# LEGISLATIVE COUNCIL

## Thursday 21 February 2013

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

### 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 the Status of Women, Minister for State/Local Government Relations) (14:18):** I move:

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

Motion carried.

### PAPERS

The following paper was laid on the table:

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Review of the Plastic Shopping Bags (Waste Avoidance) Act 2008, dated November 2012

### FIREARM OFFENCES

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:18):** I table a ministerial statement made today by the Premier, Hon. Jay Weatherill, in another place on the issue of the government's response to firearm offences.

### WORKCOVER IMPROVEMENT PROJECT

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:18):** I table a ministerial statement made today by the Attorney-General, Hon. John Rau, on the WorkCover improvement project.

## QUESTION TIME

### AGRICULTURAL RESEARCH AND DEVELOPMENT

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19):** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about research stations.

Leave granted.

**The Hon. D.W. RIDGWAY:** South Australia once led the world in agricultural research. In the Adelaide Hills the primary industries' dairy research station at Flaxley was part of this research. Several years ago there was an Australia-wide reorganisation of primary industry research. As part of that reorganisation South Australia's dairy research was transferred to Victoria, and this state concentrated on research into other agricultural fields—if you will pardon the pun—at other research stations. When it signed the nationwide agreement on the research restructure, the current Labor government agreed that there would be no diminution of the total research effort, there would be no overall cut in funds or the facilities, and the effort would be maintained.

But the Flaxley research station sits unused. It has offices, sheds, laboratory space and a dairy, as well as good water and high quality soils ideally suited for horticulture. There is plenty of space to allow several operations to be based at the site simultaneously. Several businesses have expressed an interest in using the site in a range of industries from food to biotechnology to horticultural training. As the Mount Barker *Courier* pointed out in 2011, it could be an economic boon for the region.

The council is keen to foster growth of local jobs and to encourage residents to stay in the district for their employment, but the state government has begun the process to sell the land and all the buildings. My questions are:

1. Is it true that the proceeds of this sale will go into consolidated revenue in an attempt to reduce the Weatherill government's catastrophically high state debt?

2. Is this a breach of faith to the agricultural sector in keeping all the funds in the industry?

3. Is the minister simply skimming the cream off the dairy industry, leaving it with a sour taste and spending the money on some other project?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:20):** This government has been very committed to research funding. I have spoken in this place before about our negotiations with the Adelaide University that have been going on for some time, in-depth discussions between parties, and the partnership arrangements that have been entered into whilst we continue to explore various options.

The university and PIRSA are obviously very strongly committed to supporting the formalisation of enhanced research partnership involving both parties, including looking at a model where SARDI can be a discrete entity. That is particularly focused on trying to ensure that it is able to attract as much federal funding as possible, whereas the current structure does not allow full advantage of access to federal funding. We are working very hard on that and we believe that the model that we are looking at has the potential to increase significant access to federal funding, which will be a real boost and a fabulous opportunity for research in this state.

This government has been up-front and very open about the savings initiatives that we have been required to put in place across all agencies, and SARDI is included in that. They are required to make savings. We know that the way we do research has changed significantly over the years and, indeed, we are now working in a cooperative arrangement with the federal government and with other jurisdictions. South Australia now has a national leadership role in poultry and seafood, beef technologies, some pork, national plant biosecurity, sheep, eWater, future farm initiatives and invasive animals, where CRCs here in South Australia are heavily involved.

There are a number of areas that we have been designated lead roles in and areas where we provide significant aspects to research. We now do research in a very different way. The advances in technology have really shaped the way that we do contemporary research and the need for reliance on the old agriculture research stations has lessened over the years. A number of those facilities have become surplus to our requirements. We continue to review and assess our needs to ensure that we are making good use of crown land and also making the most efficient and effective use of our research capacity.

The current arrangement, in terms of the circular requirements for surplus land, I believe is fifty-fifty. I think 50 per cent goes to the agency from any purchase of surplus requirements and 50 per cent goes to Treasury. I believe that would be the arrangement for any land that is deemed surplus to our requirements and might be sold. In relation to SARDI I believe it is the case—that the circular would apply—but I am happy to double-check and make sure that that is so.

## AGRICULTURAL RESEARCH AND DEVELOPMENT

**The Hon. R.L. BROKENSHIRE (14:26):** I have a supplementary question based on the minister's answer that SARDI is not going to the University of Adelaide. How will the minister address the impact of that on the budget given that there were savings to be made in the budget for PIRSA?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:26):** I share the Hon. Robert Brokenshire's disappointment about the amalgamation not proceeding at this point in time. I think that would have been an excellent model but it is not to be at this point in time. We have repositioned ourselves so that we are able to move forward. For me, the most important aspect now is that we position ourselves in a way that enables SARDI to access those additional federal funds. Given that negotiations were not proceeding with the amalgamation, it was important that we looked at other alternate models to enable us to access those very important funds.

We have landed on a partnership arrangement and I think that is still a very strong position. As I said, it now opens the door for us and enables us to proceed to access additional funds. Who

knows what the future will hold? We are always prepared to negotiate and to look at providing the very best model possible for research in this state because we know how important research is to our primary industries.

In terms of savings, my understanding is that SARDI has been required, as has every other agency, to produce savings. Those savings have been identified and they will have to be delivered. Whether it is a partnership arrangement or an amalgamation arrangement, those savings were still planned for. They are in the forward estimates and they are still the same level of savings that I am aware of, and they will still be required to meet those savings.

**ALLENBY GARDENS/FLINDERS PARK GROUNDWATER PROHIBITION AREA**

**The Hon. J.M.A. LENSINK (14:29):** I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Allenby Gardens/Flinders Park groundwater prohibition area.

Leave granted.

**The Hon. J.M.A. LENSINK:** On 12 February residents within the Allenby Gardens and Flinders Park area received notification that they would be subject to the first groundwater prohibition area as of 23 May, which will prohibit them from using groundwater or bore water within that area. As has been documented in the 1990s, clay materials were excavated in that region, resulting in industrial and chemical waste entering the soil and later causing groundwater contamination. The EPA stated in its media release that, after recommendations in 2004 from the department of health, it undertook sampling to establish the boundary of the contamination. My questions are:

1. How recent is the EPA's data, in relation to this plume, that it is relying on to make this prohibition?

2. Is the EPA taking any action to prevent residents from consuming bore water or products using bore water?

3. As this is the first area to be prohibited, can the minister indicate whether there are other areas under consideration?

4. Is there a review process to reassess this determination?

5. What advice does the minister have for property owners whose property value may be impacted by having this on their title?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30):** I thank the honourable member for her most important questions. In November 2004 the department of health advised owners and occupiers in parts of Allenby Gardens and Flinders Park of groundwater contamination and the potential risk to human health that the contamination posed for local residents using bores that might be present. I understand there was some media interest in this contamination in 2004 and again in 2005.

I am advised that the source site of the contamination in Allenby Gardens is 24 Moorfield Terrace, Allenby Gardens. The site was historically excavated of clay for brick making, leaving a rather large hole, colloquially known, I think, as a pughole. The hole was subsequently filled with commercial and industrial waste, including oils and solvents, from the mid-1960s right up until 1990. The waste material resulted in site contamination that affected soil on site and groundwater both on and off site in a west to north-westerly direction.

I am advised that the soils on site have been remediated and a site contamination audit report has deemed the site suitable for proposed residential use. The chemical substances in the groundwater include trichloroethylene (TCE) and its degradation products dichloroethylene (DCE) and vinyl chloride (VC). The chemical substances contaminating groundwater on and off site, I am advised, exceed World Health Organisation drinking water standards.

A number of licensed and potentially unlicensed groundwater wells are known to exist in the vicinity of the site. The contamination is known to affect the first and second quaternary aquifers, which are 10 and 20 metres below ground level respectively. Groundwater is generally extracted from the first quaternary aquifer for domestic irrigation.

Following amendments to the Environment Protection Act 1993 that commenced on 1 July 2009, section 103S of the act allows the EPA to prohibit or restrict the taking of water if

satisfied that there is contamination that affects or threatens water and action is necessary to prevent actual or potential harm to human health or safety. The EPA has determined that the contamination requires ongoing remediation in the form of a water prohibition area. The Department for Health and Ageing supports the EPA's determination that the contaminated groundwater is not suitable for residential use.

On 12 February 2013 the Environment Protection Authority wrote to residents in the Allenby Gardens/Flinders Park area to remind residents of the Department for Health's advice not to use bore water and to inform them that the EPA intends to establish a water (groundwater) prohibition area around the contaminated site. Residents were provided with fact sheets from the Department for Health and a list of frequently asked questions—known as FAQs to the younger generation; that is for you, Ms Franks—from the EPA. Residents were reassured that the use of mains water and rainwater is not affected by the proposed groundwater prohibition area.

I have also asked the EPA to send out follow-up material in community languages to ensure that all residents understand the risks involved in using groundwater. The EPA held open house information sessions on 16 and 18 February 2013 to provide residents and the broader community with an opportunity to discuss any concerns they may have regarding the water prohibition area. I am advised that approximately 30 people attended these information sessions. The EPA is planning further open house information sessions in the coming weeks with the specific focus on non-English-speaking residents.

I am advised residents have been provided 90 days to organise alternative water supplies, if they do in fact use groundwater, before the water prohibition area is established by notice in the *Government Gazette*. Once the water prohibition area is established, residents will be updated via letter of their responsibilities and reminded that it is an offence to use groundwater for any purpose in the identified area from 23 May 2013.

The EPA will record details of the water prohibition area on the public register. The information will also be available to all prospective purchasers of sites in form 1 of regulations under the Land and Business (Sale and Conveyancing) Act 1994. The prohibition on groundwater in the Allenby Gardens/Flinders Park area serves as a reminder of the EPA's advice to all bore owners that they should regularly test their bore water to ensure that it is fit for purpose.

**The PRESIDENT:** A supplementary from the Hon. Ms Lensink.

**ALLENBY GARDENS/FLINDERS PARK GROUNDWATER PROHIBITION AREA**

**The Hon. J.M.A. LENSINK (14:35):** Minister, I asked a whole range of questions and I don't think you have actually answered any of them, so will you undertake to—

**The PRESIDENT:** You should get to your supplementary question.

**The Hon. J.M.A. LENSINK:** —take them on board and come back with some responses?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:35):** I think the other additional questions which were entertained were: is this a first and only situation or are we looking at others? My advice is that we may very well be looking at other sites, but that will be determined on the basis of the evidence.

There was a question asked about what value that may have on the title of properties. I am no expert; I am not a valuer. Perhaps the Hon. Mr Darley can convey some information to us later on, but I would imagine sites that are served by SA Water—a reticulated water system—would not have a huge impact on the value of the property, just because of the existence of bores, whether they are there or not or whether the water can be used. I say that is not personal advice: that is advice of a generic nature and no individual should take that as advice from me in terms of putting up their house for sale.

**ALLENBY GARDENS/FLINDERS PARK GROUNDWATER PROHIBITION AREA**

**The Hon. J.M.A. LENSINK (14:36):** And the recency of the EPA's data on the plume?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:36):** I thank the honourable member for her supplementary. I think I mentioned at first that the data originated around 2004. I am not aware if there has been any more additional new data than that. I will undertake to ask my department and bring back a response.

## INDIGENOUS OFFENDERS

**The Hon. S.G. WADE (14:37):** I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs and Reconciliation in relation to Aboriginal disadvantage.

Leave granted.

**The Hon. S.G. WADE:** On Thursday 7 February 2013 in this place, the Hon. Tammy Franks brought to the minister's attention that, as at June 2011 in South Australia, Aboriginal people were 16.7 times more likely to be in prison than other South Australians. In response to the Hon. Tammy Franks' question, the minister said:

> We have come a long way in many areas and evidence-based policy is central to us in helping to close the gap between Indigenous and non-Indigenous Australians across a number of variables, including of course the disproportionate detention of Aboriginal people in prisons and youth justice centres.

The minister went on to say:

> It is true to say that we face significant challenges, but the most recent report on government services highlighted that our Aboriginal prison population, while under the national average of about 26.5 per cent, is still unacceptably high, with an average of 23.7 per cent.

The minister referenced RoGS (Report on Government Services). In 2010-11, the Report on Government Services shows that there were 2,628.2 Indigenous prisoners per 100,000 adult population, compared with 153.6 for all prisoners. As the Hon. Tammy Franks said, the Indigenous rate is almost 17 times that of all South Australians. In 2000-01, the RoGS report shows that, in the most recent full year of the Liberal government, there were 1,622.8 Indigenous prisoners per 100,000 population, compared with 115 for all prisoners; that is, the Indigenous rate was 14 times the rate for non-Indigenous Australians.

Therefore, in summary, over the last 10 years with Labor in government, the gap in Aboriginal disadvantage, as measured by the ratio of Indigenous imprisonment to non-Indigenous imprisonment, has actually increased from 14 times to 17 times. I ask the minister: when can we expect to see at least an arrest in the increasing gap between Aboriginal and non-Aboriginal South Australians in terms of imprisonment?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:40):** I think I will take that question on notice for the minister for corrections in another place and bring back a response.

## REGIONAL DEVELOPMENT AUSTRALIA

**The Hon. R.P. WORTLEY (14:40):** I seek leave to make a brief explanation before asking the Minister for Regional Development a question about regional development.

Leave granted.

**The Hon. R.P. WORTLEY:** Regional South Australia is an important source of our sense of self, our prosperity and our unique character. As well as providing some of the best food and wine in the world, regional areas sometimes consider it a struggle to create a prosperous economy and to attract businesses to set up in regional communities. Can the minister explain to the chamber what this government is doing to support regional development?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:41):** I thank the honourable member for his most important question. Indeed, it is almost two years to the day—not quite—that I became regional development minister. I think my anniversary date was 9 February 2011. I have enjoyed this portfolio very much, a very important portfolio. I cannot believe it has been two years—time flies.

*An honourable member interjecting:*

**The Hon. G.E. GAGO:** It does. In the two years since becoming regional development minister and all the trips that I have done into regional communities, I continue to be very impressed by the resilience and the enormous resourcefulness of people in regional areas and their ability to seize opportunities and in times of toughness to pick themselves up and shake themselves off. One of the mechanisms to do this work is obviously through our Regional Development Australia associations (RDAs). It is for this reason that a series of RDA programs

across South Australia has been given a total of more than $2.7 million over two years in funding through the state government's new Regional Development Fund (RDF).

Each region has had programs developed by its RDA to support the government's efforts in helping to create jobs and attract new investment or reinvestment in their regions. The aim of the RDF is to help deliver the government's seven strategic priorities, including premium food and wine from our clean environment and also, obviously, growing advanced manufacturing. RDAs can access grants from $50,000 to a maximum of $200,000 each year from the $3 million Regional Development Fund for priority programs identified by local communities.

Our regional businesses know that they are competing nationally and internationally, so it is essential that that they remain up to date with their products and services, which enables their communities to flourish and grow. My agency has worked closely with RDAs to ensure that they can plan their activity and programs, including their budget, well in advance of the 2013-14 financial year. The funds announced today are available from 1 July 2013. They include things such as:

- expanding the vibrant economic and social base of the Yorke and Mid North region—$400,000 over two years to create business investment opportunities, infrastructure development, and suchlike;
- economic development programs for the Eyre and Western region—$400,000 over two years, again supporting business development;
- realising the benefits of mining in a vibrant Far North region—$400,000 over two years through initiatives such as facilitating investment, aiding infrastructure, and development of regional and local events;
- strengthening the premium food and wine economy in the Barossa, Light and Lower North—$400,000 over two years for programs such as increasing export earnings and job creation around that, assisting horticulture, facilitating industry forums, and suchlike;
- sustainable growth for food and wine in the Adelaide Hills, Fleurieu, Kangaroo Island region—$400,000 over two years to support things like enhancing primary production value adding, research, education and business development;
- economic diversification and support for small to medium enterprises for the Limestone Coast region—$325,000 over two years through things like implementing the Limestone Coast Economic Diversification Forum outcomes; and
- smarter digital regions and growing primary industries for the Murray and Mallee region—$400,000 over two years for things like developing demand profiles for regional digital needs and identifying infrastructure requirements.

I look forward to seeing the results of these funds at work being rolled out in the regions around South Australia.

**The PRESIDENT:** The Hon. Mr Dawkins has a supplementary question.

## REGIONAL DEVELOPMENT AUSTRALIA

**The Hon. J.S.L. DAWKINS (14:45):** Will the minister confirm that the amounts she has announced in the council today replace the previous arrangement of three-year funding agreements for the RDAs?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:45):** I have put on record in this place and elsewhere regularly the changes to funding arrangements for the RDAs. As I said, it is on record ad nauseam. The new RDF fund replaces the RDIF fund and now provides funding to the RDAs directly. Stream 1 of that fund is $1.4 million per annum, and the RDAs also have access to stream 2, which is creating competitive regions, and that is $1.6 million per annum. That provides support for projects and infrastructure and supports growing advanced manufacturing, realising the benefits of the mining boom for all South Australians and premium food and wine from our clean environment priorities. As I said, the RDAs have access to those funds as well.

## FARM WATER STORAGE

**The Hon. A. BRESSINGTON (14:46):** My questions are to the Minister for Sustainability, Environment and Conservation. What environmental impact studies or feasibility studies have been

done to show that dams are interfering with environmental flows in the Hills, and were hydrology studies done as well? Can the minister state exactly how much—from these studies—water is actually captured in dams from rainfall that falls on properties in the Adelaide Hills? Of the 2,000 dams over five megalitres that have been identified in the Hills, how many dam estimates have been disputed and what dispute resolution process is in place for farmers for inaccurate estimates of dam capacity?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47):** I thank the honourable member for her most interesting and important question. The Department of Environment, Water and Natural Resources uses a number of scientifically validated methods to estimate farm dam capacities. Methodology and formulas, or formulae, were developed by the former engineering and water supply department.

A cross-section of dams in the Mount Lofty Ranges were bathymetrically surveyed to determine actual storage capacities for each dam, and this work was subsequently used to develop a best-fit formula for estimating dam capacities. These formulae take into account surface area measurements, depth or dam wall measurements and dam construction engineering principles and have been used to estimate the capacity of licensed dams in the Mount Lofty Ranges.

Ninety-three per cent of all the dams in the Mount Lofty Ranges that are the subject of a licence application have been field verified, and data has been collected on site by departmental staff utilising survey equipment. The only dams not verified are small dams under one megalitre, I am advised. I am also advised that the formulae for estimating dam capacities have been adopted by interstate natural resources management agencies as well.

My department recognises that any dam measurement is an estimate and will consider additional evidence from a landowner if they question this estimate. If the landholder still disagrees, the bathymetric survey of the dam undertaken by a licensed surveyor will also be accepted by the department. I can confirm that, prior to the issue of water licences, the department will engage with landholders regarding their proposed licence, including dam capacity estimates, to use the most accurate data available.

## FARM WATER STORAGE

**The Hon. A. BRESSINGTON (14:50):** I have a supplementary question. Given the minister's answer about the high scientific technology that is used to estimate the capacity of dams, can he explain then why calculations of capacity have been done and, in one case, found to be 4.4 million litres overestimated?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50):** I thank the honourable member for her supplementary. I am not aware of any individual cases where there has been an over or under estimation of dam capacity. As I said—

**The Hon. A. Bressington:** Doesn't your CEO talk to you?

**The Hon. I.K. HUNTER:** If you don't want the answer, Ms Bressington, don't ask.

## FARM WATER STORAGE

**The Hon. A. BRESSINGTON (14:50):** I have a supplementary, Mr President.

**The PRESIDENT:** Alright. I have seen you.

**The Hon. A. BRESSINGTON:** Thank you, Mr President. If the minister is not aware of the overestimation of a farmer's dam capacity, can the minister explain if the department has got it wrong, why is it then up to the farmer to have to pay for a proper survey to be done because it is the department's mistake?

**The Hon. D.W. Ridgway:** Good supplementary.

**The PRESIDENT:** Forget the debate and get to the question.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:51):** Well, that is a very silly supplementary. As I was saying earlier before I was so rudely interrupted by members opposite—

**The Hon. J.S.L. Dawkins:** You sat down.

**The Hon. I.K. HUNTER:** Well, of course. That is the only dignified thing to do in the face of your rampant behaviour.

*Members interjecting:*

**The PRESIDENT:** Minister, allow them to continue napping.

**The Hon. D.W. Ridgway:** Would you like a little glass of warm milk or something to help you out?

**The Hon. I.K. HUNTER:** They are all consideration now, Mr President.

**The PRESIDENT:** Minister, you have the call.

**The Hon. I.K. HUNTER:** They are at heart very caring people. They just don't show it very often—not in this place anyway.

**The Hon. J.M.A. Lensink:** Not like you.

**The Hon. I.K. HUNTER:** That's right. Exactly.

**The PRESIDENT:** I thought there was an answer in there somewhere. Minister?

**The Hon. I.K. HUNTER:** What I was trying to say before I was so rudely interrupted is that the department works very closely with landholders. When landholders want to query an estimation, the department will work with them over those concerns. I have to say it would be a very rare case, I would imagine, that most landholders did not know approximately what the capacity of their dams is. They would have built them, had a contractor in to build them, they would have inherited them. They may have seen them empty and known about how much was silting up and how much wasn't, and so they would know if the department's calculation was off the mark in which case they would engage with the department, the department would come out on site and talk to them through that process.

If there is still a dispute about capacity, then the landholder can go out and get their own independent survey and the department will accept it. The department will accept it. The first process is through negotiation, and that is how the department deals with almost all of the landholders in the ranges.

## FARM WATER STORAGE

**The Hon. A. BRESSINGTON (14:53):** A further supplementary. Can the minister explain then why last week when there was a dispute about the dam capacity a member of the department came out, threw a line in the dam and estimated that the depth of the dam was four metres and had a dispute with the farmer there and then. The farmer dropped his trousers, walked out into the middle of the dam and it barely covered his knees—not four metres deep.

**The PRESIDENT:** Is there a question?

**The Hon. A. BRESSINGTON:** That is the question.

**The PRESIDENT:** Is there a question?

**The Hon. A. BRESSINGTON:** Is the minister aware that this is—

**The PRESIDENT:** Hooray!

**The Hon. A. BRESSINGTON:** —the way these disputes are handled and that it is still bullyboy tactics?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53):** I am aware that the Hon. Ms Bressington has been on the radio with this story. I am not aware of the particular situation. I am not aware if the Hon. Ms Bressington was on site when the alleged incident occurred. I don't know. Were you?

*The Hon. A. Bressington interjecting:*

**The Hon. I.K. HUNTER:** So, she wasn't on site and she hasn't got first-hand information about the situation. I say again that the department is always prepared to engage with landholders in a good discussion about these calculations. I would say to her: get in touch with my department on behalf of her constituent, if that is the situation to which it pertains, and we will undertake to consult.

## FARM WATER STORAGE

**The Hon. J.A. DARLEY (14:54):** A supplementary. Minister, if there are no water levies to pay by these dams, why is it so essential to have accurate measurements of their volumes?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54):** I thank the honourable member for his excellent supplementary. It is very important that we as a department and as a community, particularly the ranges community, know how much water is in the hydrological cycle. We need to know who is taking water and how much water so that water can be apportioned fairly across the whole area. If we do not know how much water is held in dams or is being taken from catchments, we can have no way of assessing the need across a whole area and apportioning that water entitlement fairly across all users. So, it is vitally important that we have that data.

## FARM WATER STORAGE

**The Hon. R.L. BROKENSHIRE (14:55):** By way of supplementary question, will the minister advise the house, given his answers, why the department did not simply go out, as it did with groundwater extraction, and sit down with the farmers and actually ask them what were the volumes, given that the minister has already said that the farmers would know? Why were not the farmers just consulted one on one?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:55):** It comes down to the fact that there are somewhere between 13,000 and 20,000 dams in the area about which we are talking, depending on what part of the ranges you are talking about. It is just impossible, in a short space of time—

**The Hon. R.L. Brokenshire:** You did it for bores.

**The Hon. I.K. HUNTER:** How many bores are there, Mr Brokenshire, compared with 20,000 dams? That is the reason. The resources required have meant that we need to use a different process.

**The PRESIDENT:** The Hon. Mr Maher.

*Members interjecting:*

## FOOD WASTE

**The Hon. K.J. MAHER (14:56):** All finished? Shall I start?

*Members interjecting:*

**The Hon. K.J. MAHER:** Lest I bear the brunt of the Hon. Rob Lucas's somewhat ironic barbs, I will just wait to make sure you are all finished.

**The PRESIDENT:** The Hon. Mr Maher, are you seeking leave?

Leave granted.

**The Hon. K.J. MAHER:** My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about how the government is assisting local government authorities—

*Members interjecting:*

**The Hon. K.J. MAHER:** I will start again, Mr President.

**The PRESIDENT:** Please.

**The Hon. T.A. Franks:** How come he sought leave?

**The Hon. K.J. MAHER:** If I was making an explanation, I probably would seek leave, under standing orders—quite right. My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about how the government is assisting local government authorities to dispose of food waste and reduce rubbish going into landfill?

**The Hon. R.L. Brokenshire:** Yeah, cutting Zero Waste.

**The PRESIDENT:** There will be a few cuts in here in a minute.

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:57):** I thank the honourable member for his most important question and his ongoing interest in these areas. I am pleased to advise that the government of South Australia has opened a new round of applications for the Kerbside Performance Plus (Food Organics) Incentive scheme. In 2010 the state government provided $6.1 million over four years to provide food waste recycling to South Australian households. This was initiated because the recycling of other recoverable materials is now so widespread and effective that the natural progression is to reduce waste going to landfill, whilst to support the uptake of food waste recycling by councils.

Currently, I am advised, 111,000 metropolitan and regional householders are recycling their kitchen scraps as part of a structured recycling program subsidised by the government. This next round of funding, about $3 million over the next two years, will encourage more people to send their food scraps to compost, thanks to the government incentives of up to around $19 or $20 per household. This has almost doubled from the previous incentive, which was capped at $10 per household, I am advised.

A pilot study in 2010 investigated food waste recycling methods across 17,000 householders and found that there was significant difference in the performance and effectiveness of the two popular methods of recycling food waste, one being unlined caddies or bins and the other a lined and ventilated system using compostable cornstarch liner bags.

The audit demonstrated that lined and ventilated systems resulted in significantly higher participation rates and produced waste yields of some 300 per cent higher than the alternative unlined option. Therefore, to promote the use of more effective methods this funding round has been structured to pay more to those councils that utilise higher performance systems or approaches like lined cornstarch bags.

Staff from my department are also on hand to assist councils with the development of education materials to be provided to households about the recycling of waste. They can provide training to council staff where needed. This is a wonderful example of how recycling in this state keeps getting better and better. History has shown that by introducing an effective food waste system councils can achieve a waste diversion from landfill rate of up to 70 per cent. Applications are open until Friday 1 March and I, for one, am looking forward to seeing the councils who will take up this offer for funding and in turn reduce their waste going to landfill.

## APY LANDS, FOOD SECURITY

**The Hon. T.A. FRANKS (14:59):** I seek leave to make a brief explanation before addressing a question to the Minister for Sustainability, Environment and Conservation on the subject of correspondence between his department and the APY executive on the subject of market gardens.

Leave granted.

**The Hon. T.A. FRANKS:** I do not need to draw the minister's attention to the subject of market gardens, but I do specifically draw his attention to the minutes of 1 November 2010 of the APY executive. In that, item 10 notes:

> DENR Market Gardens: The Executive discussed the DENR proposal for establishing market gardens on the lands, and agreed to proceed in conjunction with DENR, but made this agreement conditional on the basis that this activity be confined to Homelands properties only. This condition is to ensure that interest and enterprise are provided within the Homelands environment.

Given that the minister insists that Anangu people and indeed the APY executive were calling out for these market gardens, will the minister now release a copy of the department's correspondence to the APY executive—specifically from November 2010 but also any other correspondence—proposing to establish these market gardens?

Does he stand by his previous assertions that it was Anangu and the APY executive who called for these gardens? Does he also have any awareness of discussions between the APY executive prior to this correspondence where the APY executive requested assistance with freight and transport?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01):** As I have said in this place in the last two days, we have had requests from communities

to establish gardens for growing fruit and vegetables. I understand the honourable member has a very keen interest in finding out where those requests came from. I do not propose to—

*The Hon. T.J. Stephens interjecting:*

**The Hon. I.K. HUNTER:** The Hon. Mr Stephens is casting some aspersions, if you like, but he is actually questioning my character, and I think that is verging on unparliamentary. Let me just wipe the smile off his face. I do not propose to use the names of the individuals who have approached us with these requests, but I will summarise them for you. Homelands: nine requests, including:

- Railway Bore, through community members, including the chairperson of the APY, Mr Bernard Singer, during an Indulkana community council meeting.
- Blue Hills, near Mimili, requested by a member of the community and family.
- Happy Valley, near Amata, a request from four community members.
- Sandy Bore, near Mimili, a request from three community members.
- Shannon's Bore, a request from a community member and his family.
- Amaralytja, near Amata, a request from three community members.
- Nyapari (where the orchard was reinvigorated, the honourable member recalls), a request by community members during a community consultation.
- Aroomona, between Indulkana and Mimili, requested at the Indulkana community council meeting from an individual and a family.
- Aeroplane Bore homestead, a request from the APY economic and enterprise development manager on behalf of individuals and a family.

From communities:

- Mimili, 14 requests, I am told, from residents for individual gardens, and a number of other individuals who are listed on my briefing.
- Watarru, a request for a collective by community, I am advised.
- Pipalyatjara, a request from the community chairperson, and at the time that was not addressed because it was deemed to be unsuitable due to issues with workforce availability, soil and various other matters.

The Hon. Mr Stephens has now lost his smile, Mr President.

**The PRESIDENT:** The Hon. Ms Franks has a supplementary.

**APY LANDS, FOOD SECURITY**

**The Hon. T.A. FRANKS (15:04):** Will the minister further provide the dates of all those communications and explain why Watarru, which is not a homeland, was chosen by the department to establish a market garden?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:04):** I suggest if the honourable member wants to find out further information about this she puts in an FOI request.

**APY LANDS, FOOD SECURITY**

**The Hon. M. PARNELL (15:04):** I have a supplementary question. Does the minister believe that members of parliament should have to lodge freedom of information requests rather than the minister take the question on notice and provide an answer back to the chamber?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:04):** I do give answers to substantive questions. I have just given a substantive answer to a question and for further frivolous details I suggest honourable members do their own work.

**The Hon. R.I. Lucas:** And then you'll complain about FOIs.

**The PRESIDENT:** Is that your question, the Hon. Mr Lucas, about FOIs? The Hon. Mr Lucas.

## COUNTRY HEALTH

**The Hon. R.I. LUCAS (15:05):** I seek leave to make an explanation before asking the minister representing the Minister for Health questions about country hospitals.

Leave granted.

**The Hon. R.I. LUCAS:** Sadly for the Penola community this month both the doctor and the registrar announced their intention to resign and leave the local hospital, leaving the hospital without a local doctor. The Chair of the Penola District Medical Support Group, Bill Murray, has raised a number of concerns in recent weeks in relation to the current situation in particular at Penola. He indicated that ambulances may as well just whizz past the fancy new accident and emergency unit at Penola hospital (a $750,000 project) because it does not have enough nursing staff to back up the doctor. He goes on to say:

> Firstly, the problem with having an Accident and Emergency in the town is that we don't have an X-ray machine and most injuries that come through are broken bones.
>
> Secondly, we don't have the nursing staff to be able to support the doctor.

Then further on in his lengthy commentary in the local media he said:

> We need to work out the confusion between the administration and the medical officer as to who has the responsibility of admitting patients.

My questions to the minister are:

1. Is the government considering the provision of an X-ray machine for Penola hospital and, if not, why not?

2. What is the government's response to local concerns about the admitting rights of patients at the hospital and in particular the conflict between the local doctor and the management of the Penola hospital as to who has the final say in relation to the admitting of patients to the hospital?

3. What will be the weekly cost of employing a locum to replace the GP in Penola?

4. What action, if any, has the minister taken to help resolve this issue in Penola?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:07):** I thank the honourable member for his most important questions. This government has invested significant funds in the country to ensure that patients receive medical care close to their homes in modern facilities. Compared with the last year of the previous Liberal government, spending on country public health services has increased by $348.2 million or 91.5 per cent.

The 2012-13 state budget committed $728.5 million to public health services in the country. I am advised that the following expenditure has occurred:

- increased haemodialysis activity in rural areas (up 17 per cent in 2011-12 compared to the previous year)
- the number of procedures conducted under the elective surgery strategy was a new maximum of 17,394 in 2011-12;
- $2.283 million was spent on minor works, with the major expenditure for upgrades for emergency departments at Cummins, Mannum, Victor Harbor and Meningie; high voltage switch replacement at Port Pirie and other minor works projects totalling $163,000-odd.
- in addition, $1.735 million was spent in 2011-12 for the purchase of biomedical equipment, including $341,000 (and a bit of change) for replacement anaesthetic machines for Port Pirie, Gawler and Mount Barker; $318,599, I am advised, for monitoring systems for Port Pirie and Gawler; and $833,756 for other biomedical equipment.

The government is also funding a total of 24 dedicated mental health beds in areas of country South Australia. These new beds will be located in hospitals at Port Lincoln, Whyalla, Berri and Mount Gambier.

In country South Australia intermediate care services are available for the first time to enable services to be provided closer to where people live. While facility-based services are currently being planned, non-facility places are now available in Mount Gambier, Whyalla, Port Augusta, Kangaroo Island and Port Lincoln. South Australia will also benefit from the commonwealth government's announcement of 159 beds and places for our state's mental health system. This additional boost to our mental health system includes two new 10-bed community rehabilitation centres to be established at Whyalla and Mount Gambier. These centres will be similar to those already operating in metropolitan Adelaide, providing rehabilitation support closer to people's homes and families. It is this Labor government that is committed to delivering quality health outcomes to South Australians in our regional and rural areas.

## COUNTRY HEALTH

**The Hon. R.I. LUCAS (15:09):** I have a supplementary. Will the minister take those questions on notice in relation to Penola hospital and bring back an answer?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:10):** I apologise for getting carried away; of course, I will take those questions to the Minister for Health and Ageing in another place and seek—

*The Hon. G.E. Gago interjecting:*

**The Hon. I.K. HUNTER:** It is very easy—

*Members interjecting:*

**The Hon. I.K. HUNTER:** Mr President, if no-one wants me to do that work I will not do it; but I undertake to seek a response—

*Members interjecting:*

**The Hon. I.K. HUNTER:** Mr President, I undertake to seek a response on the honourable member's behalf.

*The Hon. G.E. Gago interjecting:*

**The Hon. I.K. HUNTER:** They are a bit run down, aren't they?

## CELLAR DOOR WINE FESTIVAL

**The Hon. CARMEL ZOLLO (15:10):** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the upcoming Cellar Door Wine Festival.

Leave granted.

**The Hon. CARMEL ZOLLO:** Late last year the minister informed the chamber on ways for people to learn about wine characteristics and how these could be matched with premium produce sourced right here in South Australia. My question to the minister is: can she update the chamber on the initiative about to occur as part of the Cellar Door Wine Festival, and say how it fits in with one of the government's most strategic priorities?

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:11):** I thank the honourable member for her enthusiastic interest in this particular policy area. She is a very keen advocate of our wine industry, and I know first-hand that she also has a very keen palate and appreciation of South Australia's fine wines.

**The Hon. D.W. Ridgway:** That suggests she drinks a lot.

**The Hon. G.E. GAGO:** Unlike you, no, she does not. Mr President, as mentioned, the upcoming Cellar Door Wine Festival is an exciting initiative held at the Convention Centre. The South Australian government, through the Department of Primary Industries and Regions South Australia, is proud to be the major sponsor of this year's festival. The festival places a great emphasis on South Australian wine and the regions around the state where our fabulous wine is produced—and, of course, we have so many wonderful wine regions.

It seemed a natural fit to add some of our premium produce to this particular event. We all know how well food and wine go together, complement each other; indeed, our food and wine

sectors make a huge contribution to South Australia's economy and are extremely important to this state's prosperity. They are a big employer as well; if I recall correctly, I believe 150,000-odd people are employed in these sectors. Almost one-third of the state's small businesses are found in the regions, and agriculture and tourism form the backbone of these.

I am very pleased to advise the chamber of the 11 emerging regional food producers that have accepted the offer to showcase their food in PIRSA's 'New Producers' area. The following successful applicants of an EOI process include:

- Spice for All Seasons, spice blends from Rowland Flat, Barossa;
- Talinga Grove, extra virgin olive oils, infused oils and kalamata olives from Strathalbyn, Fleurieu Peninsula;
- Pankgarra Foods, wholegrain pasta products from Clare in the Mid North;
- Nelshaby Capers, Yorke and Mid North;
- My Divine Foods, Thai and Indian curry pastes, wine/vinegar sticky reductions, savoury and dessert dips (which I know you are particularly fond of, Mr President) from Coromandel Valley, Onkaparinga;
- Marcus Booth-Remmers, chocolate products made using single origin beans, from Mylor, Adelaide Hills; and last but not least,
- Kolophon Capers, from Barmera in the Riverland.

All of these up-and-coming producers will be presenting at this year's cellar event. This will provide a great opportunity for these particular food producers to directly promote and sell their products. It will give them an opportunity to directly interact with festival attendees while also obviously providing exciting opportunities for future growth.

The premium food and wine from our clean environment strategic priority recognises that South Australia's competitive advantage is in premium, sustainable foods, wines and culinary tourism. South Australia offers premium regional food and wine tourism experiences and, obviously, we need to increasingly showcase this to locals and interstate and international visitors. This event is a great example. At the 2012 Qantas Australian Tourism Awards, held in Hobart—I think it was last weekend—it was just really thrilling to see that the Cellar Door Wine Festival was recognised as one of the best food, wine and tourism experiences in the country.

I would certainly like to congratulate the Convention Centre on such an achievement and, obviously, thank them for their tireless work. These awards do not come easily. They are obviously the result of good leadership and a team of willing workers who are prepared to produce quality outcomes day in, day out, year in, year out, and they do a wonderful job. PIRSA's involvement with the Cellar Door Wine Festival underpins its commitment to the state's strategic priority of premium food and wine from our clean environment, which is about continuing to promote our great state and contributing to our economic prosperity.

## FARM WATER STORAGE

**The Hon. R.L. BROKENSHIRE (15:17):** I seek leave to make a brief explanation before asking the Minister for Environment and other matters a question regarding dams and the department.

Leave granted.

**The Hon. R.L. BROKENSHIRE:** To an earlier question, the minister responded by saying that there were far too many dams compared to bores and that was the reason why the department would not go and ask the farmers a simple question: how big are your dams and do you have dams over five megalitres? A simple question.

In the Mount Lofty Ranges, I advise the minister that there are 1,680 dams and 1,700 bores used for irrigation and other commercial purposes. Given, therefore, that the department did spend time and resources to personally visit, as you would expect, the farmers in respect of groundwater irrigation—that is, from bores—for 1,700 of them, can the minister explain to the house why his department now could not go and visit those farmers when, from an irrigation point of view, which is all we are actually talking about here, there are 1,680, which is actually 20 less than the bores?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:18):** I should probably take that on notice and come back another day, but let me take the opportunity of enlightening the house.

**The Hon. D.W. Ridgway:** You could start again; reading a brief.

**The Hon. I.K. HUNTER:** Indeed. I thank the honourable member for his most important question. The Eastern and Western Mount Lofty Ranges prescribed water resources areas were prescribed in 2005. The region provides an important water supply to nearly two-thirds of the state's population, including primary producers, industry, local communities and metro Adelaide. In addition, there are almost 21,000 hectares of irrigated crops with a total farm gate value of approximately $440 million across the Mount Lofty Ranges region, and a number of irrigated crops are produced almost exclusively in that region.

The region also contains significant swamps, rivers and wetlands of high conservation status, some of which are internationally recognised, including the swamps of the Fleurieu Peninsula. It is little wonder, then, that my department takes its role in the management of water in that area very seriously. It is vitally important for landowners, vitally important for primary producers, that we get it right, and we intend to continue to do so.

*Members interjecting:*

**The PRESIDENT:** Order!

## SURVEILLANCE DEVICES

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:20):** I move:

That the Legislative Review Committee inquire into and report on legislative amendments required to address the following issues—

1. The need to protect a person's privacy from the use of surveillance devices against that person without consent;
2. The circumstances in which persons should have the right to protect their lawful interest through the use of surveillance devices against another person without that person's consent;
3. The circumstances in which it may be in the public interest for persons to use a surveillance device against another person without that person's consent; and
4. The circumstances in which the communication or publication of information or material derived from the covert use of a surveillance device should be permitted.

(For the purpose of these terms of reference, the term 'surveillance device' is to have the same meaning as prescribed in the Surveillance Devices Bill 2012.)

This referral to the Legislative Review Committee has arisen from the debate over the Surveillance Devices Bill 2012. The bill, if passed, would have repealed the Listening and Surveillance Devices Act 1972. This act is dated and in urgent need of updating. The act does not regulate any new types of surveillance devices such as data surveillance devices. The act is also unclear as to when it is appropriate for a member of the public to use surveillance devices on other members of the public without their consent.

The government sought to set out the circumstances in which it believed the covert use of surveillance devices by members of the public against members of the public was warranted and when it was not. These are complex policy issues. It has become clear during public debate on the Surveillance Devices Bill that many of the members of this place do not necessarily agree with the balance struck by the government. Given the complexity of the issues that part 2 of the bill is attempting to grapple with, the government has agreed that these issues ought to be referred to the Legislative Review Committee for further consideration rather than being dealt with via contested amendments on the floor of this chamber.

The terms of reference drafted by the government set out four issues for consideration by the committee. The first of those issues is the need to protect a person's privacy against the use of surveillance devices against that person without that person's consent. This is a complex issue, especially given that the majority of people now walk around with surveillance devices in their pockets. Should it be easier for members of the public to use surveillance devices covertly than it is for police? When is it appropriate for a private conversation to be recorded and distributed without

the knowledge or consent of a party to that private conversation? These are all issues that the committee will obviously need to grapple with.

Another issue to be considered by the committee is the circumstances within which the covert use of surveillance devices may be justified as being in the public interest. There has been criticism of the bill's removal of the public interest defence, so the government has asked the committee to consider the term 'public interest' in detail. It is appropriate that the committee turn its mind to the circumstances in which it may be in the public interest to film, record or track another person without that person's consent, and when the distribution of that information obtained through the filming, recording or tracking may also be in the public interest.

I commend the terms of reference to members. The government looks forward to considering the report of the committee in due course and then progressing the Surveillance Devices Bill 2012 to completion.

**The Hon. S.G. WADE (15:23):** I rise to support the motion to refer surveillance issues raised by the Surveillance Devices Bill 2012 to the Legislative Review Committee. Members will recall that the need for this referral resulted from public concern about the bill. It was done in the context of a lack of consultation beyond the government. The consultation that the government undertook in relation to this motion was with the police and the Attorney-General's Department alone. There was no consultation with community.

For the minister in her comments to have suggested that concerns were limited to members of this chamber is not a fair representation. The fact of the matter is that there was extensive public debate about this, particularly on Leon Byner's program on FIVEaa. The bill itself is not being referred so that it can retain its place on the *Notice Paper*. This approach means that the reference to the bill is indirect, but the government and the opposition are in no doubt that the referral is made in the context of the bill and that the bill would not proceed while the reference is afoot.

In that context, I note the minister's comments that consideration of this bill by a parliamentary committee is more constructive than contested amendments in the chamber. Of course, every bill is different, and I certainly agree with the government and the minister that that approach is preferable in relation to this bill. It was the opposition's suggestion that it go to a select committee, which the government accepted. The government accepted a referral to a committee but preferred the Legislative Review Committee. The opposition accepted that alternative.

In that regard, I would like to take this opportunity to thank the Attorney-General and his office for their dialogue in developing the reference which is in the motion today. I note that this is a good example of how a referral to a select committee is not necessarily a matter of blocking by the opposition. With those comments, I support the motion.

Motion carried.

## RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February 2013.)

**The Hon. A. BRESSINGTON (15:27):** This bill attempts to balance the interests of landlords and tenants and provide solutions for the issues that can, and do, arise for both parties for the duration of a tenancy agreement. As other members have mentioned, landlords who rent their properties provide a valuable social service to those who either cannot afford their own home or, for various personal reasons, choose not to purchase their own home.

It goes without saying that for landlords' rights to be so significantly eroded to the point that they effectively lose control of the right to manage their properties in a way they determine would create an injustice. Although, let me be clear: I do not believe that this is what is happening here. Many landlords hold a legitimate concern when placing their properties on the rental market that they may unwittingly allow a bad tenant to take up residence in their property. For many years, that risk has been somewhat numbed by the potential for income to be generated from the proceeds of the agreed consideration or, as the Hon. Mark Parnell rightly pointed out, the tax benefits of negatively gearing your property.

Conversely, the rights afforded a tenant need to be protected, particularly the right to security, stability and exercising control over their own circumstances. I am sure we have all heard stories of tenants who have had these rights infringed by overbearing landlords. As mentioned in

the COTA SA submission, research suggests that people on low or fixed incomes in private rental accommodation are more susceptible to housing stress. As it is typically people who are on low or fixed income who are in rental accommodation, it is therefore essential that wherever possible we make decisions which aid in reducing the stress placed on tenants.

There have been numerous improvements made by this amendment as well as potential concerns which other members have raised. Accordingly, I will not expand on those points any further. I believe this bill goes some way to balancing the competing issues between landlords and tenants. I know that several members have indicated they have amendments to this bill and I look forward to considering those amendments as the bill progresses.

**The Hon. K.L. VINCENT (15:30):** Today I will speak very briefly in support of the second reading of the Residential Tenancies (Miscellaneous) Amendment Bill 2012. As has already been covered, having access to safe affordable housing is essential to the welfare of our citizens. Accessible and available accommodation is an oft-discussed issue in the disability sector and, for those of you who monitor the unmet needs list as closely as I do, you would be aware that the number of people with disabilities who are homeless or at imminent risk of being homeless remains at a frankly embarrassing high, and that is a blight on our claim that we live in a modern civilised society that takes care of its citizens. However, perhaps I digress somewhat.

In relation to this bill, other members in this place have raised a number of questions in regard to the implementation of the bill itself such as pet bonds, and I look forward to these questions being answered during the committee stage of debate but at this stage I support the bill.

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:32):** I thank honourable members for their second reading contributions. As members would be aware, this bill is the result of extensive public consultation and updates the Residential Tenancies Act to reflect changes that have occurred in the tenancy sector over the past 15 years.

The purpose of this bill is to improve protections available for parties to tenancy agreements, as well as rooming house agreements and lifestyle villa agreements. The bill contains a comprehensive range of reforms to the Residential Tenancies Act that are designed to benefit tenants and landlords by increasing protection and clarity for both. Some reforms are designed to benefit residents and proprietors of rooming houses whose agreements are currently subject to minimal regulation. Some reforms are designed to improve the administration of the Residential Tenancies Tribunal which plays a pivotal role in resolving disputes and providing remedies.

Additionally the scope of the Residential Tenancies Act will be expanded to protect residents in lifestyle villages which provide rental accommodation and services to older South Australians. The bill proposes amendments to the act so that a standard form agreement for tenancy agreements will be introduced. If a landlord allows a tenant to keep a pet on the premises, they may take an additional week's rent in bond. Rent under the fixed-term tenancy will not be able to be increased unless at least 12 months have elapsed since the rent for the premises was fixed or last increased.

Landlords will be required to permit tenants to pay rent by at least one means that does not involve the payment of cash or the use of a rent collection agency, the services of which the tenant pays for. Landlords will be required to attempt to negotiate an entry time with tenants if they wish to be present during the entry, taking into account their work and other commitments The jurisdictional limit of the tribunal will be raised from $10,000 to $40,000. The tribunal will be able to determine an application without a hearing, based on the documentation provided by the parties. The tribunal will be required to attempt to conciliate disputes before proceeding to a hearing. In the absence of an agreement about water, if the supply of water is separately metered, rates and charges for water supply are to be borne by the tenant and, in any other case, by the landlord.

Landlords who have properly served tenants with a form 2 for rent arrears twice in 12 months will be able to apply directly to the tribunal for vacant possession if the tenant is in rent arrears for a third time. Landlords will only be required to store abandoned goods for 28 days rather than 60. Rooming house agreement bonds will be required to be lodged with the CBS and the national model provisions for the regulation of residential tenancy databases will be adopted.

Additionally, a few in-house amendments are proposed to be made to the bill, and it is anticipated that the bill will have widespread benefits across the community. I commend the bill to the house and look forward to the committee stage.

Bill read a second time.

**EVIDENCE (IDENTIFICATION) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 20 February 2013.)

**The Hon. J.A. DARLEY (15:37):** I rise to speak very briefly on the Evidence (Identification) Amendment Bill 2013. As indicated by the Hons Mark Parnell and Kelly Vincent, the bill before us today is identical to that introduced by the government in April 2011. I have to agree with the comments made by the Hon. Mark Parnell yesterday with respect to this bill. As he indicated, this debate has been had and the concerns raised by various members in 2011 are yet to be addressed by the government. I support in principle what the bill is trying to achieve, but I think it is important that the government address those concerns before we proceed any further.

**The Hon. S.G. WADE (15:38):** On 9 March 2011 the Attorney-General, Hon. John Rau, introduced a bill to remove the common law judicial preference for in-person suspect line-up parades over other forms of suspect identification. The government's bill sought to remove the judicial preference for line-ups without any attempt to ensure quality in the delivery. It prohibited a judicial officer from telling the jury that any former suspect identification, other than a line-up, was less reliable unless it was in the interests of justice to do so. Effectively this meant that judicial officers would be forced to rank line-up parade identification as the least reliable form of identification of all forms of identification—basically a legislated falsehood.

The science suggests that, while the reliability of identifications, photoboards and line-ups is similar, fundamental to reliability is the quality of the procedures used. The opposition opposed the government bill on the basis that it was driven by cost savings and did not have sufficient regard for the quality of the evidence collected.

The majority in the Legislative Council shared our concerns and the bill was defeated in the Legislative Council on 6 July 2011 by a clear 12 to nine vote. In that context my understanding is that the only members of this chamber who supported the government were the Family First members. In the debate the opposition indicated its support for removing the judicial preference if there was assurance of quality. There was no response from the government. Let me stress that that vote was taken on 6 July 2011. By October last year there had been no further action by the government. After 15 months of inaction, the opposition acted. The then Liberal leader, Isobel Redmond, released a bill for consultation at the Police Association AGM on Tuesday 16 October 2012. I tabled the bill in the Legislative Council on Wednesday 17 October and it remains on the Legislative Council *Notice Paper*.

Having seen the government vacate the field for more than a year, the Liberal opposition proposed reform in 2012 to make police identification not only easier and cheaper, but also better. Feedback from a range of stakeholders suggests that there is broad support for the opposition bill as it seeks to both facilitate photoboards and promote the quality of identification procedures. What has been the government's response to the opposition bill? They have ignored it. The government accused the opposition of a backdown. On 29 November 2012, the government introduced the 2011 government bill in the House of Assembly. It is in an identical form to the 2011 bill, except for the date. The government has been oblivious to the concerns raised.

The opposition's concerns with the 2011 government bill have not been addressed in the 2012 government bill. The bill is identical; the concerns are unchanged. This bill undermines quality in a rush to save costs in police identification. The government's approach would increase the risk that criminals would walk free because of substandard identification and increase the risk of people being falsely convicted.

We support moves to make identification easier and cheaper through greater use of photoboards, but we think that it should not just be easier and cheaper, it should be better. The government law seeks to override the judicial preference for line-ups, which is a key judicial tool to maintain quality in identification. We agree with the government that that tool is not well founded in modern times, but we do not think we should remove a judicial protection of quality without taking other steps to protect quality. Labor is driven by cutting costs, not quality.

In the House of Assembly debate on this bill, the Attorney-General called on the opposition to put down amendments to the government bill. (It will not surprise members that he did it in more colourful language than I did then.) The fact is that we do not need to put down alternatives. Our alternative is already on the *Notice Paper*. It has been since before this bill was tabled. The

government arrogantly ignored it and chose to introduce a bill that this house has already indicated is fundamentally flawed.

We already have a private member's bill before the parliament to make identification easier and cheaper, as long as the identification meets basic quality standards. We seek an outcome. It is the opposition that put this issue back on the parliament's agenda in October 2012, not the government. In the end we are not wedded to the change being wrought by a government bill or an opposition bill, but for change to come the government must engage.

We share the same goal to make identification easier and cheaper. I cannot see why the government would oppose making it more reliable. After all, a lack of quality in identification costs money and undermines justice. Letting the guilty evade identification and contributing to miscarriages of justice costs both the state and individuals dearly.

The opposition bill is structured so differently to the government bill that it is the opposition's view that amendment of the latter to reflect the former is not straightforward. We consider the opposition bill is a better starting point for reform than the government bill. Accordingly, the opposition urges the council to oppose the government bill at the second reading to underscore the fact that this matter will not progress until the government engages this council. If the council chooses to do that, I advise the council that I will seek to have my private member's bill considered as part of the private members' business time on Wednesday 6 March.

The opposition bill has been well received by stakeholders. There have been suggestions for improvement. I will file amendments to that bill reflecting stakeholder input. I urge the government to engage.

**The Hon. R.P. WORTLEY (15:44):** I rise, as I did on 22 June 2011, to support the Evidence (Identification) Amendment Bill. Who would have thought that such a brief amendment would cause the opposition so much angst? The proposed section 34AB constitutes, in fact, just two sentences. For the benefit of those who have not troubled to read them, it is the work of just a minute for me to do so for them:

> The proposed section provides that evidence of the identity of the defendant is not inadmissible merely because it was obtained other than by an identification parade, if the judge is of the opinion that the evidence has sufficient probative value to justify its admission.
>
> Proposed subsections (2) and (3) govern the information to be given to a jury by a judge in a criminal trial where the identity of the defendant is an issue and evidence of the identity of the defendant is admitted.

That is short and to the point but there are some key words and phrases here. Let us look at the phrase 'evidence of the identity of the defendant is not inadmissible'. Take out the double negative and this means that, if the proposed section is inserted into the act, identity evidence obtained other than by an identification parade (for example, photographic evidence) is admissible. It does not mean that it will be admitted because the proposed section stipulates that admissibility is contingent on the judge's opinion as to the probative value of that evidence.

As I said on the last occasion, photographic and/or video identification is not intended to preclude the identification parade, nor to discourage or detract from its use where indicated. Moreover, photographic and/or video evidence has been used in our state and presently has a high degree of acceptance within the judiciary and the legal profession as relevant and admissible evidence.

Why are forms of identification such as photographs and video desirable? Why do lawyers and the police alike favour their use? It is simple and is because of the following:

- witnesses may fear that they themselves will be identified if an alleged offender sees them from a line-up;
- there can be problems finding line-up participants who are sufficiently physically similar to the alleged offender;
- our diverse society means that on occasion it can be hard to assemble the required number of line-up participants from a minority group;
- suspects can change their appearance between arrest and the identification parade;
- line-ups can be delayed with obvious consequences, not only for the individual witness and perpetrator, but also for the tenets of justice which we hold so dear;

- they can be expensive; and
- witnesses in this day and age may not be in a position to spend the requisite amount of time attending the police station, waiting for a line-up and then taking as long as they need to take to select the person they believe to be the offender.

As others have noted, Adelaide's own Professor Neil Brewer has done some groundbreaking work in the area of identification parades and the use of digital images both still and moving. The results of his studies on rapid identification as opposed to more leisurely consideration of identity have been the subject of articles in *Psychological Science*, *The Economist* and *Time* magazine, among others.

Blind Freddy would have to acknowledge that (1) photographs and videos are quickly accessed and viewed and (2) that by their use innocent suspects can be easily excluded. As I pointed out before, they can be adjusted to remove changes in a suspect's appearance between arrest and identification. They can be swiftly and widely distributed to regional or remote areas or, where necessary, across jurisdictions. They are far more cost effective in this day and age than the expensive and time-consuming arrangement of an appropriate cohort for the line-up.

Finally, it is no less true now than it was on the previous occasion when I addressed this bill, that human memory is fallible. Mistaken identification has occurred. That is why a judge's warning to jurors about relying on identification evidence will be neither removed nor watered down by this amendment.

The form of the amendment to be proposed is specifically designed to be technologically neutral, that is, it does not prescribe the technology to be used. The major concern of the bill is that evidence of the identity of a defendant is not inadmissible because it is obtained by means other than the identification parade. The provision envisages immediacy, accuracy, cost effectiveness and enhanced security and comfort for witnesses.

The codification of every aspect of the matters I have discussed is redundant. Surely we can rely on the members of our judiciary to exercise their discretion appropriately and to properly instruct juries in such matters. It is for this reason that I am pleased to support this bill once again and, in the interests of justice, to recommend its speedy passage.

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

## SUMMARY OFFENCES (FILMING OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February 2013.)

*Members interjecting:*

**The Hon. S.G. WADE (15:52):** I regret that the Leader of the Government is yet to respect the diversity in this chamber—

**The PRESIDENT:** Do not worry about regretting and do not worry—

**The Hon. S.G. WADE:** I think it is the height of bullying to reflect on a member who had to leave the chamber for other reasons.

**The PRESIDENT:** The Hon. Mr Wade, you have the call.

**The Hon. S.G. WADE:** I rise to speak to the Summary Offences (Filming Offences) Amendment Bill 2012. This bill came about as a result of the government's view that the current law does not adequately deal with the filming and broadcasting of assaults and other criminal conduct where the major result is the pictorial humiliation of a victim. Some of the behaviour may already be caught by existing criminal offences, such as the law of conspiracy, but the government proposes that the bill would strengthen the law.

At the time of the original announcement of the bill in 2012, my understanding was that the key impetus for the proposal was the assault on a 14-year-old boy at Craigmore High School on Monday 7 February 2011. Students at the school assaulted the boy, filmed the assault, and placed it on YouTube.

The Attorney-General tabled the Summary Offences (Filming Offences) Amendment Bill 2012 in the House of Assembly on 17 October 2012. The bill is based on two previous draft bills which were released for consultation on 24 November 2011 and 4 April 2012 respectively. The

government has not advised on the views of organisations consulted, and is yet to provide copies of the consultation submissions as requested. This council has, time and time again, indicated that consultation is welcome, but consultation of the community in relation to public bills is a consultation as much with the parliament as with the government.

The Attorney's comments at the time, and in the media, suggested that the proposed law would focus on those 'who are involved in deliberately setting up these events', who 'act together in order to humiliate and degrade another person and place that film on a platform such as YouTube or Facebook', who have 'advance knowledge of the incident', or 'act in concert with the assailant'. The offences contained in the bill seem to be written more broadly. There are a range of defences in the bill.

I want to make it clear that the opposition supports the government in seeking to protect people against behaviour, when it is clearly undertaken to try to deliberately humiliate and degrade somebody and where it is not caught by our current set of laws, but we are keen to make sure that any new laws are focused. We consider that these matters are important matters. They are matters of balance and the appropriateness of the balance struck in this bill merits further consideration.

For example, this bill significantly shifts the onus of proof and, given that we are talking about the criminal law, we believe that needs further consideration. It raises complex issues of consent. It risks criminalising everyday or thoughtless behaviour. We are concerned to make sure that it does not inappropriately stifle political and social accountability. For example, we also believe that we need to give further thought to the interplay of subjective and objective elements in relation to the definition of 'humiliating or degrading'. The government asserts that the definition is objective but subjective characteristics of the person involved inevitably intrude.

In the opposition's view, there is a range of issues which this bill raises which deserve greater scrutiny and discussion. It was our view that the bill would benefit from being referred to a select committee. In relation to the Surveillance Devices Bill, the government indicated that they preferred that bill to go to the Legislative Review Committee. In the context of that view of the government, we also propose that this bill be referred to the Legislative Review Committee. I had filed an amendment to the motion we considered earlier to refer the filming offences bill to the Legislative Review Committee, to be considered in concert with the Surveillance Devices Bill.

The bill clearly raises issues in terms of citizens' right to privacy, and they were matters that are a central focus of the surveillance devices reference. Both the member for Fisher and the Attorney-General in the other place referred to that aspect of the bill in their consideration of the filming offences bill to the point that the Attorney-General referred to the Law Reform Institute and the fact that it is looking at the issue of a statutory tort of privacy in South Australia as we speak.

The opposition is still of the view that both bills should be referred in a linked way to the Legislative Review Committee, but members have indicated to me that, whilst they are open to a referral, they would seek both more detail on the opposition's concern and, for that matter, an opportunity for the government to provide a response. It has been suggested that the best forum for that is in the committee consideration of this bill. If, after the committee consideration of the bill, the house considers that further consideration by a parliamentary committee would assist, then a referral could be considered at that point.

I would just like to reflect on the parallels between this bill and the surveillance bill. The Leader of the Government, in supporting the motion in relation to the surveillance bill, indicated that it was better to have contested amendments considered in a parliamentary committee. I respected that this is a judgement bill by bill, and the government is not of that view, but I would just make the point that there was no suggestion in the original agreement by the government to refer the surveillance bill to the Legislative Review Committee or, for that matter, in the minister's comments today, that that referral was blocking. If it was, the government is being complicit in blocking its own bill.

So, when the house does come to consider, at the end of the committee stage, whether or not a referral is appropriate, it would certainly not be a matter of blocking this bill. The opposition seeks to address the law and make sure the law is as good as it can be. The opposition supports the course of action suggested by other members of the chamber and understands that the government does also. In that context, I support the second reading of the bill.

**The Hon. T.A. FRANKS (16:00):** I rise very briefly on behalf of the Greens to indicate our position on this Summary Offences (Filming Offences) Amendment Bill. The Greens are supportive of the intent of this bill and we will certainly be supporting the second reading stage of this bill. It

addresses emerging antisocial behaviour that utilises new technologies and it also adds to the Summary Offences Act a new part 5A dealing with filming offences. It very much addresses two main areas of concern. One might be called the invasion of dignity and the second the invasion of privacy.

The bill, as the Hon. Stephen Wade indicated, did have its inception in a particular incident, a horrific incident for those involved at that particular school, and is certainly a reaction, if you like, in terms of new technologies and emerging issues. It is meant to capture the subjection of a person to humiliating and degrading treatment by another person and then, obviously, the filming and distribution of those events. In this day and age, the ability to do that is quite widely available. Standards are certainly being challenged in our society about what is private, not private and, in some ways, what is humiliating and degrading and what is not.

I note and thank the government for its briefing on this bill, in particular Kim Eldridge from the Attorney's office for making her time available and also for providing us with correspondence from both Kelly & Co. and also Free TV Australia with regard to their particular concerns about this bill perhaps having an adverse impact particularly in the area of media coverage and the ability of the free press—although obviously we are not talking about the printing press when we refer to media in this day and age and certainly in this case we are looking at a very visual medium.

I note that those concerns, to some degree, have been addressed by the Attorney's office. Since this bill was first introduced, there have been amendments and a willingness to take on board the unforeseen diminution of the ability of what I would call a free press to ensure public accountability not only of public officials but also in general current affairs reporting of all sorts of agencies.

With that, I indicate that the Greens are supportive of the debate on this bill continuing. We do keenly look forward to the committee stage and the interrogation of clauses of this bill to ensure that the government is able to answer the questions to be put to it by the opposition. We are aware that there is a proposal mooted to refer this to a committee such as the Legislative Review Committee; however, at this stage we are not convinced that it is necessary and we believe the committee stage, in fact of this parliament, is robust enough to be able to deal with the matters of concern that have been raised. I specifically point again to Kelly & Co. who have expressed concerns about the ability of news media to be able to film and distribute video and images if they are of humiliating and degrading acts in terms of whether they are for a legitimate public purpose.

Obviously this is not only a new area of law before this parliament but it is a new area in our society. I am certainly cognisant of the initial submission made very early on—not specifically to this bill but certainly on this issue—by YACSA, who suggested that perhaps the reviews should be more broadly undertaken with regard to new technologies and the legal implications overall and certainly a comprehensive approach to this area. It may be a useful avenue, and I commend YACSA for participating in the civil society of our state in putting that view forward. I also note its words, in particular advocating on behalf of young people who are currently caught up in such activities as sexting. Some young people are inadvertently ending up on the wrong side of the law for practices they themselves have chosen, a course of action that leads them to be registered as a sex offender later in life.

There are unforeseen implications in this area that are adversely impacting on young people in particular, young people who live their lives online, young people who are not afraid of new technologies, who have them to hand, who are not only adept at using them, but also have different standards on what is acceptable to be captured.

I point to YACSA's recommendations that in fact the better way forward here is a significant investment in education and also in restorative justice. When we are dealing with matters raised by what is in many ways a virtual society, if you like, we need to ensure that we face the reality of the impact of our actions on others when it comes to the technology we have—their humiliation or degradation. So, restorative practices around this would certainly be something the Greens would be keen to see emerge, as well as the educational aspect of this. With that, we support the second reading.

**The Hon. A. BRESSINGTON (16:06):** The Attorney General indicated back in October that this bill has come about due to deplorable situations where filming of incidents are being exhibited, distributed and, even more disturbingly, published on the internet. The proposed amendment repeals and replaces the current indecent filming provision and creates new provisions of humiliating and degrading filming and distribution of invasive images.

We have all heard of occasions where schoolyard bullying has been filmed and subsequently distributed, or cases where images of a sexual nature were taken and subsequently distributed. Sadly, cases continue to appear in our newsfeeds, newspapers and on television, highlighting yet another instance where an unsuspecting individual has fallen victim to the increasing trend of images of assaults or acts of a private nature being distributed for all to see.

The aim of the bill is to deter and punish those who film these acts without consent. It goes without saying that there needs to be tight controls on any behaviour which infringes on people's rights and unfairly causes embarrassment or shame, especially where there has been an intentional violation of an individual's rights.

We need to send a strong message that victimising members of society and infringing on their rights, regardless of the position you hold, is not acceptable. This behaviour leaves people vulnerable and it is unacceptable within our society. There can be no doubt that a clear line needs to be drawn that this kind of behaviour cannot be tolerated. There are, however, some concerns which have been raised regarding the bill.

In relation to 'humiliating or degrading act', the amendments contain a reasonable adult test which can be read into the provisions for humiliating or degrading filming. However, there is no such qualification as to what a 'reasonable person' is intended to mean within the realm of indecent filming.

I note with interest the Law Society's comment that the use of the 'reasonable person' test in these provisions is uncertain and will lead to dispute. It is a concern that this test may itself become the contentious part of a prosecution rather than the act that brought about the prosecution, and I believe that this is something the parliament should consider as this bill progresses.

Additionally, I note that it is a defence to humiliating and degrading filming that the person reasonably believed that they gained consent. In this instance, the filming should be freely and voluntarily given. I question whether the term 'reasonably believed' may also cause unwarranted confusion. If an act can be reasonably believed to be consented to, at what point can consent be reasonably believed to have been revoked?

The wording is subjective in that the requirement for any judge would be to consider whether the defendant held a reasonable belief that this behaviour was acceptable which would then require a consideration of the person alleged to have committed the crime rather than what an ordinary or reasonable person would consider to be acceptable in that instance. The question needs to be asked: at what standard do we want to hold people accountable for where their actions are concerned?

However, there has been some concern to the needless restrictions which this bill could place on those people who film interactions which affect their lawful interests. I note that these proposed amendments include defences which relate to filming for legitimate public purpose but are silent on the protection of legal interests. On a strict reading of the bill, these provisions could potentially be used to restrict such practices, as we discussed during the surveillance devices bill that there were legitimate instances when the use of recording devices protected the interests of the parties using the devices such as interactions with Families SA or proof that one parent was hurting a child.

It is not too difficult to read into this bill, particularly in the section which speaks of a humiliating and degrading act that a person caught behaving in contravention of specific industry or workplace code of conduct would in fact consider the publication of that incident to be a humiliating or degrading act to which these proposed amendments apply. In that instance, it is foreseeable that a reasonable person would also find the distribution of that film to be humiliating and degrading. However, it is in the best legal interest of the other person to distribute that film as and when necessary.

Whilst the commission of an offence cannot and should not be hidden by laws such as these, it is not without concern that it may at times operate in that way. My office has been assured by the Attorney-General's office that the intention of this bill is to encapsulate those acts which are degrading and humiliating, particularly those acts which are assaults or acts of a sexual nature which were never intended for the public domain. These amendments were drafted to restrict those acts and those acts only. When considering part 5 of the act to which this amendment would be inserted—that is, offences against decency and morality—it is arguable that these amendments would encompass only these types of offences.

That being said, as legislators, it is our responsibility to take these concerns seriously and to ensure as much as possible we produce legislation which is clear, does what it is intended to do and can be enforced properly without loopholes. I look forward to hearing the debate on these issues and seriously considering any arguments put forward on these matters.

**The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:13):** I understand that there are no further second reading contributions to this bill, and by way of concluding remarks I would like to thank those honourable members who have made a contribution to this debate.

This bill addresses a disturbing gap in the criminal law. The gap allows those who film reprehensible acts, in the full knowledge that the victim of the act does not consent to the act nor the filming, to escape criminal liability for their conduct. The bill states quite reasonably that a person who engages in this conduct will be guilty of an offence. It will also be an offence to distribute the film obtained in the course of that conduct if the distributor knows that the victim does not consent to the distribution of the image.

The opposition has indicated some concerns about some aspects of the bill. The government looks forward to receiving plenty of notice of those specific concerns so that they may be considered before the next sitting day. As I said, I thank honourable members for their contributions.

Bill read a second time.

## ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February 2013.)

**The Hon. K.L. VINCENT (16:16):** Today I will speak very briefly in support of the second reading of the Electoral (Miscellaneous) Amendment Bill 2012. First, I thank Dr Jenni Newton-Farrelly from our parliamentary library for her report on this. It has certainly been very useful to put into context how South Australia compares with the commonwealth and interstate electoral systems.

As Dignity for Disability views it, this bill seeks to improve some aspects of our electoral system, and I believe they are positive changes for small political parties and Independents, in particular when it comes to features such as postal voting. I see that some of the clauses in this bill seek to include as many eligible voters as possible by the use of the electoral system. On this issue I ask whether, in drafting the bill, the government has compared South Australia to Victoria and New South Wales when it comes to provision for inclusion of people with disabilities in electoral processes.

Whilst we are having trouble tracking down hard facts and figures, anecdotal evidence certainly suggests that both physical and cultural barriers prevent many eligible voters with disabilities from actually voting. Whilst this does not relate specifically to this bill, I also look forward to the parliament debating electoral funding issues in the coming months. It is high time we moved it to a fairer and more accountable process with political donations and electoral funding so that small parties and Independents can compete on a level playing field with the old parties in our two-party dominated system.

Who knows, maybe we will get really revolutionary, or even evolutionary, enough to move into multimember electorates that tend to provide the opportunity for a more diverse range of people to populate the parliament, rather than the current majority, which tends to be dominated by middle-aged men from the two old parties.

*Members interjecting:*

**The Hon. K.L. VINCENT:** I am about to explain myself—calm down, alright? Whilst there are many middle-aged men in this parliament, who do a fine job—

**The Hon. J.M.A. Lensink:** And women.

**The Hon. K.L. VINCENT:** And women, indeed. I am painting a picture. I am trying to make a point!

*The Hon. G.E. Gago interjecting:*

**The Hon. K.L. VINCENT:** Even when there is only about one sitting there, they are still troublesome. Whilst there are many middle-aged men and women in this parliament doing a fine job, I think it would certainly be a positive feature of our legislature if I, for example, were not the only very young female in our parliament or indeed the only wheelchair user. Anyway, I commend the second reading of this bill to the house and look forward to further discussion in committee.

Debate adjourned on motion of Hon. K.J. Maher.

At 16:20 the council adjourned until Tuesday 5 March 2013 at 14:15.