LEGISLATIVE COUNCIL

Thursday 29 November 2012

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:17 and read prayers.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

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

That the sitting of the Legislative Council be not suspended during the 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) (14:19): I move:

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

Motion carried.

PAPERS

The following papers were laid on the table:

By the President—

Corporation Reports, 2011-12—
- City of Port Lincoln
- District Council of Yankalilla

Legislative Council—Report, 2011-12

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

Reports, 2011-12—
- Attorney-General's Department
- AustralAsia Railway Corporation
- Electoral Commission of SA
- Guardianship Board
- Planning Strategy for South Australia
- SA Citrus Industry Development Board
- State Coroner

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

Eastern Spencer Gulf Marine Park Management Plan 2012
Encounter Marine Park Management Plan 2012
Far West Coast Marine Park Management Plan 2012
Franklin Harbor Marine Park Management Plan 2012
Gambier Islands Group Marine Park Management Plan 2012
Investigator Marine Park Management Plan 2012
Lower South East Marine Park Management Plan 2012
Lower Yorke Peninsula Marine Park Management Plan 2012
Neptune Islands Group (Ron and Valerie Taylor) Marine Park Management Plan 2012
Nuyts Archipelago Marine Park Management Plan 2012
Sir Joseph Banks Group Marine Park Management Plan 2012
Southern Kangaroo Island Marine Park Management Plan 2012
Southern Spencer Gulf Marine Park Management Plan 2012
Thorny Passage Marine Park Management Plan 2012
Upper Gulf St. Vincent Marine Park Management Plan 2012
Upper South East Marine Park Management Plan 2012
Upper Spencer Gulf Marine Park Management Plan 2012

West Coast Bays Marine Park Management Plan 2012
Western Kangaroo Island Marine Park Management Plan 2012

PRINTING COMMITTEE

The Hon. K.J. MAHER (14:22): I bring up the first report of the committee for 2012.

Report received.

STATUTORY OFFICERS COMMITTEE

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 pursuant to section 21(3) of the Parliamentary Committees Act 1991, the Hon. Kyam Maher and the Hon. David Ridgway be appointed to the committee in place of the Minister for Agriculture, Food and Fisheries and the Hon. Stephen Wade (resigned).

Motion carried.

MARINE PARKS

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) (14:23): I table a copy of a ministerial statement made by the Premier (Hon. Jay Weatherill), entitled 'Marine parks finalised: an investment for the future'.

QUESTION TIME

TOURISM COMMISSION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Tourism a question regarding wild birds worth $6,100.

Leave granted.

The Hon. D.W. RIDGWAY: The 2012 Strategic Plan Progress Report found the minister is likely to fail to reach her target of a $6.3 billion tourism industry by 2014 which, incidentally, as we know is the election year. To achieve the 2014 milestone, the minister needs to grow tourism by 10 per cent a year. Last year it grew by just 5.3 per cent, barely half the amount needed. In the face of such figures, one of the minister's Tourism Commission officers hopped onto a plane to London, where an attendance was made, on behalf of South Australian taxpayers, to the London Wild Bird Watch consumer show.

It was an exhibition of birdbaths and feeding dishes. Here is what London Wild Bird Watch does. It aims to create (it is worth quoting the actual words in case you think I am making this up) 'a unique blend of "shop, learn and do" for people who enjoy feeding garden birds'. The staffer was able—according to the meeting organisers—to:

…try on and try out footwear, clothing, gadgets, accessories and equipment that is underrepresented or just not available on the average high street.

We sent somebody to London to look at bird feeders and binoculars. My questions are:

1. When can we all expect to reap the many benefits of sending a South Australian public servant on a $6,100 trip to the United Kingdom for the 2012 London Wild Bird Watch consumer show?

2. Where in Adelaide can you try on and try out footwear, clothing, gadgets and accessories that are underrepresented or just not available on the average high street?

3. Maybe the minister can tell us what an average Australian high street is?

4. Why has the minister not yet made the much-awaited announcement that she is planning a similar birdwatching consumer show in South Australia, drawing on the valuable lessons learnt by our now experienced and much travelled public servant?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:27): I report that, as part of the restructure of the South Australian Tourism

Commission (SATC), internal controls have been examined and new processes and policies have been implemented in relation to staff travel expenses, which I am advised are already delivering savings. I am advised that last year overseas travel was just under $129,000 and this year overseas travel was round about $100,000, so you can see that already there has been a significant decrease in travel.

Overseas travel is obviously an important component of SATC's business. It is essential for the commission to be able to keep abreast of things, to be creating networks and accessing markets and to be looking at new trends and experiences. These trips also allow for important relationship building with key partners. Fundamentally, decisions about staff travel—who goes where and for what reason—are made internally and they are operational matters.

What the honourable member fails to bring forward—he likes to dwell on the negatives and put everything in a bad light but what he does not do is stand up in this place and acknowledge—the overall growth in tourism here in South Australia over the last 12 months or so. Tourism is growing here in South Australia. Our figures are very good, and I have talked about them before in this place. In spite of a backdrop of very difficult economic times—we have all sorts of problems happening in the United States and Europe, and we have a very high dollar which is having a big impact on international visitors—we have an extremely hardworking and very efficient and effective Tourism Commission that has continued to put in place a number of extremely successful events and forums.

In relation to that, we see that overall our tourism continues to grow, and we know that most of our regions are also benefiting from that growth. We do not hear the Leader of the Opposition standing up in this place talking about those positive things, talking about the positive benefits—the huge economic benefits—that tourism growth has to this state and that, in spite of an extremely difficult climate, we continue to grow.

In terms of our growth targets, we set ourselves targets that we put out in the public arena and that we are publicly accountable for—as open and transparent government—and we are not frightened to develop those targets. We have achieved many of our targets, but certainly not all, and this one is going to be difficult for us to achieve because of the changes in the international markets.

Let's be frank: the opposition never set themselves publicly accountable targets; they never set anything. This government has set its Strategic Plan targets. We have set a series of them whilst we have been in government that we have continued to be accountable for. The opposition, when they were in power for eight years, never set public targets, and were never publicly accountable for meeting those targets, and never reported on them. So I think it is a—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: You should be embarrassed, too. You should be embarrassed that at least this government is prepared to set itself some targets and hold itself publicly accountable and, as I said, we can be very proud of what we have achieved.

LOCAL GOVERNMENT BOUNDARY ADJUSTMENT FACILITATION PANEL

The Hon. J.M.A. LENSINK (14:32): I seek leave to make an explanation before directing a question to the Minister for State/Local Government Relations on the subject of the Boundary Adjustment Facilitation Panel.

Leave granted.

The Hon. J.M.A. LENSINK: I understand that the Local Government Boundary Adjustment Facilitation Panel is conducting public consultation on a submission by a small number of electors to transfer the hundreds of Mangalo and Heggaton from the District Council of Franklin Harbour to the District Council of Cleve and is expected to report in early 2013. The proposal, if successful, will result in all the assets, revenues and grants which relate to that area being transferred to the District Council of Cleve.

The panel's proposal appears to be predicated on only one of the 13 requirements of section 26 of the Local Government Act for boundary change, namely, paragraph (c)(vii)—Communities of Interest, and there has been little, if any, consideration of the impact of the proposal on the sustainability and capacity of the remainder of the District Council of Franklin Harbour and its community.

The panel, on the advice of the Crown Solicitor, has declined to address the financial and community ramifications to the whole community of both councils, including the levels of compensation which might need to be paid between the councils. In fact, the Crown Solicitor has stated there is no capacity under the act to require compensation, other than amounts agreed between the parties, which will be a significant loss of revenues and assets to the District Council of Franklin Harbour.

My question for the minister is: will he give an assurance to all of the affected parties that a gazettal of this proposal will only be made following a full and comprehensive study of the impacts on both councils, and will he undertake that the issue of compensation will be addressed if the proposal proceeds?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:34): The Local Government Act 1999 established an independent representative body called the Boundary Adjustment Facilitation Panel. As you would see, that was under a Liberal government. That panel was established to investigate and make recommendations of the proposals for the council boundary changes. A group of eligible electors from the District Council of Franklin Harbour has made a submission to the panel seeking to have the council boundary adjusted to excise the hundreds of Mangalo and Heggaton from the District Council of Franklin Harbour and include them in the District Council of Cleve.

The Local Government Act 1999 sets outs the process that the panel must undertake when it receives a submission for boundary change. The panel deliberations in this matter are at a stage where the proposal for boundary change was released for public consultation and ended on 23 November 2012. The act gives no power to me as minister to influence the operations of the panel during the deliberations about boundary changes.

An article published in the *Eyre Peninsula Tribune* on 15 November incorrectly claimed that the panel had, in fact, made a decision and had advised the minister to remove the hundreds of Heggaton and Mangalo from the Franklin Harbour council. While the journalist should probably have checked this with the agency or the minister's office, she has been misled by a media release issued on 2 November by Mayor Eddie Elleway claiming this to be the case.

Given that the public consultation period only finished on 23 November, the panel had obviously not made any decision, let alone any recommendation to the minister. My involvement under the act requires me, on receipt of the panel's report on a public-initiated submission, to either accept the report or refer the report back to the panel with a request to consider the matters and to take such steps as I have specified. I am advised that there are still a number of steps for the panel to go through before a report will be prepared for my consideration.

The panel has issued a set of guidelines to assist councils and electors in the development and preparation of submissions for a review of a council's external boundary, composition or representative structure. Proposals for boundary adjustments may be made by council electors or jointly submitted by affected councils.

A submission to change the boundaries in an area can be made by a group of 20 or more electors. The submission must first be made to the affected councils. If supported, the councils may make a joint proposal to the panel. If either of the councils informs the electors that the submission is not supported, the electors may then submit the proposal to the panel for its consideration. If the panel believes that the proposal has merit, it investigates the matters and consults with affected stakeholders. A report is then prepared for my consideration.

The panel consists of four members. As Minister for State/Local Government Relations, I am responsible for selecting two people and choosing another two from four nominated by the Local Government Association. The current members were appointed to the panel on 1 January 2011 for a two-year term. The members are: Margaret Wagstaff (who is the chair), minister's nominee; Carol Procter, minister's nominee; James Maitland, Mayor of Wakefield Regional Council, LGA nominee; and Gillian Aldridge, mayor of Salisbury council, an LGA nominee. The current—

Members interjecting:

The Hon. R.P. WORTLEY: I have actually got the dates, and I might go through them in a minute just to let you know that I have actually seen them.

Members interjecting:

The Hon. R.P. WORTLEY: The current membership concludes on 31 December. The process for appointing or reappointing members has commenced.

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

The Hon. R.P. WORTLEY: I recently wrote to the president of the LGA seeking four nominees, from whom I will select two appointees. Since 2001 there have been 14 council-initiated submissions considered and completed by the panel. These are:

- City of Victor Harbor and Alexandrina Council to rectify a boundary anomaly at Hayborough;
- District Council of Yorke Peninsula to facilitate the construction of the Port Vincent Marina;
- Adelaide Hills Council and The Barossa Council to adjust the boundary due to the realignment of the Adelaide-Mannum Road;
- City of Port Adelaide Enfield and City of Tea Tree Gully to rectify a boundary anomaly at Riverside Grove, Dernancourt;
- City of Prospect and City of Charles Sturt to adjust the boundary due to the realignment of Torrens Road, Ovingham;
- District Council of Copper Coast to facilitate construction of the Wallaroo Marina;
- City of Whyalla to extend its northern boundary and to include the area covered by the Whyalla Marina;
- City of Port Adelaide Enfield and City of Prospect to rectify a boundary anomaly at Warren Avenue, Prospect;
- District Council of Ceduna to extend its coastal boundary at Murat Bay to facilitate the Ceduna Keys Marina redevelopment;
- Kingston District Council to extend its coastal boundary at Cape Jaffa to facilitate the Cape Jaffa Anchorage development;
- City of Holdfast Bay and the City of Marion to rectify a boundary anomaly at Diagonal Road, Somerton Park;
- City of Burnside and the City of Mitcham to rectify a boundary anomaly at Leawood Gardens;
- District Council of Grant and the City of Mount Gambier to transfer five parcels of land to the City of Mount Gambier to facilitate continued urban development within the city; and
- City of Salisbury to include the St Kilda breakwater and channel into the council boundary.

To date, no public initiated submission to the panel has resulted in a boundary change. The really sad thing about this whole affair is that the Hon. Ms Lensink, who may be deputy leader but who has no portfolio, seems to be dabbling in the local government sector and probably stepping on the toes of Mr Steven Griffiths.

The Hon. Ms Lensink tried to make an issue down at Mount Gambier and fell flat on her face, mainly because she had no idea what she was talking about. Now she is getting involved in the boundary adjustment proposal for Franklin Harbour when no decision has been made and the process is still underway.

I find it quite astounding that she would have the audacity to come into this place before I have received a submission and ask me how I would react, when I have told her that up until now no public-initiated submission has been agreed to. I think the Hon. Ms Lensink should probably look at areas that she might know a little bit about, because local government certainly is not one of them.

The PRESIDENT: A supplementary question: the Hon. Ms Lensink.

LOCAL GOVERNMENT BOUNDARY ADJUSTMENT FACILITATION PANEL

The Hon. J.M.A. LENSINK (14:42): And I do thank the minister for that comprehensive coverage of a whole range of matters that had nothing to do with what I asked. Will he give

assurance that the issues of the impacts and compensation will be fully investigated before he makes a decision?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:42): I am not going to give any assurances, because I have not received a submission. How irresponsible would it be of me to start talking about giving compensation when I have not even received a report? I find that just bizarre, and it is an indictment on the opposition deputy leader, without a portfolio, to ask me to do that.

The PRESIDENT: A further supplementary, the Hon. Ms Lensink—without comment.

LOCAL GOVERNMENT BOUNDARY ADJUSTMENT FACILITATION PANEL

The Hon. J.M.A. LENSINK (14:42): Without comment, yes, Mr President. Is the minister saying that he is refusing to investigate all matters before he makes a decision?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:43): The boundary adjustment committee is an independent body and answerable to the minister. I don't get involved in any process. When I finally get a report and a decision, I will then make a decision.

Members interjecting:

The PRESIDENT: Mr Wade, is it a supplementary or a new question?

The Hon. S.G. WADE: No, a new question.

Members interjecting:

The PRESIDENT: Well, if you can control your own side, I will let you.

DISABILITY SERVICES

The Hon. S.G. WADE (14:43): I seek leave to make a brief explanation before asking the Minister for Disabilities a question relating to grant payments in the department of DCSI.

Leave granted.

The Hon. S.G. WADE: On 18 September 2012, I asked the minister a question in relation to the processing of grant payments made by the Department of Communities and Social Inclusion for services rendered by service providers. In the minister's response, he explained the process of how payments are made but failed to answer the issue of late payments. In the two months since that question was asked the opposition is advised that the level of late payments has deteriorated further, with over $5 million of overdue payments to service providers outstanding. My questions to the minister are:

1. How much does the Department of Communities and Social Inclusion owe service providers in overdue payments?

2. Is the department making lump sum payments to service providers to assist with cash flow?

3. Will the minister advise what action is being taken to improve the timeliness of payments of grants to service providers?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:44): I thank the honourable member for his most important question. As the chamber will remember, Shared Services SA provides the Department for Communities and Social Inclusion with accounts receivable functions as part of the whole-of-government shared service arrangements. This includes the raising of invoices and the first level of debtor management.

Under the agreed operating responsibilities between Shared Services and my department, Shared Services is required to follow up on overdue invoices. If, once the initial debt recovery processes have been exhausted, Shared Services considers that debts are unrecoverable, Shared Services then needs to provide details to my department, along with recovery steps undertaken, to enable the department to carry out further follow-up action or indeed, if necessary, write-offs.

The department has been liaising regularly with Shared Services over the need for this follow-up to occur. The same pertains to the payment of invoices as well. From an accounting viewpoint, the lag in follow-up has led to an increase in the age of outstanding debt which, in turn,

has led to an increase in the allowance for doubtful debts and the bad and doubtful debts expense. The department continues to correspond with Shared Services over the need for this issue, and we will continue to work with our NGO sector agencies and help them through this process.

CELLAR DOOR WINE FESTIVAL

The Hon. CARMEL ZOLLO (14:46): I seek leave to make a brief explanation before asking the minister responsible for our wine industry a question about the Cellar Door Wine Festival.

Leave granted.

The Hon. CARMEL ZOLLO: Food and wine matching can be a terrific way of enhancing the flavours and enjoyment of both food and wine. Often billed as a complicated science, food and wine pairing is really fairly straightforward and often comes down to personal preference. Most importantly, it should be fun. Can the minister advise the chamber how people can learn about wine characteristics?

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): I thank the honourable member for her most important question and her ongoing interest in the wine industry. I note that the Hon. Carmel Zollo has a particularly good palate and a very refined appreciation of wine. I have enormous respect for her palate and I note her personal interest in these matters.

The government's priority in promoting premium food and wine from our clean environment has seen a number of successful campaigns in 2012, and I am very proud to say that there will be many more events to look forward to in the new year. A prime example of this will be the exciting new initiative developed by the Convention Centre and PIRSA for the Cellar Door Wine Festival to be held in Adelaide between 22 and 24 February 2013.

In its third year, the festival again promotes wineries from across South Australia, and I am advised that 150 South Australian wineries from 13 regions across the state, including internationally renowned brands through to niche boutique producers, will be at the festival. This is an increase of 30 new wineries from last year from which people can sample and enjoy products.

The festival provides people with an educational experience as it provides a greater understanding of the characteristics of each region and the varying winemaking styles of local wineries. Food is a growing focus of this event, and PIRSA will be supporting particularly small and new food producers by promoting premium food from SA's regions and fostering new growth opportunities in the food industry.

PIRSA will be offering 16 small food producers the opportunity to showcase and promote their brand and products in a dedicated PIRSA new producers area situated in the exhibition area. In addition, this involvement will allow exposure to these food producers at the festival's 'trade hour' ahead of the public opening times and a chance to showcase their produce on the demonstrations stage. This will provide a great opportunity for food producers to directly promote and sell their products by interacting directly with festival attendees.

With around 8,000 visitors expected to attend, the event will provide producers with a captive market of food and wine lovers, providing them an opportunity to target an audience that they may not have had previous access to and therefore have an exciting opportunity to grow their business. I am aware that PIRSA is currently seeking expressions of interest from producers. Applications close Friday 14 December and I strongly encourage any producer to contact PIRSA about participating.

PIRSA's involvement in the Cellar Door Wine Festival Adelaide underpins its commitment to the state strategic priority of premium food and wine from our clean environment. The festival is one of a number of partnerships PIRSA has cultivated to increase recognition of South Australian premium food and wine, including the high standards of its producers and, of course, the uniqueness of the regions in which it is produced. Each visitor is given a Riedel glass for unlimited tasting.

Members interjecting:

The Hon. G.E. GAGO: He makes funny little noises all day long, Mr President. I never know whether he is talking or what it might be. I will not go any further. So, they will get their glass. They will also receive a branded calico shopping bag and a passport that includes notes about the

regions and wine tasting tips to help plan and record their festival experience. Tickets are now on sale and I am advised that, if purchased before 31 December 2012, visitors can enjoy a special early bird rate and, of course, more information is available online.

SWIMMING POOL CLOSURES

The Hon. K.L. VINCENT (14:51): I seek leave to make a brief explanation before asking the Minister for Disabilities some questions regarding the impending closure of swimming pools used by people with a disability in Adelaide.

Leave granted.

The Hon. K.L. VINCENT: You may recall that on 1 November the Hon. Mark Parnell asked a number of questions regarding the very important issue of the closure of the Balyana swimming pool. The pool at Balyana is, as the honourable member quite rightly pointed out in his questions, a well attended and much loved fixture in the local community of Mitcham. The pool is used by many local schools and other community groups as a venue for swimming lessons and, as such, plays a key role in promoting the aquatic safety of the young people in that region.

Also of great significance to the local community is the pool's use as a venue for hydrotherapy sessions for the elderly, those recovering from surgery and people with a disability. The pool's closure is likely to exacerbate the existing shortage of hydrotherapy services in the local area. The location is such a focal point of the local community. The Bedford Group's Balyana site, as a flow-on benefit, has also done a great deal to aid the inclusion and integration of Balanda's residents into the local community.

For these reasons, I find the closure of the Balyana pool greatly concerning and was similarly concerned when my office was contacted by constituents from the city's northern suburbs, who indicated that they had been instructed that the swimming pool at the Hampstead centre would also be closing. Like the facilities at Balyana, the Hampstead swimming pool is a significant part of the local community. It too is a venue for swimming lessons and offers hydrotherapy, which is vital, and, as one might expect, has a particular focus on rehab services and people with a disability.

As with the services at the Balyana pool, the Hampstead centre swimming pool functions as a vital link between the centre and the surrounding community and aids in the inclusion of those receiving services from Hampstead into the local community. A further concern I hold in relation to the closure of the Hampstead centre swimming pool is the fact that a significant number of people with a disability who have received rehabilitation at the Hampstead centre have gone to considerable effort and expense to relocate to the area in order to be able to access services in that area. My questions to the minister are:

1. Is the minister aware of plans to close the swimming pool at the Hampstead centre?

2. Is the minister concerned about the effect that the closure of the swimming pools, such as those at Balyana and the Hampstead centre, will have on the availability of already scarce hydrotherapy services?

3. Is the minister aware of any plans to ensure that people living in the affected communities will still have access to local hydrotherapy services?

4. Is the minister aware of any connection between the closure of the Hampstead pool and the relocation of rehabilitation services to The Queen Elizabeth Hospital recently initiated by the Minister for Health?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:54): I thank the honourable member for her most important question. There are specialised hydrotherapy services, I am advised, at the Flinders Medical Centre that may be accessible to the community.

I am also advised that Minda have a purpose-built swimming pool in the southern metropolitan area, and it includes access via a wheelchair ramp for people with a disability, which can be utilised by the public. It is currently closed, I am advised, since the beginning of this month for renovations, and will open again in due course. I understand the Repat Hospital at Daw Park offers hydrotherapy services to inpatients and outpatients, as well as those who have a referral from a physio. I think that service is available all year round. I am not quite sure, but I imagine it would have a wheelchair hoist of some description.

I understand also that the Griffiths Rehabilitation Hospital at Hove provides hydrotherapy services to members of the public, and the pool has a hydraulic lifter. People can also use, as I mentioned previously in answers to similar questions, the brand new, state-of-the-art, climate-controlled facilities at the State Aquatic Centre at Marion. I have to reiterate, however, that the Balyana pool is private property owned by Bedford and, in relation to the Hampstead pool, I understand questions about that need to be directed to the Minister for Health in the other place.

The PRESIDENT: A supplementary question: the Hon. Ms Vincent.

SWIMMING POOL CLOSURES

The Hon. K.L. VINCENT (14:56): Is the minister aware that many consumers might have their options limited again by the fact that many hydrotherapy pools in particular do not have both a hoist and a ramp for those who are unable to use the hoist and have to use a ramp, or vice versa?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:56): Mr President, as I indicated, the hydrotherapy services are functions of Health. I am not aware of the exact facilities at most of those sites. I did mention a few in my response to give information to the house, but I certainly cannot comment on facilities and their availability across the metropolitan area.

INDUSTRIAL RELATIONS REFORM

The Hon. K.J. MAHER (14:56): Can the Minister for Industrial Relations advise the chamber of the government's main industrial relations and work health and safety achievements in 2012, perhaps either alphabetically or chronologically, because I know there are a lot of them?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:57): I would like to thank the member for his very important question. I will try to be brief, but there were so many achievements and so much going on this year that I think it is important that this chamber gets to understand the sort of in-depth initiatives taken within industrial relations.

The year 2012 was certainly a historic year for industrial relations and work health and safety in this state, and the benefits to working South Australians will be felt for many years to come. After 19 long and arduous months of debate, the harmonised work health and safety legislation laws passed our parliament only a few weeks ago. This historic and important legislative accomplishment emphasised the staunch disparity between Labor and the opposition who, during the course of the debate, showed nothing but contempt towards working South Australians and the business community.

The Liberals thought it appropriate that legislation should provide for employers, CEOs and company directors to simply shirk their health and safety responsibilities by contracting out their obligations. Furthermore, they claimed that a CEO, director or senior manager should not have duties to their workers on a worksite because they don't necessarily have direct control of the activities on that worksite. The government firmly rejected those abhorrent arguments.

On this side, we believe that workplace safety is everybody's responsibility, from the worker, the manager, the CEO, contractors and subcontractors alike. We even saw those opposed to the bill continue to peddle the misinformation about alleged increased costs to housing and the end of the housing construction sector. This occurred even after the Housing Industry Association sought government funding, and were approved the funding, of around $36,000 to investigate ways to manage risks associated with working at heights.

Even the HIA acknowledged that something needed to be done to enhance fall protection and reduce the high rates of industry in the construction sector. In the end, sensible heads prevailed. South Australia now joins Queensland, New South Wales, the ACT, the Northern Territory, Tasmania and the commonwealth in enacting this reform. Western Australia has taken positive steps towards harmonisation, but Victoria, under a Baillieu-led Liberal government, has, unsurprisingly, obstructed the harmonisation process.

Victoria is basing its opposition on a regulatory impact statement; however, it refuses to share its contents publicly. This phantom RIS found that the largest cost impact on business could result from the definition of 'confined spaces', which is extraordinary given that the current Victorian legislation and the work health and safety legislation regarding confined spaces are substantially

the same. However, this is the standard of debate we have come to expect from Liberals across the nation.

For South Australia, for the first time, unions will, after receiving appropriate training, be able to enter a worksite to investigate health and safety issues. Those opposite stirred up some controversy about this aspect of the law, notwithstanding the fact that union officials in South Australia can already enter workplaces for IR purposes. Furthermore, I understand that all other states and territories have provided for union right of entry for occ health and safety purposes for some time. Why then the Liberals think that South Aussie workers deserve less protection, less representative rights, and less resources from which to access health and safety assistance compared with our interstate counterparts absolutely escapes me.

Having another set of eyes looking out for the health and safety of workers can only be a good thing, and I am sure union officials in South Australia will use their new right of entry diligently and appropriately, and their actions will invariably lead to a reduction of workplace injuries. I am proud of the fact that we now lead the way as the only jurisdiction to not only meet but exceed its target to achieve a 40 per cent reduction in serious injury rates by June 2012. This was confirmed in the latest comparative performance monitoring report released in October.

Labor is proud that since winning office in 2002 workplace injuries have fallen by over 40 per cent in South Australia. However, South Australia must always strive to do better, and laws like the Work Health and Safety Act will allow us to effectively build up the work already done in providing safer workplaces for the benefit of all South Australians. The year 2012 has also seen an extension of the Passport to Safety program, which is aimed at raising awareness about the importance of workplace health and safety for young people who are preparing to enter the workforce. This important program will lead to further reductions in injury rates in the future.

The government is also incredibly proud of changes earlier this year to public holidays and shop trading legislation in this state. As members are aware, the Shop Trading Hours Act 1977 regulates the times at which non-exempt shops can trade over the Christmas and new year period. Each year, my office and my predecessors' office would receive a significant number of written applications from retailers requesting exemption notices. This process required issuing well in excess of 100 exemption notices for stores to trade extra hours to cater for the consumer demand over this period. I am sure members will agree that this out-of-date process was onerous and bureaucratic for all concerned and led to excessive red tape for retailers.

I am now pleased to inform the chamber that the recent amendments have streamlined this exemption process. The amendments created a new shopping district for the CBD and allowed non-exempt shops within this district to trade on all public holidays, except Good Friday, Christmas Day, and before 12 noon on ANZAC Day. CBD trading on public holidays has been an immense success in 2012, and I look forward to it continuing over the Christmas period and into 2013. The amendments have also allowed me to issue a single exemption notice for extra shop trading covering a period of up to 30 days for any or all shopping districts for the Christmas period. This notice was published in the *Gazette* on 1 November.

In addition to the CBD trading on public holidays, the government is also proud of the creation of part-day public holidays on Christmas Eve and New Year's Eve from 7pm until midnight. We remain proud, notwithstanding the hysteria generated by some members opposite. The arrangements ensure that employees required to work after 7pm on these evenings will receive appropriate penalty rates of pay and have the reasonable right to refuse the shift, pursuant to the National Employment Standards under the federal Fair Work Act 2009.

Importantly, an amendment was moved to mandate a review of the effectiveness and cost implications of the part-day public holidays and changes to shop trading arrangements. This review will be conducted during the first three months of 2013 by the Centre for Economic Studies. I am also pleased that, after years of negotiation, the Construction Industry Long Service Leave (Miscellaneous) Amendment Bill has finally passed this parliament. The legislation achieves greater efficiency in the management of the Construction Industry Long Service Leave Fund. It extends the board's power to vary the levy rate and also clarifies the intent of the predominance rule.

These amendments were a long time coming and I was delighted to work with the members of the Construction Industry Long Service Leave Board who were appointed in July. Ms Margaret Sexton (the presiding member); Mr Rick Cairney, representing Business SA; Mr Steven Minuzzo, representing the Master Builders Association; Mr Steven Hall, representing the

Building Industry Specialist Contractors Organisation of Australia; and Mr Bob Donnelly, Mr Aaron Cart ledge and Mr Colin Fenney, representing SA Unions, and their deputies, all play a pivotal role in the effectiveness of this board.

In addition to the significant legislative achievements, 2012 saw numerous other initiatives that will improve the working lives of many South Australians. I am strongly committed to the work being performed by the Work Life Balance policy group within SafeWork SA and the Work Life Balance Advisory Committee.

Specific initiatives include the Quality of Part-Time Work Project, which will allow a greater emphasis on flexible work arrangements to allow South Australians to meet the competing demands of work and life, particularly working mums. In addition, the Age Matters Project plays a vital role in addressing the underutilisation and discrimination that mature age workers experience in recruitment and employment in the South Australian workforce.

This year, I have been pleased to work with the Asbestos Advisory Committee in discussing ways to educate the public about dangers associated with asbestos exposure. I will have the privilege of launching the Asbestos Safety Action Plan at the Asbestos Victims' Memorial Day Service tomorrow. I have also worked closely with the advisory committee during the establishment of the Asbestos Home Renovator Taskforce designed to tackle the growing concern of homeowners removing asbestos without appropriate awareness of the risks.

I was also pleased to work cooperatively with unions and other representatives to finalise negotiations in several important SA government enterprise agreements. During the course of the government enterprise agreement negotiations, I proposed the inclusion of domestic violence leave provisions. I firmly believe that violence, be it at work or at home, can have a dramatic impact on the health, safety and welfare of workers and can cause significant economic and social costs to the victim, their family, the business in which they work and the community. For the first time, South Australian government enterprise agreements will incorporate specific provisions that are designed to support employees experiencing domestic violence.

In addition to matters at a state level, I was pleased to work collaboratively with my federal counterpart, the Hon. Mr Bill Shorten, in delivering initiatives designed to protect workers' industrial conditions. Unfortunately, as Liberal governments have gained power in some states, their attacks on working people have become more and more prevalent. Premier Newman's attack on the public servants in Queensland and Premier O'Farrell's actions in New South Wales should be utterly condemned.

The opposition here in South Australia has vowed to make even more extreme cuts to the public sector if they win government in 2014. We already know that the Leader of the Opposition and her new but unimproved deputy have conjured up their own hit list, targeting teachers, child protection workers, ambulance officers and the police. So, in light of these attacks on hardworking public servants, I am pleased to learn of minister Shorten's legislative amendments to the Fair Work Act to protect the entitlements of public servants transferring to the private sector.

Once again, a Labor government has shown the courage needed to clean up the messes created by the Liberals. Of course, the matters spoken about today aren't the only positive achievements for the government in this area of industrial relations and work health and safety this year, but they do serve as a sobering reminder of the stark difference between the Labor government, whose primary focus is on achieving safer and fairer workplaces, and those opposite who show nothing—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: —but contempt towards hardworking South Australians. Where the Labor government looks to better industrial relations conditions, the Liberals look only to slash and burn. Where the Labor government invests in key infrastructure programs that create sustainable jobs, the Liberals propose cuts that will lead to increased unemployment and have an enormous adverse impact on workplace efficiencies.

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

The PRESIDENT: I can tell the time, the Hon. Mr Dawkins.

The Hon. R.P. WORTLEY: Almost finished. Where the Labor government is focused on improved workplace safety, having achieved the highest reduction of injury rates compared to any

other state in the previous 10 years, the Liberal slashes to funding will inevitably lead to an unacceptable increase in workplace injuries and fatalities. The government is proud, and as the Minister for Industrial Relations I am proud, of our accomplishments that will better the working lives of South Australians. During my interactions with the business community, I have also heard murmurs of their disappointment in the Hon. Mr Lucas—a man who promises so much but delivers so little, a man who opposes important government reforms through irrational fearmongering.

Perhaps the honourable member should spend less time uselessly playing on his Twitter account and more time focusing on the needs of the community. I for one look forward to working closely with business and unions on important IR reforms, even if we do not always agree on issues, and I also look forward to another productive and prosperous year in 2013.

VISITORS

The PRESIDENT: Before I call the Hon. Robert Lucas, I draw honourable members' attention to the presence of Lord Fakafanua, who is the Speaker of the Parliament of Tonga, with which the Parliament of South Australia is twinned. Welcome; it is an honour to have you here, sir.

Members interjecting:

The PRESIDENT: My Lord, they are setting a very bad example. They are not normally like this. The Hon. Mr Lucas, you have the call.

QUESTION TIME

WORKCOVER

The Hon. R.I. LUCAS (15:11): I seek leave to make an explanation prior to directing a question to the minister representing the minister for WorkCover on the subject of WorkCover.

Leave granted.

The Hon. R.I. LUCAS: On 18 September, WorkCover announced that then CEO, Mr Thomson, had resigned immediately for what they described as 'personal reasons', having served just over two years of his contract. On 28 September, the Liberal Party, under freedom of information, requested a copy of any letters sent to minister Snelling and the chairman of the WorkCover board expressing concerns about the behaviour and/or actions of the chief executive officer.

WorkCover has responded to that freedom of information request by indicating that they had received a letter, but they refused it under the section of the act headed, 'Documents affecting personal affairs'. They quote subsection (2) in particular:

> A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) the truth of which has not been established by judicial process and the disclosure of which would be unreasonable.

Although it has been three months since the FOI request was lodged with minister Snelling, minister Snelling's office has still not responded to that particular freedom of information request. At the same time, we have been seeking copies of Mr Thomson's contract with WorkCover under the terms of the Department of the Premier and Cabinet's circular PC027—Disclosure of Government Contracts, which states under section 3:

> Cabinet has approved that this Circular applies to all public authorities as defined in the Public Finance and Audit Act 1987.

Under section 21, it states:

> Copies of executive contracts will be made available for inspection on receipt of a written request to the Chief Executive of the public authority in which the executive is employed. In the case of contracts with Chief Executives, the written request must be made to the Commissioner for Public Employment and the contract provided will include the Total Remuneration Package Value (TRPV) and the schedule in which the TRPV appears…

The Hon. R.P. Wortley: It's a long question.

The Hon. R.I. LUCAS: This is the explanation firstly. The Commissioner for Public Employment's officers indicated that WorkCover has refused to provide copies of the WorkCover CEO's contract under the terms of this particular policy. WorkCover has refused to make available copies of the contract, saying all correspondence should be entered into with the minister. The minister has now corresponded and refused copies of the contract, saying that there are commercially confidential provisions, that their contracts are different to those of anyone else in the

public sector and that the opposition should seek copies of it under freedom of information legislation. My questions are as follows:

1. Does the minister accept that WorkCover is bound by the Department of the Premier and Cabinet circular PC027—Disclosure of Government Contracts, and if so can he explain why WorkCover and he as minister have refused to comply with the requirements of that policy?

2. Will the minister now take action to ensure that WorkCover complies with the requirement of the DPC circular PC027 and if not, why not?

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 thank the member for his questions and will refer them to the Minister for Workers Rehabilitation in another place and bring back a reply.

DISABILITY SERVICES

The Hon. G.A. KANDELAARS (15:15): My question is to the Minister for Disabilities. Will the minister outline the importance of the major disability reforms that were announced this past year, and can the minister provide an update on the progress of these reforms?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:16): I thank the honourable member for his very important question and, yes, I can and now will. I thank the honourable member for his ongoing interest in this area as well. As we head to the end of the parliamentary year, it is only natural to reflect on the work that has taken place these last 12 months. While all of my portfolio areas offer different challenges and opportunities, today I would like to take this opportunity to highlight the once-in-a-generation reforms taking place in the field of disability.

I acknowledge at the outset that these reforms are incredibly overdue. For far too long people with disabilities have endured a support system that was inequitable, under-resourced and overly bureaucratic. Now, thanks in large part to the introduction of individualised funding—but also into the future, the launch of the National Disability Insurance System—we are moving in the right direction towards a system that recognises the rights of people with disability, that encourages flexibility and choice, and that recognises and meets not only their basic needs but also their aspirations.

Disability reform is a major focus of the Weatherill government, and the introduction of individualised funding is the centrepiece of this reform. I have spoken of this system change on a number of occasions over the last several months and I will continue to provide my parliamentary colleagues with updates from time to time because this reform really matters. Individualised funding and self managed funding will change people's lives for the better. We know this is the case because that has been the experience overseas, interstate and during our own trial here in South Australia. An independent review of the South Australian trial conducted by Jenny Pearson & Associates found that:

> Individualised funding and self managed funding significantly enhances the choice, dignity, control and empowerment of people who have a disability, their families and carers.

This review has been publicly released on the sa.gov.au website and is also produced in Easy Read format for anyone who is interested in learning more about the positive results of the trial. We know that the best person to make decisions about disability support services is the person who is to receive them. It is our clients who know what services best suit their own unique circumstances.

So, under this new system clients will draw up a personal support plan for how their individual budget is to be spent. This 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. Clients can choose when, where and how they access support and, importantly, they can change arrangements and service providers at any time so long as it is consistent with their personal support plan.

Clients can choose to manage their own budgets themselves—this is what we refer to as self-managed funding—or they can choose to have the payments administered by a family member or a professional broker or, indeed, a non-government organisation, or Disability Services themselves. As I have detailed in this place previously, individualised and self-managed funding is

being rolled out in three stages. Stage 1 is well underway, with over 2,250 Disability SA clients receiving letters of offer earlier this year.

I am told that so far 349 clients have expressed interest in individualised funding, and a further 50 requests were received for someone to call them back to answer some specific questions. I can confirm that all stage 1 clients have now received a second package of information this week, or should have done, providing each client with details of their own personal budget and reminding them of the different options for managing their funding should they wish to do so. The information pack contains Easy Read documents explaining the new system in simple language with simple illustrations. Stage 1 clients commence individualised funding and self-managed funding in January next year.

We are also turning our attention to our stage 2 clients—those who are currently receiving individual support but through block funded arrangements. There are approximately 5,000 stage 2 clients who should receive their first letters towards the end of this year. My department is working closely with the major disability service providers to ensure these formerly block funded clients really understand the new system and the choices that they have into the future. Indeed, the director of Funds Management and Disability SA this week hosted a 'pizza planning night' and a number of CEOs from the disability sector have all offered their time and their skills to help us drive this reform over the next 12 months.

I am very grateful to these CEOs who have put their hands up to help us with this work because we need the support of the sector to ensure a smooth transition to the new system. The Disability SA leadership team has also had the benefit of spending a considerable amount of time discussing the ins and outs of the new system with the highly regarded individualised funding expert Dr Simon Duffy, who spent two weeks in Adelaide in October. His advice was extremely useful and my department was encouraged by his positive feedback on how we are tracking.

We have also had other well-known disability advocates offer their advice over the past few months, including Dr Michael Kendrich, Ms Helen Sanderson and John Waters. All of these experts bring years of experience to the table, and I must say that more often than not it is their advice of what not to do that is most valuable as we navigate our ways towards a brand-new system.

As we can see, introduction of individualised and self-managed funding is well and truly progressing. It is remarkable to think that it was only last December that the Premier and I announced this major system reform, and I must say that I am genuinely impressed by the efforts of the Disability SA leadership team, and the leadership coming from the local community organisations as well who are working ceaselessly on this, as well as a number of other significant reforms.

Other disability reforms that we are looking at include the response to the Strong Voices blueprint, the creation of a disability justice plan, the introduction of a community visitors scheme, the closure of the residential facility at Strathmont and, of course, the launch of the National Disability Insurance Scheme.

DISABILITY SERVICES

The Hon. K.L. VINCENT (15:22): Supplementary question, Mr President. Unless I am much mistaken, the minister hasn't introduced any legislation to the parliament under this portfolio since first becoming the minister. When does he plan to introduce that legislation to reform the outdated Disability Services Act, or would he like to save himself a bit of time by supporting mine?

The PRESIDENT: I am not sure that is a question, minister.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:22): I am not sure how that arises from the answer.

The PRESIDENT: And that is my judgement.

Members interjecting:

The PRESIDENT: Honourable minister, you will answer if you wish.

The Hon. I.K. HUNTER: I am very happy to continue. I can advise the house that the legislation is before parliamentary counsel as we speak. I would like to have introduced it before the end of our year, but that is not to be.

An honourable member interjecting:

The Hon. I.K. HUNTER: Well, we can come back next week, I suppose. But I am not sure that parliamentary counsel would have it available even then—although if we were to give them some extra time, perhaps, and tell them to drop off all of the parliamentary drafting they are doing for Independent members of the house I might be able to get a bill drafted. However, that is another point altogether.

Members interjecting:

The Hon. I.K. HUNTER: And I respectfully decline the very kind offer of the member to take up her bill.

GENETICALLY MODIFIED CROPS

The Hon. M. PARNELL (15:23): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the cultivation of commercial genetically modified canola crops in South Australia.

Leave granted.

The Hon. M. PARNELL: In the lead-up to the 2010 state election, the ALP issued a media release announcing that:

> A re-elected Rann Labor Government will extend the current moratorium on growing genetically modified crops until 2014. Environment Minister Jay Weatherill announced today that Labor had made the decision so that the state's clean, green brand could be protected and he called on the Liberals to match the election promise.

Then minister Weatherill is quoted as saying, 'Labor is very clear on this issue.' The media release also explained the reason for maintaining the moratorium as follows:

> In 2008, the Rann government pledged to maintain the current moratorium on growing GM canola in South Australia because there was no convincing argument that allowing GM crops will have a positive impact for the state.

Consistent with this promise, the GM Crops Management Regulations 2008 (which don't expire until 1 September 2019) state that:

> The whole of the state is designated as an area in which no genetically modified food crops may be cultivated.

However, according to the PIRSA website, there are currently 11 crops sites of commercially approved GM canola in South Australia. The GM canola being cultivated in SA is Bayer CropScience's 'In Vigor hybrid canola', which was approved by the Office of Gene Technology Regulator for commercial release in July 2003 under the license DIR 201/2002. These 11 commercial crop sites of GM canola have been approved by the minister under section 6(2)(a)(ii) of the Genetically Modified Crops Management Act, which provides exemptions to:

> Cultivate a genetically modified food crop on a limited and contained basis at a specified place or places.

So, unlike previous exemptions under the act that allowed for GM canola crop trials in South Australia, these 11 crops were approved by the minister for commercial cultivation. My questions of the minister are:

1. Given that the ALP promised to keep South Australia GM free, why did you approve commercial GM canola crops to be cultivated in 11 sites in South Australia in 2012?

2. How does allowing the cultivation of commercial GM crops in South Australia fit in with the government's commitment to protect the state's clean, green brand and its pledge to maintain the current moratorium on growing GM canola in South Australia?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:25): South Australia does have a moratorium on the growing of GM crops. I believe we are the only state, the only jurisdiction, in Australia to do so, and we are very proud of that moratorium. It goes to 2019, I believe. Even though various interests have worked very hard to try to get us to review that, we are absolutely committed to maintaining that. There are exemptions, as the Hon. Mark Parnell referred to.

Section 6 of the act allows the minister by notice to confer exemptions from the operation of section 5, and there have been a number of exemptions. Globally the grains industry has been able to maintain productivity increases of the order of 3 per cent per annum over the past 20 years by operating seed development programs in both hemispheres. To help maintain global food

security it is important that that advantage is taken at every opportunity to accelerate on-farm productivity and net food exporters such as Australia.

Exemptions provide an opportunity to validate the performance of new seed varieties. Two entities are active in this area in South Australia—Bayer CropScience and particularly the state-funded Australian Centre for Plant Functional Genomics, which is based on the University of Adelaide's Waite campus. Because Bayer CropScience is a global company, its research and innovation program in the South-East of this state is part of the company's global research and innovation program. The Australian market is too small to justify the investment in seed suited only to the Australian market, whether or not it is genetically modified.

To overcome the limitations of a small Australian market the ACPFG is working with the international partners developing plant products for the global market. Exemptions are subject to stringent conditions. Compliance with conditions of exemptions are conferred to 6(2)(a)(i) and is monitored by OGTR, while compliance with conditions of exemptions conferred pursuant to 6(2)(a)(ii) is monitored by Biosecurity SA.

A register of exemptions is maintained on the PIRSA website, along with the record of trial sites for each planting season, and the government provides parliament with an annual report on the gene technology covering the operation of the act. The moratorium has paid off significantly. South Australia enjoys very high quality grain in this state and grains coming from a GM-banned area fetch very good prices compared with grain coming from GM sites.

ANSWERS TO QUESTIONS

BURRA MONSTER MINE RESERVE

In reply to the **Hon. J.M.A. LENSINK** (1 July 2010) (First Session)

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): The Minister for Mineral Resources is advised:

There have been no breaches of the Mining Act by Phoenix Copper.

GEPPS CROSS INTERSECTION

In reply to the **Hon. J.S.L. DAWKINS** (30 September 2010) (First Session).

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 Transport and Infrastructure has advised:

1. The Department of Planning, Transport and Infrastructure (DPTI) (previously Department for Transport, Energy and Infrastructure (DTEI)) continually collects traffic data via its computerised traffic management system. The Gepps Cross intersection and over 800 other sites across the metropolitan area are connected to and controlled by this system, providing signal co-ordination along key arterial roads. It is a dynamic system that continually measures traffic flows and adjusts the time available for each traffic movement.

2. DPTI planned for the change in traffic flows following the opening of the Northern Expressway by monitoring and adjusting the operation of the Gepps Cross intersection during the first two weeks. In addition, a new traffic signal coordination scheme for the upgraded section of Port Wakefield Road between Waterloo Corner Road and Salisbury Highway was implemented in October 2010. The traffic signal operation and coordination are reviewed regularly and the route is functioning efficiently.

3. The operation of the traffic signals at the Gepps Cross intersection, along the route and adjacent roads is continually monitored. Traffic flows for Port Wakefield Road traffic at the intersection have been improved considerably since the opening of the Northern Expressway. The on-going monitoring indicates that traffic patterns have stabilised and the network is functioning as expected.

It should be noted that road users are choosing different routes during the construction of the South Road Superway and patterns will change again when the road works are completed.

As with all other sites across Adelaide if traffic patterns change, the appropriate traffic signal operation changes are made to ensure the optimal traffic movement is maintained.

SAFEWORK SA

In reply to the **Hon. R.I. LUCAS** (6 July 2011) (First Session).

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

On the 6 July 2011 Ms Michele Patterson was not on annual leave from her position as Executive Director SafeWork SA.

Ms Patterson was working on the harmonisation of Australia's occupational health and safety laws, and representing South Australia's interests in that process.

At that time, Ms Patterson was the Chair of Safe Work Australia's Strategic Issues Group. South Australia has indeed been fortunate to have had Ms Patterson leading the national reform programme and ensuring that South Australia's interests in the process were continuously at the forefront.

Ms Patterson played a key role in the task of ensuring that the Model Regulations complement the Model Work Health and Safety Act to provide the foundation of the national occupational health and safety legislative framework.

Public servants, including those at executive director level are entitled to the accrual of entitlements such as long service leave, sick leave and annual leave similar to other South Australian workers. On the 6 July 2011 Ms Patterson had recently returned from a short period of annual leave.

NATIONAL OCCUPATIONAL HEALTH AND SAFETY LAWS

In reply to the **Hon. R.I. LUCAS** (15 September 2011) (First Session).

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

1. The Commonwealth Government did not give a commitment to the South Australian Government that it would include 'impacts in dollar terms' for each State or Territory in the *Decision Regulation Impact Statement for National Harmonisation of Work Health and Safety Regulations and Codes of Practice*.

2. Overall, harmonisation of OHS laws will result in lower administrative costs, less regulatory duplication, improved efficiency and improved work health and safety outcomes for all South Australians.

3. South Australia commissioned a state-specific Regulatory Impact Statement (the SA RIS) on the model Work Health and Safety Regulations on 5 January 2012.

A report prepared by Deloitte Access Economics indicated that the safety benefits of harmonisation would exceed the compliance costs, and the long-term return to the South Australian economy would exceed the one-off implementation cost.

SAFEWORK SA

In reply to the **Hon. R.I. LUCAS** (10 November 2011) (First Session).

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations): I have been provided the following information: On 19 August 2011 the Auditor-General provided the Chief Executive of the Department of the Premier and Cabinet (DPC) with his 2010-11 audit findings. The Auditor-General raised some minor issues concerning SafeWork SA, including internal policy and procedures relating to its revenue collection system and its debtor recovery.

All issues involving SafeWork SA raised in the audit were addressed by the management of SafeWork SA to the satisfaction of the Auditor-General.

INCOME MANAGEMENT

In reply to the **Hon. T.J. STEPHENS** (28 March 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 Aboriginal Affairs and Reconciliation has been advised:

1. South Australian Government agencies are working closely with the Australian Government to assist the implementation of compulsory income management in the Playford area. In relation to other parts of South Australia, the state government continues to advocate strongly for extensive consultation to take place with relevant communities before a decision to introduce any formal model of income management is made.

2. The South Australian Government continues to work closely with the Australian Government in relation to Aboriginal communities.

3. The Australian Government has the legislative authority to introduce income management (compulsory or voluntary) as a formal mechanism to quarantine welfare recipient income under the relevant legislation.

4. The state government does not have the power to quarantine a welfare recipient's income.

5. The South Australian Government is working with the Commonwealth on the introduction of welfare reform in Playford.

The Commonwealth Government leads the legislative authority with regard to welfare related income management measures.

CUSTOM COACHES

In reply to the **Hon. D.G.E. HOOD** (12 June 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 Transport and Infrastructure has been advised:

1. The government is aware of the purchase of Custom Coaches by Alexander Dennis Ltd. Custom Coaches advised of the potential take-over bid and kept the state government updated throughout.

2. Custom Coaches and Alexander Dennis Ltd have advised in writing their intention to continue operations at their facility in Adelaide at Royal Park.

The Minister for Education and Child Development has advised:

3. The government has established a panel of suppliers which assists contractors to purchase new buses where necessary.

Following a public Expression of Interest in September 2010, a six year pre-qualified panel of suppliers has been established for the provision of a range of different capacity school buses to progressively replace the existing Department for Education and Child Development (DECD) school bus fleet. The panel includes Australian and South Australian manufactured buses.

DECD bus services contractors have been able to access the panel at their sole discretion or purchase from any supplier but required to negotiate their own purchasing terms including price.

HOUSING SA

In reply to the **Hon. S.G. WADE** (20 September 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): I am advised that as of 31 August 2012, 173 properties were awaiting or undergoing major upgrades for maintenance. Upon completion of maintenance work, more than 90 per cent will be returned to the regions to be re-let. In certain circumstances, Housing SA may divert a small number of properties to other programs.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:29): I table a ministerial statement made today by the Hon. John Hill, Minister for Health and Ageing, in another place about the enterprise patient administration system.

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

In committee.

(Continued from 28 November 2012.)

New clause 8.

The Hon. M. PARNELL: I have moved my amendment, but I understand the minister has a further contribution, after which I will have another go, if I may.

The Hon. G.E. GAGO: I do have some further comments. The government has had the opportunity to further consider the Hon. Mr Parnell's amendment since the conclusion of the committee stage of this bill yesterday. I have also discussed with Mr Parnell options as to how these matters could be addressed as part of the regulations. I am advised that these discussions have been fruitful and have resulted in an agreement to make certain changes to the draft regulations that would enable the Hon. Mark Parnell to withdraw this amendment.

I will outline the substance of the proposed changes shortly for the chamber's benefit. Unfortunately, given the tight time frames, parliamentary counsel has not been able to prepare a further draft of the regulations prior to now, however, I am advised that this should be ready early next week, and the minister has asked me to give an undertaking to the chamber that, once available, this will be distributed to the Hon. Mark Parnell and other interested members for consultation.

I want to say from the outset that we appreciate the intent behind the Hon. Mark Parnell's amendment and we have entered into discussions with a willingness to address his concerns. The government's concerns have only been on advice that the amendment presented by the Hon. Mark Parnell would have some unintended consequences and therefore needs to be thought through further.

For example, I am advised that there are important issues regarding privacy that the amendment leaves unaddressed. Indeed, the Local Government Association's model policy on the interaction of the Development Act, the State Records Act and the freedom of information and federal copyright legislation issued in January 2012 makes it clear that councils, as the record keepers of development decisions, should have regard to both privacy and copyright matters prior to the release of any documents to members of the public, and I understand that this policy has been adopted by a number of councils.

The tenor of this policy document, which is available on the LGA's website, is a reminder that the release of any information provided as part of the statutory process must be carefully thought through in light of the variety of complex and, at times, competing public policy considerations, privacy, confidentiality, transparency, access to information and intellectual property rights.

In this context, it is also important for me to point out to the chamber that the effects of the Hon. Mark Parnell's amendment may not be precisely what he intended. In debate yesterday, the Hon. Mark Parnell stated the intent of his amendment is to ensure that private certifiers are subject to the same rules as councils in relation to record-keeping, and I understand from the discussions he has had with the minister's representative that a major concern is ensuring transparency of the assessment process in light of the expanded role that this bill will provide for private certification.

The government accepts the interest of the Hon. Mark Parnell and other members in attempting to address the issue of transparency in the administration of this regime in the spirit suggested by the amendment. We accept that the Hon. Mark Parnell, in this amendment, has attempted to improve overall transparency in administration while also streamlining the business obligations on certifiers and councils, a proposition that we as a government obviously support. The integrity of private certification is critical to ensuring it will be successful and accepted by the public and will achieve the economic benefits the government and industry believe it can deliver.

I will now outline, briefly, the government's proposed changes to the regulations which will better address these issues. I should also say that although a new version of the regulations has not been able to be drafted, parliamentary counsel have confirmed that the proposed changes would be within the regulation-making powers of the act. In brief, there are four current provisions of the regulations we propose to amend, in addition to the changes already circulated to members.

As a global comment, I should point out that the policy underpinnings of the current regulations differentiate between the public register councils are required to maintain and the records private certifiers must keep. The reason private certifiers are required to maintain records for a three year period is to facilitate auditing, while the public register is meant to provide an authoritative information source for the community regarding development activity occurring in their area, and to do so in a transparent manner. This also helps to ensure that access to information by

the public is subject to appropriate privacy, copyright, freedom of information and related controls applying to the council as a public authority and instrumentality of the Crown.

Regulation 92 provides for the provision of certain information and documents by a private certifier to a council upon completion of an assessment process. The government proposes to amend this provision to require a private certifier, on forwarding a certificate to a council, to also provide a copy of all relevant documents relating to that certificate that the certifier would be required to keep and provide to an authorised officer under regulation 102.

In other words, the certifier must provide a copy of the file, with all of the relevant correspondence, to the council for their records. This will mean those records are able to be accessed by any interested member of the public at any stage in the future, consistent with the documents relating to development approvals considered by the council.

Regulation 98 provides for councils and private certifiers to maintain registers of applications they are currently dealing with or that have been finalised. A council must make such a register available for inspection by members of the public free of charge.

The government proposes to amendment regulation 98(1) to clarify that a register to be maintained by a council must include any notification provided to a council by a private certifier that a private certifier has received an application for assessment. In other words, council registers should always include details of applications received by the council or by private certifiers within the council's area that have been notified to the council.

This amendment will remove any ambiguity, which the Hon. Mark Parnell raised yesterday as a concern, as to whether an application being dealt with by a private certifier would appear on the public council register. It will ensure full transparency for members of the public.

In addition, the government is exploring a potential amendment to regulation 98(2) which would require a council to publish a register online in addition to being required to make it available at its offices for inspection. However, I should stress that we would first wish to consult with the Local Government Association on the costs relating to such a change. I note that some councils already go beyond the minimum statutory requirements and provide their registers online. So, there may be minimal costs associated with this change for many councils. While this amendment was not requested in discussions with the Hon. Mark Parnell, it seems to be an attractive change that will complement other changes we have agreed to.

Regulation 101 provides that a council must maintain certain documents relating to development approvals for building work, basically all of the documents that would be in the file for a particular application. This includes: drawings, plans, technical specifications, correspondence and the like.

Subregulation (4) allows a member of the public to inspect those records at a council office, but only if the council or the building owner consents. In other words, this right of inspection is discretionary. Moreover, the council may charge a fee for access. Subregulation (5) provides, in addition, that a council may refuse access if it considers the release of drawings would be unreasonable or jeopardise the security of a building; in other words, release of the plans would give away, for instance, confidential information that may be used for improper purposes.

The government proposes to amend regulation 101(4) so that rather than access to the records being discretionary, a member of the public will have a right to gain access to these documents, subject only to the current exclusion set out in existing subregulation (5) relating to the security of the building. In other words, councils would only be able to refuse access if there is a legitimate threat to the security of the building.

In proposing this change, I note with thanks the example cited by the Hon. Mark Parnell, based on his experience and discussion with constituents, of obstructive behaviour by some councils to the release of documents which has from time to time unfortunately occurred.

In addition, the government proposes to amend this regulation to ensure that a person should be able to inspect such documents at the council offices during normal business hours free of charge and take copies, subject to a reasonable fee fixed by the council, except where to do so would constitute a breach of copyright. This will be consistent with other provisions relating to inspection of the public register and also consistent with provisions relating to copyright in the Freedom of Information Act.

Regulation 102 provides for private certifiers to keep certain documents (basically, the file for each matter they consider, including drawings, plans, correspondence and the like) and provide them on request to an auditor. The government proposes to amend the regulation by also imposing a parallel obligation on the private certifier to provide copies of these documents on request to a council to which the certifier has given notification of an application they have received and are assessing.

This will mean that, if a member of the public sees that a matter is being considered by a private certifier by looking on the council's public register and the member of the public requests further documentary information about the matter before the certifier has completed their assessment, the council can access that information by issuing a request to the certifier. Once the certifier has completed the assessment, the whole file will be transferred to the council, so this request power will no longer be required. This approach addresses a critical aspect in the Hon. Mark Parnell's amendment, which would have provided for inspection of the records of private certifiers, and we think it will do it in a better way.

This is the substance of the additional changes that the minister has agreed to progress and, as I have already indicated, as soon as the regulations are drafted we will provide them for comment to interested members next week. We will also look to consult with the Local Government Association and a private certifier regarding these proposals prior to finalising them.

We believe that these changes will ensure that issues regarding privacy, confidentiality, transparency, access to information and copyright are all adequately addressed in a much clearer manner and will remove ambiguity about the administration of the current regulations. As a result of the foregoing points, the government will continue to oppose the Hon. Mark Parnell's amendment, but I gather and hope that the Hon. Mark Parnell may be prepared to consider withdrawing it in light of these sincere and genuine undertakings.

I would also like to provide additional information to the chamber following questions asked by the Hon. David Ridgway in committee yesterday. The Hon. Mr Ridgway asked at what level the department's auditor is employed and what qualification the auditor holds. I was uncertain yesterday, but I can now confirm my advice to the chamber that the position of the senior compliance auditor classification is at ASO6 level. The position description for the role requires 'a relevant tertiary qualification', together with:

> ...demonstrated experience in performing compliance or process audits in accordance with established practices, including sound knowledge of current auditing principles, standards and practices as promulgated by the relevant professional bodies.

The incumbent auditor is certified by, and is a member of, the Institute of Internal Auditors. I am advised that, should the department require to recruit an auditor at any future stage, similar criteria would be required as part of the recruitment process.

The CHAIR: The Hon. Mr Parnell, do you want to proceed with your matter, or are you seeking further clarification?

The Hon. M. PARNELL: No, thank you, Mr Chairman. I will just make a few remarks. First of all, I thank the minister for her lengthy and comprehensive contribution, which sets out the government's intentions in relation to this. I would also like to put on the record my thanks to the minister in another place for making his staff available to work through some of these issues. At the heart of them is the question of the transparency of the system, as the minister has pointed out, and my amendment has, in fact, triggered a number of improvements that I think, on reflection, everyone—certainly the government—appreciated needed to be addressed.

I note also that even one of the points that the minister made in relation to putting the public register online, whilst it was not a specific request of mine, I would absolutely endorse that approach—it makes sense. In fact, members might be aware that a planning website was established interstate, as I understand it, some time ago, called planningalerts.org.au. This website trawls through electronically the websites of local councils and uses a locating function (a GPS-type function) to allow people to type their home address, for example, into the search engine and the computer spits back at them all of the development applications that have been lodged within 5 kilometres of their house, regardless of which council it is in.

This program does not work that well in South Australia at present because not all the councils have their public registers online. However, certainly in some places, in New South Wales, Victoria and elsewhere, it is an excellent technique for people to get a feel for what is going on. I should point out that this does not give people appeal rights. It does not give them the ability to

challenge these developments—that is a different legislative regime—but it does allow people to know what is going on in their neighbourhood and, if they are interested, they can pursue more information. I think these reforms are well worthwhile.

The other thing I would like to say in passing is that I have been working with one community group for some time—a group that goes by the name of Community Alliance; effectively a collective of all the little residents' associations and community groups around South Australia—that has been battling these access to information issues for some time. That group will be very pleased with the approach that the minister is now taking to clarify the rules in relation to the rights of citizens to access information about development that is being proposed in their area.

I look forward to the minister coming back with the expanded regulations and, on the basis of the undertakings that the minister has given, and in good faith, whilst I had moved my amendment yesterday, I am in your hands, Mr Chairman, as to whether there is a process for unmoving the amendment. I would rather not have it put to a vote and have to urge all members to vote against it. That would not seem to make a lot of sense.

The CHAIR: I think just to assist you, this is a lead-up that you will indicate very soon that you will be withdrawing your amendment.

The Hon. M. PARNELL: I am right at that point now, Mr Chairman. In light of the undertakings, I withdraw the amendment, but I do thank the opposition for having supported it yesterday because by their action they have facilitated a second look at these transparency provisions and I think we will get a much better system at the end of the day.

Title passed.

Bill reported without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) (SUPERGRASS) AMENDMENT BILL

In committee.

(Continued from 28 November 2012.)

Clause 1.

The Hon. G.E. GAGO: There are a few comments and questions that were asked during the second reading contributions that I would like to take this opportunity to deal with now at clause 1. I thank those members who have contributed to this debate. Though it may strike some as unpalatable that criminals can escape with a lesser sentence in return for providing valuable assistance to authorities, without such cooperation it is impossible to bring criminals involved in serious and organised crime to justice.

Such cooperation, for example, in the Melbourne underbelly gangland killings proved vital in bringing many of the perpetrators to justice. The Hon. Stephen Wade has also helpfully highlighted the strong benefits to law enforcement of supergrasses overseas in Canada, and especially England.

The Hon. Ann Bressington has asked for clarification of what may be covered by the expression 'exceptional cooperation' in the bill. I am reluctant to go beyond what is already defined in the bill and explained in the second reading explanation, but the existing law will continue to govern any discount for what might be termed 'normal cooperation'. The bill is deliberately confined to exceptional cooperation.

If I could give one example, it would be ludicrous if an offender could receive a large discount in sentence for simply telling the police that their next door neighbour is growing marijuana or claiming Centrelink payments when really working. That is an example of normal cooperation that plainly would fall outside of the bill. Exceptional cooperation is by its very nature exceptional; it covers the factors identified in the bill.

The use of the term 'supergrass' in the name of this bill has been raised by the Hon. Stephen Wade. He asks whether the government is proposing a significant shift in South Australian practice in investigation and prosecution. The answer, I am advised, is no. The term 'supergrass' in the bill simply refers to the type of exceptional cooperation that is covered by the bill—it does not signify anything else.

Any logistical or other arrangements for the sentencing of offenders who may fall within the bill will be entirely an issue for the relevant court and parties to the proceedings. The discount for exceptional cooperation in the bill will be an issue for the judge. I would not contemplate it typically exceeding existing practice—namely 60 per cent or perhaps 66 per cent—but, ultimately, it will be an issue for the court in an individual case.

The Hon. Stephen Wade has also asked for clarification about what kind of discounts will now be available for normal cooperation with authorities under the common law and whether the discount is likely to be affected by the codification of other discounts. Normal cooperation should be unaffected. The bill is confined to exceptional cooperation. Any discount in sentence for normal cooperation will continue to be regulated by the common law and section 10 of the Criminal Law (Sentencing) Act 1988.

The existing discounts for normal cooperation and pleading guilty should continue to apply. Such discounts are typically in the range of 20 per cent to 40 per cent. It is certainly not intended that the changes in the bill will allow greater discounts than currently provided for under the existing sentencing regime for normal cooperation.

Clause passed.

Clauses 2 to 6 passed.

New clause 7.

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

Page 4, after line 31—After clause 6 insert:

7—Amendment of Schedule 1—Review of reduction of sentences

(1) Schedule 1, clause 1(1)(a)—after 'as amended by the *Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012*' insert:

and the *Criminal Law (Sentencing) (Supergrass) Amendment Act 2012*

(2) Schedule 1, clause 1—after subclause (2) insert:

(3) Nothing in this clause requires a person conducting an inquiry to disclose information in the report that identifies, or could tend to identify, a person if, in the opinion of the person conducting the inquiry, disclosure of the information would put at risk the safety of any person or would otherwise not be in the public interest.

I understand the government finds this amendment acceptable, but if I could speak briefly so that the record might have a context for it. In my second reading speech I conveyed the advice that I had received that this bill, in spite of its naming as a supergrass bill, does not represent a significant shift in South Australian practice, and I thank the minister for reiterating that in her summing up remarks.

Overseas experience does indicate that we need to be aware of the importance of maintaining accountability to maintain confidence in the justice system. I would like to cite a United Kingdom case which highlights that point. In April 2012 it was revealed that convicted terrorist Saajid Badat had had his sentence slashed both at trial and then by a further two years after he agreed to give evidence against his Al Qaeda bosses.

The agreement between Badat and the prosecutors was under the UK legislation, which is comparable to this legislation. The agreement was signed in secret and approved during an extraordinary private court hearing in November 2009. Officials from the US Department of Justice were allowed in the courtroom to hear the ruling, but members of the British press and public were barred. After his sentence was cut, Badat was fast tracked through the parole board process and released in March 2010.

Details of the release may never have been made public but for the fact that there was a trial in New York in April 2012 where Badat gave evidence by video link against US terrorist Adis Medunjanin. In response to the public furore that ensued at the revelation, the Crown Prosecution

Service of the United Kingdom felt the need to make a public commitment to ongoing accountability. A CPS spokesperson at the time was told:

> It would be inappropriate to discuss publicly detail of SOCPA agreements as there are very real risks to the safety of some of those who have signed the agreements to provide intelligence or evidence against their allegedly criminal acquaintances. Therefore, the CPS will provide updated figures each year on the agreements, in a way that we are satisfied does not put any individual at risk of harm.

In a similar way, my amendment builds on the commitment that the government has given to review the guilty pleas legislation to add on to that a supergrass review element and in recognition of the government's legitimate concerns to make sure that nothing should be seen to undermine the confidentiality of human sources.

The proposed subclause 3 reiterates that nothing in the review process should threaten the confidentiality of human sources. I am sure that the DPP, the police, the Courts Administration Authority and others can work together to provide relevant information to review and provide reassurance to the community that the interests of justice are being protected through these processes.

The Hon. G.E. GAGO: The government supports this amendment. We are willing to support it in order to secure the passage of the bill through parliament today. However, I wish to place on record the government's reservations about the ability for the reviewer to conduct a review of the operations of this act. The very subject matter of this act means that information from the courts may not be readily available, and for very good reason.

The reviewer will not be entitled to include any information in his or her report that may tend to identify any person who may be put at risk through the disclosure of the information, and this non-disclosure is absolutely critical to the purposes of this act. With those qualifying words, the government supports this amendment.

The Hon. S.G. WADE: Being ever so brief, I again point to the UK, and even early this year figures were released about the number of times such deals have been done: 158 deals with prosecutors and informants, 26 prisoners went back and had their sentences cut, and in 114 cases they pleaded guilty. These figures are being provided in other jurisdictions, and I do not believe it is beyond the wit of a South Australian reviewer to provide some information to the community to provide reassurance. I thank the government for their support. I am a bit more hopeful.

New clause inserted.

Schedule and title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (16:01): I move:

That this bill be read a third time.

Bill read a third time and passed.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (POSTPONEMENT OF EXPIRY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 November 2012.)

The Hon. J.M.A. LENSINK (16:02): I rise to make some remarks on this rather small bill, which is really just an extension of the Upper South East Dryland and Salinity Flood Management Scheme. It is a scheme that has been in the making for some time, and the digging of the drains and some of the ongoing costs have been funded jointly by the commonwealth state government and local landholders, and I understand that that funding was first obtained in the 1990s. The scheme has progressed at some sort of glacial pace. We are pleased that the drains were finally completed in June 2011 and so the scheme is transitioning from construction to the operational phase.

It is not envisaged that ongoing management will be performed under this act. However, I think that the second reading explanation that accompanied the tabling of the bill gives some fairly fuzzy and hazy rationale for why the scheme is being extended. It refers to a companion bill—the

South East Drainage System Operation and Management Bill 2012, which has been tabled in the House of Assembly and will be debated next year. That bill is to provide the ongoing management now that the drainage system has been completed. The second reading speech says that, however, until this SEDSOM bill progresses (to use its acronym), it is imperative that the expiration date of the Upper South East Dryland and Salinity Flood Management Act is extended.

In addition, it provides another couple of reasons and says that the Upper South East Dryland Salinity and Flood Management Act 2002 (which 'this bill' means) 'could serve'—and I like that word 'could'—'as a vehicle for potential infrastructure works,' and further it says that it 'could also be used to acquire the interests in land through statutory easement and undertake works on private land'. I do not think those are conclusive enough reasons for the continuation of a further extension.

I would like to refer honourable members to the second reading contribution from the member for MacKillop, Mr Mitch Williams, who, in his contribution in the House of Assembly on 15 November, made quite a comprehensive coverage of the scheme. I am not going to go into the same level of detail.

What he talked about was the history of clearance in that particular area; development of dryland salinity as a result; the establishment of the Upper South East Dryland Salinity and Flood Management Scheme; the digging of the drains and how that was funded; and some of the contentious happenings that took place over that period of time. He talked about when the act was first debated in December 2002 and similar to today, it was the last day of sitting that it was debated, which may or may not be a coincidence, and I quote from his speech. He says:

> The bill did eventually go through. I have gone back and picked up the *Hansard* and reviewed the contributions made by the minister in introducing the bill back in 2002. It was introduced on 4 December and we completed the debate on 5 December, the bill having already gone through the upper house, which in itself is unusual, but the minister was anxious to get it through. One of the interesting things about the original legislation was that it had a sunset clause in it of four years—

I just remind the house we are talking about December 2002, so that is some 10 years ago—

> and the minister was adamant that with this measure, he would be able to complete the project very quickly and certainly within the four-year life of the legislation. He said—

This is Minister Hill—

> one of the things the bill did was give the government the ability to compulsorily acquire land.

That is one of the things that, at that time, the member for MacKillop objected to and thought that those powers were too coercive. Referring back to a speech he gave in 2002, he said:

> I do not think the minister needs the powers. I doubt whether given these powers the minister will progress the scheme very quickly.

He goes on in his contribution of two weeks ago in the House of Assembly to say:

> How prophetic were those words...because the scheme was not completed by 19 December 2006. In fact, the scheme was not completed until 2011, and twice previously the government has come to the parliament and asked for an extension. In 2006 the parliament extended the legislation for a further three years and then in 2009 it was extended for a further three years. It is due to expire on 19 December this year and the government is now asking for a further extension, this time for another four years.

He said then that the powers were draconian and unnecessary and that this is a bad piece of legislation; he is of the same view, and I agree with him. These powers do enable the government to have fairly extraordinary powers over landholders in the South-East, and we do not think that those powers should be provided lightly. Given the passage of time and the number of times the government has come back to this place and that it has not actually placed comprehensive reasons on the table as to why the extension should be granted, they are very, very woolly rationales, indeed.

One of the other issues which we would be supportive of, if it was the sole reason—well not actually if it was the sole reason but we think could be done through other means—is to provide flows of water from the South East Drainage Scheme into the Coorong. It may well be that the government is seeking to return water through the Murray-Darling Basin system through this scheme. That would be a commendable thing, but it should not be done at the expense of the people of the South-East. If that is something that the government is keen to progress, then it should bring a separate piece of legislation to that effect.

In summary, we do not see a need for this extension. The drainage scheme is completed. a management bill is to be debated shortly, and we think this is just a sloppy way of giving the government a little bit more time to have coercive powers over the landholders in the South-East. We do not think that these powers should be extended yet again, when initially this was suppose to be completed in 2006, and we will oppose the bill and seek a division if the President does not call against, although we will support the second reading.

The Hon. R.L. BROKENSHIRE (16:11): I rise to advise the house that Family First will not support the government on this bill. We oppose it for two or three key reasons. First, back in 2002 the government actually advised the parliament that there would be a sunset clause on this, that it would cease to be required after 2006, and that the work would have been completed. Since then they have had three extensions, I understand, to complete work.

The legislation is fairly draconian from the viewpoint of lack of support to farmers in the area when it comes to what I believe are the basic rights all citizens should have, particularly farmers going about farming on their properties. I am also advised that there is no compensation for the work and the imposts that occur on those individual farms. I have with the Natural Resources Committee visited the area extensively in respect of an inquiry we had on the drainage scheme we had in the South-East.

I acknowledge that the scheme has been by and large successful, and most of the people the committee and I spoke to were actually very pleased with what had happened; some were not, as they believed they had damaged the environment in putting in those drains and that areas that had been naturally wetlands in the past were no longer wetlands because of the drainage. But, when it comes to the overall productivity and returns to agriculture and the salinity issues, then overall it is fair to say that the scheme has been successful.

Whilst I am aware that the state government currently has an application in to the commonwealth government for some money which, if approved, will allow fresher water than is currently in the Coorong into it, particularly in the northern end of the Coorong, it may argue that it wants this legislation through so that, if it gets that funding and ultimately decides to put water into the Coorong to assist with the extreme problems of salinity there, it needs the legislation for that.

However, I put on the public record that Family First will look at that on merit (and I have already advised minister Caica of this), so if they decide to put one or more drains into the area to address the issues in the Coorong, and if they have to bring in separate legislation, I flag that we would look at that quite proactively and, subject to the normal checks and balances, we would support the government on that occasion, with the caveat that support would be subject what to local landowners had to say and our deliberations and consideration for them.

In our opinion, it is high time the government considered farmers much more positively and fairly than has been the case in the 12 years or thereabouts that the government has been in office. With respect to the maintenance of the drains, there are a couple of issues. The government says it wants this legislation so that it can continue to maintain the drains. I understand there are already processes and mechanisms in place for that, and I understand the government may be looking at bringing in some other legislation specific to the ongoing maintenance of the drains, and we will look at that at that time.

I also place on the record again what I have already publicly said: when the government does that—which I understand will probably be some time in the first half of next year—if it has significant direct impact on agriculture (that is, on farmers' pockets), we will put the government on notice that we reserve our right to argue against it. We are seeing far too much of a trend where this government wants to tax and charge everybody out of existence and then still look at full cost-recovery on top. Farmers and the community generally have had enough of that.

At the moment we have some other issues to deal with, such as PIC fees, and the government is still deciding what it is going to do with that. Again, extraordinary costs to farmers is something that we will continue to oppose, and some of the strong rights in the legislation in relation to access to farmers' properties need to be debated and addressed as well.

In *The Border Watch*, we see an article referring to 'proposed drain sparks fiery debate' and 'landholders issued firm warning as project cost balloons to $130 million'. I see other government projects that balloon out, and the government does not turn around and try to directly hit stakeholders. I note with interest that there has been quite a lot of representation from landowners directly to the water and natural resources department regarding the drainage scheme.

I received an email today from a gentleman, and I want to put it on the public record without naming him. He said he was always perplexed that the deep drain advocates in the Taratap region who argued for environmental benefits of those drains for the Coorong did not argue for Blackford Drain water to be diverted to the Coorong. He said, 'It did seem to me an obvious thing to do.'

There have been other discussions about that, and I note that the member for Mount Gambier in the other house moved an amendment, which the Liberal party supported, that the act only cover the Blackford Drain project area and remove the balance of the areas in the bill. Notwithstanding that, the position now, after deliberation, is to oppose the bill for the reasons I have highlighted.

If the government has issues with the Blackford Drain and diversion to the Coorong that it wants to address, then I think the government needs to bring in some specific legislation for us to look at. I would urge the government to do some serious consultation with the community before it brings that bill into the parliament. If the consultation is right and the community supports it, then there will be an easy passage through the House of Assembly and hopefully also the Legislative Council.

I also want to put on the public record a couple of other things before I conclude my remarks. I am aware that when there were meetings regarding this legislation and other issues around the costs of maintenance and other possible drains, there were about 50 people at a public meeting at Lucindale. I understand that the Wattle Range Council, the District Council of Robe, several Mount Gambier City Council members and the South East Local Government Association were also in attendance at that meeting. Those 50 people, I am advised, were absolutely opposed to seeing this legislation extended.

I have also been advised that a meeting at Beachport was attended by about 60 people. The overwhelming majority also opposed any further extension of this legislation. I understand that, whilst it is still to report, at least three people have given evidence to the select committee inquiring into the sustainability of farming expressing concern about an extension of this legislation.

So, at the end of the day, weighing it all up, yes, the drainage scheme and the Upper South East Dryland Salinity and Flood Management Act 2002 were essential. By and large, as I said in my earlier remarks, I believe it has been successful and I congratulate all involved in that, but there comes a point when you cannot continue to mislead the community and request extensions of legislation when, right at the beginning, the minister of the day on behalf of the government made an absolute commitment to a sunset clause.

People in the community supported it and those of us in the parliament supported the legislation based on the fact of the advice from the minister of the day that the government would honour that sunset clause. This has not been done and it is time now to ensure that there is a sunset clause that is finalised and that this legislation lapses. So, with those remarks I say, again, that we will be opposing the bill.

The Hon. M. PARNELL (16:20): My comments will be brief, which corresponds with the length of the bill but not with the length of the history of this saga. The Greens have been consistently on the record over the years opposing many of the different aspects, works in particular, that were made possible through the Upper South East Dryland Salinity and Flood Management Act. In fact, a check of the records would show that the Greens opposed the first extension of the bill on 21 September 2006, we opposed the second extension of the bill on 1 December 2009 and we are opposing it again today.

I do not propose to go through a history of the scheme, or a history of the legislative extensions to it. I just make the simple point that when it comes to the modification of the landscape in the Upper South-East of this state, it has been extensive. The number of natural wetlands remaining is now very few. I recall, from the last time we debated an extension to this bill, something like 6 per cent of naturally occurring wetlands is all that remains in that area.

From my discussions with the government, and I appreciate the government briefing I obtained, with the opposition and affected landholders, I am quite comfortable with the fact that there is very little lost by not extending this legislation further. In fact, the prospect of the act not being extended will delight many in the South-East, who have struggled with the lack of consultation and the poor practices of the old water department (the now Department of Environment, Water and Natural Resources). I hope that the fact, and I think the numbers are

clear, that this bill will be rejected by this chamber is a wake-up call for the government to smarten up its approach when working with affected communities.

The main consequence of not extending this legislation is that the operation and maintenance of the drainage scheme will revert back to the South Eastern Water Conservation and Drainage Act and the South Eastern Water Conservation and Drainage Board. That is a scenario that was always contemplated. My understanding, from talking to local people over the last little while, is that the drainage board engenders far more confidence and respect to competently handle the ongoing management of the drainage system than the old department for water ever did.

One risk, I think, of not extending the act is that someone might decide to do illegal earthworks in the knowledge that the fine is slightly lower. As I understand it, it is a $10,000 fine. However, my understanding is that the drainage board has been able, in the past, to act to stop further works and I see no reason why they could not act to do so again.

A second unresolved issue, as I understand it, is the finalisation of land titles. There are also a number of statutory easements unresolved and ongoing compensation claims. If the Upper South East Dryland Salinity and Flood Management Act lapses, the question then is: who should be responsible for finalising those issues? In my submission, the department (now the Department of Environment, Water and Natural Resources) should keep that responsibility. It would not be fair to pass that legacy of unfinished business onto the drainage board. These issues should have been resolved by the department many years ago.

So, with those brief words, I indicate that the Greens will be opposing the bill at an appropriate stage. I understand the opposition is letting it go through to second reading and they will vote against it later, but whenever it happens we will not be supporting the bill.

The Hon. K.L. VINCENT (16:24): I also want to briefly put my opposition to the second reading of this bill on the record. Firstly, I would like to say thanks to Holly Hershman from minister Caica's office and departmental staff for briefing my staff and myself on this bill, and for their general accessibility on other legislative matters in the environment and water portfolios.

However, the timelines we are being given to pass this bill do not really show due respect to parliamentary process and the role of the Legislative Council. Having a bill appear on our *Notice Paper* for the first time today and then hoping it will be dealt with before dinner for the sitting year is less than ideal, to say the least.

The Hon. J.M.A. Lensink: And not even on the priority list!

The Hon. K.L. VINCENT: Indeed; the Hon. Ms Lensink interjects, 'Not even on the priority list,' and that is certainly an important point to raise also. I appreciate that the minister Caica has shown a more engaging and less cavalier approach than some of his colleagues might have with their 'urgent' legislation—and I should point out to Hansard that 'urgent' should be noted in quotation marks.

The Hon. T.A. Franks interjecting:

The Hon. K.L. VINCENT: You know how I feel about grammar, Ms Franks; apart from cats, punk music and Pokémon, it is the most important thing in my world—of course, apart from politics also. The fact remains that ministers need to sort out amongst themselves what the priorities are and ensure they reach this chamber in time to allow for cross-benchers (and everyone else, I would argue) to give bills due diligence and consideration, otherwise we cannot discharge our duties as members.

Whilst I appreciate that the content of this bill is rather straightforward and simple, the politics of South-East water management could not be categorised as such. My office has been told this morning that the local community does not feel adequately consulted on this matter, and some of the more draconian aspects of the legislation continued by this amendment mean that the department, rather than the local drainage board, maintains more control than landholders and local stakeholders would like.

If we today allow this legislation to pass, then some of these bad practices can continue. I would prefer that the minister and his department go back to the drawing board and that more comprehensive consultation and engagement with landholders, stakeholders and the local community be undertaken. For these reasons, I feel I must oppose the bill today.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:27):

I thank all honourable members who have contributed to the debate thus far, although I might lament the fact that the contributions have not been as favourable as I might have preferred. Nonetheless, I can sense the will of the house, and I suspect the third reading will not be favourable either.

I understand the Hon. Michelle Lensink has some questions she wants to put on the record at clause 1, so I will not delay the house any further; we will go into the committee stage if the house approves, and then I will put my neck on the block for the third reading.

Bill read a second time.

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I have a couple of fairly short questions which arise from the second reading from the government minister which was tabled on 27 November. The third paragraph states:

> However, until this progresses—

which is the resolution of the new SEDSOM Bill, which will take over the two existing acts—

> it is imperative that the expiration date of the Upper South East Dryland Salinity and Flood Management Act 2002 is extended in order to enable the ongoing management of the drainage system.

Could the minister please expand on what is so imperative for the extension of this act?

The Hon. I.K. HUNTER: My understanding is that in 2006 the extension of this act was foreshadowed and the need for new legislation was discussed then. I understand that legislation has been introduced into the other place and is still yet to be considered. The imperative which was mentioned and which the Hon. Ms Lensink asked about is that we need to have this legislation passed for the purposes, in particular, of ensuring that the system is not interfered with in between now and the time that the new legislation is going to be introduced and, hopefully, passed.

I understand also that by not agreeing to postpone the expiry of the Upper South East Dryland Salinity and Flood Management Act for an additional four years, members will effectively compromise the operation and maintenance of the South-East drainage system until the South East Drainage System Operation and Management Bill has been passed and significantly diminish their commitment to a healthy and sustainable South-East drainage and wetland system and the Coorong South Lagoon.

The Hon. J.M.A. LENSINK: The following paragraph, which I referred to in my second reading contribution, uses the word 'could', and in this context it is talking about the existing act this bill seeks to amend and states 'could serve as a vehicle for potential future infrastructure works such as the South-East Flows Restoration Project'. Can the minister explain why those terms are used as being fairly non-definitive rather than actually spelling out exactly what the need for this extension is?

The Hon. I.K. HUNTER: My advice is that the word 'could' is used because we are still to develop a business case for South-East flows and, as yet, we have not completed that business case or had consideration by a funding partner.

The Hon. J.M.A. LENSINK: Was it the commonwealth that was considered as the funding partner?

The Hon. I.K. HUNTER: My advice is yes.

The Hon. J.M.A. LENSINK: The final paragraph states, 'If this project,' and I think that is referring to a REFLOWS project, 'is determined to go ahead as a result of consultation, the Upper South East Dryland Salinity and Flood Management Act could be used to acquire the interests'. Could the minister outline what form of consultation was anticipated by the use of those words?

The Hon. I.K. HUNTER: The intention was that, if we were to deliver this South East Flows Restoration Project, there would be consultation with the broader community, individual landholders on the alignment and special interest stakeholder groups. The intention has always been to develop and deliver this program in a collaborative fashion.

The Hon. J.M.A. LENSINK: As a hypothetical question, minister, if the community said no, what would be the government's response to that?

The Hon. I.K. HUNTER: I imagine that, in that hypothetical case, we would have to work harder to win the support of the community.

The Hon. J.M.A. LENSINK: My final question is: that paragraph also refers to works to be undertaken on private land. Can the minister outline what sort of works were being anticipated?

The Hon. I.K. HUNTER: My advice is that that work on private land would essentially involve the widening of existing drains, new fences and new occupational crossings. I just have a further few remarks, if I might, in relation to some comments made by the Hon. Mr Brokenshire in his contribution to clarify a matter or two, and also in regard to some of the comments made in the other place about compensation provisions under the Upper South East Dryland Salinity and Flood Management Act.

I am advised that the act does provides for three classes of compensation, contrary to what some people have been saying in this debate. In relation to the South East Flows Restoration Project, it is the government's intention that landholders or persons with an interest in the land will be offered compensation under the Upper South East act in accordance with the principles and processes of the Land Acquisition Act.

I am also advised the government has agreed to a reduced project area. This will restrict some functions of the minister, including the area in which the minister can carry out works to the area required to deliver stage 1 of the South East Flows Restoration Project, should it be approved.

The Hon. R.L. BROKENSHIRE: Based on the answer from the minister, I ask the minister: what is the total budget that the government has for compensation? How much has it paid? What does it work on per hectare? If you are going to come in and tell us that—which is contrary to what we have been told—then put some facts on the table. How much money have you budgeted? How much have you actually put out there and what does that equate to per hectare? What model do you have for this compensation?

The Hon. I.K. HUNTER: My advice is that that is dependent on the business case, which is still under development, and it would, of course, be dependent on the uptake.

The Hon. R.L. Brokenshire: Not a good answer, minister.

The CHAIR: I am happy with it.

Clause passed.

Remaining clauses (2 to 6) and title passed.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:40): I move:

That this bill be now read a third time.

Third reading negatived.

SURVEILLANCE DEVICES BILL

Adjourned debate on second reading.

(Continued from 27 November 2012.)

The Hon. D.G.E. HOOD (16:41): I rise to give the Family First position on the Surveillance Devices Bill, which responds to a need to bring our laws up to date in conformity with interstate legislation. Since criminals do not respect state borders, uniform legislation is required to deal with them. There are several aspects of this bill that cause me significant concern. These concerns arise from the drafting of the bill, which fails to take account of several important points:

- restrictions on the use of listening devices by ordinary people in order to record conversations to protect their lawful interests;
- restrictions on the use of listening devices by licensed investigation agents to record conversations on behalf of clients;

- different rules for the use of portable listening devices for parties to a conversation where one party is the owner or occupier of the building in which the conversation takes place (there is no reason for this difference, as I see it);
- significant restrictions on the ability of investigation agents to take video film of persons claiming workers compensation or damages for personal injury, which of course has been one of the main tools used by these people up to now; and
- the expansion of situations in which wrongfully obtained surveillance material may be published.

Essentially, my concern is that the present law is appropriate with respect to these matters and that change is not warranted. These points have nothing to do with warrants or cross-border policing issues, which are probably intended to be the main point of the bill. I might say that Family First supports that part of the bill.

There are new restrictions on the use of listening devices, in particular. This is presently regulated by the Listening and Surveillance Devices Act 1972, and I refer to the relevant sections so that the restrictions can be understood. The present section 7 provides that there are three situations where a person—that is, not a police officer—may use a listening device. These are: first, in the course of the duty of that person; secondly, in the public interest; or, thirdly, for the protection of the lawful interests of that person.

The bill now before us does not refer to the first category, that is, in the course of the duty of that person. Thus, acting in the course of duty, typically their work, of itself cannot be a justification for using a listening device under this bill. There are two other categories listed in this bill, but in each case a listening device may only be used if the party using the device is the victim of an offence alleged to have been previously committed by another party to that conversation. This is a very significant new restriction.

Under the present act, if a person believes that their rights may be infringed they can secretly record a conversation. One example, which I am told actually occurred, was at a handover between the separated parents of a child and occurred at a police station. The mother wanted a recording of what she said to the father so that he could not misrepresent it later and therefore used a covert recording device. The child was handed over to the mother but later went outside and was tugging at the mother's arm, saying that he wanted to go with his dad. The father then said to the child from the car, 'If she doesn't let go of your hand, smack her in the mouth, okay.'

The issue was later dealt with in the court and the recording, of course, was most important to verify what conversation actually took place. In fact, there was no need for this point to be disputed in court as the recording was brought to the attention of the lawyer for the father before a hearing took place. So, obviously, this is an instance where the recording was very useful in establishing what actually happened.

I am conscious that there may well be differing views about this situation. Do we want such conversations to be recorded covertly or not? This is not an easy question. However, I would say that, in the circumstance that I have just outlined, the recording was appropriate and, indeed, very useful. My view is that it is appropriate to record conversations to protect a lawful interest in some circumstances even though no offence has been committed or was anticipated. I emphasise that the use or publication of the recording is a separate question, and I will speak about that in a moment.

Similarly, if you are expecting that another person may threaten or blackmail you in a conversation, or make a statement with a fraudulent effect, it may be reasonable to record the conversation to protect your interests. At present you can do this under the current law, but under this bill you will not be able to, because no offence has already been committed. The bill requires amendment, in my view, so that the existing law continues on this very important point, although I would not necessarily see the need to permit all recording in the course of duty as the present law allows. This issue needs further investigation.

I will say a few words about the removal of the justification of acting in the course of so-called duty in this bill. A person who feels the need to protect his or her lawful interest may engage a licensed investigation agent to do the recording for them instead of doing it themselves. At present, the 'in the course of duty' exemption allows that the licensed investigation agent is acting in the course of duty and that is why it is allowed. For the purposes of this bill, the licensed

investigation agent will not be the victim of any alleged offence. The person engaging him or her would be such a victim under this bill.

So under the bill a victim can himself do the recording, but he cannot engage a licensed investigation agent to do it for him. I am not aware of any reason for this change. In consequence, I consider that this bill in this regard is inadequate and needs further examination. Perhaps the exemption of acting in the course of duty is presently too wide, since it would appear to justify a licensed investigation agent recording a private conversation for a client who would not have been justified in doing it themselves. However, the exemption is needed in general terms to protect an agent who acts for a client who would be justified himself in making such a recording.

The bill also has a conundrum concerning the placing of listening devices in premises. It makes sense to provide that it is unlawful to secretly install a listening device in a building or vehicle used or occupied by someone else. Under the bill, owners or occupiers have a special privilege where they can install or use listening devices for the protection of their lawful interests.

This includes the use of portable listening devices as well as fixed devices, but another person who would be equally justified in using a portable listening device to protect their lawful interest in the same conversation is not entitled to do so, simply because that person is not the occupier of the premises in which the conversation takes place. That does not seem right.

There is no reason why the owner or occupier of a building should be able to use a listening device, including a portable recorder, to record a conversation, when another party to the conversation in the exact same location and equivalent position cannot. The difficulty arises because owners and occupiers have special privileges about the use of listening devices that are denied to others under this bill. There is no reason for this distinction in relation to the use of portable readers as far as I can see.

The other matter of concern is about the visual surveillance devices and the circumstances when they may or may not be used. Although visual surveillance devices, in other words cameras, are mentioned in the current Listening and Surveillance Devices Act 1972, there are virtually no restrictions on their use. It follows that the clauses of this bill that relate to what are now called 'optical surveillance devices' are new. There are significant restrictions and I can see that some of the consequences of them are inappropriate, in my view.

As members would be aware, it is common for investigation agents to film people who are claiming damages for personal injury or workers compensation benefits. While some might see this as an unnecessary invasion of privacy, I think the majority accept that this is valid means of checking the voracity of complaints of disability and restriction in movement, and the associated compensation eligibility.

Of necessity, such filming must be done covertly, and the investigator must follow the subject where he or she goes, whether it is in the street, the local supermarket or simply walking in the country, whatever it may be. The particular provision that brings about this change is in clause 5(1)(a), which makes it an offence to enter premises, the definition of which includes land, and to use a camera to take photographs or movie film without the expressed or implied consent of the owner or occupier of the premises.

Indeed, there is no provision limiting the definition of 'premises' to privately owned premises, so it is possible that publicly owned open spaces, such as schoolyards and parks, are within the definition of these premises. If that is so, there are several questions in each case as to whether the government or other public body has given implied consent for the investigation agent to follow someone into the schoolyard or park at that particular time of day for the purpose of filming that person. Laws should always be clear, but I believe that this bill in this regard, and the others I have mentioned, falls short of clarity on these matters.

Under the present law, in this situation there is no issue. This makes sense because the real concern is for the protection of the person being filmed, not for the protection of the owner of the land. Under the present law, video film, or digital film as it may be these days, can be taken of a person who then can be followed into a supermarket or across a paddock in the country or a vacant suburban block, or whatever it is, but this will no longer be allowed under this bill unless the landowner or occupier gives express or implied consent.

It is a question that requires answering—whether a supermarket owner gives implied consent to an investigator to enter their supermarket when the only reason for entry is the filming of a person which is entirely unrelated to the supermarket business that is operated at that place. It

would be a serious offence for an investigation agent to film in these circumstances if consent were not implied. The situation is clearer if the investigator followed a person across a paddock in the country to obtain film. No permission from the owner of the paddock could be implied.

It follows that an investigation agent who follows a subject into an empty paddock, for example on a farm, may be committing a serious offence under this bill. The same would apply if the filming were done from the paddock or from a vacant block of land as a convenient covert location. It may well follow that, if the investigator committed a serious offence to obtain the film, the film might not be admissible as evidence, even if the film obtained was important evidence as to the truth in the particular matter. There appears to be no reason for this new restriction, as far as I can tell. The question of whether to film or not to film has nothing to do with the landowner. The bill is not correct in this regard, I believe, and again requires further investigation.

Clause 8 of the bill deals with the publication of material derived from the use of surveillance devices in contravention of the law and corresponds with section 5 of the existing act. Strangely, the permissive provisions of clause 8 are wider than the existing law. They include a provision that illegally obtained material may be published 'in the course of duty'. This appears to mean that an investigator who illegally obtains a video or sound recording may publish it with impunity if he or she is carrying out instructions of his or her client.

Whilst the obtaining is illegal, the publication is not. This is, indeed, a strange result. In my view there should be a broader range of situations where recordings may be made but very tightly controlled situations where illegally obtained material may be used at all and certainly published. The consequence of this should be that a person may make a covert recording of the conversation to protect his or her lawful interests, but if it happens that there is no relevant statement made the recording should not be used or published, even though the recording was lawful. The line of reasoning in this is not explained in the bill.

My conclusion is that this bill does need major revision. There are a variety of ways in which suitable amendments could be drafted, and for that reason I am sure that we will deal with this in the coming financial year. In its present terms, we would be unable to support the bill, although we do support the objectives of an update in the warrant provisions, the addition of controls on tracking devices and data surveillance devices, and improved cross-border provisions.

The bill, essentially, has two parts: that is, aiding the police in the work they do and then what I might call 'everything else'. I think the part that aids police, if you like, appears to be pretty acceptable to us, but certainly the other aspects of the bill, as I have outlined in my contribution today, need very substantial revision. We are happy to support this bill at the second reading, but it would need substantial improvement for us to support the third reading.

The Hon. K.L. VINCENT (16:53): I wish to put on the record my deep reservations concerning this bill before us. One of my major concerns with the bill relates to the issue of consent and, in particular, the issue of implied consent. The issue arises several times throughout the bill, particularly when outlining when a private citizen is permitted to make use of an audio or video recording device or a tracking device. I am of the very firm opinion that it is not a sufficiently high standard in relation to an invasion of privacy of this magnitude.

I feel strongly that such devices should only be able to be used with explicitly expressed consent. Efforts have been made to allay these concerns, with examples such as the implied consent of a shopper who passively accepts that their activities will be recorded while in a place of business as part of the owner's efforts to combat shoplifting. This seems to be a fair enough example, and it accords well with the other provisions of the bill. However, the open-ended language employed leaves open a number of other issues.

I hold grave concerns about how this legislation, as currently framed, would operate in our modern technologically advanced and advancing society. Could a young person be taken to implicitly consent to a parent secretly recording them or tracking them through a device implanted in their car, or software installed on a mobile phone, for example? What about one spouse recording or tracking the other, or perhaps an employer using this technology in relation to their employees?

Given recent advances in smart phones and other mobile devices, the implications extend even wider, with the potential for private companies to collect information about individuals on the basis of implied consent or artificial consent obtained through complicated and confusing end user licence agreements. Beyond these concerns about the bill as it relates to private citizens, I have

significant and far-reaching concerns regarding the broad and sweeping powers conferred on law enforcement.

While I recognise there is a need to put in place emergency provisions, I believe these provisions go too far. The fact is that an emergency authority can be in place for up to two days, collecting information without the courts having any oversight regarding the exercise of powers or the opportunity to consider the merits of an application.

Under those circumstances it is alarming that the bill offers no indication of whether or not a court's refusal to confirm an authority renders inadmissible the information gathered in those first 48 hours, while in that two-day period the police are authorised, without the oversight of the courts, to force entry into business premises, vehicles and people's homes and install surveillance devices.

Now, under the circumstances where these emergency authorities are brought into play, these sorts of powers are perhaps called for—perhaps—but the bill permits these sort of invasive actions in situations quite far removed from such serious offending. Through its interaction with other legislation, the bill raises the prospect that these kinds of powers could be used in relation to relatively minor summary offences and even in relation to unexplained wealth proceedings, where offending is purely hypothetical.

Given these very serious questions that exist regarding the issue of consent, the apparently overly generous powers given to police in relation to relatively minor offending, the concerning aspects of the emergency authority provisions, and the many other concerns that have been raised by the public, the media and my parliamentary colleges, I do not support the passage of the bill in its current form.

I am of the firm belief that the bill should be referred to a select committee, as the Hon. Mr Wade has suggested in his contingent motion, and that these issues can be and should be thoroughly examined. I understand that the government is also proposing to refer parts of the bill to a committee and to substantially amend other parts, though as yet I have not had the opportunity to read and consider those particular amendments.

Debated adjourned on motion of Hon. Mrs Zollo.

SPENT CONVICTIONS (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:00): 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 *Spent Convictions Act 2009* came into force on 13 February 2011 as a result of a private Member's Bill introduced by the Member for Fisher supported by Government. The Act is based on the national model Bill adopted by the Standing Committee of Attorneys-General in September 2009.

South Australia is, so far, the only state to legislate this model.

The Act provides for certain criminal offences to automatically become spent after a qualification period of 10 years (for certain purposes) provided that the individual has not been convicted of any further offences other than a minor offence in which there was no penalty or the only penalty was a fine not exceeding $500.

A spent conviction does not appear on a police check and need not be disclosed if the person is asked about past convictions, for instance in a job interview, with some exceptions.

Under the Act there are some offences that can never be spent.

Serious offences (where the person was sentenced to more than 12 months gaol, or in the case of a youth, 24 months detention) and sex offences (no matter how minor) are never spent.

This means that a conviction will only become spent if, in the case of an adult, it was not a sex offence and the penalty given by the court in sentencing either did not include imprisonment or included no more than 12 months' imprisonment, and the person has not been found guilty of any further offences (other than minor offences) after 10 years.

In the case of a juvenile, a conviction will only become spent if it was not a sex offence and the person was not detained, or was detained for no more than 24 months, if the person has since completed 5 years without being found guilty of any further offences.

However, there is a further exception. Not only can a sex offence never become spent, but even an offence that would otherwise be spent must still be disclosed in some situations listed in the Act.

These include:

- where the person is applying to care for or work with children;
- where the person is applying to care for or work with vulnerable persons such as the elderly or disabled persons;
- where the person wants to join the police force or become a prosecutor, prison officer, protective services officer or fire-fighter;
- where the person applies for work with a Commonwealth agency that requires a security clearance;
- where the person wishes to enter an occupation that requires a character test, for example, becoming a lawyer, security guard or liquor licensee.

These exclusions are listed in Schedule 1 to the Act.

The Member for Fisher, who introduced this legislation as a private Member's Bill, approached the Government some time ago seeking amendments to the Act to permit minor sex offences, that do not become spent automatically under the Act, to become spent on application to a court. He has cited examples known to him where the current law treats too harshly individuals who have very old and minor convictions but who since attained a long period of good behaviour.

The Attorney-General's office has also received numerous letters from and on behalf of members of the public who have been prevented from volunteering or from employment because of very old and minor convictions that appear on their police check.

For these reasons, in late 2011 the Government released a Discussion Paper concerning possible amendments to the Act.

The Discussion Paper proposed a different approach to some aspects of this reform.

In the Discussion Paper, comment was sought on a proposal that very old and minor offences would automatically become spent for all purposes, including excluded purposes, after 20 years.

As a result of feedback in response to the Discussion Paper, rather than attempt to cherry pick to which minor offences this 'automatic spending' could apply, the Bill has been drafted such that after 10 years of good behaviour, an individual would be able to apply to a Qualified Magistrate for an eligible sex offence to be spent.

The individual would need to demonstrate to the Qualified Magistrate that their conviction was so minor that it should be spent. This provision would only apply to those sex offences (referred to as 'eligible sex offences') where the offender was not imprisoned (whether suspended or not). This limitation fits within the current scope of the Act which applies only to 'eligible adult offences' (an offence committed by an adult for which a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 12 months or less) and 'eligible juvenile offences' (an offence committed by an adult for which a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 24 months or less).

In addition, the Bill amends the Act such that individuals would be able to ask the Qualified Magistrate for an order that any spent convictions may be disregarded for 1 or more of the following 3 excluded purposes:

- care of, or working with, children;
- care of , or working with, vulnerable people;
- activities associated with a character test.

These amendments assist those members of the public who have a long history of good behaviour and who have written to us because they have been precluded from volunteering or from employment in areas such as volunteering or working with children and vulnerable persons because of very old minor offences.

Under the Bill, a Magistrate, with his or her consent, can be appointed as a Qualified Magistrate by the Chief Magistrate. While the Magistrate retains all of his or her status in exercising this function, the function is not a judicial function to be exercised by the Magistrate as a member of a court but rather more in the nature of an administrative function. This is not unusual, as judges have exercised administrative functions in their judicial capacity for a very long time (in issuing a listening device warrant, for example) and the same model was recently used for the appointment of Eligible Judges for the purposes of the serious and organised crime laws.

Under these amendments the individual applying must still have met the requirement of the qualification period under the Act, being good behaviour for a 10 year period. This reflects my intention that this new procedure should not be available to offenders whose offences were so serious so as to attract penalties that disqualify them from the benefit of the Act. That is, it is not a pathway whereby a person who was sentenced to, say, 2 years' imprisonment, could obtain an order that their conviction become spent. The Act does not currently intend that such serious convictions can become spent at all and this will not change.

In practice this new procedure will be used by persons with convictions for eligible sex offences who believe that they can persuade the Qualified Magistrate that the offence should become spent.

Under the Bill, the Qualified Magistrate may make an order that a conviction is spent, exercising their discretion having regard to whether it is in the public interest to retain the conviction or not, the nature and seriousness of the offence, all of the offender's circumstances including at the time of offending, any information contained in a victim impact statement, any harm done by the offence, the penalty imposed, related orders or requirements, the length of time since the conviction, whether the spending of the conviction and the non-disclosure of the offence to other persons might present a risk to the public (and, if so, the extent of that risk) and any other relevant factors.

Under the Bill, the Commissioner of Police and the Attorney-General are notified of any application and are both entitled to make submissions to the Qualified Magistrate in writing and/or require a hearing about the application.

In addition, when a conviction has become spent either automatically under the Act or by order of the Qualified Magistrate, amendments to the Act are made so that an individual may also apply to the Qualified Magistrate for an order that the conviction is spent for 1 or more of the 3 excluded purposes in clauses 6, 7 and 8 of Schedule 1 to the Act, that is, care of children, care of vulnerable adults or occupations involving a character test.

Some old and minor convictions may be of little or no present-day relevance to the question of whether a person is fit to hold an occupational licence or to work with children or vulnerable adults. In that case, there is no merit in their disclosure to anyone, because they are not indicative of any public danger or of bad character on the part of the convicted person.

Under the Bill, the Qualified Magistrate may make an order that a spent conviction be disregarded, exercising their discretion having regard to whether it is in the public interest to disregard the conviction or not, the nature and seriousness of the offence, all of the offender's circumstances including at the time of offending, any information contained in a victim impact statement, any harm done by the offence, the penalty imposed, related orders or requirements, the length of time since the conviction, whether non-disclosure might present a risk to children, vulnerable persons or the public more generally (and, if so, the extent of that risk) and any other relevant factors.

In addition, in the case of an application that relates to the purpose of caring for children, the Qualified Magistrate must consider whether the spent conviction was for an offence that involved a child or children. In the case of an application that relates to care of vulnerable persons, the Qualified Magistrate must consider whether the spent conviction was for an offence that involved a vulnerable person or persons.

Any such applications that relate to working with children or working with vulnerable adults must be provided to the relevant Minister, as well as to the Attorney-General and the Commissioner of Police, so that they each may make submissions to the Qualified Magistrate in writing and/or require a hearing about the application.

It will be possible to have both applications considered together, that is, where the conviction is one that does not become spent automatically after the 10 years of good behaviour then the individual may apply to both:

- have the conviction spent; and
- have the conviction disregarded for 1 or more of the 3 excluded purposes.

No Conviction Recorded

Under section 16 of the *Criminal Law (Sentencing) Act 1988* the court has the power to decline to record a conviction even where the person is found guilty of the offence, if the court believes that the person is unlikely to reoffend and that the offence was minor or that for some other reason a conviction should not be recorded.

The Act however, provides that the term 'conviction' includes such a finding of guilt where a conviction was not imposed. This means that unless such a 'non-conviction' has automatically become spent under the Act, it will appear on a police check as a conviction.

The desire of the court that a conviction not be recorded is therefore circumvented by the Act.

The Discussion Paper sought comment on a proposal that if a court declares that no conviction be recorded against an individual, then this will actually be the case. That is, when a criminal history check is undertaken, then this finding of guilt is not listed as a conviction.

As a result of the feedback from the Discussion Paper the Bill was drafted adopting this proposal.

The Bill makes a number of amendments to the Act with respect to the spending of a conviction in cases where a court has declined to record a conviction even where the person is found guilty of an offence. Under the amendments these 'non-convictions' are considered to be automatically spent.

Pardons and Quashed Convictions

The Act operates in a curious way with respect to offenders who have been granted a pardon and convictions that have been quashed.

A pardon is not the equivalent of an acquittal, but is designed to relieve the convicted person from the consequences of the conviction. A pardon should operate to remove all pains, penalties, punishments and disabilities arising from the conviction, but does not eliminate the conviction itself.

Pardons are not lightly granted and in South Australia convention dictates that a pardon would not be granted in the absence of consent from the Executive. Furthermore, a pardon will generally not be granted unless

the petitioner demonstrates that they are both morally and technically innocent of the offence and there exists no avenue of appeal against their conviction.

When determining whether or not to grant a pardon, the question for the Governor is whether the ongoing effect of the offending is such that it far exceeds that intended, with the consequence that the Governor is justified in relieving the individual of that burden. A pardon should only be granted upon considerations which are supported by the evidence and which make an appeal not only to sympathy but also to well-balanced judgment.

The offender bears the burden of establishing the grounds for the granting of the pardon. It is an exceptional remedy to be granted in exceptional circumstances and the offender is required to provide any and all information touching upon the impact of the record of their offending on their lives such that the pardon is warranted. Further, the offender needs to provide evidence that they are of standing in the community and of good character and have been so for so long that, again, the ongoing effect of their offending is now disproportionate and significantly so. Generally, affidavits and supporting documentation are needed and the offender would make submissions, supported by this material, as to why the pardon should be granted.

Despite this, and despite the principle that a pardon should operate to remove all pains, penalties, punishments and disabilities arising from the conviction, under the current operation of the Act although a conviction is considered as spent if a person is granted a pardon and although it is disregarded for the purposes provided for in Schedule 1, there is an exception. The exclusion of working with children, which includes caring for children or volunteering with children, is still applied to a pardoned conviction. Meaning that if a criminal history check is sought in relation to care of children then the pardoned conviction is disclosed.

The Act operates in this same way for quashed convictions.

Under the Act a conviction is 'quashed' if the conviction, the finding of guilty or finding that a charge is proven is either quashed or set aside.

Whether a verdict of guilty should be quashed or set aside is often expressed in terms of the verdict being unsafe or unsatisfactory, or unjust or dangerous. Such questions are considered by criminal courts of appeal. This is a question of fact and in cases of a verdict of guilty returned by a jury, the question which the courts must ask itself is whether it thinks that upon the whole of the evidence it was open to the jury to be satisfied beyond reasonable doubt that the accused was guilty.

Courts will not lightly quash a conviction on appeal and if they do so, this quashing of the conviction will either result in the court directing that the verdict be one of acquittal or they may direct a re-trial. In either case, the accused is returned to the position of being innocent until proven guilty.

The Act should reflect this and currently it does not. Under the Act, an offence is considered as spent if the conviction is quashed. However, as is the case with a pardon, convictions that are quashed are disregarded for the purposes provided for in Schedule 1, but with an exception. The exclusion in clause 6, being working with children, is still applied, meaning that if a criminal history check is sought in relation to working with children then the quashed conviction is disclosed.

There does not appear to be any reason why an offence that is quashed or pardoned should continue to be disclosed for that one sole purpose. The Bill therefore amends the Act such that none of the exclusions set out in Schedule 1 apply in relation to quashed or pardoned offence, so that the individual is returned to the same position as if the conviction never happened. That is, the conviction is spent for all purposes.

This Bill is the result of extensive public consultation and addresses concerns raised by the community that the current law treats too harshly individuals who have very old and minor convictions, but who have since attained a long period of good behaviour. Such people may make a mistake in their early years before maturing and going on to lead exemplary lives. Decades later, the individual may be seeking certain work or may be wishing to volunteer, for example, with children or with the aged, or at their grandchild's school, and they are unfairly precluded from doing so because of a mistake made in their youth. This Bill is a balance between allowing such persons to seek to have their conviction spent and disregarded, whilst continuing the protection of children and the vulnerable in our community.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Spent Convictions Act 2009*

4—Amendment of section 3—Preliminary

The term *qualified magistrate* is to be used under the Act.

5—Amendment of section 4—Meaning of spent conviction

This amendment will provide that a formal finding of guilt or a finding that an offense has been proved in a case where no conviction is recorded will, as deemed to constitute a conviction under this Act, be taken to be immediately spent (so that the person may immediately obtain the benefit of the Act).

6—Amendment of section 5—Scope of Act

This is a consequential amendment on account of the proposal to allow a conviction for an eligible sex offence to be capable of being spent under the Act if so ordered by a qualified magistrate under the scheme set out in this Bill.

7—Insertion of section 6A

This clause sets out a scheme for the appointment of magistrates as *qualified magistrates* for the purposes of the Act.

8—Amendment of section 7—Determination of qualification period

This amendment is consequential on the enactment of proposed new section 4(1a).

9—Amendment of section 8—Spent conviction—general provision

These are consequential amendments.

10—Insertion of section 8A

An application will be able to be made for an order by a qualified magistrate that a conviction for an eligible sex offence becomes spent under the Act once the qualification period for the conviction has been completed. The magistrate will be required to take into account a number of criteria specified in new section 8A(5), and such other matters considered relevant by the magistrate.

11—Amendment of section 13—Exclusions

These amendments relate to 2 matters. Firstly, the exclusions under Schedule 1 of the Act will not apply in relation to a finding of guilt or a finding that an offence has been proved that is to be treated as being immediately spent as a conviction under section 4(1a). Secondly, an exclusion under clause 6, 7 or 8 of Schedule 1 will not apply if a qualified magistrate makes an order to that effect under new section 13A.

12—Insertion of section 13A

An application will be able to be made for an order by a qualified magistrate that 1 or more of clauses 6, 7 and 8 of Schedule 1 do not apply in relation to an offence committed by the applicant. The magistrate will be required to take into account a number of criteria specified within section 13A and such other matters considered relevant by the magistrate.

13—Insertion of Schedule 2

New Schedule 2 relates to the conduct of proceedings before a qualified magistrate for the purposes of the Act.

Debate adjourned on motion of Hon. D.W. Ridgway.

ROAD TRAFFIC (EMERGENCY VEHICLES) AMENDMENT BILL

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

STATUTORY OFFICERS COMMITTEE

The House of Assembly informed the Legislative Council that it has appointed the Hon. R.B. Such to the committee in place of Mr Odenwalder.

ADJOURNMENT DEBATE

VALEDICTORIES

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) (17:02): I would just like to say a few words in closing. Obviously this is not the end of our parliamentary work year; nevertheless, it being the last sitting day of this calendar year, it gives us a good opportunity to acknowledge the hard work of members and staff here.

In rising at the end of what has been a very hectic year, I want to acknowledge on behalf of my colleagues the immense contribution of parliamentary members and staff. Between rounds of what has been fairly robust debate at times—which we have pursued in our traditionally vigorous manner but also with a degree of corporation—we have accomplished a significant amount, having completed a substantial range of legislative changes and amendments. I want to congratulate the chamber on its diligence and look forward to a similar level of application when we return refreshed in the new year.

I also want to pay tribute to you, Mr President. While you have been in the chair for only a relatively short period of time, you have maintained calm and have shown very principled leadership. It has been a challenging job, and I have to say, Mr President, that I think you have handled it with a deft skill that is appreciated by all here in this chamber. Working under your direction is a team of very hard-working people who not only make our work more than just possible, but they certainly help raise our task as legislators to the high standard that is obviously expected in this place.

The courteous and friendly wave of the whips, the table staff, the messengers, the Hansard staff, all work with us to make our lives as members of parliament, as I said, that of the highest standard. They deal with a wide range of very detailed and often very complex bills and motions and they make our lives very much easier and far more productive.

I also wish to record our thanks to parliamentary counsel, whose impartial wisdom and assistance are greatly valued by all who work with them and without whom our task as legislators would be, quite simply, impossible. We have all benefitted greatly from the efforts of the kitchen and dining staff, some more so than others.

Members interjecting:

The Hon. G.E. GAGO: We are not allowed to talk about stomachs any more; apparently it is sexist. Apparently only men have stomachs and women do not, but I will not go into that. As I said, we greatly appreciate the efforts of the kitchen and dining staff, the library staff and the building staff, as always, they look after our needs, are considerate and friendly and certainly help make our long hours much easier to bear and more comfortable.

I would particularly like to thank my own staff, a hardworking team who have risen to many challenges from this session with great fortitude and unfailing commitment. They are certainly an incredible delight and pleasure to work with. Although it has been hard work, we have had lots of laughs and lots of fun throughout the year as well. They are an absolute delight.

When we return to the fray next year, I hope that all members and staff will come back to their duties renewed, inspired and in good health. In the meantime, I extend my wishes for a safe and enjoyable festive season to all.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:06): I wish to echo and endorse the remarks of the Leader of the Government and wish all members (the government, opposition members and all crossbenchers) a very merry Christmas and thank them for their contribution for the year. Of course you, the new President, thank you for your few days of presiding over our affairs and I do hope you carry on in the same manner next year. I thank the whips for their great work, the Clerk, the Black Rod and the rest of the staff who work in here and keep us all operating well—thank you very much.

Hansard and parliamentary counsel do a great job of supporting us and looking after us. All of the members' staff who interact together, I think that is important because it means that this place functions and flows. Of course, the catering staff are very important and they look after us well. One of the things they do is promote some of the finest South Australian food and wine in this place that, sadly, the minister does not promote as well as she should. To all of the other staff who work here in Parliament House, the library staff and all of the others, I wish everybody a very merry Christmas and a happy new year and I will see you on the next Tuesday in February.

The PRESIDENT (17:08): I would like to acknowledge the work and dedication and help of our own Clerk, Mrs Davis, who, as a sign of her dedication, on her birthday today had to work and put up with us and will still be working tonight when we go to dinner, and her team of the Black Rod, Chris Schwarz, Leslie Guy, Guy Dickson, Anthony Beasley and Margaret Hodgins, who is always out there in the back room working assiduously for the council to continue its work. Thank you, Margaret, I know you are listening.

I would like to thank all of you for your attention to the protocols and standing orders that apply to this place and the assistance you have offered. We are also fortunate to be assisted by our attendants, Todd Mesecke, Karen Vander Veeken, Mario Visentin and Antoni Rejman, thank you, you are a wonderful team. I would also like to thank the library, Hansard, parliamentary counsel, the building attendants and the catering staff, especially, you truly keep this place going and I appreciate your efforts.

I also appreciate the outstanding service of our whips, the Hon. Mr Dawkins and the Hon. Mr Maher, and their staff in helping to prepare and organise the council's business. I would

also like to acknowledge my former honourable colleague—well, he is still honourable—and past president, the Hon. Bob Sneath, for his good humour, support and commitment to the Labor cause. I know he is an avid reader of *Hansard*.

Finally, to you, my honourable colleagues, thank you for your support, patience (especially), understanding, and goodwill. There is a warning to you, though: you will have to read and understand standing order No. 193, as I will be referring you to it next year. May you all have safe and happy festive season, and I trust you will return next year refreshed and prepared for work.

At 17:10 the council adjourned until Tuesday 5 February 2013 at 14:15.