

LEGISLATIVE COUNCIL

Tuesday 16 October 2012

PRESIDENT, ELECTION

The CLERK: I inform the council of the resignation of the Hon. R.K. Sneath as President and as a member of the Legislative Council. I call on the Minister for Agriculture, Food and Fisheries.

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

That the Hon. John Gazzola take the chair of the council as President.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:18): I second the motion.

The CLERK: Does the honourable member accept the nomination?

The Hon. J.M. GAZZOLA: Mrs Davis, I submit myself to the will of the council.

The CLERK: Are there any other nominations?

An honourable member: No.

The CLERK: There being no other nomination, I declare the Hon. J.M. Gazzola duly elected as President of the Legislative Council.

The Hon. J.M. Gazzola was escorted to the President's chair by the mover and seconder of the motion.

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) (14:19): I take this opportunity, Mr President, to congratulate you on your election and to welcome you to the presidency of the Legislative Council. I cannot say how delighted I am to see you, as a friend and colleague of very long standing, seated in that place. Having worked with you since coming into parliament, together since 2002—and I know that we also worked together many years prior to that throughout the union movement—I know that you will bring thoughtful deliberation and a very steady hand to this position. I know that you feel strongly about ensuring that South Australia is a healthy, fair and safe place to live, work and play and you believe that as leaders in our community we owe the people who have entrusted us with the authority to represent them a very high standard of parliament and government.

Much of your personal philosophy is formed by the belief in fairness and in the right of all to move forward together, and I am sure that that will stand you in very good stead as we work for the good of all South Australians and in the contribution you will be now making in this new elevated position. There is no doubt your background and many years of experience with the Australian Services Union and later on as Government Whip in this place have provided with you an excellent standing as you will now lead this house through its deliberations. Once again, I wish to congratulate you on your appointment, and I am sure all members of this place share in congratulating you and offering our best wishes for a successful tenure.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I rise to endorse and support the remarks made by the Leader of the Government and also offer a few remarks of my own. As you will recall, we were both elected in 2002, and I am not sure that even then, Mr President, you would have thought that you would have risen to the lofty heights of the high office of President of the Legislative Council; but you have, and congratulations on that elevation.

I have worked with you over the last decade in a range of capacities, and especially in your role as a whip of the government. In your committee involvement, whether it has been chair of committees or select committees, I think you have always discharged your duties very fairly and even-handedly and I expect you will continue to uphold the high standards you have set for yourself in those committee proceedings. You have always been very diligent and fair, and I suspect that you will discharge your duties here in the same fashion. You did suggest to me one day that it would be a very long time before we were on the other side of the chamber. I do note that you are halfway to this side of the chamber here today.

The PRESIDENT: I thank the council for giving me the honour of being your President and I assure you that I will give my best in upholding the standards and privileges of this council.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:22): I move:

That the sitting of the council be suspended until the ringing of the bells to enable the council to proceed to Government House to present the President to His Excellency the Governor.

Motion carried.

[Sitting suspended from 14:23 to 14:42]

The PRESIDENT: I have to report that, accompanied by honourable members, I proceeded to Government House and there presented myself as President to His Excellency the Governor, and claimed for the council the right of free access to and communication with His Excellency, and that the most favourable construction might be placed on all its proceedings. His Excellency was pleased to reply:

I congratulate the honourable members of the Legislative Council on their choice of a President. I readily assure you, Mr President, of my confirmation of all the constitutional rights and privileges of the Legislative Council, the proceedings of which will always receive most favourable consideration.

The President read prayers.

CITRUS INDUSTRY (WINDING UP) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (SERIOUS FIREARM OFFENCES) BILL

His Excellency the Governor assented to the bill.

PETROLEUM AND GEOTHERMAL ENERGY (TRANSITIONAL LICENCES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

REAL PROPERTY (ACCESS TO INFORMATION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

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) (14:45): By leave, I move:

That the sitting of the Legislative Council be not suspended during the conference on the bill.

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:46): By leave, I move:

That the sitting of the Legislative Council be not suspended during the conference on the bill.

Motion carried.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that written answer to question on notice No. 11 of the last session be distributed and printed in *Hansard*.

MINISTERIAL TRAVEL

11 The Hon. R.I. LUCAS (12 May 2010) (First Session). Can the Minister for Environment and Conservation state:

1. What was the total cost of any overseas trips undertaken by the minister and staff since 2 December 2008 up to 1 December 2009?

2. What are the names of the officers who accompanied the minister on each trip?
3. Was any officer given permission to take private leave as part of the overseas trip?
4. Was the cost of each trip met by the minister's office budget, or by the minister's department or agency?
5. (a) What cities and locations were visited on each trip; and
(b) What was the purpose of each visit?

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:

1. The then Minister for Environment and Conservation undertook one overseas trip between 2 December 2008 and 1 December 2009. The total cost of the trip was \$19,332.20.
2. No officers accompanied the Minister on the trip.
3. No officers accompanied the Minister on the trip.
4. The cost of the trip was met by the Minister's Office budget.
5. The following locations were visited:

Trip to Israel (19 April to 24 April 2009)

(a) Location	(b) Activity
Tel Aviv	Met by Robert Schneider, Jewish National Fund (JNF)
Tel Aviv	Old Tel Aviv Waterfront Promenade Meet Shalom Norman, JNF
	Visiting Jaffa Old City and Peres Centre
Tel Aviv	Dinner hosted by KKL-JNF World Chairman—Efi Senzler
Tel Aviv	Bachan Water Reservoir and Hefer Valley water reclamation projects
	Alexander River rehabilitation project (accompanied by Shalom Norman)
	The Stephen and Nancy Grand Water Research Institute (accompanied by Shalom Norman)
Jerusalem	Holocaust commemoration—Yad Vashem—organised by Australia Israel Chamber of Commerce
Tel Aviv—to Northern Negev Region	Visits (all accompanied by Shalom Norman and other JNF representatives): Bnei Shimon water projects
Yatir	Yatir Forest—dedication of South Australian/Israel Friendship Forest
Joe Alon Centre	Visit Centre and lunch in the Bedouin Tent
Shomriya	Visit Shomriya Community
Nevatim	Visit Nevatim Community—then return to Tel Aviv
Jerusalem	Yad Vashem (Holocaust memorial), Old City, meet with Environment Minister—accompanied by Shalom Norman Meeting with Dr Benzy Bar Lavici, JNF
Mt Scopus, Jerusalem	Official ANZAC Day Ceremony, hosted by Australian Ambassador
Jerusalem—Ramallah	Meet Mustafa Barghouti and Said Arikat
Tel Aviv	Meet with Guy Spigelman

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2011-12—

Auditor-General and Treasurer's Financial Statements, Parts A, B and C
Office of the Employee Ombudsman

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

State Emergency Management Committee—Report, 2011-12

Report for 2011-12 on SAPOL Passive Alert Drug Detector Dogs (PADD)

Regulations under the following Acts—

Development Act 1993—Open Space Contribution Scheme—Rates

Electoral Act 1985—Registration of Political Parties—Prescribed Persons

Fisheries Management Act 2007—Prescribed Quantities

Primary Industry Funding Schemes Act 1998—Citrus Growers Fund—
Contributions and Refunds

Response to the Environment, Resources and Development Committee's Inquiry
on the Population Strategy

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

Reports, 2011-12—

Adelaide Festival Corporation

Adelaide Film Festival

Carclew Youth Arts

SA Lotteries

State Procurement Board

State Records of South Australia

State Theatre Company of South Australia

Super SA Board

Transmission Lessor Corporation

Reports, 2012—

Distribution Lessor Corporation

Generation Lessor Corporation

History Trust of South Australia

Windmill Theatre

Regulations under the following Acts—

Public Intoxication Act 1984—Declaration of Substances as a Drug

TAFE SA Act 2007—Prescribed Employees—Employment and Classification

By the Minister for State/Local Government Relations (Hon. R.P. Wortley)—

Boundary Adjustment Facilitation Panel—Report, 2011-12

District Council By-laws—

Gawler—

No. 1—Permits and Penalties

No. 2—Moveable Signs

No. 3—Roads

No. 4—Local Government Land

No. 5—Dogs

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

South Australian Police—Report, 2011-12

Regulations under the following Act—

Motor Vehicles Act 1959—Use of Photographs by Registrar

FATCHEN, MR MAX

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:49): I table a copy of a ministerial statement paying tribute to Max Fatchen made earlier today in another place by my colleague the Minister for Health and Ageing.

ECONOMIC STATEMENT

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) (14:50): I table a copy of a ministerial statement relating to the economic statement made earlier today in another place by my colleague the Premier.

MURRAY-DARLING BASIN PLAN

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) (14:50): I table a copy of a ministerial statement relating to the results of the Murray-Darling Basin Plan modelling made earlier today in another place by my colleague the Premier.

QUESTION TIME

TOUR DOWN UNDER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:54): It is with pleasure that I seek leave to make a brief explanation before asking the Minister for Tourism a question about secrecy and drugs.

Leave granted.

The Hon. D.W. RIDGWAY: The Tour Down Under is a great event, a great Liberal government initiative, but the Labor Party corrupted the process and the race. It made secret deals with Lance Armstrong. Millions of taxpayers' dollars went to pay this contemptible drug user. *The Australian's* award-winning sports writer, Patrick Smith, goes further. He calls Armstrong a creep, a liar, a fraud and a bully, as not just part of a drug regime that saturated cycling when Armstrong was at its peak but that culture's bodyguard, its enforcer. While being paid by the South Australian taxpayers, Armstrong campaigned for Labor and its premier, Mike Rann. He called Rann his close personal friend. He urged people to vote for Mike Rann's Labor.

The premier kept secret, even from his cabinet colleagues, how much the lying hypocrite was paid for what appears to be the premier's 'Lance Armstrong slush fund'. Working families in impoverished suburbs, businesses large and small, ordinary South Australians from all walks of life were fleeced through their taxes to pay for this electioneering. My questions to the Minister for Tourism are:

1. The government has legislation to prevent criminals from profiteering from their crimes (for example, it's illegal for David Hicks to take profits from his book) so why won't the Labor Party demand that Armstrong refund the millions of dollars that the then premier siphoned off from South Australians to pay this reprehensible fraudster?

2. How much did the people of South Australia pay the drug addict? Armstrong and his team were provided with a house during the Tour Down Under: how much did we pay for this house; did we stock this house with food and wine; was his private jet serviced and fuelled using taxpayer funds?

3. Why does South Australia not immediately follow Victoria's lead and publicly disclose how much it pays sportsmen and women to compete in that state?

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 honourable member for his questions. The assertions that the honourable member makes are quite irresponsible on a number of fronts. The Tour Down Under is an extremely successful event. It generates roughly around \$42 million worth of revenue to this state. It attracts something like 760,000 people who come to attend this race, and a large number of those attending are in fact interstate visitors who, by coming here, spend money on accommodation, food and hospitality. This is a highly coveted event—highly coveted by the other states and, in particular, it is highly coveted by Victoria who would do anything, I am sure, anything at all to take this race from us, as they did our car race.

The performance or attendance money that was paid to Lance Armstrong is commercially confidential. The government uses those attendance fees and arrangements to attract special guests here. There is nothing new about that, we are open about that, and it is not an uncommon thing to do. However, it is commercially confidential information and it is commercially confidential because it would disadvantage our negotiating ability for future events.

What is more, as I said, this is a highly coveted race and Victoria would love to know how much we have offered for special attendances. They would love to know and I am sure they would trump us if they could—and they can. They would love to know that, so we do not divulge the details of those arrangements. We do not divulge them because we negotiate special guests and special performance attendances.

As I said, when entering into future negotiations to divulge what we have paid other special guests would jeopardise and possibly prejudice our position in any future negotiations. That is an irresponsible thing to do because it could end up costing this state significant amounts of money.

But even worse than that, it opens it up for those states which covet this race—and it is highly coveted—to attempt to take this prize from us.

I can only reiterate that this race is a highly successful event and it has gone from strength to strength. The special appearance money that we pay various guests from time to time is commercial in confidence; it would be irresponsible for this government to divulge that for the reasons I have outlined and it is for those reasons the details of those contracts remain confidential.

TOUR DOWN UNDER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:01): A supplementary question, Mr President.

The PRESIDENT: A supplementary question, the Hon. Mr Ridgway, arising out of the answer.

The Hon. D.W. RIDGWAY: Can the minister give us the figure—arising out of the non-answer.

The PRESIDENT: Order! If it is a non-answer, you can't have a supplementary.

The Hon. D.W. RIDGWAY: It is arising out of the answer, Mr President. Please don't start off in a grumpy mood. Can the minister confirm, maybe not in dollar terms, that Mr Armstrong was provided with a house during his visit here? Did we provide food and wine in that house? Was his private jet fuelled and serviced using taxpayers' funds? What other expenses were paid by the taxpayer while he was here?

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 have answered the question, but I want to clarify something. I think I said 'economic return'. What I meant to say was '\$42 million economic benefit to the state', just so that everyone is quite clear. In relation to the second part of the question, which I was distracted from answering, about demanding a refund, this matter is still being considered.

There have been no final decisions or findings in relation to Lance Armstrong to date, so this matter is still under consideration. It is still being investigated and, when the outcome of those investigations is delivered, the state government will then consider its position in relation to a refund. I have already requested crown advice on the potential capacity for us to do that, so that is already being considered, and we will certainly consider our position once this matter has been finalised and a decision or findings in relation to Lance Armstrong have been delivered.

TOUR DOWN UNDER

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:03): A further supplementary: will the minister give a commitment to the house that, if that circumstance arises or perhaps when it arises, the government will not only seek a refund but disclose all costs and all benefits awarded to Mr Armstrong on his two visits?

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) (15:03): The honourable member fails to grasp what is a very simple concept, and I thought I had outlined the rationale for commercial confidentiality. Irrespective of the outcome of this case and the allegations around that, it has no bearing on the impact on the commercially confidential nature of these types of contractual arrangements, and that information could very much prejudice any future negotiations that we have with other special guests that we might wish to negotiate with.

What the Hon. David Ridgway is proposing is completely irresponsible and what it could end up doing is costing this state considerable amounts of additional money or putting us in a position where we can no longer afford to attract these special guests. The details, as I have said in this place already, of these arrangements are commercially confidential. I have outlined the reasons for that, and they will remain commercial in confidence.

SWIMMING POOL INSPECTIONS

The Hon. J.M.A. LENSINK (15:04): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question regarding swimming pool inspections.

Leave granted.

The Hon. J.M.A. LENSINK: In 2011-12, 38 per cent of the 21 children between the ages of naught and four years who unfortunately drowned were in swimming pools. Despite continued advertising campaigns about the importance of maintenance and inspections, drowning in family pools continues. The Royal Life Saving National Drowning Report from the Royal Life Saving Society of Australia recommended restricting access to water by correctly installed and maintained pool fencing and introducing uniform pool fencing legislation.

It was reported in *The Advertiser* on 22 September that Royal Life Saving SA has asked the state Coroner to recommend legislative changes to implement mandatory inspections which would require pool owners to get their pools inspected every three years. The Royal Life Saving Society has suggested outsourcing the inspections and has offered to assist at a capped price of \$55. My question for the minister is: has he sought an update from the Royal Life Saving Society about this proposal, and is it likely that legislation will be brought to the parliament to enact this?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:05): I thank the member for her question. I will take it on notice and ensure that the appropriate minister—I do not know if that really comes under my domain—whether it is the Attorney-General, consumer affairs or whoever, gets a response in as soon as possible.

DISABILITY SERVICES, SELF-MANAGED FUNDING

The Hon. S.G. WADE (15:06): I seek leave to make a brief explanation before asking the Minister for Disability Services a question relating to self-managed funding.

Leave granted.

The Hon. S.G. WADE: My office has recently received complaints about the Department of Communities and Social Inclusion's self-managed funding program for people with a disability. The department claims that the program allows members of our community with a disability to take control of the support they receive; however, the opposition has received numerous complaints that Disability SA's gatekeeper program so strictly and narrowly applies the guidelines that self-management is effectively undermined. My questions to the minister are:

1. What guidelines and other instructions to staff are in place to ensure that self-managed funding is indeed self-managed?
2. What approval or reporting requirements are clients subject to on the packages they receive?
3. What complaint procedures and rights of appeal do clients have for decisions by administrators in relation to the application of their self-managed funds?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07): As is well known, in December 2011, in response to the former Social Inclusion Board's Strong Voices report, the Premier announced the introduction of individualised and self-managed funding for clients of Disability SA. This reform is all about providing people with disability increased rights, choice, flexibility and dignity. This reform will allow eligible clients to choose their own supports, their own service providers and the timing of their support.

By the end of 2013 all clients of Disability SA with high to very high support needs will have a personal budget. These are people who receive six hours or more support a week. The individualised funding reform will be offered to clients in three stages, and I have outlined in this place previously how that will work. Everyone who receives more than six hours of support per week is eligible for this new system. Where a child or person with an intellectual disability is involved, a family member or a guardian could be the agent.

So people will, with help if need be, draw up a personal support plan for how the personal budget they are allocated is to be spent. The personal support plan is a guide, not a contract, of what must be purchased. Choice and control will lie with the individual person with a disability so that people can choose when, where, how and by whom and with what agency they get their support. People can change arrangements at any time as long as it is consistent with their personal support plan.

Clients will be able to receive their personal budget via direct payment into a bank account in their name to organise and pay for their supports. They will be able to receive their personal

budget via direct payment to a bank account in their name to be administered by a person they have chosen to actively manage their funding and support arrangements on their behalf, or they will be able to receive their personal budget via direct payment to a bank account in their name to be administered by an organisation, a business or a profession chosen to actively manage their support arrangements on their behalf. They may also have their personal budget lodged with a non-government organisation of their choice to provide their support.

They may also have their personalised budget lodged with Disability Services SA to provide their support to them directly. These are a range of personal supports that people can elect to take. They can elect to take control of their whole personal budget and their spend or part of it. They can mix up how much they want to take control of independently and how much they want another agent or organisation to enact on their behalf. This is all about giving access, control and flexibility back to the person with that disability. The honourable member says in this place that he has some specifics in relation to complaints: I invite the honourable member to forward them to my office and I will deal with them.

DISABILITY SERVICES, SELF-MANAGED FUNDING

The Hon. S.G. WADE (15:10): By way of supplementary question, in terms of the minister saying that as long as a decision is consistent with the plan it can be made by the person, if a bureaucrat disagrees that it is consistent with the plan, what complaint and appeal rights does the client have?

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): It is important to also point out that the full implementation of this does not begin until next year. The only people who are at this very minute experiencing this program are those, I think, 72 people who have been enrolled for the last 18 months on our trial. We will roll out this program next January. I am at a loss to understand what difficulties the honourable member can be speaking about.

DISABILITY SERVICES, SELF-MANAGED FUNDING

The Hon. R.L. BROKENSHERE (15:11): By way of supplementary question, given the minister's answers, can the minister advise whether, if they are self-managed funding arrangements, they are partitioned into sections such as care, equipment, communications, and so on, and if this is the case how can he call it a self-managed fund?

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 just do not understand the question, I am afraid. The honourable member might like to rephrase it.

DISABILITY SERVICES, SELF-MANAGED FUNDING

The Hon. R.L. BROKENSHERE (15:12): I am happy to rephrase it. I am asking the minister: I would have thought that a self-managed fund was holistic in its approach. I understand that possibly what the department is doing is putting pigeonholes there so there is self-management for allocation, equipment, care work, etc., which to me is not a holistic approach to allow the client to have a fully self-managed fund. Is this the case or not?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:12): I am not sure whether it is me who does not understand the question from the honourable member or he who does not understand the system. What will happen is that the person who elects to take part of their budget or their full budget and administer it themselves will have a plan that is signed off between themselves and the department. They have flexibility in how they arrange that plan. They have flexibility in whether they want to withhold spending on part of that plan and spend it on another area of the plan. It is a holistic approach, but it is made up of the different components and needs that that person will have to address.

DISABILITY SERVICES, SELF-MANAGED FUNDING

The Hon. S.G. WADE (15:13): By way of supplementary question, the minister is focused on Strong Voices looking forward, but I am particularly focused on, shall we say, the pioneers—the 50 people who were involved in the pilot project, which is now about three years ago. Does the flexibility the minister is referring to apply to those pioneers who have been receiving funding for three financial years now—they are not looking forward?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:13): I have spoken in this place before about the success of that trial program. There were up to about 71 or 72 enrolled in that program. We have reviewed that process and it has been met with overwhelming support from the people enrolled in that trial and their hearty endorsement of its being rolled out more broadly.

DISABILITY SERVICES, SELF-MANAGED FUNDING

The Hon. R.L. BROKENSHERE (15:13): By way of supplementary question, the state government actually brought over Dr Simon Duffy from the UK to look at the issues around self-managed funds. Will the minister advise whether or not in so doing they have asked him to look specifically at the model that this state government has put up and, if so, does he agree with the model?

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): Dr Simon Duffy was brought over to share his experiences in changed modelling in the UK. He has been at the forefront of this enterprise in the disability area for the last 15 years or so. He has been brought over as a community asset to sit down with community organisations as well as government providers and talk them through the processes they underwent in the UK, to talk about the pitfalls they encountered over there and the sorts of things we should be looking out for here in terms of making our program more flexible rather than less flexible.

WOMEN IN AGRICULTURE AND BUSINESS

The Hon. CARMEL ZOLLO (15:14): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about women in agricultural leadership.

Leave granted.

The Hon. CARMEL ZOLLO: In many industries, women often face hurdles or barriers taking on leadership roles. I understand that this is also an issue in our primary industries. In the past the minister has provided information about one industry which had taken steps to assist women to build their leadership skills. Given that yesterday was International Rural Women's Day, can the minister tell the chamber more about support for women to become future primary industry leaders?

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) (15:15): I am delighted to be able to spread the word on how agriculture is stepping up to the plate and has the national spotlight on it. We have just last week seen a South Australian woman recognised as Rural Woman of the Year 2012. It is wonderful to see that our own Mary Retallack, whose expertise is in viticulture, will be assisted to build a website which will create a network for women in wine.

Ms Retallack, a third generation viticulturist from Crafers West in the Adelaide Hills, was presented with the award at Parliament House in Canberra last week. She is a particularly deserving recipient of the national award because of her work as an ambassador for the wine industry over the past 18 years and also because of her work which will help support other women who work in the sector. I again congratulate Ms Retallack for her vision and hard work. Sharing knowledge, experience and networks is a strength which I believe women are renowned for.

Members may recall that I provided some information about the dairy industry's efforts in this regard through the 2BHerd program, which is a program delivered by Dairy SA bringing women in the dairy industry together. I am sure members will be aware of my ongoing belief that mentoring, support and conversations between women in the industry can have very positive outcomes. Obviously, these are issues which I am very passionate about, as Minister for Agriculture and also as Minister for the Status of Women.

The 2BHerd leadership development program is an excellent example of women working together to support and develop one another which focuses on women's leadership from December 2011 to April this year. The program provided eight dairy women across the state with the skills needed to actively and productively participate in dairy industry committees, boards and projects with confidence. Throughout the 2BHerd development program, participants were coached on how to be involved in industry leadership.

Of course, we know that what is so often true is that, while women have the skills they need to progress in their chosen industries, they can often lack confidence in their own abilities, and I have every confidence that programs like these illustrate to participants that they are much more skilled than they think are, whilst also helping them to develop new skills.

This year I am pleased to announce two \$50,000 grants from the government through PIRSA for leadership development of women in the rural sector. One grant is for Dairy SA to run a program under its 2BHerd network, mentoring a core group of 10 women in business leadership skills and networking. Dairy SA will be calling on women in the dairy industry to apply in the next couple of weeks.

The program will start in February 2013 and conclude in April with a conference on how to get into leadership which will be open to all women working in the dairy industry. I had the opportunity to talk to the program's participants at the April 2012 event and I was very impressed with their enthusiasm for hard work and self-improvement. It is great opportunity for women who are enthusiastic about the dairy industry to grow their skills.

In addition to opportunities for these women, I am very pleased to announce a second grant to the Ag Excellence Alliance that will use funding to provide 15 women with access to the Australian Institute of Company Directors' Foundations of Directorship Certificate. Ag Excellence Alliance Inc (Ag Ex) was formed in 2005 in response to a need to provide support and engender collaboration between established and emerging broadacre farming systems groups across the state.

From its beginning as a single project driven group funded through the National Landcare Program, Ag Ex has now expanded its influence and operations, managing a range of projects from a diversity of funders that contribute to the sustainability of farm businesses across the state through close collaboration with and support for farming systems groups. Beginning as a group which sought to ensure extension of research to the farmer, it has broadened its work to create the excellence on which South Australia's enviable reputation in food, wine and agricultural produce is based.

I can today announce that a grant of \$50,000 has been made to support the Alliance's work to upskill women and to put them on a firm footing to provide leadership in their sectors. The Alliance has been successful in leveraging the grant to gain additional funding to provide follow-up activities and to coordinate ongoing professional development with the Dairy SA project. The Alliance has begun to publicise this opportunity through flyers and the like, aimed at encouraging women in agriculture to apply.

Dedicated business mentors from the institute will host the first session in February 2013, which will cover governance, risk and finance issues. I commend these two organisations for their recognition of the potential leaders who can be groomed and developed to build a stronger agricultural sector in the future.

MOUNT BOLD RESERVOIR

The Hon. A. BRESSINGTON (15:21): I seek leave to make a brief explanation before asking the minister representing the Minister for Water and the River Murray questions about the volume of water being released from the Mount Bold Reservoir.

Leave granted.

The Hon. A. BRESSINGTON: Recently, my office has been contacted by a number of constituents expressing their concerns about the volume of water being released from the Mount Bold Reservoir. Many live in or commute through the area and report seeing large amounts of water being released into the Onkaparinga River. Such concerns are bolstered by the current volume of the Mount Bold Reservoir, which is at 66.8 per cent of capacity, down from 76.8 per cent last year, and well below the five-year average.

Whilst the state as a whole has experienced below average rainfall this year, particularly in comparison with 2011 (the fifth wettest year on record), the weather station at the Mount Bold Reservoir has observed an increase on last year by some 20 millimetres. This is repeated across the reservoir's catchment area, with some stations reporting an increase of over 100 millimetres. The SA Water website offers little explanation, simply stating that (and this applies to all reservoirs):

Water is released on a daily basis from the major upstream storages to meet the demands of irrigators, river flow requirements and communities along the river.

The website for the Adelaide and Mount Lofty Ranges Natural Resources Management Board, however, is a lot more helpful, extolling that some 9.4 gigalitres (that is, 9.4 million litres) of water will be released this year as part of an environmental flow trial being jointly conducted with SA Water. That is more than one-fifth of the reservoir's total capacity, which would explain why the reservoir's volume has been consistently lower this year than the preceding three years, despite the increased rainfall.

Given that the Bureau of Meteorology and others are predicting El Niño-like conditions and a particularly dry summer, with below average rainfall, many constituents are understandably concerned that their water supply is being jeopardised, not to mention the confusion of our farmers, who will soon be required to account for every drop of water in their dams and who are also required now to apply for a water licence for those dams. My questions are:

1. What impact will the environmental flows trial have on metropolitan Adelaide's water supply, and will the minister provide the details of what this trial is supposed to achieve?

2. Was the ever impending desalination plant factored into SA Water's decision to participate in the Adelaide and Mount Lofty Ranges Natural Resources Management Board's trial?

3. Given that the record rainfall experienced in 2011 has not continued, will SA Water reconsider participating in this trial? If not, how low must Mount Bold Reservoir's levels drop before SA Water modifies the volume of water being released and before the trial is ceased?

4. If, due to this trial, Mount Bold needs to be replenished by Murray River water, will the minister take responsibility and rein in NRM boards and their obsession with environmental flows?

5. Finally, given that the Bureau of Meteorology has warned of the increased risk of bushfire this summer, was the CFS consulted on the trial, which is reducing our stored water supply, and on other NRM policies, such as habitat preservation, which have led to an increase in fuel load?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:25): I thank the honourable member for her many important questions on environmental flow trials, I think, and Mount Bold Reservoir. I undertake to take that question to the Minister for Water and the River Murray in the other place and seek a response on her behalf.

LOCAL GOVERNMENT CODE OF CONDUCT

The Hon. G.A. KANDELAARS (15:25): I seek leave to make a brief explanation before asking a question of the Minister for State/Local Government Relations.

Leave granted.

The Hon. G.A. KANDELAARS: I understand that the minister and the President of the Local Government Association, Mr Kym McHugh, have today released a draft mandatory code for council members to interested parties for consultation. Can the minister provide further information to the chamber on the development of the uniform code of conduct?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:26): I would like to thank the member for his very important question. As the honourable member mentioned in his question, a draft mandatory code of conduct for council members has today been released to interested parties for consultation. Once it is finalised, all council members in South Australia will be required to adhere to the code of conduct.

As it stands, each council is responsible for developing its own code of conduct. The creation of a single mandatory code of conduct will provide consistency as well as certainty for the local government sector, with all council members and members of the public able to easily understand what conduct can be expected from their elected officials.

Members may be aware that the draft mandatory code of conduct was developed in response to the 'Improving governance' discussion paper that was released earlier this year as a joint state government/Local Government Association initiative. The draft mandatory code of conduct also reflects the Independent Commissioner Against Corruption Bill 2012 and its expected amendments to the Local Government Act 1999.

The draft code is based on different levels of council member behaviour. Additionally, high-level principles are set out which outline the standards that our community expects from our elected representatives. These principles are then supported by specific conduct matters contained in a behavioural code which will be managed by councils.

More serious matters are contained within the draft code under the section on misconduct. It is proposed that alleged breaches be investigated by the Ombudsman in the first instance, not councils. It is also proposed that repeated breaches of low-level behavioural matters can be referred to the Ombudsman for investigation.

It is of course important to remember that the vast majority of council members are dedicated to public service, and their behaviour reflects their commitment. However, from time to time there are instances where council members behave in a way that is not acceptable to their constituency and, indeed, their council. While these breaches will continue to be managed by councils, it is important for councils to be able to have access to a clear path of resolution, should the need arise. I am confident that the draft code of conduct provides for these options.

The draft code also includes an appendix that details the most serious potentially criminal conduct matters, including corruption. Any suspected breach of these matters will be referred to the Independent Commissioner Against Corruption, when appointed.

I believe it is important that any council member or any member of the public be able to pick up the code and read through a complete overview of expected council member conduct. This is why matters within the document range from the principles that underpin conduct, through relatively low-level behavioural matters and misconduct, all the way to the most serious offences.

If any members are aware of any interested groups who may wish to comment on the code, then I can inform the chamber that the draft code, along with the explanatory paper, is available from the Office for State/Local Government Relations website, www.localgovt.sa.gov.au or the Local Government Association website, www.lga.sa.gov.au.

DOMESTIC VIOLENCE

The Hon. T.A. FRANKS (15:29): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question on the topic of safe-at-home models to address domestic and family violence.

Leave granted.

The Hon. T.A. FRANKS: As the minister is keenly aware—and I certainly commend her for her previous advocacy on this issue—escaping violence is the most common reason given by people seeking assistance from specialist homelessness services. When women are supported to remain in their homes and communities they are better able to maintain their social support networks, their employment, their educational opportunities and, of course, if they are parenting, the stability and care of their children. All these things support them on the road to recovery.

In that context I draw the minister's attention—and, indeed, the attention of this council—to the Be Safe program, recently trialled for nearly three years in regional Victoria and a recipient of the 2010 National Crime and Violence Prevention Award. Based on a successful Swedish model of personal safety for victims of family violence, it uses a personal alarm system to alert police. Be Safe offers an intervention to prevent further violence, enabling women and children not only to remain in their own home but also to live a full life in their community.

Be Safe has actually changed lives and very likely saved lives. Collated data from women, workers and police has evaluated the success of a three-year trial of this program in regional Victoria, with a reduction in physical assaults and a decrease in intervention order breaches. Be Safe has provided an added level of support and security that enabled 68 per cent of the women in the pilot project to remain in their home, significantly reducing, if not eliminating, their risk of homelessness.

The financial analysis of that project included the costs of re-establishing a woman and her children escaping family violence, and included costs associated with crisis accommodation, transitional housing and accessing long-term housing in the form of private rental, which has also been illuminating. In that analysis, this cost was estimated at being between \$10,000 to \$15,000—a very narrow figure that did not take into account the financial burden women incurred in terms of lost income or productivity, or indeed health burdens.

By contrast, the costs associated with the Be Safe program have been estimated at \$3,755.12 a year, with the component of that being the specific unit of only \$1,020 for the first year with \$600 being allocated for subsequent years. That is a reduction of one-third to one-fifth of costs expended by the state.

Predicated on this, my question to the minister is: is the government currently considering any safe-at-home models, including the Be Safe option, to ensure that it is truly viable for women and children at high risk of severe and ongoing violence to be safe in their home, in their community and in their workplace?

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) (15:32): I thank the honourable member for her important question and for her ongoing interest and passion in this particular policy area. There are a number of strategies that are put in place here in South Australia to assist in protecting victims of domestic violence, as well as helping to prevent people from becoming victims of domestic violence. The particular initiative outlined by the honourable member is not one I am familiar with, but I am familiar with similar types of systems and I am happy to have a closer look at the particular program the honourable member has mentioned here today.

We do have a system of providing duress alarms to some victims of domestic violence to help improve their safety. There is a range of matters that are considered though, and only some people are considered to be eligible for that type of protection. It is not an ideal situation for a person to have to rely on a duress alarm to obtain assistance. The main objective is to reduce the risk of violence in that person's life so that they can live a safe and happy life with their children.

In relation to that, intervention orders have obviously been a very important piece of legislation in assisting to make women safer in their home; so too has our Family Safety Framework, a system aimed at focusing services for those women, in particular, who are assessed as being at high risk of domestic violence.

It is interesting that, although these figures have not been verified yet, so they are very preliminary at this point in time, certainly the anecdotal evidence that I am getting back is that the number of intervention orders compared to the old-fashioned restraining orders has increased significantly, so more people are accessing them. Also, the very preliminary figures—again, these have not been formalised yet—show the number of breaches of the intervention orders has, it appears, significantly decreased compared to the number of breaches of restraining orders.

More women in particular are using them as a form of protection, and it appears that the number of times they are being breached (at this very early stage, I would have to stress) has reduced significantly. That is providing significantly improved protection for women and children in their homes.

That is what intervention orders are focused on: they are to try to reduce the reliance on having to remove women and often their children from the family home when there is a domestic violence incident and then to having to hide them away in a safe house somewhere, dislocating them from their relationships at a time when they need that sort of support the most.

Often, children had to be removed from their schools and placed in different schools. As if their lives were not traumatised enough, that level of dislocation significantly increased the level of trauma. Intervention orders turned that around significantly. They offer protection to women in their homes by removing the perpetrator from the family home.

Of course, there are now funding packages available to assist women and the family to secure the family home, to make them safer; things like changing the locks, improving the lighting, and removing shrubbery that might hide a stalker. There is a whole range of things that those funds can be used for to assist in protecting and ensuring improved safety for women and children in their family home. As I said, I thank the honourable member for drawing my attention to this program, and I would be very interested and pleased to have closer look at it.

ELECTRICITY PRICES, COOBER PEDY

The Hon. T.J. STEPHENS (15:37): I seek leave to make a brief explanation before asking the Minister for Regional Development questions about the exorbitant electricity prices in Coober Pedy.

Leave granted.

The Hon. T.J. STEPHENS: I asked the government questions on this issue earlier this year during the first session of parliament. I am yet to receive an answer from the minister to the question I asked in July. Since I asked this question, commercial consumers in Coober Pedy have faced another tariff increase of 33 per cent, and the government has flagged a further 30 per cent increase some time next year.

This will amount to a 98 per cent increase in three years which is totally unacceptable. All other states and territories have some policy of equalisation, particularly for those communities not connected to the grid and, therefore, are not exposed to the energy market as metropolitan consumers are. The problem that Coober Pedy faces is that businesses are forced to either absorb costs or pass them on.

Absorption of costs leads to cuts elsewhere (usually the staff), and the passing on of costs, particularly in the tourism industry, leads to a loss in business as these players compete with similar businesses over the border in Alice Springs. All of these problems are caused by increasing electricity prices, and the result will be the end of Coober Pedy as more and more locals struggle to find work to afford the exorbitant cost of living. My questions are:

1. Why has minister Koutsantonis not followed up on the request by Mayor Baines for assistance with the council's feasibility study?
2. Why does the government not have an equalisation scheme in place for remote communities, as do other states and territories?
3. Why has Coober Pedy not been considered for connection to the grid so that renewable technologies such as solar can be trialled?

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) (15:40): I thank the honourable member for his most important questions and will refer them to the Minister for Energy in another place and bring back a response.

MURRAY BRIDGE HIGH SCHOOL REGIONAL DISABILITY UNIT

The Hon. CARMEL ZOLLO (15:40): My question is to the Minister for Communities and Social Inclusion. Will the minister advise the chamber of his recent visit to the Murray Bridge High School Regional Disability Unit?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:40): I thank the honourable member for her very important question. On Tuesday 11 September I had the pleasure of opening the new industrial kitchen at the Murray Bridge High School Regional Disability Unit (RDU). The Murray Bridge High School RDU has been operating for more than 10 years. I was very pleased to see Mr Adrian Pederick there as well, helping me out in my duties. He introduced me as a visitor to his area who is always welcome and I introduced him to the crowd as someone who assists me in my duties as a member of the Legislative Council which are far and wide-ranging. Adrian helps out when I happen to pop into his electorate.

The unit offers students with disability the opportunity to undertake the introduction to vocational education curriculum through a flexible and individualised learning program. This program provides training in five broad areas of reading, writing, oral and signed communication, learning strategies, and numeracy. The program encourages the integration of these skills into real life tasks and situations. The students have the opportunity to complete a modified South Australian Certificate of Education and certificates in education and work skills development and undertake school based apprenticeships.

The catering and hospitality program was initially developed because staff noticed that students participating in structured workplace learning were not bringing substantial or nutritious food to eat during breaks in their studies. The catering and hospitality program teaches the students how to cook healthy budgeted breakfasts during home group each morning and also teaches them how to make healthy sandwiches for lunch.

The new industrial kitchen is very impressive. It is a training facility that incorporates a restaurant-style front-of-house area. This enables students to be trained in all areas of catering and hospitality. Along with Mr Pederick, I was lucky enough to sample some of their cuisine that week, and the menu was very adventurous with crocodile spring rolls, emu meatballs, kangaroo pie and

ice cream filled chocolates. I am pleased to report I sampled all of these creations and they were incredibly delicious—in fact, I went back for seconds.

Last year students were invited to cater for the Just Deadly Awards in Murray Bridge—an awards evening celebrating the achievements of Aboriginal students across seven schools. Students from the RDU showcased their culinary skills in preparing 1,750 restaurant quality cocktail dishes. I am told the night was a huge success. The students from the RDU frequently showcase their work for overseas visitors and universities. In June 2012, students catered for 80 teachers and educational personnel from Indonesia. The visitors had the opportunity to observe the students prepare the food on the menu they were presented with.

The RDU is internationally acclaimed as a centre of excellence with regional, statewide, national and international partnerships. For example, next year it is envisaged that a new partnership between the school and local job search providers will begin, providing the same quality training in hospitality and catering to people with disability outside the school community.

The RDU has set up a blog to promote the work it has been doing and I am delighted that as a result the students have developed a partnership with the owner of a restaurant Le Terraillet in Chambery, France. This partnership is very exciting and led to the restaurant inviting three students from the unit to visit France to experience French culture and, most importantly for these foodies, to learn a range of French cooking techniques often considered the pinnacle of world cuisine.

The Weatherill government provided some financial support to each of these students to assist them with their travels and, having spent time with the three students involved with the trip, I have no doubt they were excellent ambassadors for our state and great promoters of the Murray Mallee region and produce. The students have now returned from France and I am told the trip was a great success.

The students prepared two different meals—a dinner and a breakfast—for special guests, and I am told they received standing ovations on both occasions, one lasting for a full 15 minutes. I am looking forward to sampling the menu that they created on that occasion if it entitled a full 15-minute standing ovation. I am sure that I could even beat that. The Murray Bridge High School students also raised €1810 for a local charity providing accommodation services for people with disabilities.

I pass on my sincere congratulations to everyone involved with the Murray Bridge High School Regional Disability Unit, from the support staff and the teachers to the families involved, and of course I want to acknowledge all the students involved with the program who inspire and impress us all with their remarkable talents.

AUSTRALIAN BREASTFEEDING ASSOCIATION

The Hon. D.G.E. HOOD (15:45): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question concerning the withdrawal of funding for the Australian Breastfeeding Association (SA Branch).

Leave granted.

The Hon. D.G.E. HOOD: The Australian Breastfeeding Association (SA Branch) is an organisation that assists breastfeeding mothers with information about breastfeeding and practical advice from its more than 120 volunteers. Funding is used to pay for an office and administration staff. I am informed that all government funding will cease from 31 December this year, which will result in the closure of the office which manages the volunteers. The result will be that the provision of these valuable services will be severely restricted and substitute services will need to be provided by paid employees in the health sector.

The volunteers are trained women who have had practical experience with breastfeeding. They are aware of the many issues and practical difficulties that can arise and are very well equipped to advise in this specialist area. I address this question to the Minister for the Status of Women although obviously it is funded out of the health budget, but I assume that she would have some comments to make on this important issue.

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) (15:46): I thank the honourable member for his most important question. This government is a very responsible government and we have indeed been forced to respond to very

difficult economic times. My understanding is that we have obviously had to look at all of our spending and all of our agencies have had to find savings to ensure that this state remains financially viable. That is what we have done, and it has meant making some very tough decisions.

I understand that minister Hill (the Minister for Health) is reviewing a range of funding and grant options in relation to NGO services. I understand that a review is being undertaken and that, where possible, where services are duplicated or replicated, he is looking at streamlining those services.

In terms of the outcome for that particular organisation, I am not aware that that has been finalised. My understanding is that it was part of the review but, as I said, I am not the minister responsible. I am happy to refer those matters to the Minister for Health in another place and bring back a response, but I can assure honourable members that support for breastfeeding mothers is absolutely critical to the care and future health and wellbeing of babies. The benefits of breastfeeding are well documented and have been well researched, and I can assure honourable members that support for breastfeeding mothers will continue.

REGIONAL DEVELOPMENT

The Hon. J.S. LEE (15:48): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about the government's commitment to regional South Australia.

Leave granted.

The Hon. J.S. LEE: The President of South Australia's Local Government Association, Mr Kym McHugh, stated on ABC Riverland radio on 27 September that the South Australian government lacked commitment to regional development and that he hopes a discussion paper aimed at improving communication between the levels of government will help to overcome the issue. The President said that the region's worth to SA is not translated into the recognition it receives from the South Australian government.

It was reported that the Minister for Regional Development pledged to release a statement last year detailing the South Australian government's commitment to regional South Australia; however, Mr McHugh stated that the delay proves the low importance the government places on the regions. My questions to the minister are:

1. With the Local Government Association publicly announcing the government's lack of support for regional South Australia, what actions has the government taken to restore confidence within South Australia's regions?
2. Can the minister explain why there is a delay in releasing the regional statement, and can the minister give us a date as to when such a regional statement will be announced?

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) (15:50): I thank the honourable member for her most important questions. I thought I had a copy of some of the details, but I have not got that in front of me. I assure honourable members that this government is very much committed to regional development and regional communities. In our last budget alone \$95 million has been allocated to regional South Australia.

A range of targeted investments aim to drive growth and generate flow-on benefits for regional communities and to provide a large range of improvements to regional infrastructure. I am happy to talk about the regional statement in a moment. The honourable member asked a wide range of questions, and I am happy to work through them one by one. As always, I give comprehensive answers in this place.

A significant investment has been made to enable us to respond to emergencies better to ensure safe communities and healthy neighbourhoods. A bushfire response of \$2.2 million was allocated in 2011-12 to meet additional expenses associated with the extension of aerial firefighting, replacement of breathing apparatus for our South Australian Country Fire Service, safety for frontline volunteers with over \$600,000 additional training for our CFS, replacement rescue boats for the CES, the local government disaster fund of \$8.2 million, and things like the Mobilong prison investing \$10.9 million over the next number of years to improve surveillance at Murraylands prison.

In terms of assistance for children, again, we have seen improvement in children's facilities in Renmark North Primary and a number of others. The Skills for All initiatives also have a very

positive outcome for regions. There is the Woomera PACE—the list goes on. There are a range of significant commitments for our regions. For instance, in terms of health funding for our regions, health spending accounts for, I am advised, 31 per cent and a significant amount is provided to our regions.

In relation to the regional statement, I am very pleased to provide progress on that. As I have said in this place previously, we are looking to draw together aspects from our regional plans and road maps that set out visions for our regions, including tourism, industry development infrastructure and looking at a collaborative process between governments and the regions. We are looking to have the regional statement build on the review and release of the update of the South Australian Strategic Plan also in light of the seven priorities.

Considerable work has been done. PIRSA has engaged the South Australian Centre for Economic Studies to assist in preparing a draft statement, and that statement will be developed in consultation with peak bodies. In addition, the relevant state level peak bodies will obviously be key partners with us in the draft of the regional statement documentation, which includes all the relevant dependencies. The list of consultations, regional profiles, etc. has been completed and is currently being considered by my agency.

Comprehensive consultation has occurred. It is a very broad-reaching document and so has taken some time, but we have been out there working with key stakeholders and pulling together the work needed to complete that comprehensive statement. As I said, considerable work has been done and we should be nearing the completion of that within the foreseeable future.

ANSWERS TO QUESTIONS

DRUG PARAPHERNALIA

In reply to the **Hon. A. BRESSINGTON** (24 February 2011).

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

Enquiries have been made with the Office of Crime Statistics and Research to ascertain the numbers of prosecutions under section 9B of the *Summary Offences Act 1953*. It should be noted that there is only data available for 2008-09 at this time.

Apprehension Reports

2008: 4 charges
3 under s9B(1)(a)
1 under s9B(1)(b)
2009: 4 charges under s9B(1)(a)

Court Prosecutions (on cases finalised by 31 December 2009)

2008: 2 charges under s9B(1)(b), both with outcome of 'not guilty/no conviction recorded'
2009: 2 charges:
1 charge under s9B(1)(a) with outcome of 'conviction'
1 charge under s9B(1)(b) with outcome of 'conviction'

There were also committal proceedings in 2009 in the Magistrates Court for a further 2 charges under s9B(1)(a) however these proceedings were not finalised in the District or Supreme Courts by 31 December 2009, and so are not included in the statistics.

A review of the legislation was undertaken by the appropriate officers in the Attorney-General's department, with information provided by SAPOL. It was concluded that no amendments to the Act were necessary. The intention of Parliament was not to ban pipes used with legal substances such as tobacco, and it is not feasible to widen the definition further as it would capture items not intended for illegal substance use.

It is not the role of the Attorney-General to decide which items do and do not fall within the definition in section 9B. The Courts determine whether or not an item falls within the definition based on the evidence presented to them when an offence is prosecuted.

It is incorrect to say that Parliament should be enforcing the law—that is why we have a police force and a court system. If there are concerns about items on sale, that should be reported to the Police whose role it is to investigate suspected breaches of the law.

MURRAY-DARLING BASIN PLAN

In reply to the **Hon. M. PARNELL** (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 Water and the River Murray has been advised:

1. The State Government has carefully assessed the draft Basin Plan against the requirements of the Water Act and the analysis has shown that it fails to deliver essential outcomes for South Australian environments. By failing to restore and protect our environment, the draft Basin Plan does not meet the central purpose under the Water Act, and compromises our international and moral obligations to protect our unique and irreplaceable wetlands for the future.

Based on the State Government's analysis 71 recommendations were made to the Murray-Darling Basin Authority (MDBA) with a key recommendation for the MDBA to adopt an environmental water recovery target greater than 2,750 GL that delivers on essential environmental outcomes.

The MDBA released a revised plan on May 28 which still did not address the need to return enough water to provide for a healthy river. As a consequence the State Government will undertake a campaign to inform all South Australians about the risks to our future and encourage people to push for a plan that is consistent with the best available science. In addition the campaign will be extended across state borders to encourage the broader Australian community to force changes to the plan.

The State Government has also instructed its lawyers to prepare a legal challenge to this plan; the State will be ready to fight it in court if required.

2. The Premier and I are confident South Australians will support a united response to the development of the Basin Plan. I note that in June 2011, every South Australian federal politician—lower house MPs and Senators—pledged support for a Murray-Darling Basin Plan that ends the overuse of water in the Basin and returns the river system to health.

SNEATH, HON. R.K.

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) (15:56): By leave, I move:

That this council notes the retirement of the Hon. Bob Sneath and his meritorious service to the parliament and this state as President of the Legislative Council and as a long-serving member.

It is certainly with mixed emotions that I rise to speak about Bob Sneath on his retirement from public office, from parliament and from his office as President. On the one hand, I obviously feel a sense of sadness to be losing a wonderful colleague from this place, but on the other hand I know that he will be entering into a very active and interesting chapter in his life.

Bob was born in Kingston in the South-East and was educated at Tantanoola Primary School and Millicent High School. After school he worked as a shearer and then later became an organiser with the Australian Workers Union. His chosen career was not an easy one, but one which I know he is proud of, which no doubt has been extremely rewarding and which has obviously helped mould him into the wonderful man that he is today.

Since then, he has been involved in community life on many fronts, but all have been focused on helping people, helping those less fortunate than most and helping those who do not have the same access to privilege as others. In later years Bob became secretary of the AWU, and later he was a member of the state executive of the Australian Labor Party and was elected president of the party in 1999.

Just a year later, Bob was appointed to the Legislative Council following the early retirement of George Weatherill, and he has been President of the council for the past six years. I have had the great pleasure of working with Bob for many years, and in all that time I have known him he has been an absolutely passionate campaigner and supporter of the little guy. Bob and I go back many, many years. We worked together in the union movement a long way back. I always

enjoyed working with Bob and his union at that time and have enjoyed working with him here in this place.

Bob is a good man through and through. He is compassionate and generous, and I know he has helped many people throughout his life, which I have no doubt he will continue to do throughout his retirement. Not only did he fight for workers' rights for all of those years, but there is a whole range of things he has been personally involved in, including helping out individuals and their families who found themselves in trouble or difficulty. He has assisted them to work through their problems and broker outcomes that have been incredibly helpful to these people and their families, and he does this with a great sense of generosity, kindness and utmost respect for people and humanity generally.

He has also been a very big supporter and fundraiser for the Neil Sachse Foundation and the Down Syndrome Society of South Australia. He has been a ferocious fundraiser and campaigner—I have been stung many times—and all of this has occurred quietly, with no fanfare. He is a no-fuss sort of a bloke. As I have said, I have always enjoyed working with Bob because he has always been such a ferocious campaigner for justice and equity.

I think that one of his secrets of success is that, while he is an absolute straight shooter—everyone knows at all times exactly where they stand with Bob; he leaves you in no doubt whatsoever—he has the utmost respect for people, and this is very much reflected in the way in which he treats people. He will listen and consider things very carefully, after which he is not afraid to come out and call it the way he then sees it. Even if he is the only person with that particular point of view, he will be incredibly vocal and forceful about expressing his view on issues.

Bob has never been afraid of controversy, and he has never been afraid of taking on the establishment—even the party and the caucus. He has always been ferociously up-front. So, Bob is a man who has the courage of his convictions, and he is not one to follow a point of view just because it is a populist one. If it means that he has to stand alone, then Bob stands alone. As I have said, he is a man of great conviction.

Mr President, when you hear the typical criticism from the opposition and also from some sectors of the media—and we hear it all the time—carrying on about the Labor Party putting union officials into positions of power, they show their ignorance, as you well know, about the wealth of human experience, insight, knowledge, skill and expertise that people like Bob have about the working life of Australians. Bob's long service, including with the union movement, has obviously moulded him into a very skilled and clever negotiator.

Bob has a quiet, disarming, non-threatening manner—except when he is yelling at you in disagreement, of course—and he is very skilled at being able to get people to identify clearly what it is they want and what it is that is important to them and then helping them to negotiate a pathway forward that satisfies the parties. To top it off, he has a fabulous dry wit and a very wicked sense of humour, which make him great company—and I have always enjoyed Bob's company.

Bob is a very generous soul, Mr President, as you well know. He loves a wine, and he does not mind sharing it with you, either. He loves his tucker as well, and he does not mind sharing his chips with you, either! As I said, he is a very generous soul. I do not know where I am going to get my chips from, Bob.

Somewhere in amongst that very busy life, Bob found the time to marry Pam and raise a family. Together, he and Pam, his partner for 44 years—she needs a medal, I think!—raised four children—Jodie, Dwaine, Joshua and Sam—who have now produced a string of grandchildren for them to dote on, which Bob loves doing. Bob's passions include fishing, family and grandchildren, and I am very sure that those interests will keep him very busy during his retirement.

When he does take a few moments from his busy retirement to reflect on his career, I think and believe that Bob should be very proud of the very honourable and immensely valuable contribution that he has made not only to this place in particular but to this state generally. Obviously, there are some members of this chamber who will want to make individual contributions but, on behalf of everyone here and the people of South Australia, I would like to thank Bob for his fabulous contribution and wish he and Pam a very long, happy and fulfilling retirement.

Honourable members: Hear, hear!

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:05): It is with a great deal of pleasure that I stand to second the motion of the Leader of the Government and add a few other comments to her remarks which, I think, have very accurately covered the life of Robert Sneath,

who, of course, we know was elected to this place on 4 October 2000. He was a replacement for Mr George Weatherill, who, of course, is the father of the current Premier. So Bob, you have had a hand in, I think, the Premier's elevation. Now that you have departed, I guess, from your perspective you would see that you had achieved your goal in getting one of your boys into the top job.

Mr Sneath (Bob) was born, as the minister opposite said, in Kingston, educated in the South-East and became a shearer. Because I am from the South-East, I was recently at the Kowree Naracoorte Tatiara Football League grand final and there were two gentlemen who I ran into that day and had a brief word with.

One was Mr George Lannin, from a little town called Lillimur, just over the Victorian border, where Bob was a shearing contractor and shored at his property for a number of years. We have often discussed the good times that he had shearing there and the fellowship that they enjoyed with Mr Lannin and his family, whether it was on the property or in the Kaniva Hotel or maybe even the Serviceton railway refresh or the Wolseley Hotel. In the brief time I spoke to George, he asked me to pass on his best wishes and also his best wishes in retirement to you.

The other person I spoke to was one of his very loyal union members—a gentleman well in his eighties now by the name of Pat Jarrett. Pat was our shearer and he and his brother, Hope, were shearers on our property for as long as I can remember, through until they retired from shearing. The whole Jarrett family are very staunch members of the AWU and it is fair to say that, while they are very good friends of mine, it took some coaxing to get them to even consider voting below the line in the 2002 election to vote for me, number one, but they then went straight back to the number two spot for all of the members of the Labor Party. Pat Jarrett also passes on his best wishes to you in your retirement.

One other person who is a friend in the Lower South-East is Mrs Margaret Considine. She talks about 'young Robert' working for them on the farm. I just notice, printed in *The Advertiser* on 7 May 2004, is a caption titled 'Big Bob says home cooking is a heavy burden.'

Weighing into the debate on obesity, Labor MLC Bob Sneath blamed his wife's cooking for his ample girth.

He says:

When I got married, I was 11 stone wringing wet...This is a good opportunity to blame my wife. It must be her cooking.

Margaret Considine talked about 'little Robert' and she said he was only a skinny little bloke. She did not actually say 11 stone wringing wet, but she did comment on your much larger person these days than when you worked for the Considines.

I have often used the description of Bob when I have had school tours in this place and young male and female children ask me: 'What do you have to do to be a member of parliament? Do you have to go to university? What do you have to do?' I often explain that I did not go to university—I am from a farming background in the South-East—and I often use Bob as an example of somebody who was a shearer, joined the union movement, worked his way through the union movement and ended up holding here in this place one of the highest offices in our state.

I think it is a real credit to Bob but also our democratic system that our parliament is a true mirror of society. Once we are in this place we are all treated equally, and it is a real credit to Bob, and I think to this place, that he was elevated to the position of president. I am sure his family is very proud of the fact that he achieved that and, as president, served this place with distinction and discharged his duties very well. An article in *The Advertiser* on 29 September 2000, entitled 'Ordinary bloke joins parliament', states:

An 'ordinary bloke' who wants to 'bring a bit of the bush into parliament' will replace retiring MLC George Weatherill in the Legislative Council. Bob Sneath...ALP president and Australian Workers Union secretary, will take over the position in the next session of parliament, starting on October 4. Mr Sneath said his priorities will include industrial relations, opposing further privatisation and increasing the number of apprentices. 'I am an ordinary bloke from the bush and will be trying to make things easier for people to understand,' he said.

I think that epitomises Bob Sneath; he is just an ordinary bloke who has served the state well and who has served this parliament well. On behalf of members on this side of the chamber I wish him and his family, Pam and all his children and grandchildren, all the very best for his retirement.

The Hon. D.G.E. HOOD (16:10): I rise to very briefly make a few comments on behalf of Family First. I would like to begin my contribution by congratulating you, Mr President, on your elevation to your position; I think anyone who achieves the position of President of the Legislative

Council has much to be proud of. I say that about yourself and also about the, I guess, formerly honourable Bob Sneath—

Members interjecting:

The Hon. D.G.E. HOOD: —who we still all regard as honourable; I have no doubt of that at all. I remember much about Bob. I remember my very first day in parliament when the new president, as he was then, was being sworn in. I had never met Bob, although I had heard of him, of course, and I went up to congratulate him and shake his hand as a brand new member of parliament myself. I said to him 'Well done, Mr President,' and he said 'Yeah, not bad for a shearer is it mate?' That gave me a real insight into who he was straight away.

We will think of Bob as a really honest and decent person, and if you can leave this place with this reputation you have done very, very well. Sadly, some people do not. It is a credit to you, Bob, for being able to conduct yourself in such a way that I believe you are genuinely liked by all sides, whether they be crossbench, government or opposition. People, including me, regard you as someone who is inherently fair and impartial in our debates and as someone to be respected because of that.

As Bob is the only president I have ever had, he is both the best and the worst president I have ever had, but I will certainly regard him as the best—that is, of course, until now, Mr Current President. Perhaps one final thought: I remember very fondly those terrific dinners Bob hosted over the years. They were really fantastic occasions that I enjoyed being part of. Thank you, Bob. I wish you all the best for you and your family in your retirement. God bless.

The Hon. R.L. BROKENSHIRE (16:13): I will be brief, but I think this is an important time to put on the public record my personal appreciation of the former president the Hon. Bob Sneath. However before doing so I congratulate you, sir; it is a very important position and a privileged position, and I am sure that, having had the former president as your mentor, you will carry on in a very similar fashion.

I have served under four speakers of the House of Assembly and only one president, but I have had a chance to compare and contrast those four speakers and president of the Legislative Council in the Hon. Bob Sneath, and I am very pleased to put on the public record that when it comes to balance, commitment to members and their requirements, and due process within standing orders and the parliamentary system, I have found the Hon. Bob Sneath to be number one in the way in which he conducted the business of the chamber in which we serve.

I also want to acknowledge, after talking to Bob several times over this, the commitment of Bob's family, particularly his wife. I have not so far had the privilege of being able to spend time with her, but I know that behind the scenes—as difficult as it is for the spouse of a member of parliament, and particularly in the case of the president's role—that Mrs Sneath was very supportive, although not up front all the time, and right alongside the president, and in other appropriate places was very supportive as well.

Coming from the country, I would have thought we would both have similar ideologies and I was a little surprised when I learnt that the former president was a member of the left and clearly, as colleagues would know, I am a long way away from the left. However, having said that, there is a lot of commonality here that I saw with the president and that is the commonality of the privilege to serve the South Australian community and the commitment, irrespective of your faction and your party, to be professional and to try to get the best possible outcomes for the community. Clearly, the Hon. Bob Sneath has done that.

Now that he is going back to the country I hope that he puts more focus back on rural and regional South Australia. I know that he has not always been the strongest supporter of grants for the regions and for agriculture and the like (as I have been) but perhaps once he gets back into his real territory in the South-East, where he is going to spend his retirement, the farmers and regional and rural people will again influence him and he will be able to encourage the government to look at a broad-based government focus rather than what has drifted sometimes a bit the other way. I still see that the Hon. Bob Sneath will have a role to play as a continuing member of the Labor Party.

I want to finish by saying that I know he is a good fisherman and, in fact, Mr President, I understand he may be even a little better as a fisherman than you are. I hope that he catches a lot of fish now that he has retired and that he has a long, healthy, safe and successful retirement with his family. He has worked hard not only in here but in his life career and I have certainly been

privileged to serve under him as president, and I wish him and his family every success in the future.

The Hon. A. BRESSINGTON (16:16): I also rise to comment on the Hon. Bob Sneath as our former president, and my memories are probably much the same as the Hon. Dennis Hood's. Bob became president here in the same year and at the same time as I was elected into this place. I came in here very naive about parliamentary process or parliament in general and I found Bob, over the years, to be very helpful to me. I have sat up there in the chair beside him many times asking for clarification and explanations on matters that were quite confusing to me. I have always found him to be, as other members have said, an honest, kind-hearted person. If he said something you could basically take it as the truth. Although he had plenty of opportunity with me to play some sort of political game, he never did—or I do not think he did—and if he did he is very good at it!

I do not know very much about Bob's personal life and I do not know very much about Bob's past, apart from the fact that he was a shearer, but having two uncles who were previously shearers and knowing the sort of personality and character they have, it helped me to form a view that he was the right person for the job in this place. He did bring balance and fairness, and he was firm. We may have only butted heads a couple of times but in those times that we did, I will now admit that I felt a little intimidated and I found him sometimes a little scary but perhaps that was more my stuff than his.

I wish Bob all the best in his retirement and happy caravanning—I envy him the opportunity to take off in his caravan and have a relaxed life. I wish his family well, too, and hope that they are able to keep him busy and occupied enough after his life in politics for so many years.

Mr President, I hope that we can have the same kind of working relationship—and I am sure we can—and, again, with other members, I congratulate you on your elevation to the position of President, and I look forward to at least the next 12 months working with you in this place. To the Hon. Bob Sneath I say take care of yourself and make the very best of the years of retirement that you have earned.

The Hon. M. PARNELL (16:20): I rise to acknowledge the Hon. Bob Sneath's contribution to this place as president of the Legislative Council and I echo the remarks of colleagues in wishing him and Pam all the very best in retirement. As other members have noted, those of us in the class of 2006, he is the only president that we have ever known, but the additional observation that I want to bring is to note that Bob was a very fair president.

I know that behind the scenes he was often exhorted to sacrifice democracy for expediency. I think many of us know our colleagues in another place do not fully understand the workings of this chamber here and I have no doubt that behind the scenes they were putting pressure on Bob to shut down the debate, to move things along and to meet a timeline that was other than of this Legislative Council's own making. We noted that pressure existed and, to his credit, he resisted that pressure overwhelmingly. That means that he was battling for the Legislative Council and, in battling for the Legislative Council, I think we all owe him a debt of gratitude.

He nearly always gave us a fair go and for that I thank him as well. I do not know whether this is a good point or a bad point but I never got thrown out by Bob. I will note that I have only ever once dissented from the president's ruling. It was very early on in my political career and I am prepared to say now that I did not fully appreciate the consequences of where that path was leading us in terms of what happens if a person having dissented the president's ruling then gets the support of honourable members. I think that is known as a career limiting move for the president.

Common sense prevailed and we eventually adjourned the debate for me to calm down and for all of us to collect our thoughts and, as a result, we have had the Hon. Bob Sneath as a long serving president of the Legislative Council. I know that my colleague the Hon. Tammy Franks has some remarks as well but on behalf of the Greens I would like to thank Bob for his years of service and thank him for the fair go that he has given all of us in the Legislative Council.

The Hon. S.G. WADE (16:22): I rise to acknowledge the service of the Hon. Bob Sneath as the president of the Legislative Council. Bob Sneath was one of the few members of the Labor Legislative Council team that I had even heard of before I entered the parliament in 2006. As I went around seeking preselection support in the South-East, Liberal preselectors spoke warmly of Bob Sneath and his work as an organiser with the AWU in the area. He was praised as a sensible union representative who had been known to tell a union member that their demands were unreasonable.

I do not think that the Hon. Bob Sneath always sat comfortably in the president's chair. One saw flashes of the frustration of a shearers' union organiser who would rather be on the floor debating issues without the constraints of the presiding officer. Nonetheless he was a good president and a fair president and we appreciate his efforts over these six years to maintain the standards and traditions of this place.

I particularly want to thank the Hon. Bob Sneath for his defence of this council. Symbolic of this was his actions during the recent renovations of the House of Assembly chamber. The president ensured that the right of the Legislative Council to use its own chamber was respected while accommodations were appropriately made for the House of Assembly to meet here. I have also previously praised his initiative of installing artworks in this place which link us back to our origins and they will continue to adorn the walls of the eastern and western upper gallery for years to come.

I wish the Hon. Bob Sneath and his family all the best in his retirement. We know how much his family means to him and trust that they enjoy many years sharing their lives in the future. I wish the Hon. John Gazzola well in his service of this place in the role of president. I know that he too will experience frustration from time to time as he assumes the constraints of the office. I assure him of my support and encouragement in the discharge of his important role as presiding officer of this council.

The Hon. T.A. FRANKS (16:24): I rise briefly to acknowledge the only president that I have known and, so again, I echo the words of the Hon. Dennis Hood that this has been both the best and the worst in my experience, but certainly I think as presidents and speakers go that I have observed across parliaments across Australia and New Zealand, Bob certainly is an outstanding president. As we all know, he was a sheep shearer and then a union organiser. My family was actually a little step down from that, having been sheep muleses, so not quite as glamorous as the sheep shearer.

Bob's humour and generosity went a long way to ensuring that this place and the debates in this place contained much less tension and acrimony than those I have seen in the other place. Certainly his sense of humour was alerted to pretty early on when his mobile phone rang and Click Go the Shears played quite loudly.

Bob has left this place on a very positive note in terms of his own political journey, with Premier Weatherill having had the support of Bob, there being connections with the Weatherill family over the years. That is actually a lovely way to exit this place. He is going out on his own terms. He actually said over a year ago that he would leave this place in October, and he has kept his word. He has certainly provided a succession plan for the new President, whom I congratulate on his elevation.

I note that the Hon. John Gazzola, as the current President, let a few supplementaries go through today that the previous president certainly would not have. They slipped through the net. They were certainly not supplementaries on the original answer. I welcome this new, relaxed and comfortable presidency and look forward to robust debate during question time, and an enormous amount of supplementary questions will be welcomed by the crossbenchers.

With that, I think Bob is a wonderful person to have on your side, and certainly members of the government know that. When he was president of the Legislative Council, I believe he was on the side of the Legislative Council, and I commend him for that.

The Hon. CARMEL ZOLLO (16:26): I had the opportunity to say a few words whilst the Hon. Bob Sneath was still in the chair on his last sitting day, so my comments will be brief. I hope these last couple of weeks of retirement have treated the Hon. Bob Sneath and his wife, Pam, well. Hopefully Pam has found many chores that she had put on the back burner for the Hon. Bob Sneath to partake in.

I remember that the Hon. Bob Sneath in his comments made some mention of the importance for him to retire at an age to be able to enjoy his retirement. I think the Hon. Ann Bressington made comments about him keeping well and looking after his health. I have to say that I do agree with him. I will be of a similar age—well, a bit younger—when I retire at the end of my term come the next election.

The Hon. Bob Sneath's commitment to the union movement, to charitable organisations and to individuals has already been mentioned by the Hon. Gail Gago in her contribution, and I very much concur with the remarks she made. The Hon. Bob Sneath is someone who holds the

tenets of the Labor Party very dear—access, equity and justice, all the very important tenets of the Labor Party.

I again wish the Hon. Bob Sneath a well-deserved and wonderful retirement and again thank him for his service to the Legislative Council and the community of South Australia in such a distinguished capacity. I take this opportunity to congratulate you, Mr President, on your elevation to President of the Legislative Council and wish you a long and successful tenure.

The Hon. J.M.A. LENSINK (16:28): I would like to add to the remarks that have been made thus far by honourable members. It has been noted that the Hon. Bob Sneath was a proud shearer. He is certainly an old-fashioned Labor man in the mould of the sort of Labor man that I think we on this side grudgingly respect. He has been true to his values and has proudly represented his people. He has remained down to earth and he has been generous.

I have really enjoyed working with the Hon. Bob Sneath. I think he has added a lot to this parliament. Many remarks have been made about his fairness and his ability to handle the chamber, not that we are as raucous as the other place, but things do get testy at times. I think certainly his good sense of humour and the respect that we hold for him as a colleague has meant that he has been able to manage situations without things getting out of control. He has certainly discharged his duties as President with good humour.

The Hon. Bob Sneath and I did not always get along as well as we do. I think at some point he might have thought I was a bit of an upstart, and I perhaps viewed him as one of the many members of the retired unionists retirement home that the Legislative Council can be from time to time. So I think with you, Mr President, one evening—I cannot remember how many years ago it was, but it may be just after he had been elevated to President and I was thinking, 'This guy's giving me such a hard time when I ask questions; I've got to do something about it'—we might have had a few late night beverages—I cannot remember whether it was beers or red wines—

An honourable member: The Rockford Basket Press.

The Hon. J.M.A. LENSINK: No, it wasn't the Rockford Basket Press—I was hoping that wasn't going to come up. However, we enjoyed a few beverages and broke down the barriers and learnt to realise that the other person does not have two heads. I do appreciate his work and wish Pam and the family well and many years of good health.

The Hon. T.J. STEPHENS (16:31): Mr President, I start by congratulating you on your elevation to high office; I am sure you will do the Legislative Council proud. The Hon. Bob Sneath: when I first came into this place I was not sure that I would have such high regard for members opposite, given that we do battle quite frequently, but I begrudgingly acknowledge the fact that I call the Hon. Bob Sneath a friend. The number of times we had a good laugh together about many serious issues is something I will cherish.

This is not a eulogy—the man is retiring to go on to bigger and better things, so I am trying to be as reasonably light about this as I can be. The Hon. Bob Sneath: to your lovely wife Pam my wife and I pass on our very best wishes. I hope she can tolerate you—it will be a fair challenge, because she has had the protection of you being busy in this parliament for some period of time, so I hope it goes reasonably well for Pam in particular. I will be a bit less suspicious about those fresh sausage rolls coming into you, and your wicked and wry grin about that whole exchange of produce.

I am happy to acknowledge, Bob, that you are a good old-fashioned Labor man through and through. We always from this side had a fair understanding of from where you were coming—there was not anything too tricky about it. You are passionate, unapologetic and pretty tough but, as others have said, it is with a great sense of humour, and I have really appreciated that. Given the fact that you are still a mad Port Power man, you need a sense of humour. As a man who buys and runs slow racehorses, you need a sense of humour. With some of the crappy tips I have given you over the last period of time, you need a sense of humour.

Bob, we have shared one of my favourite two meals—wild duck and magnificent South Australian red wine. It was a day I will always remember. I look forward, hopefully, to sharing my other favourite meal—lobster caught by the Hon. Bob Sneath at his property in the South-East.

The Hon. Carmel Zollo: Take your place in the queue.

The Hon. T.J. STEPHENS: Interjections are out of order, but I might add that I understand the barter system, as you well know, sir, and I am looking forward to us catching up in a relaxed

way at some stage. I will only have fond memories of you in this place. Other people have spoken as to how wonderfully well you conducted the business of the place. I remember you having a distinct difficulty in either counting or hearing, because invariably when we had the voices you always called to the right of the chair, Bob. I hope you get that hearing fixed now that you are a retired man and have more time on your hands.

With those few words, I have really enjoyed my time with the occasional bit of sparring here, but more friendship, and I am sure we can enjoy a few sips on the way through. I wish you a long and happy retirement; I hope it is great.

The Hon. K.L. VINCENT (16:34): Thank you, Mr President. I will start by saying congratulations and commiserations to you. I would just like to place on the record a few brief words about our dear Bob. I am going to have to get used to calling him that. I think I will have to reach a compromise and call him Mr Bob, or something strange like that. I have many fond memories of Bob, and the first of those is, of course, of my first day in this place, when I was giving my first ad lib speech, so to speak.

I started to get a bit emotional and broke down a little bit, and tried to pass it off, saying 'I'm not doing very well, am I?' Bob said to me, 'You're doing just fine.' To be honest, I think those words probably have a lot to do with the fact that I am still in this place two years later. I have very fond memories of that.

I also have very fond memories of being called into Bob's office for one of his infamous wine sharings that the Hon. Ms Gago has already touched on and him informing me that the way that bloody John Gazzola was going he was going to have to get down on his hands and knees and build a ramp so I could get up to that chair. So just you look out, because he has already got the other succession plan in place, apparently.

I do not remember this, and I do not think Hansard picked it up either, but apparently the Hon. Bob Sneath once responded, 'Yeah, cool' to something I had said in this place, so it is good to see that the fountain of my youth has rubbed off a bit. I hope that will serve him well into his retirement.

Of course, Bob is also a proud supporter of several causes that I share with him, including supporting people with spinal cord injury and people with Down syndrome. They are obviously causes that are very close to both our hearts as well as many others, I think, and I hope that that will mean that we will keep in contact from time to time.

I would also like to take this opportunity—I did not know I had to do this—to thank the Hon. Ms Lensink for being such a young upstart, because that's obviously what gave Bob the patience to deal with me when I came along. That explains a lot, and also explains why, like the Hon. Mr Parnell, I have never been ejected from this place, try as hard as I might.

The Hon. A. Bressington: Try harder.

The Hon. K.L. VINCENT: I'll see how I go with you, Mr Current President, shall I? I think that speaks a lot as to Bob's patience and kindness. They have already been touched on extensively, so I will not go on too much, but it certainly has been appreciated and will never be forgotten. You will be missed, Bob. All the best.

The Hon. J.S.L. DAWKINS (16:37): Thank you, Mr President. Firstly, my congratulations to you on taking up that role today. You are the fourth president that I have known in this place, and I look forward to working with you in that role. I rise to speak about the third president that I have known, and that is the Hon. Bob Sneath.

I well remember when he came here in the year 2000 to replace the Hon. George Weatherill. It was very shortly after one of the longest nights that we ever had in this place, when I think we sat until about 5 o'clock in the morning on ETSA. Bob was very pleased that George had waited until we had got that one out of the way, I think; although subsequently we did one of those.

I think in Bob's early days—and I remember this well—he had a running battle for some time with the Hon. Legh Davis. The Hon. Legh Davis thought he was going to get involved in an AWU election, and I think he discovered that the Hon. Bob Sneath was more of a match for him than he ever thought was going to happen. There was quite a battle there for some time.

I am proud to say that I was a whip with the Hon. Mr Sneath. I think we might even have had some of those meetings in Botany Bay, and more latterly out in the courtyard. I think that your progression from whip to president was one that served you well, in that there is no doubt that the

role of whip allows you to see how the place works, and there is no doubt that that has assisted you in the role that you have played.

It has been a privilege to assist you from time to time, and I thank you for your recognition of that, because it is important that the president does get some assistance to at least go out for a coffee or for a walk down the corridor.

I would also like to put on the record my thanks for the way in which you have acted in your role as the alternate presiding member on the JPSC. I think that the JPSC is blamed for a lot of things. There are a lot of things which people think are in the JPSC's gambit which are not. Because of your stewardship of that body, and also the time you spent when the Speaker of the House of Assembly has been the presiding member when you still provided a lot of guidance to that committee, I think there have been more sensible decisions made by that committee because of your influence.

That takes me on to the next point that you have stuck up for the Legislative Council when it has not always been fashionable to do so. The Hon. Mr Wade may have alluded to your support for and strength on behalf of the Legislative Council in the recent situation where the House of Assembly was looking for a home. In fact, the first email communication I had was that the House of Assembly was coming in here and we were going to be plonked into the Balcony Room, without any consultation with us whatsoever. I will not say that it was astounding, but it was outrageous, in my view. Bob resisted any of the attempts, I suppose, by our esteemed colleagues downstairs to push us aside. I think that what evolved from that was a very sensible arrangement. So, I pay tribute for that to my friend and colleague.

I also pay tribute to Bob for his support for various charities. I know that the Leader of the Government has mentioned that at some length—and I, too, have been stung. I give great credit to the Hon. Mr Sneath for that support. I also extend my sympathy on his continuing support for matters Port Adelaide in the football fraternity. That is just one of those things, I am sorry, you have on your own; you do not have my sympathy for that.

In conclusion, I echo the comments the Leader of the Opposition made about Margaret Considine. Margaret has spoken to me on a number of occasions about 'little Robert Sneath' but with some affection in her voice. I know that she will be thinking of you as you move on to the next stage of your life.

I grew up as a sheep farmer, so for that reason I have spent quite a bit of time in my life in the company of a range of shearers, ranging from very much the old school to some of the younger breed who came through. Most of the 'old school' had a colourful knowledge of the English language, but I have great respect for the great majority of the shearers I worked with. In closing, can I say, Bob, you are a great ambassador for that vocation.

The PRESIDENT: The Hon. Mr Kandelaars.

The Hon. G.A. KANDELAARS (16:44): Thank you, Mr President. First, congratulations to you on your elevation to the presidency today. I am sure that you will acquit the office very well. As the newest member—at least until tomorrow—I can recall the August 2011 state council meeting for a number of reasons. First, it was the meeting where I was nominated by the ALP to fill Paul Holloway's position; but, secondly, I was chair at that meeting, and there was a resolution on duck shooting. Bob spoke very forcefully in favour of duck shooting, but he did it in such a way that he brought great humour, without offending people, to his support for duck shooting. I think that is in many ways a sign of Bob's character.

There is no doubt where Bob stands. He is a Labor man through and through, and he is a staunch, proud trade unionist. I am very grateful that we had him as our president. If I could be half what Bob has been in terms of a great Labor man and a staunch trade unionist, that is what I would like to be. Bob has always been available for advice, and it is particularly useful for somebody who is new to this place, given the vagaries of standing orders etc., to be able to go to Bob and get some advice. He is always willing to talk to you and always willing to provide assistance.

Bob's support for those in need is truly amazing. One example is the Hutt Street Centre, which I know Bob is a great supporter of. I can remember talking to Bob about him looking at *The 7.30 Report* and seeing cases where he saw a need and he would just ring up and say, 'Here, have some money. I'll support you.' That is the type of person Bob is—truly amazing, and something that we will miss in this place, I am sure.

The other thing I will miss is the verbal jousting from the chair, particularly with the Hon. Rob Lucas. Bob could never help himself, and I suppose that is an example of the tribalism that is Bob and is the Hon. Rob Lucas. They come from different ends and they do not mind exchanging their views. Finally, all the best, Bob, to you and your wife. I wish you a long and happy retirement, and you will be missed in this place, I am sure. Thanks.

The Hon. J.A. DARLEY (16:46): I too would like to echo the sentiments of other members and thank the Hon. Bob Sneath for all the work he has done not only in his capacity as president but also for the Parliament of South Australia more generally. You were one of the first members to personally welcome me to this place and have always made yourself available to provide advice on parliamentary matters but also, importantly, on matters relating to one of our shared interests—fishing.

I recall receiving a hand-delivered note from the messengers shortly after I had given my matters of interest speech on the Bradfield scheme, which involved bringing water from Queensland via the Clarence River. I remember thinking that it must have been a note pertaining to something of great importance for the president to personally hand write me a note and ensure it was specifically hand-delivered to me. Much to my surprise, the note was simply Bob suggesting that we should fish the Clarence.

I am glad the president was so attentive to my speech, as he was to those of other members in this chamber. The note provided great amusement for my staff and is still stuck to the fridge in our little office. On the subject of little offices, I am sure the constant harassment and persistent haranguing from my staff regarding office space will not be missed. I am grateful for the patience he has shown to my subordinate staff on numerous occasions when they cornered him imploring him for more suitable accommodation in this building.

I congratulate the Hon. John Gazzola, the newly-elected President, and wish him all the very best of luck in dealing with my staff on this issue. In closing, on behalf of my staff and myself, I wish Bob and his family all the best for their future, and hopefully one day we will get to the Clarence.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:48): Thank you, Mr President, and I also would like to congratulate you on ascending to one of the vacancies the Hon. Mr Sneath has created for us in this place. It gives me great pleasure to rise today to speak on this very great matter, not because the president of the chamber has retired, but because I can now finally place on the public record my view of the former president, the Hon. Bob Sneath, without him calling me to order.

I hold him in great affection and I know this view is shared by most of us in this chamber to a greater or lesser degree. I am very grateful for the protection he has offered me from that chair that you now occupy—I have needed it from time to time—as I am grateful for the guidance and advice and the training he has given me not just in this place but throughout my political life with the Labor Party. It is not often in this modern day that we see a shearer occupy centre stage in public life. We have been privileged to have one occupy the position of President of this chamber.

I know that regret is occasionally expressed about the massive changes in our economy and how the workforce has changed over the years, and I know that this has had a massive impact on how the Labor Party has organised itself over the years and the type of leaders we now grow and put before the community. But I know that President Sneath will have been the first to tell us that this Labor Party—that great party we are both members of—needs to change and keep up with the times, to be a party for modern times and one that looks forward for its hope and energy and not back.

That sums up President Sneath for me—a man proud of his roots but always focused on helping working people now in our changing economy and into the future. This modern President of the Legislative Council has been up to speed on the issues facing young workers, on women, migrants and gay and lesbian workers but, most of all, he is up to speed on what working South Australians do not need; that is, a Liberal government.

I have no doubt he will continue to support those causes that are close to his heart and have been for a long time. He will continue to advocate on behalf of people with disabilities. The Down Syndrome Society and Neil Sachse Foundation we have heard of already are very close to him. He will also continue, I am sure, to advocate for rural and regional South Australia, especially his beloved South-East.

It is probably unparliamentary to reflect on what will happen tomorrow in the joint sitting, but somehow he has managed to have himself replaced in this place with another champion from the South-East of this state, making sure that country South Australians have a voice in this chamber. I am not sure if it is true or not, but I did hear a whisper that he refused to go unless this condition was met. Bob, thank you, we will miss you. Now, hurry up and clear out your office so that we can get on with the job that you have trained us to do.

The PRESIDENT: The Hon. Ms Lee.

The Hon. J.S. LEE (16:51): Thank you, Mr President. I also add my congratulations to you on your elevation to President. I am sure you will do a good job and serve this chamber well. I would like to add my congratulations to the Hon. Bob Sneath and pay tribute to him as the President I have known since I was elected in 2010.

I will remember you very fondly, Bob, for all the time and advice that you have given me. I remember that, in my first month here, I had to fill out a travel form or something and I made a mistake on the form. The President actually came up to the second floor and advised me what I needed to do. So, I truly appreciate that personal approach that you had to new members.

The other thing I want to comment on is your power of influence as a president in organising the presidential dinners in Parliament House with the most delicious menus that we can ever prepare in Parliament House and also you convincing the Governor to host a dinner at Government House recently on my birthday—that was pretty special. I shall always remember you as somebody who was diligent in your duty as a president and as someone with great knowledge and a distinguished career. I wish you well. I wish you a long and enjoyable retirement with Pam.

The PRESIDENT: Dare I call the Hon. Rob Lucas?

The Hon. R.I. LUCAS (16:53): I rise to congratulate you, Mr President, on rising to your lofty new position. We look forward to working with you, as I know we always do on this side, in upholding the standing orders of the Legislative Council.

I had not intended introducing any partisan political element to this speech until I heard the partisan commentary by minister Hunter which seemed to move away, I guess, from the general tenor of the other comments that I had heard in the chamber. The reason for my being unable to be in the chamber was that I have been working through the Auditor-General's Report, highlighting the copious examples of incompetence and government negligence by the current Labor government, but that was just my riposte to the Hon. Mr Hunter's introduction of partisan political commentary into what was to be a farewell for the Hon. Bob Sneath.

My first exposure to that great union that Bob loves so much—the AWU—goes back to the 1980s when I met with some colleagues of the Hon. Bob Sneath, who he would know and I do not intend to name publicly, who may or may not have had some knowledge of events in the South-East relating to the burning down of a woolshed of a prominent South Australian.

In those discussions, which continued over a period of time, there was clearly a partisan element within Bob's great union, one side versus the other, one side trying to shaft the other, and I am sure that has not continued over the years within Bob's great union, the AWU.

I had a sneaking admiration as I met with these people and spoke to them over a period of time about this union. It clearly showed great respect to the former members of the union who had passed away, sadly; so much respect that they used to continue to count them within their numbers for affiliation with the Australian Labor Party and to assist one particular element to maintain control of the union.

Bob Sneath, as others have mentioned, is a product of his background and his union, and he continued to fight the good fight for his party, for the South-East and for his union—his particular union and also unionism in general in South Australia. We on this side certainly acknowledge that. I think someone in an earlier contribution, as I was listening in my room, did note that there was an inevitable tension between Bob's accepting of the position of presidency and the normal custom of not engaging in interjections or debate whilst in the chair.

I think possibly former presidents might have frowned at the occasional instance where the Hon. Bob Sneath was unable to resist the temptation any longer when he heard something which he vigorously disagreed with. I am sure on many occasions he would have preferred to have been down on the floor engaging in the debate on particular issues. It is a capacity that occurs occasionally in the House of Assembly where speakers are able to engage in debate, but it is not

meant to occur in the Legislative Council, Mr President, as I am sure the Clerk will instruct you and instruct you in relation to the standing orders of this chamber.

I join with my colleagues and all other members in this chamber who have spoken in wishing Bob Sneath well in his retirement. There have been too many members on both sides of this chamber who have not enjoyed long and healthy retirements after they have left this place. I know all of us hope that he will enjoy his travelling, his fishing, his family.

As a final commentary on how the face of the left of the Labor Party has changed over the years, I might be permitted an advertorial comment at the end. The Hon. Bob Sneath has a very proud association with one of the most prestigious non-government schools in South Australia. The Hon. Mr Ridgeway would be quite familiar with it and I am familiar with it.

From a commentary that Bob has indicated before, we look forward to the occasions in the future when he again will watch the head of river in Adelaide whilst minding the poodles of other parents of that particular school. I have asked that the next time it occurs someone takes a photo so that we can show to all of his AWU colleagues what this man has turned into at the end of a period in the Legislative Council. I wish Bob and his family well for a long and enjoyable retirement.

The PRESIDENT (16:59): I am surprised that the Hon. Bob Sneath did not interject from the gallery, which would have been out of order, totally. Bob, I know how hard it is for you to sit there and listen to people say nice things about you, mainly because for the last 10 years I have not said many nice things about you, but I will give it a go right now. It is said that the measure of a principled person is not just what a good person says but whether that person's actions are consistent with his or her utterances.

Looking back to Bob's first speech, I find no reason to alter my opinion of a person who stuck to his beliefs and principles. Bob is a person who has not been all things to all people but one thing to all. In the course of his life Bob has met many people from all walks of life, from royalty to governors to premiers to ministers and members of parliament of both political persuasions, to industrial commissioners and legal identities, to union secretaries and members, to ordinary people and employees. In all his dealings and contacts with these individuals Bob has always seen their goodness and their generosity.

Bob has always been a man of the country and a devoted trade unionist, two ties that have defined and nurtured his being and direction. Little wonder then that Bob has retired to the country, where he can reflect on his past as a youth, a shearer, married life with Pam, and be an active witness, I am sure, of how the union and industrial scene evolves in the rural environment, so much a part of Bob's union and parliamentary soul.

And soul is the right word in appreciation of Bob's contribution to the wellbeing of the less fortunate and those needing help. His first speech raised concerns about youth and youth unemployment, the ageing and disadvantaged, and workers and their families, and his record in this parliament shows Bob's consistent concern with their welfare and wellbeing. He has also directly reached out and championed the needs of victims of accidents throughout his parliamentary life, something he alluded to in his maiden speech, and through his support and assistance to the Neil Sachse Foundation, with the generous support of the AWU.

Bob is truly a quintessential family man, and the often presence of Pam, his children and grandchildren in parliament reflected his deeply held affection for family and family life. However Bob has been lucky in having two families, the other being his lifelong membership and thoughtful devotion to the union movement. His maiden speech richly caught this history of place and colourful members, and the way that issues and personalities have continually nurtured his aspirations and achievements, and we have witnessed, in Bob's presence and efforts here, a course that he has not wavered from.

In closing, I put on the record Bob's service to parliamentary life from 2000 to 2012 as a backbencher, a whip, and then president of the Legislative Council, his life membership of the AWU, secretary of the AWU from 1995 to the year 2000, his role as foundation secretary of the Amalgamated AWU, and active employment in the union from 1961 to 2000. Bob, friend, compatriot, comrade: I wish you well, and I am sure the council wishes you well in your retirement. You have stayed the course and you have stayed true to the course.

I hope the weather is kind to you and Pam on your travels, the beer always cold, the fishing hot, and finally that the Port Adelaide Football Club wins a flag or two. I will miss you, but I do know

where you live. On behalf of all honourable members, and on behalf of my staff and your former staff—Brenton, Kara, Krista, Narrah, Olivia and Alessandro—we wish you well.

Honourable members: Hear, hear!

Motion carried.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Consideration in committee of Message No. 30 from the House of Assembly.

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) (17:03): I move:

That this order of the day be discharged.

Motion carried; bill withdrawn.

MOTOR VEHICLES (DISQUALIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 September 2012.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:04): I rise to speak on behalf of the opposition to the Motor Vehicles (Disqualification) Amendment Bill 2012, which we received from the House of Assembly. I start by indicating that the opposition supports the Motor Vehicles (Disqualification) Amendment Bill 2012 as received on 6 September, but during the committee stage we will seek to move one amendment, which has been placed on file today.

I think all members would be aware that the background to this bill arose from a problem with the current computer system that was revealed by the government in mid 2011. A glitch in the TRUMP computer program meant that approximately 8,000 notices of disqualification had been forwarded by the registrar to drivers much later than they should have been. In some cases notices were issued two years later. The purpose of the bill seeks to ensure that if, as a result of an administrative error, a notice of disqualification is not given to a person within 12 months after they are liable, the registrar must not give that notice.

Our amendment will go further to enhance the bill. Broadly speaking, our proposed amendment will strengthen the bill by: requiring the registrar to issue a certificate to the Commissioner of Police or a person specifying when a renewal notice was given, if at all; creating a new defence to an offence committed against the bill; and establishing a new requirement that the registrar issue a renewal notice to an owner of a motor vehicle at least 14 days before the expiration of the registration.

Clause (6c) of our amendment will ensure that, if a person is given a notice, the registrar must provide either the Commissioner of Police or a person with a certificate specifying whether a registration renewal notice was given or was not given. No such entitlement exists under the proposed bill. Clause (6d) of our amendment will create a defence for motor vehicle owners in proceedings for an alleged offence. It will mean that an offence has been committed within 30 days after expiry of registration of a motor vehicle and that the driver can only rely on the following defences: firstly, that the registrar did not issue a renewal notice at least 14 days before the registration expiry date and, secondly, that the defendant did not know the motor vehicle was unregistered. There are no such defences under the proposed bill.

Currently, the only way for a motor vehicle user to dispute an expiation notice is to apply to SAPOL for the expiation to be cancelled and for the offence to be withdrawn. This must be corroborated by a statement from the registrar confirming that they have failed to issue a notice of renewal. There are very few instances of this occurring.

Lastly, our amendment to the bill will require the registrar to issue a renewal notice no less than 14 days before the motor vehicle registration expires. This will ensure that drivers are better protected from unknowingly driving an unregistered vehicle. The proposed bill does not create an extra level of protection for motor vehicle owners.

As I have said in these brief comments, the opposition supports the bill but we will seek to move our amendment, which will further enhance the bill to protect motor vehicle users from administrative errors, ensure that expiation notices are issued in a timely fashion, create a new

defence for offences committed under the bill, and ensure that motor vehicle users are made aware of their motor vehicle registration expiry.

It is my understanding that the shadow minister in another place, the member for Bragg (Vickie Chapman), has had some discussions with the police and the minister's staff, and I am hopeful that the government will see its way clear to support the amendment that we have filed. With those comments, I support the second reading of the bill and look forward to the committee stage.

The Hon. CARMEL ZOLLO (17:08): This bill is a positive move from the government and I commend the bill to the chamber. As honourable members would be aware, the bill has come about due to the transmission error made by the Courts Administration Authority in 2011 in failing to transfer over 100,000 offence records dating back over several years to the Registrar of Motor Vehicles. This error resulted in approximately 8,000 notices, I understand, of disqualification being given to drivers much later than they would have been without the delay. This delay caused the greatest inconvenience to licence holders who were learner or provisional licence holders at the time of the offence and had since progressed to a higher licence stage. This meant that, after serving the disqualification, they regressed to a provisional licence or learner's permit and were subject to stringent driving conditions.

At the moment, under the Motor Vehicles Act, the registrar has a statutory duty to give a notice of disqualification if the person becomes liable for disqualification. The registrar has no choice but to act in accordance with the law and is unable to withhold or determine not to give a notice of disqualification. Under this bill, the registrar will not be able to issue a notice of disqualification required under the Motor Vehicles Act where, due to an administrative error, the notice of disqualification was not given to the person within 12 months of becoming liable for the disqualification.

This bill is being put forward because the government recognises that it is unfair for drivers to experience a delay of 12 months or more in receiving a notice of disqualification due to a government administrative error which is outside the driver's control. Touching briefly on two points about this bill, I believe it is also helpful to clarify that this bill does not negate any other licence sanctions under the Motor Vehicles Act.

The bill impacts disqualifications that are imposed by the Registrar of Motor Vehicles under the Motor Vehicles Act 1959; it does not impact court-ordered disqualifications. Drivers may avoid a disqualification resulting from an administrative delay but they will still be required to pay the expiation fee or court fine for the offence that triggered the disqualification. Furthermore, the offence will still remain on the driver's record and used to establish the driver's offence history, which may be required to administer other provisions of the Motor Vehicles Act.

Secondly, I am aware that two other jurisdictions (Victoria and New South Wales) have similar provisions in their legislation which allow for some scope in imposing licence sanctions upon drivers in situations when it is unreasonable to do so. It is important to note that we are not the first jurisdiction to legislate for this. This government recognises that government transmission errors happen from time to time and that the consequences of such errors and delays can be unfair to drivers.

In summary, this bill will ensure that in the future no other drivers are inconvenienced should there be any more data transmission delays between government agencies, and that is why it is important that this bill commence as soon as possible. I urge honourable members to support the bill in its original form.

The Hon. R.P. WORTLEY: I thank the honourable members for their contributions to the debate, and I make the following comments in response. At present the registrar has a statutory duty to give a notice of disqualification if a person becomes liable for disqualification under the Motor Vehicles Act. The registrar has no choice but to act in accordance with the law and is unable to withhold a notice of disqualification, even if the disqualification results from offences that were committed and finalised several years previously but have only recently come to the registrar's attention.

The bill changes this position by not allowing the registrar to give a notice of disqualification where the notice has been delayed by 12 months or more due to government delay or error. The amendment will cover all types of administrative errors whether they are made by the system or a government employee. The only disqualifications that will be affected by the bill are those where an administrative error causes a delay of 12 months or more in issuing the notice.

The government is not waiving penalties. The drivers will avoid disqualification; however, they will have to pay the expiation fee or court fine for the offence that triggered the disqualification, and the offence details remain on the driver's record and may count towards future disqualifications. The bill is forward-looking. While consideration was given to including the drivers disqualified as a result of the delayed offence notification in 2011, it is not possible to apply any relief equitably.

Many drivers have either completed their disqualification period, entered into a good behaviour option or safe driver agreement that allowed them to continue driving, while others particularly those who were already disqualified at the time, are still to commence the period of disqualification. Others have reoffended and are disqualified again. To provide assistance to some people, particularly recidivist drivers while others have already suffered the consequences is not fair and is not supported by this government.

Nothing like the CAA computer error that occurred in 2011 has happened before. In response several reviews have been undertaken and improvements made to reduce the risk of this unusual event ever happening again. Earlier this year, when the CAA undertook an audit of its system, approximately 1,200 more offences that had not been sent to the registrar were identified, affecting about 100 drivers. At that time it was decided that an amendment to the legislation to prevent future inconvenience to the public should be introduced. Without the passage of this bill, the registrar will have no choice but to send notices of disqualification to those drivers affected.

With computer systems automatically processing high volumes of transactions, even one small programming error may affect many people. This government recognises that it is unfair for drivers to experience a delay of 12 months or more in receiving their notice of disqualification due to an error of the government. I will respond to the amendment filed by the Hon. Mr Ridgway when we go into committee.

Bill read a second time.

In committee.

Clause 1.

Progress reported; committee to sit again.

STATUTES AMENDMENT (COURTS EFFICIENCY REFORMS) BILL

Third reading.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I certify that this fair print is in accordance with the bill as agreed to in committee and reported with amendments.

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) (17:19): I move:

That the bill be recommitted to a committee of the whole council with respect to new clause 19B, insertion of new clause 19C, clause 20 and insertion of new clause 24A.

Bill recommitted.

New clause 19B.

The Hon. S.G. WADE: By way of preface could I thank the government for facilitating what was previously agreed, which was that we would recommit the bill so that the fuller implications of the chief magistrate amendment could be considered. I reiterate that having considered the government's amendment, which appears in the consolidated bill as 19B inserting 6A, that the opposition does support the government's proposal but what our amendment addresses is the issue of a dual service, if you like—service in both the Magistrates Court and the District Court. Therefore, I move:

Clause 19B (as inserted) [clause 19B, inserted section 6A]—Delete subsection (3) of inserted section 6A and substitute:

- (3) However—
- (a) the Chief Magistrate may not perform the duties, or exercise the powers, of a Judge of the District Court of South Australia while the Chief Magistrate holds an appointment as Chief Magistrate; and
 - (b) the Chief Magistrate may—

- (i) resign from the office of Chief Magistrate without simultaneously resigning from the office of Judge of the District Court of South Australia; or
- (ii) resign from the office of Judge of the District Court of South Australia and from the office of the Chief Magistrate without simultaneously resigning from the office as a magistrate,

and such a resignation will not give rise to any right to pension, retirement leave or other similar benefit.

As I said, the opposition supports the thrust of the provision in 6A but we propose to replace subsection (3). This amendment builds on the government's proposal in acknowledging the proposed changes to make the chief magistrate a judge of the District Court. We also acknowledge the practical implications this has for the governance of the courts.

Contrary to the Attorney-General John Rau's press release of 25 June 2012, the government amendment does not 'bring South Australia in line with practice in New South Wales, Victoria and Queensland'. The Queensland Magistrates Act, in section 11(5), merely allows a District Court judge to be appointed as chief magistrate:

However, the Chief Magistrate may not perform the duties, or exercise the powers, of a District Court judge while the Chief Magistrate holds office as Chief Magistrate.

The New South Wales and Victorian acts are different again. The New South Wales act allows both jurisdictions to be exercised but unlike South Australia merely provides that being a District Court judge meets the qualifications to be appointed chief magistrate. The Victorian act provides the same remuneration and pension entitlements to the chief magistrate as a County Court judge but does not appear to provide for dual appointment.

In considering this legislation, we are particularly attracted to the Queensland model, the model which suggests that a District Court judge may not perform the duties of a District Court judge concurrently. We think that is particularly relevant in South Australia, given our unique governance. What I mean there is the existence of the Courts Administration Council. In exercising the duties of office, the Chief Magistrate sits on the State Courts Administration Council. The government amendment has the effect of making the Chief Magistrate a member of two distinct bodies that have representation on this council—the Magistrates Court and the District Court. At times, these two bodies may have competing interests.

The Law Society has specifically expressed concern about the government's amendment in this context. They are expressing concern about the impact on the allocation of administrative court resources and the risk of a conflict between the duty to the administration of the magistracy and their, now, interests in the efficacy of the District Court. The opposition shares the concerns of the Law Society and is proposing an amendment to address that issue.

What our amendment does is follow the Queensland precedent and seeks to clarify that, while the Chief Magistrate holds that role as a District Court judge, they should not sit as a District Court judge. In addition, we propose that, if the Chief Magistrate resigns, they should be able to do so while retaining their status as a District Court judge. This would provide the Chief Magistrate with additional security in an era of increased politicisation of the courts by government.

The government may argue that this would allow a Chief Magistrate to abandon their role as Chief Magistrate to become a District Court judge prematurely, perhaps even on their first day, but I would challenge the government that if they believe that a candidate is likely to do so, why would they appoint them as the Chief Magistrate? This amendment ensures the independence of the Chief Magistrate and also minimises potential conflicts of interest. I commend the amendment to the committee.

The Hon. G.E. GAGO: I stand to oppose this amendment: the government opposes this amendment. First, the amendment provides that the Chief Magistrate may not perform the duties of a District Court judge while still the Chief Magistrate. It is the government's intention that the bill will preserve the Chief Judge's responsibility for the administration of the District Court by allowing the Chief Magistrate to hear a matter in the District Court on the Chief Judge's request while remaining as Chief Magistrate. This could occur, for example, if other judges were conflicted and it would be a matter for the Chief Judge to determine whether the Chief Magistrate is required to sit in the District Court as a District Court judge in relation to a particular matter.

The amendment filed by the Hon. Stephen Wade will not allow such flexibility to occur. The real concern with this amendment, however, is that it will allow the Chief Magistrate to resign as

Chief Magistrate without resigning as a District Court judge, and resign as a District Court judge without resigning as the Chief Magistrate. The government amendment is silent on this issue, preferring section 6(5) of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988, which provides that a judicial officer who holds two or more concurrent appointments may resign from one appointment without resigning from the other with the approval of the Governor.

A person should not be able to accept an appointment as Chief Magistrate then immediately resign as Chief Magistrate to sit in the District Court other than with the approval of the Governor. This could leave the Magistrates Court without a Chief Magistrate for some period of time and also require the Chief Judge to manage another full-time judge, perhaps without available facilities, for a person to hear any District Court matters. It is for those reasons that the government opposes this amendment.

The Hon. S.G. WADE: In response to the government's comments, I would note that if judges in the District Court are conflicted, judges in the Supreme Court can serve in the District Court jurisdiction. In relation to the government's preference for a provision in an alternative act, which I cannot recall, if the committee is inclined towards this amendment, the government might be inclined to amend it further. The basic point that a chief magistrate should not serve in two jurisdictions concurrently we believe is well founded. It is based on precedent in Queensland.

I was interested that the government did not proffer any feedback from magistrates. I would proffer my feedback from magistrates. I have spoken to two senior magistrates on this matter. I will not mention their positions because that would identify them, and I did not indicate that I would be quoting them in the parliament. Both magistrates thought that my amendment was well founded.

One raised the point that his fellow magistrates would be very concerned if the government opposed this amendment because they actually have a huge respect for their jurisdiction. They have huge respect for the work that the Chief Magistrate does. They know that she does more than a full-time job as Chief Magistrate; why would the government expect her or one of her successors to take on additional responsibilities in another court?

As I said, another senior magistrate indicated strong support for the proposal, again because of the distinctiveness of the two jurisdictions. So, from the opposition's perspective, we believe that we have tested the water and we have not had opposition from the magistracy in relation to this amendment. We commend it to the committee.

The committee divided on the amendment:

AYES (10)

Bressington, A.
Lee, J.S.
Parnell, M.
Wade, S.G. (teller)

Dawkins, J.S.L.
Lensink, J.M.A.
Stephens, T.J.

Franks, T.A.
Lucas, R.I.
Vincent, K.L.

NOES (9)

Brokenshire, R.L.
Gago, G.E. (teller)
Kandelaars, G.A.

Darley, J.A.
Hood, D.G.E.
Wortley, R.P.

Finnigan, B.V.
Hunter, I.K.
Zollo, C.

Majority of 1 for the ayes.

New clause thus inserted.

New clause 19C.

The Hon. S.G. WADE: Mr Chairman, I am sorry that your first division did not have a more sweet outcome.

The CHAIR: I have got plenty of time. There are more divisions to come.

The Hon. S.G. WADE: I move:

New clause, inserted Part 6A—after inserted 19B insert:

19C—Amendment of section 9—Tenure of office.

Section (9)1)(c)—delete 'sixty five' and substitute: '70'

This amendment follows the government's proposed changes to make the Chief Magistrate a judge of the District Court. Under section 9 of the Magistrates Court Act 1991 a magistrate must retire at 65. There has been ongoing discrepancy between the compulsory retirement age of 70 for judicial officers in the District and Supreme courts and the compulsory retirement age of 65 for magistrates.

One of the effects of the government's amendment which received the tentative support of the council and which has now been confirmed as we have now moved on was to increase the retirement age of the Chief Magistrate to 70.

The government has already indicated during the Estimates Committee processes of the other place that it was looking at the retirement ages of magistrates, and that was also confirmed in the committee stage of this bill. Given that there is no good reason why there should be a difference between the general magistrates' age and that of the Chief Magistrate, it would be hard to argue against one standard retirement age for all judicial officers.

This is a straightforward amendment that seeks to standardise the retirement age for all judicial officers at 70. The Magistrates Association of South Australia has been consulted by the opposition about the amendment and is supportive of the change. Retirement ages for workers have steadily increased over time as quality of life has improved. The commonwealth government recently introduced a staged increase in workers' retirement reaching a retirement age of 67 years old on 1 July 2023.

It is plainly obvious that there are many people over the age of 65 who continue to make a significant contribution to their respective occupations and to public life, and I particularly acknowledge the contribution that the Hon. John Darley makes to this place. To restrict the opportunity of magistrates to do so effectively denies the state of a wealth of knowledge and experience.

To summarise, the amendment supports the retention of skills, knowledge and experience in our courts. It brings the retirement age of magistrates in line with retirement age of judicial officers in the superior courts and recognises that people over the age of 65 still have an enormous contribution to make.

The Hon. G.E. GAGO: The government rises to oppose the amendment. In principle the government does not oppose the increase; however, the government is already considering increasing the retirement age of magistrates in the context of a wider review of the Magistrates Act 1983. It is more appropriate to make the change where this and other proposals are dealt with as part of a package of amendments to the act rather than in isolation. The review has already had input from the Chief Justice, Chief Judge, Chief Magistrate and the Magistrates Association of South Australia. I have spoken to a number of minor parties and Independents, and I understand that we do not have the numbers to support opposing this, so the government will not divide on this amendment.

New clause inserted.

Clause 20.

The Hon. S.G. WADE: I move:

Page 7, line 29 [clause 20(1)]—Delete '\$24,000' and substitute: '\$25,000'

This amendment is largely consequential to the opposition's amendments to the small claims jurisdiction, which received widespread support from the community, the judiciary and, more importantly, this council. It was subsequently raised with us that for consistency's sake the minor statutory proceedings value should also be raised to \$25,000. While the practical effects of this change is minute, it is a reasonable change that assists with the administration and communication of court processes. I commend the amendment to the council.

The Hon. G.E. GAGO: The government believes this is a consequential amendment.

The Hon. D.G.E. HOOD: Just for the record, we support the amendment.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Page 7—

Line 35 [clause 20(2)]—Delete '\$25,000' and substitute: '\$12,000'

Line 38 [clause 20(3)]—Delete '25,000' and substitute: '\$12,000'

I will speak to all three amendments together, as they all relate to the same matter. Members will no doubt be aware that I supported the Hon. Stephen Wade's amendments to clause 20 when the bill was previously dealt with. I did so on the basis that I considered that the honourable member made some very valid points in relation to the need to increase the threshold, especially in view of the fact that it had remained at \$6,000 since 1991. Having said that, and given the concern that has been raised by the government in relation to the jump from \$6,000 to \$25,000, I am proposing a middle ground of sorts in order to progress this bill.

The amendment would raise the threshold to \$12,000 on the basis that the relevant provisions would be subject to a review after 12 months. It is intended that the review would consider the impact of the increased threshold on the Magistrates Court as well as the need for any further increase to the jurisdictional limit along the lines of what was proposed by the Hon. Stephen Wade.

The Hon. S.G. WADE: Mr Chairman, if I by your leave can address all three amendments by subject—but I know we are only addressing amendment Nos 1 and 2 formally—the Hon. John Darley's amendment proposes that we should not do anything and let the government think about it in a few years' time. The council has already decided that this government's reform agenda is too modest, and that we actually want to make it easier for people in South Australia to access justice. I do not think we should step back from that. I indicate on behalf of the opposition, even though this amendment was tabled at 3.27pm and we haven't had a party meeting since then, I am inclined to support amendment No. 3.

The review would be welcome and, if at the time the review is conducted, we find that there have been unintended consequences, the opposition would be very happy to consider amendments. To be frank, I would have been more attracted to a sunset clause on the opposition amendments but I certainly would urge the council, having put a stake in the ground for access to justice, that we should not cave in to the government's floodgate scenario.

The Hon. D.G.E. HOOD: Family First respects the right of the Hon. John Darley to change his position. I think there have been times in this chamber when all of us have perhaps, in reconsidering our position, done that from time to time. I do not believe I have ever done so with a formal amendment but, certainly, I think all of us have thought about our position in the future. So we respect the Hon. Mr Darley's opportunity and right, if you like, to change his position; however, we do not share his view. We remain committed to our original position which was to support the \$25,000 threshold and that remains our position.

The Hon. A. BRESSINGTON: Same here. I am not inclined to change my original position on this and I think I agree with the comment of the Hon. Stephen Wade that, once we have put our stake in the ground in seeking justice for people out there—and if we have done that then we should have been sure about it when we did it—we should not be what I see as wishy-washy about what are and are not their rights, so I will not be supporting the Hon. John Darley's amendments.

The Hon. M. PARNELL: The Greens will be supporting these amendments. We supported the original government position which was to double the threshold from \$6,000 to \$12,000, and we did not support quadrupling it, so supporting these amendments is consistent with the view that we took earlier.

The Hon. G.E. GAGO: The government rises to support these amendments. The amendment changes the definition of a small claim, so a small claim is a claim for \$12,000 or less, with a review of this jurisdictional limit to occur within 12 months of commencement. It is the government's view that this amendment is a good compromise between the government's original position of an increase of \$12,000 and the opposition's position of an increase of \$25,000.

The committee divided on the amendments:

AYES (9)

Darley, J.A. (teller)
Gago, G.E.
Parnell, M.

Finnigan, B.V.
Hunter, I.K.
Wortley, R.P.

Franks, T.A.
Kandelaars, G.A.
Zollo, C.

NOES (10)

Bressington, A.
Hood, D.G.E.
Lucas, R.I.
Wade, S.G. (teller)

Brokenshire, R.L.
Lee, J.S.
Stephens, T.J.

Dawkins, J.S.L.
Lensink, J.M.A.
Vincent, K.L.

Majority of 1 for the noes.

Amendments thus negatived; clause as further amended carried.

New clause 24A

The Hon. J.A. DARLEY: I move:

Page 8, after line 31—After clause 24 insert:

24A—Review of certain amendments

- (1) The Attorney-General must, as soon as practicable after the first anniversary of the commencement of section 20, conduct a review of the operation and impact of the amendments made to the *Magistrates Court Act 1991* by that section.
- (2) The Attorney-General must prepare a report based on the review and must, within 12 sitting days after the report is prepared, cause copies of the report to be laid before each House of Parliament.

The Hon. S.G. WADE: I may live to regret this, because we only got this amendment late, but on my reading of it, we welcome continuous improvement and a review. We will be supporting this amendment.

The Hon. G.E. GAGO: The government supports this amendment.

New clause inserted.

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) (17:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) (GUILTY PLEAS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 September 2012.)

The Hon. S.G. WADE (17:56): I rise to speak today on the Criminal Law (Sentencing) (Guilty Pleas) Amendment Bill on behalf of the Liberal opposition. This bill is based on the Criminal Law (Sentencing) (Sentencing Considerations) Amendment Bill 2012, which this council rejected on 29 March this year. The judgement of this council has been vindicated, in that the government bill which has now been introduced addresses a number of the flaws in the government's original bill.

Significant changes to the bill include a series of discounts to allow for mitigating factors such as court related delays, good reason and legal argument, and provision for review after two years, and in particular the abandonment of the no discount period. I would suggest to the council that this is another example of the government being extremely intolerant of the fact that we live in a bicameral parliament. Members will remember that, I think it was immediately before the 2006 election, former premier Rann foreshadowed a move to reform this place. It was opposed by the Legislative Council and it did not proceed.

That pathological distaste from the Labor Party towards this council is evident again in the passage of this bill. The Attorney-General persists in characterising the Legislative Council as unhelpful and obstructive, but in the context of this bill in particular the Attorney-General's comments lack credibility. As it has with so many other pieces of legislation, the government has

shown that it would rather have a bill passed unamended and unworkable than change a bill to make it something that actually makes a difference.

In spite of the rants of the Attorney-General, the previous bill has been significantly modified and yet the government continues to characterise the Legislative Council as unhelpful and obstructive. It would actually save us all time and do better service to the people of South Australia if the government came to understand that parliaments provide a broader mandate than governments. Parliaments are here to promulgate the laws, and to hold the government accountable they need to respect their role.

The Attorney-General's second reading comments suggest that, if members of this place oppose anything that the government does, that means they are against the interests of victims, prosecutorial effectiveness and the efficiency of the courts. The people of South Australia hardly need to be reminded that these problems have become noticeably worse in the past 10 years on Labor's watch. Prison overcrowding is an inevitable consequence of the rack, pack and stack mentality of this government. Court delays are the inevitable consequence of 10 years of neglect. It is Labor's mess that we are trying to clean up, and it is Labor's legislation that proves time and time again to be so flawed that this council needs to do significant work to amend the legislation to ensure that it addresses the problems. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (18:01): 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 contents of this Bill were originally a minor part of the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill 2011*. The Opposition, with the support of sufficient independents, saw fit to strip out and defeat the substance of that Bill. They revealed no opposition to the necessary miscellaneous amendments proposed and so this Bill is designed to propose those amendments again.

The Bill makes amendments in three general areas.

Pecuniary Penalty Provisions

The Bill also amends the pecuniary penalty provisions of the Act. The necessity for this amendment arose directly from the decision of the Full Court in the case of *DPP v George* [2008] SASC 330. The appellant George was convicted of an offence of producing cannabis. The subject of the charge was 12 mature cannabis plants and 20 seedlings with roots attached. The plants were being grown hydroponically in a shed on his residential property in Seacombe Gardens. He was also convicted of knowingly abstracting (stealing) electricity. He was fined \$2,500 for both charges. Under the law applicable at the time the maximum penalty for this offending would have been 25 years imprisonment. Under current law, 10 plants is a trafficable quantity and he was over that, not counting seedlings, so there would be a presumption of sale.

The DPP intended to pursue the defendant under the *Criminal Assets Confiscation Act*. Accordingly, a restraining order was placed over the residential property. After conviction, the defendant applied for an order excluding the property from forfeiture. In the meantime, the DPP applied for a pecuniary penalty order forfeiting a sum of money equivalent to the defendant's interest in the property. The house was valued at \$255,000 with a mortgage of \$164,731. It follows that the pecuniary penalty would have been about \$90,000. It can be accepted that the defendant would have to sell the property to pay the pecuniary penalty.

The question then arose whether the court had a discretion whether to impose a pecuniary penalty order or not. On the face of it, the legislation seemed to say that there was no discretion. The legislation says that the court must make a pecuniary penalty order about the proceeds of a crime or an instrument of crime. All had assumed hitherto that 'must' meant 'must' and that was that. The magistrate below had threaded a way out of what he thought to be an injustice by holding that the house and land were not instruments of crime. That was an ingenious argument and the Supreme Court on appeal divided 2/1 on the facts, holding that the property was an instrument.

But White J, with whom Doyle CJ and Vanstone J agreed on point, said that must did not mean must. There was a discretion after all. The key passage was:

Moreover, the construction for which the DPP and the Attorney-General contend has the potential to bring the administration of justice into disrepute. This is likely to engender a lack of respect for such proceedings and the authority of the courts conducting them is likely to be undermined. The DPP could, for example, take the attitude

before a court hearing an application under ss 47 or 76 that its decision will be immaterial, and conduct the proceedings accordingly. It is inimical to proper respect of judicial authority for one party to an application before the court to be able to take such an attitude.

I referred earlier to the absence of any provision in the CAC Act which would enable a court to take account of, or to ameliorate, the harsh consequences of a PPO or the interests of others in the subject property. Nor is there any provision enabling the court to take account of the public interest in the way in which s 76(1)(c) requires in relation to statutory forfeiture. The absence of such provisions is stark if s 95(1) is construed as obliging a court, upon satisfaction of the specified matters, to make a PPO. It is difficult to identify any reason why Parliament should have considered provisions to that effect to be appropriate in relation to forfeiture orders, but not in relation to PPOs. Similarly, it is difficult to identify any reason why Parliament should have intended consideration of the public interest to be relevant in relation to applications for exemption from statutory forfeiture, but not in relation to PPOs. The absence of provisions permitting a court to ameliorate the harsh consequences of a PPO, or to consider the public interest, loses much of its significance however if s 95(1) is construed as vesting a discretionary power, rather than imposing an obligation. (emphasis added)

The lesson was plain. 'Must' does not really mean 'must' because of the harsh, arbitrary and unjust consequences it would bring. 'Must', said the Court, really means 'may'. The Act is amended to fix this. This State should not have on the books a law that is thought to be so unfair and unjust that a Court has to strain the ordinary use of language in that way in order to bring about a fair result. The amendment gives the court a discretion to impose a pecuniary penalty in relation to instruments of crime, just as it does in relation to the forfeiture of instruments of crime. That discretion is informed by an inclusive list of factors identical to those legislated in relation to the forfeiture of instruments of crime.

Restraining Orders

In the course of deciding the main issue in *DPP v George*, the court, (particularly the contribution of White J) points out another technicality that poses problems. In summary:

- The Act contains provision for what is known as 'automatic forfeiture'. The essence of the scheme is that property subject to a restraining order will be forfeited by operation of law after the expiry of a certain time period after conviction.
- The only way for a defendant (or any other interested party) to escape this process is to apply for and win an order excluding property from the restraining order.
- White J pointed out that a literal reading of the Act could say that the property will be automatically (and irretrievably) forfeited even though an application to exclude that property is on foot and has yet to be resolved. He regards such an outcome (with considerable justification) as unfair and unjust.

White J held that this problem deserved the attention of the Parliament. His Honour did not observe that the legislation permits a person in this position to apply to the court for an 'extension order', which has the effect of postponing the automatic forfeiture. But that omission is in itself telling. The system is just too complicated. And the necessity for a separate extension order is not obvious. If the applicant for an exclusion order knew about it, he or she would surely apply for it and, equally surely, a court would grant it routinely in order to avoid the injustice to which White J referred.

The problem is fixed in this Bill. The way in which it is done is to abolish what used to be called extension orders as a separate phenomenon and instead provide that any person may apply for the exclusion of property from forfeiture and, when that application is made, the forfeiture of property is subject to an extended period terminating when the application for exclusion is finally determined.

Other Amendments

South Australian Police and the DPP asked for an amendment to the Act so that a person who is the beneficiary of a discretionary decision to discount a sentence because of the consequences of forfeiture cannot also be the beneficiary of an amelioration of forfeiture for the same reason. In other words, the defendant cannot get the same benefit twice. This has been done, except for those who have co-operated with law enforcement in cases of serious and organised crime, who may get a sentence discount for their co-operation and also a discretionary form of relief from total forfeiture under the prescribed drug trafficker scheme contained in this Bill. The reason for that is good public policy—every encouragement should be given and every lever should be applied to those who are in a position to inform on serious and organised criminals.

The Bill makes minor amendments to clarify the provisions relating to the forfeiture of a security given by a defendant or other person on the making an application for an exclusion order.

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 *Criminal Assets Confiscation Act 2005*

4—Amendment of section 3—Interpretation

This clause makes a consequential amendment by deleting the definition of *extension order* and inserts a new subsection (2), providing that a reference in the principal Act to an *indictable offence* includes an indictable offence of a kind that is required to be prosecuted, and dealt with by the Magistrates Court, as a summary offence under a provision of any Act. The amendment to the definition of serious offence is consequential to this latter amendment.

5—Amendment of section 6—Meaning of effective control

This clause makes an amendment of a statute law revision nature, to ensure consistency of language.

6—Amendment of section 34—Court may exclude property from restraining order

Subclause (1) makes a statute law revision amendment consistent with clause 5.

Subclause (2) prevents property being excluded from a restraining order on application by a person convicted of the offence to which the restraining order relates where the convicted person has had the possible forfeiture of the property taken into account in sentencing for the offence.

7—Amendment of section 46—Cessation of restraining orders

This clause amends section 46(4) of the principal Act to reflect the fact that restrained property may vest in the Crown under an Act other than the principal Act.

8—Amendment of section 47—Forfeiture orders

This clause makes a minor amendment to section 47(5) of the principal Act to make it clear that subsection only relates to forfeiture orders under section 47(3).

9—Amendment of section 48—Instrument substitution declarations

This clause makes a minor amendment to section 48 of the principal Act to distinguish between forfeiture orders made under section 47(3) and those made under section 47(1).

10—Insertion of section 62A

This clause inserts new section 62A into the principal Act. That provision provides that, if a court has taken a forfeiture of a person's property into account in sentencing the person, the person cannot then apply for an exclusion order or compensation order in respect of the property.

11—Amendment of section 74—Forfeiting restrained property without forfeiture order if person convicted of serious offence

This clause is consequential to clause 12.

12—Substitution of section 75

This clause substitutes a new section 75 of the principal Act, replacing the current 15 month extension orders with an extended period which will apply automatically when an application to exclude property has been made, but not finally determined, at the end of the period of 6 months after conviction (when automatic forfeiture would otherwise occur).

13—Amendment of section 76—Excluding property from forfeiture under this Division

This clause amends section 76 to broaden the range of people who can apply for an order excluding property (currently only the convicted person can apply) and to ensure the provision works properly in relation to securities given under section 38 or 44.

14—Insertion of section 76A

This clause inserts a provision similar to the one proposed in clause 10 providing that, if a court has taken a forfeiture of a person's property into account in sentencing the person, the person cannot then apply for exclusion of the property under this Division.

15—Amendment of section 95—Making pecuniary penalty orders

This clause substitutes subsections (1), (2), (3) and (4) of section 95 of the principal Act. New subsection (1) ensures that mandatory pecuniary penalty orders relate only to benefits derived from crime while new subsection (2) provides the court with a discretion to make such an order in relation to an instrument of crime. New subsection (3) sets out matters the court may have regard to when determining whether to make an order under subsection (2). Proposed subsection (4) ensures that the court is not prevented from making a pecuniary penalty order merely because some other confiscation order has been made in relation to the offence.

Section 95(7) is consequentially amended to apply only to benefits.

16—Amendment of section 96—Additional application for pecuniary penalty order

This clause makes minor statute law revision amendments to simplify section 96.

17—Insertion of section 98A

This clause inserts new section 98A into the principal Act, which provides that, for the purposes of the Division, a court may treat as property of a person any property that is, in the court's opinion, subject to the person's effective control.

18—Amendment of section 99—Determining penalty amounts

This clause clarifies references in section 99 of the principal Act.

19—Amendment of section 104—Benefits and instruments already the subject of pecuniary penalty

This clause amends section 104 of the principal Act to include reference to instruments.

20—Repeal of section 105

This clause repeals section 105 of the principal Act and is consequential upon the insertion of section 98A into the Act by clause 17 of this measure.

21—Amendment of section 106—Effect of property vesting in an insolvency trustee

This clause amends section 106 of the principal Act to ensure it applies in relation to instruments as well as benefits of crime.

22—Amendment of section 107—Reducing penalty amounts to take account of forfeiture and proposed forfeiture

This clause amends section 107 of the principal Act to insert a new subsection (2), setting out reductions to penalty amounts under pecuniary penalty orders that relate to instruments of crime where the instruments have been forfeited in relation to the offence to which the order relates, or where an application for such forfeiture has been made.

23—Amendment of section 108—Reducing penalty amounts to take account of fines etc

This clause amends section 108 of the principal Act to ensure it encompasses instruments of crime.

24—Amendment of section 149—Interpretation

This clause amends the definition of *property-tracking document* in section 149 of the principal Act, to refer, for the sake of consistency, to property owned by or subject to the effective control of a person, rather than simply the property of the person.

25—Amendment of section 219—Consent orders

This clause makes a consequential amendment to section 219 of the principal Act to reflect changes made by this measure.

26—Substitution of section 224

This clause substitutes section 224 of the principal Act to include forfeiture, or pecuniary penalty orders, under the law of other relevant jurisdictions as matters to which a sentencing court must not (under new paragraph (b)) or must (under paragraph (c)) have regard to in determining sentence.

Debate adjourned on motion of Hon. S.G. Wade.

**CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDER ASSETS)
AMENDMENT BILL**

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

CHARACTER PRESERVATION (MCLAREN VALE) BILL

The House of Assembly agreed to amendments Nos 1 to 10 and 12 to 19 and 21 to 34 made by the Legislative Council without any amendment and disagreed to amendments Nos 11 and 20.

At 18:03 the council adjourned until Wednesday 17 October 2012 at 14:15.