I do not want to pre-empt the outcome of the committee stage but, as I said, I can read the numbers.

In terms of other issues, I reiterate the changes to the Summary Procedure Act since last year. The government took note of the concerns when another measure was defeated last year, and important changes are being made to the measure. The current proposal is about consistency. It ensures that two people charged with the same offence have the most consistent outcome possible regardless of which court they appear in. The proposal ensures that police are required to act with diligence, competence and care and, in the event of incompetence, obstruction or delay, a magistrate may still award costs with no limit.

I have attempted to answer some of the questions raised. Those that remain outstanding I am happy to deal with during the committee stage at the appropriate time. With that, I recommend the bill to the house.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: The softness of the minister's voice, due to her ailment, meant that I could not quite hear all she was reading out in reply to the second reading. On behalf of the member for Davenport, can I ask the minister to confirm whether she placed on the record, at the end of the second reading, the answers to the questions the member for Davenport put to ministers in the House of Assembly, which were promised to be provided during the Legislative Council debate?

The Hon. G.E. GAGO: I am advised that answers were given to all the matters that the member for Davenport raised in another place, and some of the matters that were raised in this place as well.

The Hon. T.A. FRANKS: I ask the minister whether answers could be provided to the questions that I put on notice?

The CHAIR: The minister did indicate that some of that related to questions in this place but—

The Hon. T.A. FRANKS: None of mine.

The CHAIR: Not yours?

The Hon. T.A. FRANKS: I kept the ones that were relevant to clauses for the clauses discussion, and I did the general ones in my second reading. Also, if we could have an indication of where the antipoverty financial counselling positions lie, within what department and the budget allocations and equivalent full-time positions, as well as the cost, so far, of the legal process with

regard to the stripping of long service and other entitlements to the public sector in terms of both initial legal advice on taking that matter—

The Hon. G.E. Gago interjecting:

The Hon. T.A. FRANKS: Long service leave—the general stripping of employees' conditions.

The Hon. G.E. GAGO: I am advised that we do not have any detailed response to those questions at this point in time, so I will need to take them on notice. I will return with those responses as soon as I possibly can.

The Hon. T.A. FRANKS: The final specific question is that I am after a firm commitment from the government that the efficiency dividends that have been announced will not be code for job cuts; they will not translate into job cuts.

Clause passed.

Clauses 2 to 19 passed.

Clause 20.

The Hon. M. PARNELL: The fax machine in the Greens' office does not get used very often but it has had a good workout today with correspondence from the Local Government Association in relation to amendments to the Highways Act. Whilst I have not had the opportunity to go through all of its submissions in detail, given that they have arrived within the last hour or so, I will start by asking the government a question about the extent of consultation with the LGA given that it has now provided several pages of amendments it is seeking to the proposed new section 21A of the Highways Act. Was this matter discussed with the Local Government Association?

The Hon. G.E. GAGO: I am advised that no, this is a standard budgetary process where considerations are made by cabinet and then released as a budget bill, and then it is put out for public scrutiny, debate and discussion. This is the correspondence, and I think we received a fax, as well, or an email—no, we got a fax as well. That was the first time the LGA raised those specific issues with us so I am advised.

The Hon. M. PARNELL: We will do our best to explore some of this material. I received two faxes today from the LGA. One of them includes legal advice dated today from Norman Waterhouse Lawyers in relation to the amendments to both the Highways Act and the Local Government Act. Just to paraphrase some of that advice, it appears that the Development Act provisions will not apply to land acquired by the Commissioner of Highways under section 20 of the Highways Act, which is then subject to a determination under the proposed section 21A(12) of that act. First of all, is that correct? Secondly, if it is correct, is the implication that flows from that, that the statement in the minister's second reading speech that development approval would be required for development on these road reserves is, in fact, incorrect?

The Hon. G.E. GAGO: In relation to the first question, the answer to the question is no, the Development Act does apply. Could you please repeat the second part of the question?

The Hon. M. PARNELL: Again, we are doing this very quickly and I am as disappointed as everyone else that we did not get this material earlier so that we could digest it, but you are saying that the legal advice is potentially—in fact, when I say 'the legal advice', I do not want to defame the good people at Norman Waterhouse; I am reading from the LGA's summary of the advice and whether they have summarised it correctly. I will perhaps put that caveat in. You are saying that the Development Act will apply to this land. I might leave that issue there and move on to a question of whether, if the Development Act does apply and the land is held in fee simple by the Commissioner for Highways, does that mean that any development on that land would go through the section 49 Crown development process, rather than any development being assessed by the local council under the normal Development Act provisions?

The Hon. G.E. GAGO: Perhaps to clarify the first part of the question, I have been advised that the Development Act does apply to commercial development on the land. In relation to the second part of the question, the development will be assessed by the council as the development authority.

The Hon. M. PARNELL: I might tease that out a bit more. Why would the council be the relevant authority? If the developer is a private enterprise, for example, Shell, and they want to

build a service station, if they do it in partnership with the government then they can take advantage of section 49 of the Development Act and can have the development assessed effectively by the DAC, but with the final decision being made by the minister. Have I got that wrong? Is it impossible for the Commissioner for Highways, owning the land, to enter a joint commercial arrangement with a petrol station company and thereby invoke section 49? Is that wrong—can that not happen?

The Hon. G.E. GAGO: I have been advised that, what the Hon. Mark Parnell proposes would be possible, but only in the same way that any other Crown development in joint partnership with the private sector would be in section 49 under the Development Act. However, it is not the commissioner's intention to develop the land with the private sector; rather, it is to lease the land for private sector development.

The Hon. M. PARNELL: I think we are getting there. As I understand it, what we are looking at here is land that would clearly formerly have been under the domain of local councils to make development decisions, some of it now may not, and I think that is at the heart of their criticism. What I will do is I will read a couple of paragraphs from their legal advice onto the record.

The Hon. S.G. Wade interjecting:

The Hon. M. PARNELL: I will clarify. The Hon. Stephen Wade interrupts that it is the LGA summary. No; in fact, there is a full legal advice, but I was referring before to the summary. I want to put a couple of paragraphs onto the record because it does disagree with the answers the minister has given. I do not expect the minister to have a final answer to this now, but if the minister could take it away and clarify that either she was incorrect or that this legal advice is incorrect. The question the Local Government Association asked of Norman Waterhouse was:

> Once the land is owned by the State Government, what planning controls will councils be able to exercise?

The response is:

> Sections 20(5) and (6) of the Highways Act currently provide (generally speaking) that the Development Act 1993 does not apply in relation to land acquired under Section 20 of the Highways Act.
>
> In our view, this 'carve out' does not apply to land the subject of a proclamation or regulation made under the proposed Section 21A(1) or 21A(2). This is so because land vested in the Commissioner under these sections is not 'acquired' under Section 20 of the Highways Act. This land will, therefore (subject to the existing exemptions in the Development Act and regulations), be subject to planning control by councils or other planning authorities.
>
> However, the same cannot be said for land acquired by the Commissioner under Section 20 of the Highways Act, which is then subject to a determination under the proposed Section 21A(12) of the Highways Act. In our view, land acquired under Section 20 of the Highways Act and retained under a determination made under the proposed Section 21A(12) may be exempt from the Development Act under certain circumstances. If that is the case, then councils would have no ability to exercise planning controls over the land.
>
> We note the proposed insertion of Section 20(6)(ab) which provides that land will not be exempt from the Development Act when it is to be 'used for the purposes of a lease of licence granted in respect of a road that vests, or remains vested, in the Commissioner under Section 21A'. It appears that the intent of this amendment is to preserve council planning powers over the land. However, in our opinion, on account of the purpose test included in the clause, this exception to the Section 20(5) carve out will only be activated once it is clear that a lease or licence is to be granted with respect to the land. As such, it could be permissible for the Commissioner to undertake development on the subject land before determining to lease or licence the land. In those circumstances such development would be excluded from the Development Act.

They conclude their advice with:

> As such, we consider that clarification should be sought as to the application of the Development Act to land subject to a determination under the proposed Section 21A(12). If councils wish to ensure that they are able to continue to regulate planning on this land, then the Bill should be amended to provide, in no uncertain terms, that the carve out in Section 20(5) of the Highways Act does not apply to land the subject of a determination under the proposed Section 21A(12).

Apologies for all of the sections and subsections, but this advice does appear to be potentially contradictory to what the minister has said, and I would appreciate it if we could clarify that situation. In answer to an earlier question of mine, the minister said that, as a bill before the parliament, the Local Government Association had as much knowledge of it as anyone else. Has there been any specific discussion about any of these issues with the LGA?

The Hon. G.E. GAGO: I think, as I have said, that the intention of any development is subject to the Development Act. Obviously, we will take the questions on notice. I have given as detailed a response as I am able to at this point in time, and we will certainly endeavour to provide a greater level of detail. We have only just received this as well. I provide the same answer in

relation to consultation with the LGA: we have only just received these; there has been no previous detailed consultation. In terms of the usual process of budget, the usual budgetary process is one of cabinet consideration and then a bill goes out, and that is when the public has an opportunity to provide feedback and comment in relation to that. That is the usual budgetary process.

The Hon. M. PARNELL: One of the forms of development that was envisaged in relation to this if we call it surplus land along highways was the erection of signs, presumably advertising signs, that could be leased out for profit. Can the minister give assurances that no such signs would be erected, for example, along the South Eastern Freeway through the Hills Face Zone?

The Hon. G.E. GAGO: I have been advised no, that no such assurance can be provided where highways have been proclaimed. The assurance I can provide, though, is that signage will be placed and positioned in such a way as to be safe to motorists.

The Hon. S.G. WADE: On that point, my understanding was that the South Eastern Freeway was only available for road safety related signs. Are there any other signs permitted on highways?

The Hon. G.E. GAGO: I am advised that this provision that is before us at the moment will allow for signage on the four highways as outlined in proposed section 21A(2) and any other highway that might be proclaimed in the future. However, this signage is subject to guideline provisions.

The Hon. M. PARNELL: One other question that the Local Government Association asked of its lawyers I think is an interesting one. The question was as follows:

> Clause 22 of the bill, the proposed section 21A, subsection 12, of the Highways Act: does this allow the commissioner to purchase land adjacent to a road, declare it as a road, then develop it as a service centre?

The lawyers' response was:

> As we note in our response to question one above, we consider that the bill may provide the commissioner with the capacity to acquire land and then develop a road in this fashion under certain circumstances. At least clarification should be sought on this matter and an amendment made to the bill to clarify and strengthen the application of the exemption contained in the proposed section 20(6)(ab).

I will just get the minister to put on the record, if she can, that the government will not be acquiring land ostensibly for roads but in reality for some other purpose.

The Hon. G.E. GAGO: I have been advised that that is correct. It needs to be acquired for roads.

The Hon. M. PARNELL: Depending on the answer, I think this is my last question on the clause. The minister in her responses, and certainly in her second reading speech, alluded to a number of types of development that might be possible along these highways and freeways. Is there any list or indication that the minister can give of specific proposals that are on the drawing board just waiting for this legislation to go through? Are there any service centre locations, signs or park-and-ride stations that can be identified? Has that work been done and can the minister and share it with the committee?

The Hon. G.E. GAGO: I have been advised that, no, the department has not identified any specific sites or developments at this particular point in time.

Clause passed.

Clauses 21 to 30 passed.

Clauses 31 to 34.

The Hon. A. BRESSINGTON: I will be opposing the clauses that refer to the biosecurity levy and, as the minister said, the numbers are there to have this particular section of the bill removed. I think everything has been said in the second reading contributions relating to this matter. I will leave it at that and to the vote.

The Hon. J.S.L. DAWKINS: I will speak briefly in relation to the opposition's position on this matter. Certainly like any matter in a budget bill, we considered this position with some significance. The history of this particular measure is well known and it has been well related today, I think, in some second reading contributions.

The Liberal Party has opposed the introduction of the biosecurity levy in the form presented. As has been said earlier today, on my motion, this council sent it off to the Environment,

Resources and Development Committee to be examined. I give credit to the minister because I think she inherited that levy when she came into the job and I do not think she ever felt comfortable with it. Just before the livestock bill was introduced (the day before), her adviser got a message to me—I think I was actually in the President's chair—to say that it would not be in the bill. From that point on we have welcomed the fact that the minister has established her own inquiry, chaired by Mr Dennis Mutton, who is well known to many of us as a longstanding former public servant.

The opposition does not support the introduction of a biosecurity levy in another name, certainly while these inquiries are going on. The ERD Committee has not completed its work and neither has Mr Mutton's reference group completed their work. It seems to me that it is just a way in which Treasury has decided to try to get this through, despite the fact that the parliament has objected to it previously.

I indicate that the Liberal Party will support the Hon. Ann Bressington's motion, as it were, to delete these clauses because we do not think that it is an appropriate measure at this stage. The levy in the form that it was flagged—or in any form, I suppose—is opposed not only by the South Australian Farmers Federation, the South Australian Dairy Association, the Food Producers and Landowners Action Group, Equestrian South Australia, Horse SA, Pony Clubs Australia and Pony Clubs SA but also the many other people who have contacted me and other colleagues. With those words, I indicate that the Liberal Party will be supporting the Hon. Ann Bressington.

The Hon. G.E. GAGO: The government opposes the Hon. Ms Bressington's proposition. I have already outlined our arguments in my second reading summary, and I made it very clear that this is an enabling piece of legislation, that there are no direct costs associated with this, so that if we pass this today in itself it would not apply any fees to the industry. Regulation would be required before that could occur—it is an enabling or a head of power only. I have given a commitment to a process of review being chaired by Dennis Mutton and I stand by that commitment. It will not be until those recommendations have been handed down and I have been able to consider that and then land on a potential fee structure that any fee structure would be put forward. However, as I said, I can read the numbers. I just want to put those few comments formally on the record.

The Hon. M. PARNELL: I just quickly put the Greens' position on the record. We will also be supporting the removal of clauses 31 to 34, but not for the same reasons as other members have put forward. The Greens are not necessarily opposed to cost recovery. We look forward to the conclusion of the Mutton inquiry, and we look forward to the conclusion of the ERD Committee's inquiry into it.

The difficulty that we have with allowing this to go through just now is that this is the one bullet in the chamber—of the gun, I mean, not the chamber of the Legislative Council. It seems that, once this goes through, the only recourse available to parliament will be to disallow the regulations that actually identify the exact fee structure.

It seems to me that the parliament might want a more fine-grained tool than that, than simply a yes or a no, to what the government comes up with. I want just to clarify briefly some comments I made earlier because it might have sounded as if it was dismissive of the Environment, Resources and Development Committee. What I said was that I thought that the Mutton inquiry was an important one to be concluded before this parliament debated these measures further, and I said that any failure on the part of the ERD Committee to complete its work would not necessarily be fatal.

What I meant by that was that, if the ERD Committee, for reasons outside my control, dragged its feet and delayed consideration, did not hear from witnesses and took years to finalise its report, then I would not want to be a party to that sort of delay. However, my expectation would be that the hardworking ERD Committee will conclude its deliberations shortly, that we will have some recommendations for the Legislative Council and that we will also find out the results of the Mutton review.

The Greens reserve our position to ultimately support some form of livestock health programs fund, but we do not believe that this is the time or place to be doing it. As the minister said, this particular measure does not cost anything. She has already agreed to wait until the Mutton inquiry is finished. Therefore, there is no hit on the budget by us not passing this measure now. The bill can be brought back to us when the time is right and we can then consider how this cost recovery program should work in its entirety. As I said, the Greens will be supporting I think the majority of members of the chamber in deleting these clauses from the bill.

The Hon. J.A. DARLEY: I will be supporting the Hon. Ann Bressington's proposal to strike out clauses 31 to 34.

Clauses negatived.

Clauses 35 to 42 passed.

Clause 43.

The Hon. T.A. FRANKS: I direct a question to the minister, which I raised in my second reading speech, with regard to the water rebate to be made payable to tenants via their landlords, in terms of the drinking water. Can the government provide information on the extent and the cost of the education program that is planned, with some time frames around that and, as I asked before, whether additional resources for the administration of that have been made available to Consumer and Business Services?

The Hon. G.E. GAGO: I have been advised that the Consumer and Business Services Division of the Attorney-General's Department is responsible for residential tenancies and will prepare information to be circulated in the lead-up to the application of a water security rebate by SA Water in the first quarter of 2013. The goal of the information is to have landlords automatically pass on the water security rebate as required by the amendments to the Residential Tenancies Act. If there is a dispute about whether the water security rebate has been passed on by the landlord then the dispute resolution procedures available through the Consumer and Business Services Division to tenants will apply.

In terms of the budget initiative, an allowance of $100,000 has been put aside to aid Housing SA in supporting the water security rebate and also the Consumer and Business Services of the Attorney-General's Department. That is for the communication information strategy. In relation to the details of that communication program, they have not been finalised at this point and will be done so in the next number of months.

The Hon. M. PARNELL: I would like to pursue this a little bit further. From my understanding of these insertions into the Residential Tenancies Act, it will not be an offence for a landlord not to pass on the rebate. I will pose that as a question. If the answer is no, that it is not an offence, does that mean that the only recourse for a tenant who believes they were entitled to have the rebate passed on to them (and it was not) is to go to the Residential Tenancies Tribunal, assuming that no other advice service of the department was successful? Is that their only option: to go to the tribunal to recover the money?

The Hon. G.E. GAGO: You are right. It is not an offence not to pass on the rebate. If there is a dispute around this rebate, because it is a very small amount of money clearly it is not in anyone's interest to be wanting to go to court. It is to try to resolve these matters outside of the courts. Initially the dispute would be conducted through the dispute resolution services provided by the Consumer and Business Services. There is an obligation to comply with the passing on of the rebate and ultimately, if that dispute service was not able to resolve it there, it would then be passed on to the Residential Tenancies Tribunal where an order could be made, and there is a penalty then applied if that order is not adhered to.

The Hon. M. PARNELL: I think I will finish on this point, because the Greens are actually very supportive of making sure this rebate does get passed on to tenants. But I am not convinced that it has been that well thought through because it involves so many steps. First of all, the tenant has to know that this thing called a rebate exists and the minister has explained that there will be some education program—

The Hon. T.A. Franks: $100,000.

The Hon. M. PARNELL: $100,000 across the whole state—so, good luck letting all those tenants know that this exists. Secondly, as to whether or not the landlord knows that it is his or her obligation, they are not under any penalty if they do not pass it on. They can just hope that the tenant does not realise that there is $45 or $75 waiting for them and just not do anything with it. If the tenant does find out that they are potentially entitled to this, say, $45 rebate, then they can go to the department. The landlord can say, 'I am not interested in negotiating with you.' It can then go to the tribunal. The application fee at the Residential Tenancies Tribunal is $37.25 which is how much you would have to pay to get your $45 back. So, you would make, on my calculations, $7.75.

Certainly, the minister might say, 'Oh, well, you could apply for the fee to be waived.' But, honestly, I think the real situation here is that, however poor someone might be, the effort you

would have to make to go to the tribunal to try to recover your $45 back from a recalcitrant landlord means that, in the vast majority of cases, the emotional energy will not be worth it, and it will not happen. We support the government putting in the bill a measure that seeks to do the right thing, by making sure that tenants do get the benefit of this rebate, but, really, it is not going to work, and that is a disappointment.

The Greens would urge the government to do more than the minor education campaign it has going. It will require more money than that, and the stakes are not that high, so my bet is that the government will not want to spend any more than $100,000. It is a well-intentioned measure, but I expect it will be a poorly applied measure. Nevertheless, the Greens support it; we will not be opposing this clause.

Clause passed.

Clauses 44 and 45 passed.

Clauses 46 and 47.

The Hon. S.G. WADE: I rise to address clause 46 and indicate my intention to suggest to the committee that it votes to delete both clauses 46 and 47. This is the second year in a row the government has tried to change criminal procedure under the cover of the budget bill. In the Statutes Amendment (Budget 2011) Bill 2011, the government sought to amend the Summary Procedure Act 1921 to establish a presumption that costs would not be awarded against police in a summary prosecution, even where the prosecution had been unsuccessful.

In the opposition's view, that measure was not a genuine budget measure. In our view, this very similar proposal is also not a budget measure; it is a criminal procedure issue. What is actually more confronting this year than last year is that we have a bill before us—in fact, according to the government's *Notice Paper*, we may well consider it next—that is exactly the sort of bill in which you would expect to see this sort of measure.

If the government was complaining that, given the legislative program, we could not have addressed this issue in a timely fashion to effect the change, it does not apply this year. We actually had a bill before us, and the government did not take the opportunity to address the issue. The very act the government seeks to amend, through clauses 46 and 47, is the subject of amendment by the next bill for us to consider.

The Statutes Amendment (Courts Efficiency Reforms) Bill will also significantly increase the magistrate's jurisdiction and therefore amplify the impact of this budget proposal. As I said, this is the second year in a row the government has tried to sneak in a change such as this under the protection of the budget bill. Similarly, as last year, apparently it was done by the police minister without engagement but with the Attorney. The Attorney-General told the estimates committee this year that he had no idea about the proposal; he could not even recall whether it had been to cabinet. This may well be the reason it was not introduced in the Statutes Amendment (Courts Efficiency Reforms) Bill. It shows that this government is fundamentally dysfunctional: the left hand does not know what the right hand is doing. I was caused to reflect by the comments of the Hon. John Dawkins about whether Treasury perhaps needs to reflect at this point as well.

We have three issues in this bill that have been debated at length by this committee. The Hon. Mark Parnell was highlighting the LGA's issues in relation to the Highways Act; it did not sound very much like a budget measure to me. We have had a discussion about the biosecurity levy, where the Hon. John Dawkins rightly highlighted that the parliament had clearly indicated its desire that it be considered by the ERDC, yet Treasury insisted on sneaking it into a budget bill—and here we have again, second year in a row, a criminal procedure matter being put into the budget bill.

I would stress to Treasury: you have a very important role. You have the custody of the budget bills which have a special status within the parliamentary considerations. Please do not abuse us by sticking in bits and pieces that this government or Treasury thinks would be handy to get through without debate. We have seen that, last year, we had one item knocked out on that basis; this year, we have got two items knocked out on it. I notice Mr Parnell did not choose to amend in relation to the Highways Act, but I think the parliament is indicating its suspicion that Treasury is abusing our conventions. We have indicated that we are willing to act contrary to those conventions if we do not believe that the parliament is being respected. I would urge the council to do that in this case also.

If the Attorney-General has not been consulted by Treasury or by the police minister, it is not surprising that nobody else has been either. In fact, if perhaps Treasury had bothered to speak to others, it might have realised that this savings opportunity is not the pot of gold it might think. When I say 'pot of gold', I understand the Hon. Mark Parnell was told that the Treasury estimates, which we are not even told, are somewhere less than $2 million.

We are not talking about something that is going to wind back the State Bank debt, but still, the net effect, I think, has been sorely underestimated. Many of the people who appear in the magistrates courts are actually represented by the Legal Services Commission, so costs previously awarded against police to clients of the Legal Services Commission, under this proposal, would not be awarded and the commission would need to carry a portion of those costs.

Given that the commission is publicly funded and will have increased costs, the net impact on the budget is likely to be significantly offset by additional expenses of the commission. The ban on police costs is also likely to simultaneously increase demand for legal aid. We asked the Attorney-General in the estimates committee what he thought the financial impact of this provision would be. He was not able to tell us. The Australian Lawyers Alliance commented on the government's lack of consultation in the following terms:

> ...it is highly desirable for all stakeholders in the criminal justice system to be given the opportunity to make submissions to add balance and perspective...something which is most unlikely if the only representations come from the body who stands to benefit from a change of the law.

The government has, as I said, failed to consult, and you must question whether it is serious about getting it through. The Attorney would not even say whether he supported the proposal in the estimates committees. As the Attorney said during estimates, the first two questions to ask are whether it passes and in what form. To paraphrase his comments, the government has not bothered to think about the impacts it would have on other parts of the justice system because, until then, they are just 'unknown unknowns'. What kind of due diligence is this government applying to legislation if its idea of proper consultation and proper consideration is based on unknown unknowns?

The opposition considers it is unacceptable to trade off justice for police cuts. We believe that the government is being short-sighted. I have highlighted in my public comments the issue about police accountability. Measures which undermine costs undermine SAPOL's accountability and the incentive for police to maintain quality prosecution services. The Law Society considers that the 'risk of cost orders is a major factor in ensuring that only the more meritorious matters go to trial'. If the police are to be immune from a costs order, the 'fear is that a greater number of unworthy matters will be charged and proceeded with'.

The fact is that South Australia is blessed with quality prosecution services, but part of maintaining that quality is to maintain the dynamic of the accountability that costs provide. I note that the Hon. Mark Parnell advised the council that the police advised him that they do not consider costs impacts in deciding whether to prosecute. I may well have misunderstood the comments of the Hon. Mark Parnell and the police might need to educate me but, if that is the position of the police, I would suggest that one approach to save at least the less than $2 million involved would be to introduce policies which assessed the value for money for citizens and taxpayers from a prosecution.

I am greatly concerned that, whether or not it is intentional, the impacts of the 2012 version of this proposal could be much broader than last year's proposal. I draw the council's attention to the phrase 'relating to', which suggests that the courts will not be able to award costs in proceedings where summary offences are joined with at least one indictable offence.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order! The honourable member is battling against conversations which could possibly be taken outside.

The Hon. S.G. WADE: Thank you, Mr Acting Chairman. If that is an incorrect reading of the bill, then I would suggest that it needs to be amended because it was certainly the view of lawyers who expressed their concern to me that that is the impact of the legislation, that the width of the phrase 'relating to' could mean that summary offences joined with at least one indictable might be subject to this ban. The clear impact of that might well be that police would be encouraged to add more offences to bring it into that band of protection.

Other impacts of the bill include that there would be less incentive to finalise a case where costs are not, if you like, under threat. If costs are expected to be borne by the defendant, it may encourage them to take matters to trial, as there is no incentive for them to act in a manner that

would avoid an adverse costs order. There may be an increase in civil actions against police from lawyers seeking costs.

One lawyer wrote to me to say that the increase in prosecution costs will make legal representation unaffordable for people who are least able to secure it. He particularly highlighted clients from disadvantaged socioeconomic backgrounds with serious issues such as drug and alcohol problems, disabilities and mental health issues.

This proposal is not about reducing the cost of the system, improving access to justice: it is about shifting the cost of justice onto the innocent. It is somewhat ironic that yesterday *The Advertiser* reminded us that, under this government, the cost of justice has doubled in the last decade, when inflation in comparison has only increased by a third. Yet, the Labor Party's response is that the next day we are going to consider a bill that says, 'You, poor citizen, may be innocent; you may be finding it unaffordable to come to the courts to protect your rights but, beware! Even if you are innocent, even if you win, you'll carry our costs.'

That is an arrogant government, a government unconcerned about social justice, a government that shows great disregard not only for the cost of living that South Australians face but also for their need for justice. I would urge the council to continue the stand it took last year in saying, 'This is not a budget measure; it is not a just measure; it should be opposed.'

The Hon. M. PARNELL: I just have a question of the minister at this stage in relation to these clauses. Certainly most of the discussion to date has been in relation to prosecutions conducted by the police and we would expect that that would be the vast bulk, but there are other organisations that are able to prosecute, and one that springs to mind is the RSPCA. Can the minister tell us whether or not the RSPCA was consulted in relation to these changes?

The Hon. G.E. GAGO: I am advised, to the best of our knowledge, no.

The Hon. M. PARNELL: I will just very briefly put on the record the Greens' position on this bill. I did make these observations in my second reading speech but, for the reasons that the Hon. Stephen Wade gave and for the reasons that we ourselves gave last year when we dealt with very similar provisions, the Greens will be supporting the removal of these clauses from this bill.

The Hon. G.E. GAGO: I just want to put on record a couple of comments in relation to some of the statements made by the Hon. Stephen Wade. I think it is important that we get back to basics, and that is the main imperative behind the amendments is to achieve consistency, so that the position for indictable matters dealt with in the Magistrates Court will be the same as those matters dealt with in the higher courts. The key safeguards remain, so there is court discretion to award costs in the event that a party has unreasonably obstructed proceedings or neglect or incompetence of a legal practitioner or police prosecutor. The amendments will not create a statutory bar to the imposition of costs against the prosecution in those particular circumstances, so people's interests are protected in those cases.

In relation to clause 46, insertion of section 188A, SAPOL has indicated that it agrees it is appropriate for parliamentary counsel to draft amendments to clarify or confirm the narrow intent of 'relating to' or, in other words, it is SAPOL's position that the term is to be construed narrowly so as to allow courts to award costs in proceedings for summary charges that are joined with minor indictable charges. There will, therefore, be no opportunity for the prosecution to add or maintain an indictable charge simply to quarantine the matter from costs awarded. The Legal Services Commission will still apply its threshold tests to applications for assistance, unless the commission subsequently changes its decision-making parameters. There is no obvious correlation between the passing of the amendments and the increase in demand for legal aid.

The opposition's reference to an increase in civil actions against SAPOL from lawyers seeking costs is mysterious, to say the least. There is no known cause for action that would support this hypothesis, unless they are speaking to a malicious prosecution or a somewhat exceptional case in tort law. The elementary components of that cause are completely unrelated to the award of costs, that is, the plaintiff would not pursue a malicious prosecution for the same reasons they would pursue costs.

In relation to the point that the member made, the intent of the legislation is not to insulate costs where summary offences are combined with indictable offences. Costs will still apply to summary offences. That is the advice I have received.

The committee divided on the clauses:

AYES (8)

Brokenshire, R.L.	Finnigan, B.V.	Gago, G.E. (teller)
Gazzola, J.M.	Hunter, I.K.	Kandelaars, G.A.
Wortley, R.P.	Zollo, C.	

NOES (13)

Bressington, A.	Darley, J.A.	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.	Stephens, T.J.	Vincent, K.L.
Wade, S.G. (teller)		

Majority of 5 for the noes.

Clauses thus negatived.

Remaining clauses (48 to 52) and title passed.

Bill reported with 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) (17:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SAFEWORK SA

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (17:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.P. WORTLEY: Earlier today I was asked a question without notice by the Hon. Mr Lucas regarding SafeWork SA and the prosecution of Ferro Con (SA) Pty Ltd and its sole director as the responsible officer. I find it quite offensive that the Hon. Mr Lucas would raise such a matter in this way, considering that ultimately it concerns the death of a young man at work, Mr Brett Fritsch. With respect to the issues raised by the Hon. Rob Lucas concerning section 471B of the Corporations Act, I am advised of the following information: following its investigation into the fatality involving Mr Brett Fritsch, SafeWork SA referred the matter to the Crown Solicitor's Office for legal direction. Following careful consideration of all the relevant matters, proceedings have been initiated against Ferro Con and its sole director as the responsible officer.

The Crown Solicitor's Office is aware of and has carefully examined the issue in relation to Ferro Con's status under the Corporations Act. The Crown Solicitor's Office is of the view that the complaint against Ferro Con remains valid, and this has not been challenged. In regard to the supplementary question of the Hon. Tammy Franks, I am advised that Mr Fritsch was an employee of Ferro Con (SA) Pty Ltd. I can reiterate that the Crown Solicitor did consider this matter and I am confident that this prosecution will proceed as intended.

The death of Mr Brett Fritsch is an absolute tragedy and my condolences go out to his family and friends. As I stated earlier in this place I am not satisfied that it has taken so long for charges to be laid in relation to his death. However, I want to put on the record how appalled I am at the complete lack of sensitivity and compassion being demonstrated by the Hon. Rob Lucas. The last thing the family and friends of Mr Brett Fritsch need is for the prosecution to be put in doubt by the misinformed Mr Lucas. For Mr Lucas to act as though he is concerned about those who have died or been injured in the workplace is a sick joke considering that he has politicised this tragic event. This is a low act of which Mr Lucas should be ashamed.

CITRUS INDUSTRY (WINDING UP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 June 2012.)

The Hon. J.S.L. DAWKINS (17:22): I rise on behalf of the opposition in support of this legislative reform. The Citrus Industry (Winding up) Amendment Bill 2012 will essentially wind up the current South Australian Citrus Industry Development Board. This will be achieved by the initial dilution and eventual repeal of the Citrus Industry Act 2005. This bill, through its dissolution of the South Australian Citrus Industry Development Board, will relieve the citrus industry of regulatory burdens that impose compliance costs in excess of $3 million per year on growers, packers, processors and wholesalers.

It is important to note that under these changes Citrus Growers of South Australia (which was primarily an organisation made up of member growers) will wind up voluntarily. This bill is the result of a recent independent review of the South Australian citrus industry by retired District Court judge Alan Moss. This review was brought about after decades of discord and disagreement between industry bodies over their effectiveness and operational arrangements. Although it is unfortunate that government intervention has become necessary, it is pleasing to see reform is finally underway in this critical horticultural industry.

The review highlighted the need for urgent government intervention to stop any further fracturing and division within the citrus industry. It resulted in the formation of the SA Citrus Industry Transition Working Party, chaired by the Hon. Neil Andrew, former federal member for Wakefield and also a former speaker of the House of Representatives, and someone for whom I once worked. The transition working party was charged with formulating a structure for a single, united industry representative body.

I have put on the record that I once worked for the Hon. Neil Andrew, and I did so in a part-time capacity from 1985 to 1994. From my earliest days working in that office, I remember the issues dealing with the citrus industry. At that stage, the Hon. Mr Andrew's electorate had lost most of the citrus industry in South Australia because of boundary changes. However, because of Neil's background as a citrus grower and his strong connection to the Riverland, and I suppose because his knowledge of matters citrus was probably greater than most of ours in this chamber would ever be, it was something that was watched and monitored from that electorate office in Gawler.

I remember a number of issues being raised over the years as the industry progressed, and there was the creation of the board, but I have always noted that there have been some significant variations in the views of a number of the practitioners in the industry. I have great respect for people who have been on both sides of that industry. It is time we got on and got the industry moving forward with a single voice.

Having said that, the Citrus Industry Transition Working Party has come forward with a recommendation that the new body, to be known as the South Australian regional advisory committee, as a subcommittee of Citrus Australia Limited, would represent the interests of the $350 million South Australian citrus industry. This new advisory body will be supported by a $1 per tonne levy collected through a primary industry funding scheme. While some people have described that levy as a voluntary levy, on my understanding it is like most PIF schemes, where the money is an automatic collection, but a grower can apply to have that levy returned if they wish, and most do not.

One of the issues raised in recent times in relation to the citrus industry has been some issues with Horticulture Australia Limited and Citrus Australia Limited. I indicate that members should note that a recent letter from the federal Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Joe Ludwig, to minister Gago stated that his department was in the process of investigating both those bodies.

I appreciate the fact that, following the briefing given to members of the opposition, on the same day we were furnished with a copy of that letter from Senator Ludwig, and I would like to put it on the record, because it covers the issues that have been raised from a number of avenues. The letter is dated 2 July 2012 and addressed to the Hon. Gail Gago, as follows:

Dear minister

I write to inform you of progress in investigating Horticulture Australia Limited's (HAL) allocation of citrus industry research and development funds. The Department of Agriculture, Fisheries and Forestry has worked with HAL to investigate complaints made about the composition and operation of HAL's citrus industry advisory committee (IAC) and has reported its findings to me. The department has advised me the HAL board and staff cooperated fully and openly during the investigation.

The investigation has confirmed claims the majority of the citrus IAC members are directors of Citrus Australia Limited (CAL) and, based on the advice of the citrus IAC, HAL allocated significant amounts of research and development funding in recent years to CAL.

HAL has confirmed it will implement a number of actions to strengthen to governance arrangements for the citrus IAC to address the issues raised. These are:

- The citrus IAC will be reconstituted with the majority of its members not being directors, executive officers or employees of CAL.
- Ms Pat Barkley will remain on the IAC as the technical advisor on the R&D program.
- HAL will facilitate a meeting of key citrus industry stakeholders to ensure there is adequate transparency in the IAC's operations and its interaction with CAL.
- There will be an increased level of reporting to levy payers at the next annual citrus industry levy payers meeting.

The letter concludes with an invitation to minister Gago to speak to the Assistant Secretary, Crops, Horticulture and Wine Branch, etc., in the department in Canberra, and it was signed by Senator the Hon. Joe Ludwig. I thought it was useful to put that on the record because there have been a number of issues raised around that and I think that in some instances some people thought that issue was a reason to slow down this process. The opposition does not believe that is the case, but I watch, as will my Liberal colleagues, with keen interest to see how these new steps improve the advisory committee's governance.

I alluded earlier to the briefing provided to the opposition on this legislation, and I thank the minister for allowing her office and the department to do that. I commend my colleagues in the other place: the member for Hammond and shadow minister for agriculture, Mr Adrian Pederick, and the member for Chaffey, Mr Tim Whetstone, who has the vast majority of the citrus industry in his electorate, for their work on this issue. I also take this opportunity to thank the member for Chaffey for suggesting, at that briefing, that the expiry of the Citrus Industry Act 2005 be held off for at least one full citrus season to give the industry the best opportunity to see the new system in operation before the act expires.

As a result of these discussions, I will, on behalf of the opposition, introduce an amendment that will ensure the Citrus Industry Act 2005 cannot be repealed in its entirety until 1 January 2014. This will give the citrus industry the time it needs to experience and review the reformed system over a reasonable period. In conclusion, I indicate the opposition's support for this bill and commend it to the council.

The Hon. J.A. DARLEY (17:33): I rise today to speak on the Citrus Industry (Winding up) Amendment Bill. I understand a review of the citrus industry structure, conducted by Mr Alan Moss, a retired District Court judge, was the trigger for this bill. Whilst I support measures which will reduce duplication and increase resources, I have been made aware of problems which some growers, particularly small family-based growers, have with this bill. First and foremost is consultation. Many of the growers have questioned if the consultation has been adequate, in particular if it has involved small growers.

The bill will abolish the citrus board of South Australia and the Citrus Growers of South Australia have undertaken to dissolve once the new South Australian regional advisory committee is established under the national organisation Citrus Australia Limited. I understand that two or three years ago, the Citrus Growers of South Australia passed a motion at the annual general meeting calling for a vote from all citrus growers on whether the citrus board of South Australia should be abolished due to general dissatisfaction with the board. I am advised that this vote never occurred.

Now growers are being asked to join a committee which will include the body which they were seeking to abolish just a few short years ago. Growers have been fighting for a voice, particularly on major issues such as truth in labelling, antidumping laws and the use of carbendazim, which is banned in Australia, yet traces of it have been found in foreign imports of juice concentrate.

It seems the citrus board and Citrus Australia Limited have been unable to achieve any headway with regard to these issues. That is very disappointing. However, I am glad to see that there is a requirement for at least four citrus growers on the new South Australian regional advisory committee and I hope that these issues can be addressed under the new regime.

The Hon. R.L. BROKENSHIRE (17:35): I will be brief in speaking to this bill. Firstly, I advise the house that Family First will be supporting the government's bill. I just want to put a couple of things on the public record. As has already been highlighted by some members in the chamber, it has not been easy for the industry to come to a decision whereby we now have a winding up bill. The Liberal Party has put up an amendment providing for a sunset clause in 2014, which we will be supporting.

We support the bill because the citrus industry does need to move forward. I have spent a lot of time with members of the citrus industry over several years, going way back. The industry is not getting adequate pricing at the moment for its product. In fact, I think it is fair to say that right now is probably one of the toughest times that the citrus industry has had to endure. One would hope that we will see some opportunities for reinvigoration of the industry. In fact, there are some early signs of that with certain plantings, which is a good thing; some of the first plantings for some time. Whilst the media have focused on the withdrawal of trees, there are actually some bright lights there too. We just hope that they continue to grow and become brighter.

I acknowledge that not everybody in the citrus industry agrees with this winding up bill and the dissolving of the board. I was approached by some members to ask for some additional time before we debated this, and I did say to them that I would, but that was three to four weeks ago and it was expected that this bill would be debated in the last sitting week. It was not, so I was advised in my briefing that there had been enough time since then for them to raise further concerns with the government.

It was a fairly difficult piece of leadership by the minister in engaging Mr Moss to come up with a review and assessment of this. I think the Hon. John Dawkins has possibly already spoken about it, but Neil Andrew, someone who has a lot of experience in the industry, also had some input into it.

We need to export more when it comes to the citrus industry and we do need to grow opportunities for research and development into a product which generally speaking is accepted as a very healthy product and one which should have some opportunity for domestic growth also. What has happened in the past clearly has not been working. There has been a lot of good intent, a lot of hardworking people right across the industry sector, but unfortunately the rewards have not been there. The advisory committee, I trust, will be listened to by the national body. Certainly, as legislators, I am sure that we will be able to offer our support in watching on the side to ensure that the issues that have been challenging for some time will be addressed positively in the future and that we will see some proactive growth and opportunity.

When I was a young person, the citrus industry was much bigger than it is today. As has already been highlighted, it is still a $350 million industry. It would be great to see that industry double at least, and I think there is an opportunity for that if we can capitalise on the new and exciting markets coming up, particularly in Asia and other parts of the globe. With those few words, it has been difficult for all involved, but I think this is the right decision, and I would encourage all growers and all people who have an input and work in the industry to grasp positively this opportunity and take the industry forward so that they can start to get some good returns and general growth into the citrus industry in South Australia.

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) (17:40): By way of concluding remarks, I would like to thank honourable members for their second reading contribution. This bill is quite a simple and straightforward bill. It seeks to wind up the Citrus Industry Development Board and cause the act to expire. However, the situation underlying the need for this change is indeed very complex, as honourable members have alluded to, and has been the result of protracted disunity and discord in the industry for a long period of time, which left the industry with two different representative groups and two different industry fee structures and continuing discord.

I am very grateful for the assistance that was offered by Mr Alan Moss and also Neil Andrew. The former minister, Michael O'Brien, elicited the assistance of Alan Moss to conduct a review and Neil Andrew and I to follow up some of the work that Alan Moss had completed, and that was to look at the best way forward in terms of a single industry structure and the requirements around the act. Recommendations were made and they are on the record. The government has accepted the recommendations from those parties and has moved to wind up the board and the act and to set up a new single representative structure and a single fee structure, and that fee structure is at a considerably reduced cost to the current structure.

The citrus industry is very important to South Australia's economy. Although the Hon. Robert Brokenshire talks about its reduction in size, it is still a very important industry to us and it is certainly facing considerable challenges at this point in time. So, it is even more important that, at this challenging time, the industry have a single, cohesive representative structure and an industry fee structure that is very strongly linked to South Australian industry needs and that it services that industry well. I believe that the proposed new structure that this bill will enable will allow that to go forward.

I do not suggest for one minute that we have 100 per cent of the industry's support for this; however, I am absolutely confident that we have significant industry support for this way forward. I think it does offer a constructive future for the industry. I very much appreciate the efforts and hard work of particularly the opposition in working through and resolving a number of issues. I understand that the Hon. John Dawkins has an amendment. Just to help expedite things, I can let him know in advance that the government will be supporting that amendment. I look forward to the committee stage being dealt with expeditiously.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. J.S.L. DAWKINS: I move:

Page 4, after line 4 [clause 4, inserted section 30]—After subsection (1) insert:

(1a) The day fixed under subsection (1) must not be earlier than 1 January 2014.

As I mentioned in my second reading contribution, I think that some of the people who were not as keen on these changes (as the minister has indicated most are) and who have reservations were concerned about the act going and then, if these new changes did not work, where would they be. I suppose that at the briefing the minister provided, the member for Chaffey in another place did suggest that, perhaps, we could delay the expiry date of the act until after at least one full season had been completed under the new arrangements, and so to cover well beyond one season it was thought that it would be a good idea to take us to the end of 2013.

That is why my amendment will, in fact, mean that the abolition of the act will not actually come into effect any earlier than 1 January 2014. I understand that, in the period between the assent to this act and that time, there will be an administrator of the current arrangements, but perhaps the minister might clarify that on the record; that might be useful, if she would not mind, in her response.

The Hon. G.E. GAGO: I rise and indicate government support for this amendment. First, let me acknowledge the willingness of honourable members in this house and members from another place to meet and work with my staff from my office and from PIRSA in terms of briefings on the bill, the very protracted background to it and a number of significant issues that were identified along the way. Considerable dialogue took place.

That feedback and the development around that dialogue has been very valuable indeed, and I think that it has led to a very much better provision before us and provided a greater sense of reassurance to the industry. For the reasons outlined in my explanation of clause 30, it is not the government's intention to proclaim the expiration of the act prematurely. Nevertheless, an informed and objective assessment of Citrus Australia Limited's capacity to deliver the InfoCitrus project and related initiatives to the satisfaction of the industry in less than 12 months is an optimistic expectation.

The government considers the amendment moved by the Hon. John Dawkins to be prudent and a responsible risk management strategy, and therefore we will accept that. By way of clarification, the board will be constituted of an administrator that I will appoint, and the function of that administrator will be to wind up the affairs of the board.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with 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) (17:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (COURTS EFFICIENCY REFORMS) BILL

In committee.

Clause 1.

The Hon. S.G. WADE: I think it might assist the committee if I indicate what the opposition is intending to do with its amendments. By way of introduction, I thank the Attorney for a series of exchange of letters in relation to the opposition's amendments. I indicate that our amendments find their way into five clusters or five themes. As a result of discussions with the government, I will be preferring the government's amendment to one theme, I will be withdrawing two sets of amendments in relation to another theme and I will seek the Legislative Council's support for two more themes.

On the set of amendments in relation to the right of persons to be present at proceedings, we thank the government, for example, for using a form of words that it considers workable and also, in our view, respects the legal rights of people. I think I have mentioned in previous debates that the opposition finds helpful the exchange of letters approach that the Attorney-General has adopted recently.

I do not want to sound double-handed, but there is one expression of caution, which is that we have had a very late set of amendments. Considering the long gestation period of this bill, that is the only disappointment we have in the handling of this bill. We look forward to the consideration of the two sets of amendments. For those members who have running sheets, amendment No. 1 and its related amendments, and amendment No. 14 and its related amendments are the only amendments that the opposition proposes to move. We will be supporting the government's amendment, set No. 1, amendment No. 1, in relation to the right of persons to be present at proceedings.

Clause passed.

Clauses 2 to 8 passed.

Clause 9.

The Hon. S.G. WADE: I move:

Page 4, lines 20 to 22—

Delete all words after 'by this Part' and substitute:

—

(a) do not apply in relation to the sentencing of a person following the commencement of this Part if the proceedings for the relevant offence were commenced before that commencement (and such sentencing is to occur as if this Act had not been enacted); and

(b) apply in relation to the sentencing of a person following the commencement of this Part (including the sentencing of a person for an offence that occurred before that commencement) if the proceedings for the relevant offence were commenced on or after that commencement.

This is the first of a series of amendments that seek to ensure that the bill does not apply retrospectively. It is a key principle of good legislative practice that new laws should apply prospectively only. Individuals should be able to be confident that if their actions today are considered by a future court, the applicable law was discoverable at the time the action was performed. To put it in Rundle Mall talk, it is not fair to move the goalposts.

The government says that retrospectivity is less relevant in this context because it is a procedural matter. It is true that retrospectivity is less relevant in procedural matters but we assert that it is wrong to construe these amendments as merely procedural. We should be particularly careful when it comes to making retrospective law in the criminal jurisdiction.

While the bill does not change the criminal law per se, it does change how criminal cases are managed. They mention a case involving an alleged offence that has a maximum sentence of between two and five years that is committed before the passing of this bill. That person is pleading not guilty and expects a trial by jury. Instead, by virtue of the changes proposed in this bill, that person would be tried by a single magistrate and, instead of the case being dealt with by the prosecutors from the Office of the DPP, the case is prosecuted by police prosecutors. The trial may have just been about to commence and then suddenly the nature of the trial changes. In a letter to me dated 28 April 2012, the Attorney-General stated:

> Defendants may in fact benefit from the provisions in the Bill amendments operating from commencement of the Act in that a defendant charged with a major indictable offence already before the Magistrates Court may be entitled to have their matter resolved in entirety in the Magistrates Court rather than being committed to the District Court.

I stress the key words there: 'defendants may in fact benefit'. It is clear from the Attorney's comments that the retrospective provisions will in fact have an impact on cases in the courts. He asserts that the impact may be beneficial to the defendant. The fact is it may not be. Nobody can complain that they are being dealt with by rules today that applied yesterday or even that they are not to be the beneficiary of future law changes, but they have every right to complain if law changes cause detriment to them retrospectively. The Australian Lawyers Alliance (ALA) expressed a strong opposition to the retrospective provisions in this bill, saying:

> None of the amendments should be retrospective in relation to any aspect. The law applicable at the time of the event occurring should apply. Retrospectivity is not appropriate...we see no reason to depart from the long standing principle.

Australian Lawyers Alliance go on to disagree with the government's advice and the drafting of the bill that states that some of the changes are procedural, not substantive. The ALA is firmly of the view that the changes are indeed substantive. I urge the council to respect the good legislative practice against retrospectivity. We should only allow retrospectivity where the fundamental policy goal would otherwise be at risk.

There has to be a very compelling reason for retrospective provisions to be adopted. The government has not provided any compelling reasons. I seek the support of members for this amendment and the related amendments.

The Hon. G.E. GAGO: The government opposes this amendment. The amendment is part of a group of amendments relating to the transitional provisions in the bill, and I will deal with the government's position and the Hon. Mr Wade's amendments on this issue as a group.

It is unclear why the operation of the bill amendments should be linked to the commencement proceedings. This amendment is likely to cause significant disruption to proceedings in the Magistrates Court should the court be required to apply different procedures pre and post amendment to criminal matters before the court. The date of the commencement of proceedings may not always be readily ascertainable on the spot or agreed between the parties and may result in adjournments, delaying and the finalisation of the matter while this is being resolved. The addition of further charges after initial proceedings were commenced would also cause confusion, leading to wasted time before the court. The effect of this amendment would simply be unworkable in practice in a busy criminal court.

The amendments in the bill are to be considered procedural. It is a long and well-established principle restated by the High Court in the matter of Rodway v R (1990) HCA 19, and there is no presumption against retrospectivity in the case of statute which affects matters of procedure. Procedural amendments ordinarily take immediate effect.

Defendants already before the court are unlikely to be disadvantaged by the transitional provisions in the bill as the defendant may be able to have the matter resolved in its entirety in the Magistrates Court rather than be committed for sentence to the District Court. The magistrate determines that the defendant should be sentenced to a term of imprisonment exceeding two years. It is for these reasons that the government opposes this amendment.

The Hon. M. PARNELL: The Greens will be supporting this amendment. We are also inclined to give credit to the submission from the Australian Lawyers Alliance; I will not read that paragraph again. In relation to the minister's reference to High Court decisions, I think there is a presumption that we avoid retrospectivity as much as we can. There are exceptions to that principle, and one of those exceptions would be if something was entirely procedural, and I think therein lies the nub of the dispute.

As a number of lawyers have said to me, this is not just procedural; it is substantive. If it is substantive, and I am happy to accept that it is, retrospectivity has no place. In any event, once a certain period has passed, these provisions will not really have much work to do; it is really just of a transitional nature. Our general opposition against retrospectivity will prevail in this case. We see no reason not to support these amendments.

The Hon. J.A. DARLEY: I will be supporting the opposition's amendment.

The Hon. A. BRESSINGTON: I will be supporting the opposition's amendment as well.

Amendment carried; clause as amended passed.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

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) (18:04): I move:

That standing orders be so far suspended as to enable the Clerk to deliver messages, together with the Statutes Amendment and Repeal (Budget 2012) Bill and the Citrus Industry (Winding up) Amendment Bill, to the House of Assembly whilst the council is not sitting.

Motion carried.

At 18:04 the council adjourned until Wednesday 18 July 2012 at 14:15.