LEGISLATIVE COUNCIL

Wednesday 5 June 2013

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:18): I bring up the 27th report of the committee.

Report received.

PAPERS

The following paper was laid on the table:

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

Department for Education and Child Development—Report, 2012

QUESTION TIME

FOOD AND WINE INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding the contribution the sector makes to South Australia, and certain Labor promises.

Leave granted.

The Hon. D.W. RIDGWAY: In 2010, facing a difficult election, Labor made some promises. It said that the food and wine sector would be worth $16 billion by 2015, the year after next. It said there would be a further 15,000 people working in the food and wine sector by 2015. It promised an extra $1 million a year for new food and wine export programs. It promised to set up a consumer and market innovation centre in Adelaide based at what was then the SA Food Centre at Regency Park. This would involve an alliance between the University of Kent, the state government, industry and leading researchers and would become the national focus for research into consumer and market insight—whatever that is, Mr President—and product and process innovation for Australia's food and wine industries. My questions are:

1. How much has the food and wine sector grown annually since 2010 and the promise that the minister made on that target, and are we on target to reach the $16 billion figure by 2015?

2. How many jobs have been created in the food and wine sector annually since that 2010 promise, and are we on target to reach the 15,000 figure by 2015?

3. Since 2010, has the government provided an extra $1 million a year for new food and wine export programs?

4. Has the minister ever visited the consumer market innovation centre? If so, where did she find it; if not, is it because the centre does not exist?

5. Where in South Australia can we find the University of Kent?

6. Can the minister name her favourite products innovated for Australia's food and wine industries by the centre, and advise how many she has in her pantry?

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) (14:22): I thank the member for his very long questions. I am very pleased to have this opportunity to answer those questions and put on the record some of our fabulous achievements in this area.

In 2011-12 gross food and wine revenue reached a record level $16 billion, with gross food revenue reaching a record $14.27 billion and gross wine revenue recovering a little to $1.75 billion. So we are well on the way to meeting our target. Highlights of the 2011-12 year—and these are just very recent achievements—include gross food revenue increasing by $442 million, a 3 per cent increase, to reach record levels of $14.3 billion, and finished food values growing by about

$200 million, or 4 per cent, to reach record levels of $4.9 billion. As I said, this is just in the 2011-12 year.

Food production, measured in farm gate values, decreased to $3.74 billion due to a decline in grain crop value following the very exceptional grain crop experienced in South Australia in 2010-11, but things are looking very promising for this harvest.

The value of Australian farm and fisheries production was $42.6 billion in 2011-12, and 3.4 per cent higher than in 2010-11. That is the value of our farms and fisheries for the 2011-12 and 2010-11 years. Our total overseas exports exceeded record levels of 2010-11 by $207 million (or 6 per cent) to reach a record $3.7 billion. The value of Australian food exports increased by nearly 12.3 per cent to $30.5 billion.

South Australian food retail and food services sales grew by over $300 million (4 per cent) to reach a record of over $8.7 billion. The value of food and liquor retailing in Australia grew by 4.2 per cent in 2011-12 to $135.8 million. South Australian food imports rose by $74 million (10 per cent) in response to a continued high Australian dollar, and the value of food imports increased in 2011-12 to $11.3 billion—$0.9 billion (or 8.6 per cent) higher than in the 2010-11 year.

According to the latest Australian Bureau of Statistics labour force survey, the average quarterly South Australian agribusiness employment to February 2013 was 143,200 with 35,200 employed in primary production; food manufacturing, 23,100; food wholesaling and retailing, 38,400; and food services, 46,500. The South Australian food industry and their value chains represented almost one in five or 17.8 per cent of the state's employed workforce. Employment in food and beverage manufacturing in Australia was around 226,500 in 2011-12, which was a very slight decrease in the 2010-11 year.

Despite very positive growth of around $300 million in retail service—again, as I have talked about, attributed to grain stock issues—over the last 20 years there has certainly been real growth in our agriculture, food and fisheries. As I said, we can see that a great deal has been done in that sector to generate very positive outcomes. In relation to the other matters that the honourable member raises in his questions, I am happy to take those on notice and bring back a response.

The PRESIDENT: A supplementary question from the Hon. Mr Ridgway.

FOOD AND WINE INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): Where is the consumer market information centre that your government promised last election to be delivered?

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) (14:27): I have already indicated that I am happy to take those other matters on notice and to bring back a response.

Members interjecting:

The PRESIDENT: I am waiting to give the Hon. Ms Lensink the call.

The Hon. R.I. Lucas: We're waiting for the honourable minister to resign. If she had any integrity—look at her slinking down into her chair.

The PRESIDENT: The Hon. Ms Lensink is on her feet, Mr Lucas.

The Hon. R.I. Lucas: Red-faced and embarrassed.

The PRESIDENT: The Hon. Ms Lensink is not red-faced with embarrassment. The Hon. Ms Lensink, you have the call. Do you have a question?

WATER CHARGES

The Hon. J.M.A. LENSINK (14:29): I do indeed have a question, I am sure you will be surprised to know. I seek leave to make a brief explanation before directing a question to the Minister for Water on the subject of ESCOSA's pricing calculations.

Leave granted.

The Hon. J.M.A. LENSINK: ESCOSA has revealed that the federal government's carbon tax and this government's renewable energy premium have increased SA Water costs by some

$58.3 million over three years. In its document, SA Water's Water and Sewerage Revenues: 2013-14 to 2015-16, it states, in relation to the desalination plant:

> ...the cost of the renewable energy premium (Above the cost of [so-called] 'black' energy) is $43.7 million...across the initial regulatory period...

This report also reveals that the cost of Labor's carbon tax on SA Water's operations is $14.6 million on top of the $43.7 million. My questions to the minister are:

1. Will he confirm that since the desalination plant was announced the government will receive $1.3 billion from households due to water price rises?

2. Does he concede that the extra $44 million his government will spend to buy 100 per cent green energy at the desalination plant would have been better spent providing relief to households?

3. Does he concede that the $15 million cost of the carbon tax to SA Water would have been better spent providing relief to households?

4. Why does his government continue to support the federal government's carbon tax when his counterpart in WA, Labor opposition leader Mark McGowan, does not?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:31): I thank the honourable member for her most important question. I must admit that I am very surprised to hear that the honourable member puts herself into the camp of climate change deniers who are out there in her party and seem to be controlling the agenda of their party policy. You have to hand it to these guys: they look at all the scientific evidence in the world—97 per cent of which says climate change is real, that governments and societies have to address these issues—and they latch on to the 3 per cent who agree with their position. That is science in the Liberal Party, and I do not think there is anything we can do to help them with that.

The Hon. D.W. Ridgway: Coming from a bloke that takes valium to go outside the city limits—

The Hon. I.K. HUNTER: I take valium to actually spend time with you, Mr Ridgway, but I think that most people would need to.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: On 1 January 2013—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: I don't want to be in the room with somebody taking drugs. Can we have his water tested, Mr President; I wonder what he's on!

The Hon. I.K. HUNTER: It's good desal water, Mr Ridgway. Like all of us—

Members interjecting:

The Hon. I.K. HUNTER: No, no, desal is working and pumping into the system right now, and you are drinking it at this very minute.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: On 1 January 2013—

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

The PRESIDENT: The Hon. Mr Dawkins will not incite the house again.

The Hon. I.K. HUNTER: —the Essential Services Commission of South Australia commenced its role as an economic regulator of the water industry in this state. As part of the role, the commission released its final revenue determination for SA Water for the amount of revenue

that can be recovered for its drinking water and sewerage services on 27 May 2013. This follows a draft determination released on 7 February and subsequent public consultation.

This now means the price of water for the next three years will increase no more than CPI, providing customers with a period of stability. I am pleased to advise that this year the combined effect of a reduction in water prices, and the absence of the water rebate, means that most households will experience a small increase in their total water bill, but less than CPI, we expect. The price of water will be cheaper in the coming year and for the following two years will not increase any more than CPI.

The average metropolitan household uses about 190 kilolitres of water per year, I am advised, so including a typical sewerage bill would pay approximately $1,270 next financial year. Eligible low income earners and pensioners will also experience a small decrease in their total water bill as a result of the state government increasing the concession available by at least $30. This is a good outcome for South Australians. This government advised that last year's price rise was expected to be the last significant increase and was part of the significant investment to ensure South Australia's water security.

The new residential water prices for the 2013-14 financial year are: a quarterly supply charge of $274.80, a decrease of $18 or 6.2 per cent; $2.26 per kilolitre for water use for the first 30 kilolitres per quarter, a decrease of 6.6 per cent on 2012-13 prices; $3.23 per kilolitre for water use from 30 to 130 kilolitres per quarter, a decrease of 6.4 per cent on 2012-13 prices; and, $3.49 per kilolitre for water used for greater than 130 kilolitres per quarter, a decrease of 6.4 per cent on 2012-13 prices.

Prices are set by taking into account a large range of factors, including the cost to deliver, maintain and enhance the provision of water and sewerage services. Prices in South Australia are also guided by the pricing principles outlined by the National Water Initiative and the South Australian government's commitment to statewide pricing. The state government makes a community services obligation payment to SA Water so that customers in regional areas pay the same for water as city customers, even though it costs more to supply drinking water to regional areas.

Sewerage charges are based on the value of the property as determined by the Valuer-General. Sewerage charges are yet to be finalised with the rate in the dollar to be announced in late June, I am advised, after finalisation of property values for 2013 by the Valuer-General. Sewerage charges contribute to works to improve wastewater treatment processes, infrastructure and wastewater re-use projects.

Sewerage charges will increase on average by 1.6 per cent for metropolitan SA Water customers with an average increase of 2.1 per cent for country customers. The minimum quarterly sewerage charge will increase by 1.6 per cent and will be $85.35 per quarter.

SA Water does not receive any windfall gains from increases in property values. This is because the rate in the dollar is adjusted to ensure the required level of revenue is achieved. Increases incurred by individual customers may be affected by any variation in the movement of their property valuations, of course, relative to the average.

The honourable member asked the question about the green energy commitment. I've got to say again that I'm astounded that she would be in here saying that we should not be putting effort into our green energy consumption for the desal plant. That was part of the original commitment. Surely, she would be expecting the government to maintain its position and to hold to that commitment that we gave to the electorate.

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

WATER CHARGES

The Hon. J.M.A. LENSINK (14:36): What contribution at what cost does all the green energy and the carbon tax cost SA Water per annum?

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 think I have given a value in this place previously about the cost of the green energy commitment.

Members interjecting:

The Hon. I.K. HUNTER: I think I have.

The Hon. J.S.L. Dawkins: That's Gail's line that she's told us before.

The Hon. I.K. HUNTER: Yes, well, I'm pretty sure that I've answered that question in this place previously—

The PRESIDENT: Minister, I'm in the chair, not the Hon. Mr Dawkins.

The Hon. I.K. HUNTER: —but, as always, Mr President—

The Hon. K.J. Maher: The minister might outline the alternative policies. It wouldn't take you very long, minister.

The Hon. I.K. HUNTER: No, they don't have any, but—

An honourable member: In the fullness of time.

The Hon. I.K. HUNTER: In the fullness of time. The only policy the Liberal Party has outlined so far is from Mount Lofty, saying, 'We have none.' That's a refreshing breath of honesty from the Liberal Party, of course, to admit that they have no policies, but we will wait and see in the 'fullness of time'.

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: Exactly.

APY LANDS, NIGHT PATROLS

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 with respect to the APY lands.

Leave granted.

The Hon. S.G. WADE: In July 2008, the then minister for Aboriginal affairs, now the Premier (the Hon. Jay Weatherill), accepted a Mullighan inquiry recommendation that there be night patrols by police on the Anangu Pitjantjatjara Yankunytjatjara lands. I ask the minister:

1. Are night patrols presently being undertaken by SAPOL on the APY lands?

2. If so, how many patrols are undertaken each night and in how many communities?

3. Are the patrols operating on an ongoing basis?

The PRESIDENT: The Minister for Aboriginal Affairs and Reconciliation representing the minister in the other place on some of the questions.

The Hon. S.G. Wade: No, he's the Minister for Aboriginal Affairs.

The PRESIDENT: Yes, and I'm in the chair, thank you, the Hon. Mr Wade. The honourable minister. You don't run the place yet.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:38): I thank the honourable member for his most important questions, which fall under the portfolio of responsibilities of minister O'Brien in the other place. However, he does give me the opportunity to advise the council on 10 years of achievements in terms of the portfolio of Aboriginal affairs, and I will take him through some of those.

The Hon. J.S.L. Dawkins: We've only got 41 minutes.

The PRESIDENT: You can move an extension of time, the Hon. Mr Dawkins. The honourable minister.

The Hon. I.K. HUNTER: As I have previously advised the chamber—and I will repeat again—the state government has invested heavily in improving the provision of services delivered to Anangu people on the APY lands in the areas of preschool facilities, family centres, education, vocational education, policing, youth, allied health, home living skills and family wellbeing programs. The state government continues to support community capacity building by funding the employment of up to eight community council support officers across APY lands, located at Amata, Fregon, Pukatja, Mimili, Indulkana, Pipalyatjara, Kalka and Nyapari/Kanpi. They are supported by two DPC-AARD remote service delivery coordinators located at Umuwa and Pipalyatjara.

The state government has also taken positive steps to improve the delivery of essential services by transitioning the management of electricity and water supply to state government agencies, such as DMITRE for electricity and SA Water for water. These initiatives will lead to better long-term asset management of these essential services. This transition was supported with a significant increase in state government funding.

Community safety continues to be a strong focus on the APY lands for this government, and our commitment has led to the construction of three new police stations located at Amata, Pukatja and Mimili. Since 2010 there have been 19 full-time sworn police positions on the APY lands. As at 27 March 2013 all of these positions were filled, I am advised.

Under the Commonwealth-State National Partnership Agreement on Remote Indigenous Housing introduced in 2009, 99 new community houses have been built on the APY lands to date, with a further 17 under construction. Additionally, 111 upgrades have been delivered, with a further 20 underway, is my advice. A state government procurement policy applies to all contracts awarded for the construction of upgraded housing under the NPARIH. This requires that 20 per cent of total on-site hours be undertaken by Aboriginal people. I have given the details about that previously.

Providing employment and training opportunities for Aboriginal people in the resources sector is a high priority of the government given the rapid growth of mining activity in our state. TAFE SA, in partnership with OZ Minerals, has administered pre-employment aptitude testing for 19 Anangu to date which has led to full-time employment opportunities for a number of Anangu at the Prominent Hill mine.

Another exciting initiative in this field is the recent opening of the Trades Training Centre at Umuwa. This facility is now providing good quality, locally-based training in construction skills, in particular the electrical, plumbing and roofing trades. In terms of schooling, recent enrolment data indicates that there were 614 students enrolled in schools in the APY lands. School attendance rates are also gradually improving. In 2012 the rate was 65 per cent, compared to 60.6 per cent in the year 2000.

The commonwealth and state governments are now about to finalise a bilateral agreement which formalises the introduction of income management on the APY lands. Currently over 280 people are participating voluntarily in this program, a program which is designed to assist participants with the management of their household budgets.

Also I can advise that I have seen some media reports about significant state budget investment in the APY lands which will be announced, I expect, tomorrow. These reports are incredibly heartening. Combined with $85 million allocated from the federal government, we will be allocating a $21 million investment in road upgrades to deliver greater food security and economic opportunities for communities. That brings a total spend to $106 million spent on fixing roads in the APY lands, including sections of the main access road between the Stuart Highway and Pukatja. Funding for the main access road to the APY lands will provide many social and economic benefits to these remote communities.

In addition, this budget will provide funding for remediation of landfill sites on the APY lands. This initiative provides $3.6 million over three years for the closure, capping and replacement of landfill sites in the APY lands. Additional funding of over half a million dollars in 2013-14 will be made available to support the administration of the APY Land Rights Act 1981 and the APY Executive Board.

The state budget also includes $3.5 million over two years for ongoing therapeutic services in response to problem sexual behaviour by providing the necessary funds to expand this important work. I could go on, and there will be more to say tomorrow. In fact, I could go on at quite some length, but I think the chamber gets the point. This government is delivering for people in the APY lands. We will be delivering for the APY community. Let us remind ourselves how many sworn police were on the lands when we came to government? How many sworn police were on the lands when the Liberal Party was in government last? Zero.

The Hon. G.E. Gago: Absolute zero. Zilch.

The Hon. I.K. HUNTER: The Liberal government, in their time, walked away from APY. The Liberal government, in their time, supplied nothing to that community in terms of policing and community security. This government continues to deliver.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: There are a couple of supplementary questions and interjections from the Hon. Mr Brokenshire, who got in here late. Do not come in here and disrupt the house when you walk in late. Pay some respect.

APY LANDS, NIGHT PATROLS

The Hon. T.A. FRANKS (14:44): I have a supplementary question. In this 10 years, what is the longest period that the community constable position has been vacant and how many are currently vacant?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:45): I stand to be corrected. I think the honourable member has asked this question of me and I have taken it on notice. I will be seeking a response for her in due course.

APY LANDS, ROADS

The Hon. J.S.L. DAWKINS (14:45): Will the APY lands road upgrades that the minister mentioned be undertaken by regional Anangu services or another organisation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:45): I thank the honourable member for his very important question. My understanding is that the road upgrades will be administered by DPTI. I am not aware of the relationship they will have—

The Hon. J.S.L. Dawkins: Administered by who?

The Hon. I.K. HUNTER: DPTI, the Department of Planning, Transport and Infrastructure. If he would like, I will take that question on notice and bring back a response for him in terms of the particular contractual arrangements.

ADOPT A BEACH PROGRAM

The Hon. G.A. KANDELAARS (14:46): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the important program that is reducing the amount of debris along the state's coast.

Leave granted.

The Hon. G.A. KANDELAARS: The aquaculture industry has a significant presence in Eyre Peninsula and has developed a program in consultation with Primary Industries and Regions SA to mitigate the amount of debris along the state's coast. Can the minister update the chamber on the success of this program?

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) (14:46): I thank the honourable member for his most important question. Marine debris has been a concern, particularly for the Eyre Peninsula community and the aquaculture industry around that area for some time. Given the aquaculture industry's major presence in this area, the industry recognised the need to develop a more formal program to mitigate the amount of debris along the coast.

Following consultation with Primary Industries and Regions SA (PIRSA), local residents and relevant industry associations, the industry-led Adopt a Beach monitoring program was launched in March 2012 by the Australian Southern Bluefin Tuna Industry Association and PIRSA Fisheries. The program site locations stretch over 155 kilometres of coastline from Cape Euler near Tumby Bay to MacLaren Point, including Spilsby Island, Boston Island, Grantham Island and Bickers Island.

The 13 Eyre Peninsula based aquaculture companies within the southern bluefin tuna, finfish and mussel sectors agreed to take part in this really important project, and I understand the clean-up sites were negotiated between the 13 participating companies, with sites allocated based on the size of the company and their access to suitable resources.

The companies involved in the program have agreed to undertake beach clean-ups for a minimum of four times a year and each company must complete a clean-up on the stretch of beach they have been allocated before the end of March, June, September and December each year. I am pleased to advise the chamber that this program has delivered significant benefits to the

coastal environment and has helped to address concerns from the Eyre Peninsula community about debris around their coastline.

I am very pleased to be advised that in its first year of operation the aquaculture industry beach-monitoring and clean-up program has collected more than 12,000 kilograms of debris and 54 clean-ups have been conducted. That is more than a tonne of debris every month. Some examples of marine debris collected include rope and plastics from commercial and recreational fishing activities, as well as land-based debris such as tyres, clothing and food packaging. I understand there was even an odd refrigerator or two.

Given the success of the Adopt a Beach program to date, the industry is now looking to expand the program and engage new partners to contribute to the ongoing efforts to minimise the level of debris along the coastline. I understand that the future scope of the program aims to involve a broader range of stakeholders and marine users.

The state government has worked closely with the local aquaculture industry to encourage the development of this industry-led program and we will be extremely pleased to see the industry doing its bit to ensure the protection of our coastal environment. Protecting our coastal environment is, obviously, an important part of the government's strategic priority of premium food and wine from a clean environment. South Australia has a reputation as a producer of premium seafood from our clean environment and it is really important that this is not only maintained but that we build on that reputation. Of course, it certainly undermines that reputation when you have unsightly piles of debris scattered along the coastline.

The Adopt a Beach program has not only resulted in a much cleaner coastline but also provides the opportunity to further enhance this state's clean credentials, which is very important to ensure that South Australia's aquaculture industry capitalises on the increased demand for its premium clean products. Organisations interested in contributing to the Adopt a Beach program should contact Primary Industries and Regions SA or the Australian Southern Bluefin Tuna Industry Association. Aquaculture-related marine debris located in the Adopt a Beach area can be reported on the 24-hour Fishwatch number.

ADOPT A BEACH PROGRAM

The Hon. M. PARNELL (14:51): My supplementary question is: if 12 tonnes of aquaculture debris has been collected along the coastline, is there any estimate of how much rubbish has either escaped or been dumped from aquaculture operations that has not been collected?

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) (14:51): I would hazard a guess that that would be an impossible figure to estimate. I would have thought the Greens would have been standing up in this chamber today congratulating the government, the industry and local community groups for this first time ever effort of working in this cooperative way to improve and tidy up our coastline. But no, we don't have the honourable member getting to his feet and congratulating us at all, which is a real shame because, as I said, it is the first year of the program and it has taken some time to bring the industry to a point where they have agreed to cooperate in this way, and they should be encouraged to do that. They should be acknowledged for their efforts—12,000 kilograms of rubbish that has been washed up on our shores. They should be congratulated for their efforts, but we don't see the Greens doing that. They are mean spirited in that respect.

HEALTH SYSTEM

The Hon. K.L. VINCENT (14:53): I seek leave to make a brief explanation before asking the minister representing the Minister for Health—

Members interjecting:

The PRESIDENT: Order! I am unable to hear the Hon. Ms Vincent. Could you start again, please.

The Hon. K.L. VINCENT: I seek leave to make a brief explanation before asking the minister representing the Minister for Health questions regarding hospital stays of people with disabilities and chronic illness.

Leave granted.

The Hon. K.L. VINCENT: My office has been involved in advocating for several constituents, and is aware of many more, in cases involving constituents in an SA Health hospital or rehabilitation facility who have been declared fit for discharge yet the Disability SA services they require to transition back home are not being provided in a timely fashion. This results in long stays in hospital beds while funding is sourced or accommodation sought. In every case there seems to be very poor communication between government departments and it means that taxpayer funds are wasted, to say the least. My questions of the minister are:

1. How many people who have been declared fit for discharge are currently languishing in SA Health hospital beds when they should be at home with support or in a more appropriate facility?

2. Does the minister think it is appropriate that hospitals designed for acute temporary care are being used in an accommodation holding pattern fashion for people with a disability or chronic health conditions due to state government departments failing to provide adequate accommodation options and healthcare management plans?

3. Does the minister agree that wholesale cuts to out-of-hospital primary healthcare services made in the wake of the McCann review in this state will result in an increase in unnecessary hospital admissions and a decrease in health outcomes, and come at significant economic cost to SA Health and South Australian taxpayers?

4. What exactly is the average cost to keep a patient in a SA Health hospital bed?

5. How many taxpayer dollars does SA Health spend each year on hospital care on patients who have been declared fit for discharge but continue to wait for disability services funding?

6. Could SA Health meet its budget savings measures if patients with disabilities in SA Health hospitals were provided with adequate and timely disability services and support hours, and discharged when they were cleared for discharge rather than waiting up to 12 months, as is the current practice?

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): I thank the honourable member for her most important question about people with disabilities and chronic illness, and hospital stays and transfers back into the community. I undertake to take that question to the Minister for Health and Ageing in another place and seek a response on her behalf.

HERITAGE HEROES AWARDS

The Hon. R.P. WORTLEY (14:56): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the house about the outcome of the 2012 Heritage Heroes Awards?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): I thank the honourable member for his most important question. I was hoping someone would ask me this question and I am pleased that someone has. Last week I had the pleasure of attending the 2012 Heritage Heroes Awards run by the University of South Australia's Hawke Centre. The Heritage Heroes Awards recognise the efforts of those who have excelled in their recent endeavours to preserve and protect our state's heritage. Interestingly, in previous years the awards were designed to acknowledge the contribution that volunteers make to heritage conservation.

However, in recognising that everybody has a role in preserving our heritage, and after being provided with many outstanding examples of heritage preservation occurring in all manner of places, this year's awards were expanded to include any individual group that has worked on a heritage project. This has enabled us to recognise the efforts of other bodies; for example, schools and universities, industry, small businesses and workplaces. I am pleased to advise that this year's awards were of an outstanding level.

The minister's award went to the Farina Restoration Project Group, an amazing group of volunteers and locals who have been restoring the old railway town of Farina in the Flinders Ranges. Led by Mr Tom Harding of Torquay, Victoria, 60 volunteers have been working for the past three to four years, stabilising the town's old stone buildings, researching its history and

erecting information signs around the town. Farina (or as it was formerly known The Gums or Government Gums) is located on the old Ghan railway between Lyndhurst and Marree. It was an early outback settlement but, with shifting railway lines and fortunes, Farina eventually became a ghost town.

Nevertheless, this group of dedicated volunteers has now breathed new life into Farina and turned this former railway town into a tourist attraction. They have also performed important work on the Farina cemetery by restoring and recording the graves of soldiers who served in World War I and World War II, and they have logged a significant piece of our early multicultural history by doing similar work on the Afghan graves of early cameleers. The volunteers hope that the final outcome of the project will be a model outback town similar to Swan Hill in Victoria, one where tourists can visit and gain an appreciation of the town in its heyday. This might seem to be a high aspiration, but when one considers that Mr Harding and his friends started with merely $850 and a dream by a campfire, one can see that they have a vision and that it is not too far fetched.

Other Heritage Heroes awardees included: the Construction Industry Training Board and Applied Building Construction Training, for training building workers in the conservation, restoration and repair of historic buildings; the Spalding History Archive Group, for preserving and recording the history of the Spalding district and township, located just north of the Clare Valley; Studio Nine Architects, for sensitive additions and upgrades to Eringa, once the home of Sir Sydney Kidman and now Kapunda High School's administration building; and the Pichi Richi Preservation Society, for operating and maintaining the historic Pichi Richi railway in the state's Mid North, amongst many others. If any members would care to find out more about the awards or the winners, they can look up the departmental website.

More than 2,200 individual places are on the South Australian Heritage Register, from iconic buildings such as the one we are in today to the copper mines of Burra and the Old Gum Tree at Glenelg. However, we must remember that we would not have been able to preserve and maintain this great wealth of heritage if it were not for the efforts of these volunteers and community groups who do so much for our state. They are outstanding in their work and their efforts, and I commend them to the chamber.

SHACK LEASES

The Hon. J.A. DARLEY (15:00): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions with regard to rents for shack sites on crown land.

Leave granted.

The Hon. J.A. DARLEY: In answer to my questions on 15 May, the minister stated that the 4 per cent rate of return was based on advice from the New South Wales Valuer-General and an independent valuer from New South Wales. It is worthwhile noting, again, that the independent valuer from New South Wales qualified his report at the beginning by saying that he did not have firsthand knowledge of all the leases, the lease shack sites, the respective locations or the local market.

As I have said previously, the South Australian Valuer-General's advice is that a 2.75 per cent rate of return is the most appropriate rate of return at present, and it has remained at this rate since 2009. The minister also said, on 15 May, that the Department of Environment, Water and Natural Resources had sought advice from the South Australian Valuer-General to determine some of the shack lease rent objections. Given that the minister's response on 15 May was no doubt based on information provided by the department, my questions are:

1. Is the minister aware that, contrary to the advice given to him by the department, the New South Wales Valuer-General did not actually provide advice on the rate of return?

2. Is the minister aware that, contrary to the advice given to him by the department, the South Australian Valuer-General has never provided any advice regarding rents but merely confirmed to the department that the valuation methodology used is a valid valuation method, which is a matter distinctly different to confirming, determining or upholding any individual rent objections?

3. Will the minister concede that the department is providing misleading and/or inaccurate advice to him on this issue?

4. Will the minister accept that a mistake was made in determining the rate of return and refund the overpaid rents?

5. Will the minister or the department request advice from the Valuer-General on the individual unimproved values? If so, when?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:02): I thank the honourable member for his very important question and for his persistence. As I have previously advised the chamber, there are approximately 300 life tenure shack leases on crown land and 100 in national park reserves. Life tenure, obviously, means that the lease expires when the last lessee passes away. It is the terms and the rents payable on these leases that the honourable member has a very great interest in, amongst other things.

As one would expect with any place that is rented, these leases carry an obligation to pay rent. The rationale for rent setting has always been that the state should receive a fair return for the private and exclusive use of its land assets, no different from other land that is rented. Lease conditions for non-transferable shack leases on crown land and in national parks provide for the periodic revaluation of the annual rent to be paid to the Crown for the right to occupy the land.

Shack rents are set by obtaining a land value from an independent land valuer and applying a rate of return to that value. I am advised that the Department of Environment, Water and Natural Resources provides private valuers with a valuation brief for the purpose of determining a rent. This valuation brief does not define unimproved land value per se; rather, it provides the following instructions for the basis of valuation: Crown's interest is the land, excluding any work carried out by the lessee in relation to the land or any improvements on the land which do not belong to the Crown. I am advised that, for rents effective from 1 January 2012, the rate of return was set at 4 per cent. I previously advised that this was based on independent advice from the New South Wales Valuer-General and the New South Wales Valuer in Private Practice.

I am advised that, for rents effective from 1 July 2013, the rate of return was set at 2.75 per cent, and this was based on the advice from the South Australian Valuer-General. I must note again that it is normal for values to change in a fluctuating market. Like other economic assets, prices can go up and down depending on a number of market factors.

I am advised that shack rents and the rate of return have been adjusted periodically over time. I have previously stated in this place that rates of return applied over the years have ranged from 1.5 per cent, for example, at Pondalowie in 2004, to a mid-range of 3.5 per cent for the Coorong in 1994, to a high of 8 per cent for national park leases from 1985. The Department of Environment, Water and Natural Resources will seek advice on an appropriate rate of return for shack sites every two years.

It is important to note that lessees have the opportunity to lodge an objection to any new rent within one month of being notified as part of their lease conditions. I assure all members of this place that the government has ensured, and will continue to ensure, that rent setting is fair, consistent and transparent.

STREETLIGHTING CHARGES

The Hon. J.S.L. DAWKINS (15:05): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question regarding consultation with local government regarding the increased costs of street lighting for councils.

Leave granted.

The Hon. J.S.L. DAWKINS: On Wednesday 15 May this year, following my questions about increased state government streetlighting charges to local government, the minister twice responded as follows:

> I have been advised that the department has offered to provide further explanation to councils on how council contributions to the commissioner have been determined...

I remind you, sir, and the council that the minister said that on two occasions. Even after these assurances from the minister, councils are still in the dark about how their contributions have been determined by the Commissioner of Highways.

On 26 April this year, councils were advised in correspondence by the Acting Minister for Transport and Infrastructure (Hon. Jack Snelling) that a consultancy company named Trans

Tasman Energy Group was being used by the Department of Planning, Transport and Infrastructure and the Local Government Association as part of their negotiations with SA Power Networks regarding power and maintenance costs. However, just as was the case with advice regarding cost contribution methodology, it would seem that councils are being given little information and no opportunity for input. My questions are:

1. Has the Trans Tasman Energy Group actually consulted with local councils as part of their duties in their negotiations with SA Power Networks to ascertain what rates councils will find affordable?

2. Will the minister commit her office and the relevant department to providing affected councils with information on how their financial contributions to streetlighting costs have been calculated and provide councils with the opportunity to give feedback?

3. Will the minister commit to consulting local government before further increasing state government costs on councils?

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) (15:08): I thank the honourable member for his most important question. As I indicated the last time the honourable member raised a question about the issue to do with street lighting in this place, I made it quite clear then that it is in fact a matter for the Department of Planning, Transport and Infrastructure and the Commissioner of Highways. I am happy to refer these questions to the relevant minister in another place and bring back a response.

Members interjecting:

The PRESIDENT: This is becoming very boring. Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Mrs Zollo.

REGIONAL DEVELOPMENT

The Hon. CARMEL ZOLLO (15:09): I seek leave to ask the Minister for Regional Development and the Minister for Agriculture, Food and Fisheries a question regarding regional South Australia.

Leave granted.

The Hon. CARMEL ZOLLO: The South Australian government is committed to primary industries in our regional communities.

Members interjecting:

The PRESIDENT: Order! Members to my right will come to order and the Hon. Mr Ridgway won't get excited. Just relax; we're almost there. The Hon. Mrs Zollo, what were you saying?

The Hon. CARMEL ZOLLO: I was saying that, as we would all be aware, the South Australian government is committed to primary industries in our regional communities. Can the minister advise us of the details of her recent visit to Roseworthy and Gawler?

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) (15:10): I thank the honourable member for her most important question. As Minister for Agriculture, Food and Fisheries and Minister for Regional Development I am always very pleased to be able to visit the regions and see how the South Australian government is supporting growth and industry in these areas. The Roseworthy campus certainly has a proud history as a centre for dryland agriculture, natural resource utilisation, pasture improvement and animal reproduction, genetics and production. The campus also accommodates the University of Adelaide School of Animal and Veterinary Sciences.

Roseworthy was the first place to offer agricultural education in Australia in 1883, which is astounding. Since 2008 the state government has contributed approximately $5 million to support new infrastructure developments on the site. I was very pleased to visit there recently and meet with Professor Simon Maddocks, SARDI Director of Science Partnerships, and Professor Iain Reid, Executive Dean at the Roseworthy campus, and tour the facilities. I heard about some of the really fascinating ground-breaking innovations undertaken by SARDI and the University of Adelaide.

I heard from Professor Paul Hughes, the senior pig research scientist with SARDI, who spoke about how their research ties in with SARDI's commitment to assist South Australian pork producers to remain financially viable in a changing marketplace, and to do this their research focuses primarily on two broad themes—housing and welfare and new genotypes.

The research on housing and welfare is studying the effect that confinement-free housing has on pig interaction and behaviour, and it explores the outcome of introducing various pen structures, such as specific mixing pens and environmental enrichment strategies, which is code for giving the pigs something to do. Research has also been undertaken on the interesting concept of porcine-appeasing pheromones, which reduce aggression and anxiety.

The other key focus of the research is on new pig genotypes. Major changes have occurred in the genetics of pigs in recent years, including the selection of hyperprolific genetics. This means that the nutrition and management of these pigs must alter to reflect their changed genetic requirements. Research in this area focuses on pregnancy, with particular interest in pregnancy rates, nutritional needs during pregnancy, litter size and piglet mortality. There is also research interest in seasonal infertility and reducing lameness in sows.

Roseworthy is also a base for work on poultry. Professor Maddocks informed me that currently research in this area is focusing on nutrition and gut health. I was intrigued to hear about some of the early developments regarding the introduction of omega 3 to poultry food supply, which may result in health benefits not only for the birds but also for consumers.

Following this, I also enjoyed a tour through the veterinary health centre and the aquatic biosecurity centre, both state-of-the-art facilities. I was very impressed with the quality and breadth of services undertaken by both these facilities. Having done my honours thesis on investigating the inferior colliculus of cats, I was absolutely impressed to tour the veterinary diagnostic laboratory that forms part of the health centre and view the teaching laboratories there. They were truly remarkable facilities, and I would have loved as a student to have had that quality of facility at my fingertips.

The Aquatic Biosecurity Centre was also an amazing $2.4 million facility, funded by the South Australian government through Marine Innovation SA. It has six huge 5,000-litre tanks, with room for more to be installed, so they can research marine pests and diseases on a scale that has not previously been available and certainly position South Australia to become one of the major national providers of aquatic biosecurity research.

I visited the Turretfield Research Centre, which has a focus on reproductive biology research and pastoral research and is a research centre to advance the technical skills of consultants, professional associations and other educational agencies. Located at the centre is the SARDI Animal Reproduction Group. The group is focused on providing innovative research capabilities in reproduction for sheep and cattle to enhance the genetic improvement program, breeding efficiency and animal welfare. They have also been doing some fabulous work looking at Huntington's disease, which is a terrible genetic disease which has diabolical consequences not only for the person with the disease but for family members as well, so we look forward to seeing that work progress.

As part of our premium food and wine from a clean environment, I have already talked in this place about our fabulous achievements, particularly in our agriculture and food sectors, and how we were able to progress on the targets that we have set for ourselves. The Hon. David Ridgway gave me an opportunity to provide some valuable information on our achievements.

I have been advised that the consumer and market innovation centre that was to be based at the SA Food Centre Regency Park was a commitment that was given, I believe, in 2010. There was an intention to develop a centre; however, I am advised that the decision was later made to allocate those intended funds to Food SA and to the South Australian Wine Industry Council. Of course, they are both areas that contribute significantly to our food and wine facilities. There have been many achievements on our premium food and wine front:

- the signing of the MOU with the Fujian agriculture department;
- the group of business leaders from that province looking to create markets and strong trade links here;
- funds that this government has provided to establish the Artisan Cheese Making Academy—our first Artisan Cheese Making Academy;

- the development of a new certification scheme for our farmers markets;
- our 'buy local' campaign; and
- our regional and seasonal events programs.

As I said, there are many achievements for us to list.

SOUTHERN HAIRY-NOSED WOMBAT

The Hon. T.A. FRANKS (15:18): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation regarding the illegal killing of southern hairy-nosed wombats.

Leave granted.

The Hon. T.A. FRANKS: In 2010, the Mid Murray Council undertook roadworks on Peters Road, Wongulla. As part of these roadworks, a reasonably old wombat burrow on the side of the road was filled in by the council's grading vehicle and a stormwater run-off channel constructed. Wombats who were in the burrow when this happened were buried alive in a clear breach of the National Parks and Wildlife Act 1972. Other wombats subsequently reinhabited the burrow; however, they are now at risk of drowning because the stormwater channel leads directly into that burrow. My questions are:

1. Is the minister aware that the Mid Murray Council may have breached the National Parks and Wildlife Act 1972 by illegally destroying this wombat burrow?

2. What action can be or has been taken against the council for breaching this act?

3. What power does the Department of Environment, Water and Natural Resources have to ensure that stormwater drainage works do not continue to threaten wombats and their burrows?

4. What action will the government take to ensure the illegal drowning of wombats does not occur in the future?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:19): I thank the honourable member for her most important question. Any illegal activity against wombats or, indeed, any animals is taken seriously by departmental staff. I am advised that the department encourages people to report alleged illegal activities to their local departmental office with as much verifiable evidence as possible. As with all wildlife crime, investigating illegal activities against wombats is based on establishing the veracity of the initial report, investigating if an offence has been committed or not and gathering evidence.

I understand that investigations are undertaken by regional departmental staff in the first instance and, if the matter is required to be progressed, the department's Investigations and Compliance Unit will become involved. Departmental staff, Royal Society for the Prevention of Cruelty to Animals officers and National Parks wardens conduct on-site assessments in all cases of alleged mistreatment of wombats.

I am not aware of the instance the honourable member raises with me about Mid Murray Council and a reasonably old-looking burrow on Peters Road, but I can advise that as a general rule, it is my understanding, that the department grants a permit to destroy wildlife for wombats, as with all other animal permits, when they take into account ecological, economic, social and animal welfare considerations. It is my understanding that such a permit is granted by the department after a range of nonlethal options have been considered and tried. That usually is the case in terms of landholders. I am not aware if that applies or pertains to councils during roadworks.

Of course, we need to be persuaded that those roadworks need to be done, but I can imagine that council is arguing that for the sake of road safety and the safety of people travelling on the roads, those sort of urgent roadworks need to be pursued. I believe it may well be very impractical to realign roads on the basis of individual burrows. What I will say, though, is that I will ask my department to have a look at the issue the honourable member raises. I would like to see some way that we can actually pursue the checks and balances we apply to local landholders also to local councils, and I will see how practical that may well be.

ANSWERS TO QUESTIONS

BURNSIDE COUNCIL

In reply to the **Hon. S.G. WADE** (8 March 2011) (First Session).

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): The Attorney-General has been advised:

Information received from the Ombudsman indicates that the investigation relating to the sale of the Chelsea Cinema was ceased as the Ombudsman was satisfied that the possible breaches of the Local Government Act were not systemic or endemic issues going forward.

PASTORAL LEASE RENTS

In reply to the **Hon. J.A. DARLEY** (27 March 2012).

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): The Minister for Transport and Infrastructure has been advised:

1. The rents were comprehensively reviewed in 2005 and rent reviews were also communicated by the Valuer-General to the Pastoral Board for the years 2008 to 2012 inclusive.

2. The Valuer-General determined the rate of return in accordance with the *Pastoral Land Management and Conservation Act 1989* (the Act).

3. The Valuer-General and his representatives are aware of the requirements under the Act and their communication is consistent with the Act.

Advice provided to pastoralists by the Pastoral Board in the form of a Frequently Asked Questions fact sheet, along with rent notices, clearly states that it is the Valuer-General's responsibility to determine the rate of return, rents and unimproved values. It also specifically states that the Pastoral Board has no role in setting the unimproved values of pastoral leases, the rate of return and pastoral lease rents. This is undertaken by the Valuer-General as required under the Act.

Further relevant information about the Valuer-General's role in determining unimproved values and rents was also published in the February 2012 edition of '*Across the Outback*'.

4. The Valuer-General determined the rate of return in accordance with the Act.

FINE PAYMENT DEFAULTERS

In reply to the **Hon. D.G.E. HOOD** (3 April 2012).

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): The Attorney-General has been advised:

The proposal to place restrictions on fine defaulters' passports is being considered by the Minister for Foreign Affairs.

ADELAIDE FRINGE

In reply to the **Hon. S.G. WADE** (4 April 2012).

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): The Minister for the Arts has been advised:

1. Out of the 343 venues operating in this year's Adelaide Fringe, 271 were wheelchair accessible.

2. As a condition of funding from the South Australian government through Arts SA, major arts organisations are required to develop action plans that address the issue of disability access. The Adelaide Fringe is one of these organisations; however, as the Fringe is an open access festival, it does not directly control all the venues that register with it. It does encourage venues to be as accessible as possible and it provides the comprehensive access information it gathers from Fringe registrants to its customers via its website and printed Fringe guide.

Through Arts SA, the government is also providing funding assistance to support increased access to arts and cultural activity by South Australians with a disability, through the Arts and Disability Access funding program.

GRAFFITI ART WORKSHOPS

In reply to the **Hon. D.G.E. HOOD** (15 May 2012).

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): The Minister for Arts has been advised:

Carclew Youth Arts acknowledges that unauthorised graffiti is an illegal activity. However, there are opportunities for artists to paint legally through private and public commissions. By providing advice on the legal avenues for graffiti art it is helping solve the problem of illegal vandalism.

There are now opportunities for artists to gain commissions to create this kind of work in the public space, and these workshops aim to offer a bridge or entry point for artists to work legally and gain such commission and opportunities.

The tutors engaged in the workshops have good reputations for their legal activity. They support themselves as artists working on murals for Local Councils, schools, community centres, various railway stations and transport interchanges, private commissions, festivals and gallery exhibitions. They are role models for artists wishing to work in this medium.

Through a recent City Messenger article promoting the workshops, Carclew has already been asked to refer four artists for a potential private commission taking place inside a warehouse apartment in the city, as well as a mural that is facing a new apartment development near the Central Market.

Carclew Youth Arts has been running a public art program for over 17 years. Staff are well-versed in providing information about how to create artworks in the public space.

Workshop tutors expressly talk about the negative aspects of creating work illegally and the workshops being each day with this being stated up front.

ELECTRICITY PRICES

In reply to the **Hon. M. PARNELL** (14 June 2012).

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): The Minister for Mineral Resources and Energy has provided the following information:

1. I am advised that the wholesale costs are only one of many costs that make up retail electricity prices. The recent increases to the regulated electricity price were primarily driven by network cost increases.

It is important to note that wholesale electricity pool prices can be extremely volatile. During periods of abundant wind generation and low demand conditions, South Australia can experience negative prices and during tight supply and demand conditions, I am advised that prices can approach the market price cap of $12,900 per megawatt hour.

Accordingly, retailers manage this volatility risk on behalf of households, which ensures households are not exposed to wholesale pool price volatility.

To manage this risk, retailers enter into financial contracts with generators and other parties or invest directly in generation capacity. Wholesale pool prices therefore are not an accurate reflection of retailers' energy costs.

2. The wholesale market is functioning as it is intended with prices reflecting the real time supply and demand conditions and retailers limiting their exposure to volatile wholesale pool prices through hedging contracts and direct investment in generation assets.

3. The government is acutely aware that rising energy costs are affecting many South Australians. As you may be aware, the government recently announced a move to prohibit exit-fees for household energy contracts in South Australia.

In addition, the government is currently working with industry stakeholders to develop a set of industry codes of practice that ensures door-to-door salespeople are adequately trained, accredited, supervised and do not seek to mislead potential customers.

These two reforms will give energy consumers a competitive advantage, greater freedom of choice and more confidence when dealing with power companies.

4. The policies of the former Liberal government have substantially exposed South Australians to higher energy prices through privatisation.

In 1998, the then premier, Hon. John Olsen MP, when selling South Australia's electricity assets said in the House of Assembly: 'outcome for reform of the State's electricity assets are a competitive electricity industry and sustainable lower electricity prices'. History has proven Mr Olsen to be wrong.

You will also recall that Labor strongly opposed the sale of ETSA and maintains that it was not in the best interests of South Australian energy consumers.

The government will continue to act within its powers to ensure both a healthy and efficient retail energy market but also to ensure that the strain on household power bills are being minimised as much as possible.

MATTERS OF INTEREST

KODOMO NO HI FESTIVAL

The Hon. CARMEL ZOLLO (15:21): Earlier last month I had the pleasure of representing the Premier, the Hon. Jay Weatherill, at the Kodomo no Hi Festival held at Cowandilla Primary School. President of the Japan Australia Friendship Association, Mr Mike Dunphy, welcomed all to the special day. The member for Ashford, the Hon. Steph Key, was present as were Mr Steven Georganas, the federal member for Hindmarsh, and the Hon. Jing Lee. The Consul-General of Japan from Melbourne, Mr Hidenobu Sobashima, had also travelled to Adelaide for the occasion.

I understand that 5 May in Japan is a national holiday celebrating Kodomo no Hi or Children's Day. It is an opportunity for families to rejoice in their children's wellbeing. In South Australia, I am told, it has become the largest volunteer community-based Japanese festival in Australia.

Cowandilla school was abuzz with people. The program ranged from judo demonstrations and other martial arts to drummers, artists, a number of workshops and many fabulous food stalls. The festival allowed people attending to not just see beautiful works of art and craft but also hands-on participation, whether it was to try on a kimono or being a conductor with a train simulator.

Whilst South Australia has had links with Japan for over 100 years, this year is a very special year for South Australia and Okayama Prefecture as we celebrate the 20th anniversary of our relationship. Sister state relationships between jurisdictions help to also establish exchanges at both the community and individual level. Exchanges at the tertiary, primary and secondary school level are active and play an important role in promoting educational links. Later this year, I understand, South Australia will welcome a group of visitors from Okayama Prefecture government in recognition of the 20th anniversary of the sister state relationship.

One of the exchanges that occurred just after the establishment of the sister state relationship in the early 1990s was the Okayama City youth goodwill study visits. I have fond memories of being a homestay host family on at least three occasions during the time we had the youth exchanges between our two jurisdictions. In a previous public service life, my husband was one of the Youth SA organisers for the youth exchange visits held over those years. Being involved as a family was very rewarding and established lifelong friendships.

I should also acknowledge that JAFA takes active initiatives to support communities in need. As an example, after the 2011 earthquake and tsunami they donated the proceeds to the Japan Red Cross to assist in the reconstruction of those devastated communities. We heard that they subsequently set up the JAFA Disaster Relief Volunteer project to enable volunteers to go to Japan to assist the worst affected communities. We were able to view special photo collages taken during that time by volunteers. These were interspersed with a number of artworks and they provided a very powerful reminder of that sad time but, more so, brought the human aspect of the disaster to the forefront.

I pay tribute to the work of the Japan Australia Friendship Association in organising the festival. JAFA works with the state government to promote exchanges with Okayama. JAFA arranged a photo exhibition for the festival with submissions from residents of South Australia and Okayama and welcomed members of a citizen's choir from Akaiwa City in Okayama Prefecture who participated in the festival.

Mr Mike Dunphy concluded his remarks by saying that he hoped the festival would foster a spirit of inclusiveness and tolerance within the community and for everyone to enjoy the variety of performances, exhibitions and demonstrations that were being presented that day. My congratulations to Mike Dunphy and his team for their commitment to the association and to Kodomo no Hi Day. I also echo the words of our Lieutenant-Governor, Mr Hieu Van Le AO, who remarked:

> This festival is also a great example of what can be achieved when a small but energetic group works closely with local residents, schools, international students and individuals with an interest in a particular culture, in this case Japanese. It is showcasing multiculturalism in the best way possible.

CHARITABLE AND NOT-FOR-PROFIT ORGANISATIONS

The Hon. J.S. LEE (15:27): I rise today to speak about three wonderful not-for-profit organisations, mainly Make-A-Wish, Variety and Opportunity International. It is a great privilege to be able to support many important organisations run by so many generous and wonderful volunteers in our community. The first organisation I would like to speak about is Make-A-Wish. Since 1985, Make-A-Wish Australia has granted over 7,000 wishes to children in Australia with life-threatening medical conditions.

On 11 May 2013 I attended A Night at the Circus Gala Ball hosted by the Adelaide branch of Make-A-Wish Australia. It was great to see the Leader of the Opposition, Steven Marshall, and the member for Adelaide, Rachel Sanderson, and many business leaders across the industries supporting the event.

International research has discovered that the granting of Make-A-Wish wishes have a significant impact on the physical, mental and emotional health and wellbeing of children with life-threatening medical conditions. This compelling research is evidence of just how powerful a wish can be and how a wish's energy and positivity can make a life-changing difference. Special thanks to Margaret Grocke, Joe Capozza and the Adelaide Make-A-Wish team for the incredible contribution they make each year. Last year, the 57 volunteer branches with 1,156 volunteers across Australia raised an incredible $1.83 million to help make wishes come true. This amazing achievement was the result of countless hours of hard work and hundreds of fundraising activities and events.

The second charity organisation I will speak about today is Variety—the Children's Charity. Many honourable members will know that Variety is committed to empowering Australian children who are sick, disadvantaged or have special needs to live, laugh and learn. By giving practical equipment, programs and experiences, Variety helps children in need to overcome whatever obstacles they face and live life to the fullest.

The Variety Bash is South Australia's most successful fundraising event. Over 24 years, this event has raised an incredible $28.5 million. One of the Bash's participants is Car 222, the Precocious Penguins. The Penguins team consists of three beautiful ladies: Sue Pearce, Roz Chow and Maylene Loo. It was a great privilege to attend another fundraiser organised by Car 222 on Saturday 1 June.

Car 222 has won the 2013 National Citation Award for excellence and commitment to Variety—the Children's Charity. These amazing women joined the Variety SA family in 2006. They have been involved now for seven years and have achieved a sensational fundraising effort of a combined total of over $1 million. Variety helps all children, both directly and through numerous other service providers. Absolutely anyone can apply for funds, from an individual to well-known organisations, such as the Royal Flying Doctor Service or Novita and major facilities like the Flinders Medical Centre and the Women's and Children's Hospital.

The third organisation I will speak about is Opportunity International. With more than 40 years' experience working with the poor, Opportunity International uses a sustainable approach to solve the problem of poverty. The organisation offers a hand up rather than a handout. Families are empowered through community development programs and micro finance or micro loans as small as $100 to help them grow their own small business. These services mean that families no longer have to struggle to afford food, clean water, health care and an education for their children.

It is estimated that approximately 2.5 billion people around the world live in poverty, struggling to survive on less than $2 a day. Opportunity International has a goal to train 1,000 young women as health facilitators in poor communities throughout India, empowering them to become change agents and leaders in illness prevention, nutrition and basic health treatment.

On 26 May, I attended a share-a-plate fundraiser organised by the wonderful Susan Lee. Its aim is to raise money to help build healthier communities in India. Susan invited all her friends to bring a plate of food to share. About 100 dishes were presented that day. A donation of $165 will enable one woman to be trained as a community health facilitator. Each leader than goes on to train approximately 200 to 300 additional households. That means that one single donation can impact hundreds of families. Susan Lee set her goal to train 12 health leaders and she has exceeded that goal because she raised enough money to train 20 health leaders at her fundraiser.

We are very honoured to have such beautiful and kind-hearted people in our community. Congratulations and thank you to all those unsung heroes.

COUNTRY HEALTH

The Hon. G.A. KANDELAARS (15:32): In the past week I have had the pleasure of representing the Minister for Health, the Hon. Jack Snelling, at the opening of the purpose-built South Coast District Hospital chemotherapy unit at Victor Harbor and also the Naracoorte Health Service chemotherapy unit. Historically, chemotherapy has been provided in a range of health services across the Country Health SA Local Health Network, inclusive of doctor's surgeries and day centres.

State and national guidelines identified that chemotherapy needs to be provided in a safe and secure environment, ensuring the safety of patients, staff and the environment, given the potent drugs that are typically used in chemotherapy treatment. The construction of the South Coast District Hospital and Naracoorte chemotherapy units has been funded through the federal and state government Regional Cancer Centres initiative, which is improving access to best practice cancer services for rural and regional patients.

These units are two of 10 units funded under this initiative being established across regional South Australia, along with the $69 million Regional Cancer Centre in Whyalla. The units will play an integral part in building a world-class cancer care system in this state. This is in addition to the chemotherapy unit already planned for Berri and the chemotherapy unit already in existence at Port Pirie. Kingscote and Ceduna have since been added due to their geographic isolation and are to be funded through the state government, bringing the total number of sites to 15.

In order to meet the statewide and national safety standards and due to the risk associated with chemotherapy administration, chemotherapy in rural sites will only be delivered within the 15 designated health services and will be opened in a staged process with completion planned for 2014. This has also meant that the registered nurses who administer treatment at these centres have undertaken a mandatory statewide chemotherapy administration education program to enable them to administer the chemotherapy.

Both the South Coast District Hospital and Naracoorte Health Service chemotherapy units, which I had the pleasure of opening, will provide infusion, transfusion, chemotherapy and supportive services. Patients will also be able to have their oncology appointments using the Digital Telehealth Network system. The South Coast District Hospital chemotherapy unit has six chemotherapy chairs and will be able to treat up to 12 patients a day, whilst the Naracoorte Health Service chemotherapy unit has four chairs that will be able to treat up to eight patients a day.

These units have been established to meet all the statewide and national standards in chemotherapy and cancer service provision ensuring safe service for patients and also staff. Both units will allow local residents to access services closer to home alleviating the difficulty associated with regular travel to metropolitan Adelaide for treatment and oncology appointments. This gives patients a better quality of life and helps them to deal more effectively with the challenges of their treatment.

Provision of such services locally helps all healthcare services, reducing the demand on metropolitan health units and providing a better experience for those who need chemotherapy. I would like to acknowledge the many individuals who have assisted in the establishment of the South Coast District Hospital chemotherapy unit and the Naracoorte Health Service chemotherapy unit. These services have been embraced by the local community and this has been validated by

the assistance that the local community has provided in ensuring these services have been established.

I spoke with one patient yesterday who regularly had to attend the Mount Gambier Hospital for his chemotherapy, and this has been a godsend to him for various reasons in terms of travel etc., so I commend the government for this initiative. It is a great initiative that ensures that stress is minimised when people are going through their treatment.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:37): I want to address the stench that attracts to the carcass of the current Labor government and the many reasons I believe for the government's problems. The first I want to address is the quality of advice it receives from the ministerial staff within its offices. Sadly, what we see in these ministerial offices is a combination of factional hacks or wholly owned subsidiaries of the various factions in the Labor Party, union lackeys, failed candidates but, overall, people with very little or no experience in the particular portfolio area for which they are meant to be advising the minister.

If I look at the area of health, for example, and if I go through the ministerial advisers—Louca, Marcuccitti, Ngo, Runnel, Picton and Digance—I ask the minister and the government what expertise in the portfolio of health do these particular individuals bring to the more than half a million dollars in salaries that are being paid to advise the Minister for Health? There are a range of significant problems in terms of ministerial officers. In September last year, I raised the issue in the Budget and Finance Committee of Mr Vanco, who used to be in Mr Holloway's office, in relation to concerns I had with a particular transaction and the purchase of a property in the department. We were advised this week that that is still with crown law seeking advice.

I have raised issues in relation to a senior officer within former minister Caica's office in relation to the 'cartridgegate' scandal and $20,000 worth of cartridges purchased within that ministerial office. That issue, we understand, is still being investigated. We have seen publicity in relation to a former officer in minister Rankine's office, Andrea Lowe, in relation to allegations about the Victims of Crime Fund, which is proceeding through the courts. I ask the government today whether Mr George Vlahos, who is a senior officer within minister Kenyon's officer, is the same Mr Vlahos who was convicted under the occupational health, safety and welfare act in December 2011 of offences which led to the injury of an employee of that particular company?

The second issue I raise is the arrogance and incompetence that we see in ministers of this government; in particular, I refer to the arrogance of ministers in this chamber in their refusal to answer genuine questions. I give the example of questions I raised two years ago in relation to minister Gago's interference in a public sector appointment for a Labor mate, Karen Hannon. I asked the questions in May 2011: whether Ms Hannon had applied to be a member of the tribunal; had been interviewed by a panel and had been unsuccessful in her application; and, after that, whether minister Gago personally intervened and directed that Ms Hannon not only be appointed as a member of the tribunal but also given the plum job of presiding member.

You will be aware, Mr Acting President, that minister Gago, after resorting to personal abuse about that particular issue, two years later has not had the courage to come back into this chamber and answer any of those questions. She resorts to personal abuse in responding to them; in essence, by inference, denying all the allegations and then, for two years, refuses to answer those particular questions. Obviously, one could be led to believe that there is substance to the questions that have been put; if it were the opposite, the minister would have been back in here very quickly denying the allegations. Two years of silence and arrogance would lead us to believe, or accept, that minister Gago is guilty of interference in a senior public sector appointment. Her silence is damning of this particular minister.

Sadly, that is what we see from this government: arrogance and refusal to answer questions, whether it be in this chamber, the Budget and Finance Committee or other committees. From the performance of minister Gago in this chamber, the arrogance and her shameful performance, I think most observers would accept that Ms Gago, perhaps with the Hon. Bernard Finnigan, would vie for being the two worst leaders of the government this chamber has ever seen. It would be a bit of a battle between the two of them, and I am not sure which way I would vote, but certainly they would be the two worst leaders of the government in this chamber. All we see from this government minister is a resort to personal abuse, arrogance and a refusal to answer questions.

DRIVER REVIVER PROGRAM

The Hon. R.L. BROKENSHIRE (15:42): I rise to put on the public record my appreciation of the Mount Compass Driver Reviver group and particularly people I have worked with very closely in that group, Del Wine and Marjorie Rowley, as well as all the other volunteers. There are too many to mention in the few minutes I have, but I want to simply put on the public record my appreciation of all those volunteers. They know who they are and they know the dedicated and important work they do.

I was privileged, along with Commissioner Gary Burns, some members of government agencies and mayor Kym McHugh, to attend an official presentation night at the Mount Compass War Memorial Community Centre on 26 April. Having not only enjoyed the night but realising, as the commissioner was speaking, the importance of the community and volunteers being involved in driver reviver and road safety programs, I wanted to express my appreciation to them for all the work they do.

During the night I was introduced to a new fact sheet that has been put out jointly by the Driver Reviver program and the RAA. Amongst other things, it contained a detailed map of the state of South Australia showing just where those driver reviver stations are strategically located. Not only does it inform drivers of where they can stop for a break and a coffee but it also talks about how to avoid fatigue and about not ignoring the warning signs.

This is a particularly strong initiative that I support on the Fleurieu Peninsula because, tragically, we have had far too many deaths, many of them very young people, on our roads on the Fleurieu Peninsula. The Driver Reviver is a sound warning of the risks if you start to forget about the five fatals—of which fatigue is one—particularly within and around a two-hour radius from Adelaide.

We see the police supporting any initiatives they can to avoid road fatalities, particularly during holiday periods. By coincidence I am putting this matter of interest in support of Driver Reviver just before the June long weekend, being the last long weekend for some months that people will have to relax. What they do is work all week, then rush around home, pack the car and in an exhausted manner, often, the driver will get in with their family and head to their destination. The important thing is to ensure that they get there safely, enjoy the weekend and then get home safely.

On long weekends, even on very wet Friday nights at Mount Compass—and we hope for many of them this winter—you will see these volunteers with all their safety messages, their Driver Reviver station and their coffee stop ready to support drivers and send the road safety message. They are there at Christmas, Easter and all other paramount times through the year.

It is believed that 15 per cent of all fatal crashes are a result of driver fatigue. On average each year, 18 people are killed and 142 are seriously injured in South Australia as a result of crashes involving fatigue. Further, 61 per cent of fatigue-related crashes occur when the driver is alone in the vehicle. As you can understand, it is easier to doze off when you do not have anyone to communicate with. Over a third of the serious casualty crashes involving fatigue occur on the weekend.

Something I am very concerned about from my point of view is that 86 per cent of serious casualty crashes involving fatigue occur in rural areas, and 72 per cent of them involve males. With those few words I again reiterate my appreciation of, and support for, the volunteers from the Mount Compass Driver Reviver station, and I encourage them to continue this important work.

YOUNG WORKERS LEGAL SERVICE

The Hon. R.P. WORTLEY (15:47): I rise today to draw attention to the important work of the Young Workers Legal Service (YWLS). I had the pleasure of visiting this organisation—an important initiative of SA Unions—when I was minister for industrial relations, and I remain a great admirer of its work. Staffed by legally qualified industrial officers assisted by volunteer law students, the Young Workers Legal Service provides strong advocacy with regard to exploitation of the young in the workplace.

We all know that young people are particularly vulnerable in the workplace, and there are plenty of people out there who would take advantage and exploit them for their own personal gains, so the work of the YWLS is very important. A major focus of this organisation is the provision of free legal advice and representation to workers under 30 who are experiencing workplace-related problems. Those advocacy services centre, in the main, on discrimination, unfair treatment (such

as unpaid wages or unfair dismissal) and injury in the workplace—an issue with which I am particularly concerned.

The YWLS plays an important role, too, in connecting young workers with their unions. It is well known that workplaces that have a strong union presence normally have higher wages, fewer workplace health and safety issues and also less exploitation. This organisation plays a particular role where there is not a strong union presence.

Involvement in a union is beneficial for young workers for a number of reasons, above and beyond the advocacy and support services they offer, and I would certainly urge all young workers to join the relevant union as soon as they start their first job. The YWLS annual report 2011-12 showed that the Young Workers Legal Service supported some 420 young workers over the financial year, and more than $215,000 in the form of unpaid wages and compensation was recovered for these hundreds of young workers.

The service dealt with a variety of issues over the period, including, unsurprisingly, termination of employment, wages entitlements, discrimination and bullying, sexual harassment and apprenticeship and trainee disputes. It represented workers across the retail, hospitality and administration sectors at Fair Work Australia, our local Industrial Relations Court, Industrial Relations Commission, the Equal Opportunities Commission and the Australian Human Rights Commission.

Meanwhile, officers of the YWLS appeared in print and on radio and television at state and national levels in discussion of the issues confronting young workers, also including unpaid internships and unpaid trial shifts, insecure work and child labour. It is clear that, despite fairer laws in the workplace, young people continue to be discriminated against, treated unfairly and injured at work. Sound knowledge of workplace rights and the responsibilities that accompany them is a powerful tool for young workers, and this service ensures that clients leave well equipped for the future.

I should add that the student volunteers from our three law schools are fundamental to the success of the YWLS. In return, the experience provided by working face to face with young workers experiencing difficulties in the workplace adds value to their learning. Competition for positions is an indicator of the interest these students have in this area of the law.

Young people should always feel safe in the hands of a Labor government, unlike the opposition who oppose our legislation to protect workers. Take, for example, the work health and safety legislation, where the Hon. Mr Lucas went on to the airwaves to spread a baseless and unsubstantiated campaign on all levels of work health and safety, with the aim of spreading fear down the vertebrae of decent, hardworking volunteers. It was one of the most disgraceful examples of spreading baseless and unsubstantiated allegations.

There is still work to do. All workers, especially those at the start of their working lives, have the right to be empowered and protected where necessary. The Young Workers Legal Service is one organisation that makes these aims possible, and I am pleased to commend its work in this place today.

RAW MILK

The Hon. M. PARNELL (15:52): I rise to speak today to speak about the ongoing controversy over the consumption of unpasteurised milk in South Australia. The current debate was triggered by a raid on the Moo View Dairy at Willunga last month by officers from Biosecurity SA, the Dairy Authority of South Australia and SA Police. According to a statement made in parliament yesterday, the Hon. Gail Gago, in her capacity as Minister for Agriculture, Food and Fisheries, stated that this visit was in response to information that raw cow's milk was being distributed to the public in contravention of a law that prohibits the sale of raw cow's milk.

I previously asked a question about this during Question Time, and also had the opportunity to be briefed by government officials. At the heart of the dispute are three critical questions: first, the safety or otherwise of drinking unpasteurised milk, and balancing that against the claimed health benefits of raw milk; secondly, the legality of the arrangements put in place by Moo View Dairy, and in particular the cow share scheme; and, thirdly, the role of government in dictating to consumers what they can and cannot consume, the so-called nanny state question.

I would like to address all of these, but also make the observation that the business of Moo View Dairy and its cow share scheme must have been known by public officials for many, many years, yet they turned a blind eye to it until quite recently. I am told that they did not officially know

about it until recently, when complaints from unknown persons (unknown to me, that is), most likely trade rivals, were received, and when it became apparent that the cow share scheme was actually quite popular and growing.

So, the state has acted and now the community is responding. I attended the cow shareholder meeting last week, along with the Hon. Ann Bressington and the Hon. Dennis Hood. What became apparent very quickly was the large number of very loyal consumers who swear by the benefits of unpasteurised milk and the beneficial effects it has on a range of medical and other conditions. There were many testimonials given both publicly and privately. Also, a lot of information was presented about the pathogens that may or may not be present, and the role of bacteria in both human health and illness. Here are some of the things people have written to me about. One constituent wrote:

> I myself, have chosen to obtain raw milk as I have had auto-immune problems including celiac disease, thyroid issues, iron deficiency, joint problems, mal-absorption and gut issues. With the diet I have been able to heal most of the issues I have had and am still seeing improvement with others. I believe a large part of this is being able to use raw milk, which I mostly culture and make kefir, a type of yoghurt. I believe that I would be worse off if I was not able to obtain raw milk.

Another constituent wrote:

> I suffer from fructose mal-absorption which encompasses an intolerance to lactose...We have never been sick or had any adverse reaction from the milk. On the contrary our health has improved.

The minister makes a great deal of the things that can go wrong, and infrequently do go wrong, with consuming unpasteurised milk. The horrific diseases the minister warns us of make for grim reading, until you put it in perspective.

Smoking kills 15,000 Australians every year. Alcohol kills about 3,000 Australians every year. If the government's job really was to save us from ourselves, then it would ban driving motor cars, it would ban walking, it would ban sex and it would certainly ban people using ladders at home, which kills about 20 people every year.

In relation to the legalities of the cow share scheme, I have sought some advice and so far have not been able to determine that Moo View Dairy is doing anything wrong. Ultimately, it may end up having to go to court, but is this really necessary? I have no doubt that, if the government stomps on this scheme, then another scheme is certain to replace it, whether it is the distribution of pets milk or even the iconic Cleopatra's Bath Milk that is already sold around Australia and labelled 'not for human consumption'. Other people have written to me, saying:

> The cows belong to us, the shareholders, we are NOT purchasing the milk. Mark and Helen Tyler simply look after our cows for us.

Another person wrote:

> We have never gotten sick from drinking our own cow's milk. What I do get sick of is being told what I can and can't eat.

Yesterday, the minister complained that, in some cases, there was no label or health warning on the milk and no use-by date. How ridiculous is that? Surely the minister does not want a use-by date on a product that she does not accept should be consumed at all, but if that is the only sticking point—labels and health warnings—then bring it on. That could be the solution.

My plea to the government is to work with this sector rather than having a shootout at the OK Corral. Why not work with the producers and consumers to bring this industry inside the tent in relation to testing, safety and labelling rather than acting in a heavy-handed way that brings the law into disrepute and the nanny state into our dining rooms. I conclude by reminding people that, in New Zealand, whilst they are happy to vote in relation to our laws, they do allow raw milk to be sold from the farm gate in that country.

DEVELOPMENT ACT

The Hon. J.M.A. LENSINK (15:57): I move:

> That the regulations under the Development Act 1993 concerning Schedule 8—Referrals and Concurrences, made on 18 April 2013 and laid on the table of this council on 30 April 2013, be disallowed.

I will be very brief. These regulations relate to the Native Vegetation Act and they state that substantially intact native vegetation is to be referenced for referral to the Native Vegetation Council. Specifically, it adds to schedule 8 item 26, which states:

26—Native vegetation

If the relevant Development Plan contains a map showing an area of substantially intact native vegetation, development within, or within 20 metres of, the area shown on the map, other than development in a River Murray Protection Area under the *River Murray Act 2003*.

So, that effectively means that any development within 20 metres of high-value native vegetation must be referred to the Native Vegetation Council, which will then have power of direction.

I have been advised that the formal advice of DPTI, DEWNR and the LGA is that they agree; however, we do not have any further details, which is why I have put this motion to, effectively, stop the clock, because I will be formally asking the minister for the environment for further information in relation to it. Members can read in the *Hansard* of the House of Assembly a litany of examples of complaints about the operation of the Native Vegetation Act, and I think there are a number of ways in which it could be improved. I think, however, it has a tendency to be extremely conservative to the point that the council makes decisions at times which are counterintuitive.

The member for Heysen is the person who spotted this particular regulation and will certainly be interested in further information. Her electorate covers substantial parts of the Adelaide Hills Council where this is particularly relevant. I think one of her concerns is that, if anybody owns a property which has any native scrub on it, you will not be able to do anything within that buffer boundary.

I have had an example of constituents who have had their own difficulties with the Native Vegetation Act. The entire file would be far too involved to comment on; however, I would like to talk about the issue of fire safety. In their particular case, they had been issued a notice of clearance by the local council to clear a 15 metre firebreak or they were going to face a $5,000 fine. In that particular situation they were prevented from doing so under the act, and they had a lot of arguments with the council about the quality of different patches of their particular property. I might add, they purchased the property because they are lovers of nature and wanted to revegetate it, but had found that in one particular case a consultant had assessed the quality of the vegetation and they certainly felt that she had not got it right.

The history of the property that they purchased was that it had been used for grazing and had also been used for growing plants. In their particular case, the consultant declared that 50 per cent of their land was in very good condition, which they disputed, and I think this highlights the fact that there is potentially a problem with the definition of whether the vegetation is of high quality or whether it has been degraded. They also stated in their particular case that, in relation to the fire safety issue, as I said, they were going to have a $5,000 fine for noncompliance. In their letter to the then minister they stated:

In the past when I have suggested the use of a mechanical slasher to maintain the cleared area of the property, I was told in no uncertain terms that this was not possible on a property with a heritage agreement.

So they had those specific issues.

I look forward to receiving further details from the government about the history of the development of this particular regulation, how it came about and what its specific impacts will be. With those brief remarks I commend the motion to the house.

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

O'GRADY, MS K.L.

The Hon. A. BRESSINGTON (16:04): I move:

That, in the context of the death of Kirbee Louise O'Grady, this council urges the Attorney-General to commission an inquiry into—

1. The propensity and risk of victims of sexual assault to commit suicide; and
2. How the risk of suicide could be reduced by changes to the following services—
   - (a) the investigation and case management of the matter by the police;
   - (b) the management of prosecutions by the Office of the Director of Public Prosecutions (ODPP);
   - (c) the support and follow-up process of the ODPP pre and post-trial, including when matters do not go to trial; and
   - (d) the support from victims, women's and general support services.

This particular motion is a revamp of the motion I put up in relation to the untimely death (suicide) of Kirbee Louise O'Grady, who was the victim of sexual abuse by a family member, and the allegations that the investigation that followed her disclosure and the support systems that she received were inadequate and also that the DPP really didn't act in a timely manner in relation to this case.

I am not going to labour on this matter today but I will give a reason for the change in the terms of reference, because I will be discharging the other motion I have put up. I would like to thank all members for speaking to my previous motion, and I hope that they would like to put their thoughts on the record in relation to this one.

The reason that the terms of reference have been changed is obviously to gain the support of the Liberal Party and other members in this council to see some sort of progression made in disclosing or uncovering the shortfalls that occurred in Kirbee O'Grady's case. I note that the opposition was not comfortable in directing the Coroner, and I am somewhat sympathetic to that, although I know that legislatively we are actually able to do that. However, I think the suggestion of the Hon. Stephen Wade to target this particular motion to the propensity and risk of victims of sexual abuse to commit suicide has value. Although Kirbee's story is tragic, she was not alone. I believe there are many cases of young people who have suffered sexual abuse who find absolutely no remedy in the system or in the services and support that is offered to them.

I note that in speaking to the other motion that was moved, the Hon. Gerry Kandelaars on behalf of the government made a number of claims as to the level of support that Kirbee was offered via the DPP and other authorities she was in contact with. The family of Kirbee O'Grady vehemently denies that Kirbee had access to any of those services. She was offered counselling via the Women's and Children's Hospital, I believe, and she did attend, but she did not find that it was actually dealing with the issue of her abuse and how she would deal with the fact that her trial was never going to happen. It was not so much the counselling that she needed to reconcile the abuse, although that was an important part of it: it was for this young girl to be able to make sense in her own mind why her case did not warrant an investigation and a trial in the eyes of the authorities.

I have a letter from Kirbee's aunt, who has been involved in this and whose daughter was also the victim of sexual abuse by the same family member. The letter states:

> We were never told there was insufficient evidence to go to trial. It was always that Kirbee was not strong enough for trial. We were told the girls could come back at any time when they were ready to pursue this.
>
> Why I wasn't informed that my daughter Ashley's case could have gone ahead at that stage I don't know, because she was able and willing to go ahead then.

Kirbee was offered counselling at the Women's and Children's Hospital, which her mother took her to several times. She was told that there was no point in bringing her back as Kirbee was not talking or opening up. To me, that is more of a reflection on the standard of counselling offered than on a victim of abuse's ability to open up and talk freely about what the issues are that are of concern.

That was the only support service offered and there was no follow up support offered. Later, her mother sought out her own counselling services, which Kirbee went to, through Anglicare in Pitt Street in the city and also Shopfront in Salisbury. These were the direct efforts of the mother and absolutely not on recommendation from anybody within the system or in a position of authority who had been dealing with Kirbee's case.

We do not understand why it was so hard to reopen the case. Why were we told Kirbee's files were in Port Augusta and Elizabeth? How did her file become lost between leaving Elizabeth Magistrates Court and the Office of the DPP? The duty of care, supporting services, we were never given updates on how things were progressing. We were made to feel that we were bothering police and detectives when we would make inquiries. Things that we were told were never followed through on. The mother had to stop an interview which was taking place in an inappropriate area, that is, at the front counter of a police station. They expected this young girl to conduct an interview about horrendous sexual abuse at the front counter of a police station.

At a meeting with the DPP on 8 October 2012, witness protection officer Anna told Kirbee's mother that she remembered Jenny raising concerns with her about Kirbee and suicide. So, they were aware of Kirbee and the suicide risk; however, not from Kirbee but from her mum. At a meeting after Kirbee's proofing on 9 May 2011, her mother voiced her concern as to: what do we do now? The detective told her to forget about it; it was no longer their concern.

It is just the insensitivity of all of this. The courage it takes for a victim of abuse, especially a young person, to come forward and bare their soul, make the statements, go through the proofing process, for this to be treated as almost a nothing would be absolutely shattering to that person. I have said it in this place many times: sexual abuse changes a person's life, changes a child forever. This was treated almost as flippantly as if someone had stolen a handbag.

As I said, I am not going to labour this, only to put on the record that the statement the Hon. Mr Kandelaars made in this place about the amount of services and support offered to Kirbee is simply not true. As we heard the Hon. John Darley question the minister the Hon. Ian Hunter in question time about the accuracy of the information he is receiving from his department, so too I would say that the statement made in here on behalf of the government, obviously provided by the department, should be questioned and questioned thoroughly because the family, as I said, denies that any of that was offered.

Another reason for the change of the terms of reference is because my office received a telephone call this morning from the Attorney-General's office, saying that they had looked at the terms of reference and they believe they would be more inclined to support this motion than the previous one. I was going to call this to a vote today but, given that the government states that it has not had time (and I am fully sympathetic with that) to consider the terms of reference and prepare a response, in the hope that the government will at least support this now—one of the very rare times that the government is showing some interest in getting to the bottom of the effects of sexual abuse on our children—I have decided to postpone the vote to the next sitting day and hope that the government has an acceptable response prepared and will show support.

I know all the crossbenchers who have contacted me are saying that they more than support the motion and what lies behind it, and what needs to be done about victims of sexual abuse and the handling of their matters. I speak on this not just from Kirbee O'Grady's case but also in dealing with the victims of abuse in state care and the many people who I met who were involved in that inquiry, who suffered horrendous abuse, lived with it for many years and then, when the Mullighan inquiry was established, were required to go in and relive that abuse not just once, sometimes many times, to give their evidence. Then, at the end of all that, even with the government's promises of being the model litigant, they came out of that with absolutely no validation, no satisfaction, nothing.

They were left high and dry. They were left with minimal support services to deal with being retraumatised by having to tell their story and, basically, left like a shag on a rock. I dealt with many of those victims of abuse. It took a lot of courage for them to come forward, and it took a lot of resilience for them to remain on their feet and walk around after the trauma of giving evidence to the Mullighan inquiry.

I relate Kirbee O'Grady's case to the similar emotions and psychological effect that she would have suffered at the hands of the authorities by having her case treated like, as I said, nothing more than a handbag hijack. I think it is now time that Kirbee's case is used as a template, if you like, for investigating the investigation and case management of matters by the police; the management of prosecutions by the Office of the Director of Public Prosecutions; the effectiveness of the support and follow-up process of the Office of the Director of Public Prosecutions pre and post trial, including when matters do not go to trial; and the availability of support from victims', women's and general support services.

As I have said many times, we exist in a world of paper policy where what is written up and reads well rarely happens on the ground, and I think that this is a good opportunity for all of that to be aired and, perhaps, some really useful recommendations can come out of this for changing a system that is sadly letting down child victims of sexual abuse.

The Hon. S.G. WADE (16:18): I rise to speak on the fresh motion. I spoke previously on the current order of the day No. 12, so I will not reiterate the circumstances of Kirbee's death, but if I could particularly address the new motion and why the opposition will be supporting it. I would like to initially thank the Hon. Anne Bressington for her understanding and constructive engagement in understanding the concerns of the opposition. As I said on the last occasion, we did not think it was appropriate to instruct the Coroner in this case and the member has respected our views.

I would like to acknowledge the support of the crossbenchers. As the Hon. Ann Bressington indicated, the crossbenchers were very strong in their support for the original motion and I look forward to their ongoing support for the revised motion. I hope they understand the

motivations for it. I would also like to acknowledge and welcome the government's indication of openness to the revised motion, and I urge caucus to approach it with sympathy.

I understand that the family of Kirbee O'Grady also supports the broadening of the focus, and I thank them for that. There are some factors in Kirbee's story that might offer lessons for the future, but there may also be other factors that were not factors in Kirbee's death that may offer lessons that could benefit other victims of sexual assault who might, in the future, consider suicide. So I thank them for their openness to the broadening of the focus; it is the shared hope of us all that young Australians are not put in a situation where suicide is an option for them.

In that context I would like to share with the council some information that has been provided to me by the Commissioner for Victims' Rights. In considering this motion and the related issues, I have appreciated the opportunity to speak to both the Coroner and the commissioner, and the commissioner gave me information that I think might assist the council. He wrote:

> Victims of sex offences, such as rape, are prone to suffer depression and some to endure post-traumatic stress disorder. Many victims have suicidal thoughts and, alas, some victims complete suicide. Statistics from the United States reveal that about 33 percent of rape victims have suicidal thoughts and about 13 percent attempt suicide (sometimes years after the rape happened). Kilpatrick et al (1985) interviewed a sample of 2,004 women (aged 18 yrs and older) about [their] victimisation and mental health problems. The researchers reported that rates of 'nervous breakdowns', suicidal ideation, and suicide attempts were significantly higher for victims of crime than for non-victims. Moreover, victims of attempted rape, completed rape, and attempted sexual molestation had problems more frequently than did victims of attempted robbery, completed robbery, aggravated assault, or completed molestation. Nearly one rape victim in five had attempted suicide. Most sexual assault victims' mental health problems came after their victimization. The research has concluded that crime victims are at risk of developing major mental health problems, some of which are life-threatening in nature.
>
> Cutajar et al (2010) report on an Australian study involving 2,759 victims of child sexual abuse. These victims suffered higher rates of suicide and accidental fatal drug overdose compared to national data for the general population. The study results show that a diagnosis of anxiety disorder was the most commonly reported diagnosis among the victims of child sexual abuse who died from self-harm whereas depression and psychosis is usually a strong predictor of suicide in the general community.
>
> ...there is concern about the number of suicides completed by young people in Australia. Suicidal feelings are often treatable, as is depression and...mental illness. People with suicidal thoughts often feel terribly isolated, because they distrust, they may not think of anyone they can turn to that furthers the isolation. Young people (possibly like Kirbee) usually attempt suicide to block emotional pain that they perceive as unbearable. Attempted suicide is often a cry for help.

I think the information provided to me by the commissioner in that last statement highlights the challenge for the justice system. It refers to the fact that people with suicidal thoughts often feel terribly isolated because of a lack of trust. Now, in a justice system that hopefully offers them the prospect of justice, that trust issue will be a problem. It will take a sensitive response from the service providers.

I welcome the motion, and I welcome the fact that we will be taking up not only the issues that Kirbee faced but also those that other young Australians have faced and will face. I thank the family for their openness to the expansion, and I look forward to further consideration of this motion in due course. I commend the motion to the house.

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

O'GRADY, MS K.L.

Adjourned debate on motion of Hon. A. Bressington:

That this council urges—

1. The Attorney-General to refer the untimely death of Kirbee Louise O'Grady, who died on 19 July 2012, to the Coroner for coronial inquest; and

2. The Attorney-General to request an inquiry into all the circumstances leading up to Kirbee Louise O'Grady's death including, but not limited to:

   (a) allegations of sexual assault;

   (b) issues pertaining to the investigation and case management of the matter by the police;

   (c) the decision of the Director of Public Prosecutions (DPP) not to proceed to trial;

   (d) effectiveness of the support and follow-up process of the DPP pre and post-trial, including when matters do not go to trial; and

   (e) any other circumstances that contributed to the death of Kirbee Louise O'Grady.

which the Hon. S.G. Wade has moved to amend by leaving out paragraph 1 and in paragraph 2 by leaving out the word 'request' and inserting in lieu thereof the word 'commission'.

(Continued from 15 May 2013.)

The Hon. A. BRESSINGTON (16:25): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

VICTIMS OF CRIME (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October 2012.)

The Hon. G.A. KANDELAARS (16:26): I will give the government's response in relation to this matter. The government would like to thank all honourable members who have contributed to the debate on this important issue. The government also acknowledges the strong interest the Hon. Robert Brokenshire has for the Victims of Crime Fund.

The government is aware that primarily the bill amends the act to increase the cap for orders of compensation from $50,000 to $100,000 and seeks to index the cap by CPI every 12 months. It also removes the $10,000 cap on compensation for grief suffered by the claimant. The bill also seeks to double the numerical scale for non-financial loss.

The government believes that there is value in reviewing aspects of the victims of crime compensation fund that have been raised in this bill by the Hon. Robert Brokenshire. However, the government is concerned that the financial impact of increasing the payouts from the Victims of Crime Fund have not been properly costed, nor have alternative models been canvassed.

The government does not want significant changes to be rushed through parliament without proper review of its implications. It is vital to ensure the fund is properly managed and maintained for future victims of crime. It is an important issue and we need to get it right. For these reasons, the government wishes to refer this bill to the Legislative Review Committee to investigate alternative models and examine the financial implications of increasing payouts to victims and raising the scale.

We also know that professionals are being dissuaded from practising in this area because their payments have not been increased for nearly 10 years. This cannot be a good outcome for victims in the system either. This should be a matter for the committee to review further. I thank the Hon. Robert Brokenshire for bringing this bill before the parliament. The government looks forward to working with honourable members to improve the current system. While I am on my feet, I move to amend the motion as follows:

That all words after 'That' be omitted and insert the words 'the bill be withdrawn and referred to the Legislative Review Committee for its report and recommendations.'

The Hon. S.G. WADE (16:30): I rise to indicate that the Liberal opposition is interested in the debate, but we are not disposed towards a referral to the Legislative Review Committee. I found it surprising, to say the least, that the government is suggesting that this matter is proposed to be rushed through. I remind members that the Hon. Robert Brokenshire did not introduce this bill last week: it was tabled on 31 October 2012. It was in response to community disquiet with respect to the limits on the compensation provided by this act.

I think the Hon. Robert Brokenshire would agree with me that this was not a Damascus road experience but is part of a long conversation this council has had. The Hon. Ann Bressington, the Hon. Robert Brokenshire and I think the Hon. John Darley have introduced proposals to refine the statutory model for victims of crime. The second reading speech that the honourable member gave us, and the bill at that time, have been on the table for seven months, hardly being rushed through.

That was October. In November the cabinet subcommittee that dealt with justice also considered this matter, so it is hardly a matter of being rushed through. I will quote from the briefing paper that the cabinet committee received at that time:

The victims of crime levy has increased from $10 on 30 June 2007 to $60 on 1 January 2011. Total revenue into the fund increased from $18 million in 2006-07 to $48 million in 2011-12. This increase is almost entirely attributable to increases in the levy. No new policy measures relating to expenditure have been approved from the fund to offset this revenue increase. The government continues to be criticised on this point.

The balance of the Victims of Crime Fund has now grown to $109 million and is expected to exceed $200 million by 2015-16. The level of compensation currently awarded is inadequate and has not increased since 1990. If inflation was applied to the current maximum, this would be worth around $100,000. This measure proposes increasing the maximum from the current level of $50,000 to $100,000. Further fees for legal representation have not increased since the commencement of the Victims of Crime Act on 1 January 2003.

The items to be dealt with as part of this measure include changing the scale applied to compensation payments, an increase in the maximum amount of compensation payable from the fund ($6 million per annum), increasing fees for legal representation ($0.3 million) and additional payments to victim support organisations and other payments which support victims ($1 million). (Note that this funding could potentially support the victim support program at $1.1 million.) Further, it is proposed to abolish the maximum levy currently payable for young offenders, revenue loss estimated at around $0.3 million.

So, far from being rushed through, this matter was tabled by the member in October, was considered by a cabinet subcommittee in November, and on 3 April we had this release, headed 'Victims set for windfall', which states:

Doubling the maximum compensation of victims of crime to $100,000 is part of a $29 million proposal the state government is considering for its coming budget.

It is among proposals that went before a cabinet committee in November. A month earlier lawyers called on Attorney-General John Rau to raise the maximum amount of compensation available and create minimum payouts for different types of crime, from assault through to murder.

The Government's Victims of Crime Fund has a $100 million surplus, a figure that is expected to double in the next four years.

The proposal also includes laws to crack down on the number of suspended sentences to repeat offenders.

So, first of all, the government gets the Hon. Robert Brokenshire's bill in October. They consider it in a cabinet subcommittee in November. There is a judicious leak, for want of a better word, in April, and the Hon. Gerry Kandelaars comes in and says, 'We are being rushed.'

I would suggest that the government is not genuine in effecting real reform for victims of crime. I hope that I am wrong. I hope that tomorrow we actually see the black ink on the budget papers. Remember, this is not money that is coming out of, if you like, tax revenue: this is a dedicated fund that has been put aside for years to benefit victims and this government, for 10 years, has snubbed victims. The Liberal Party has joined honourable members a number of times in expressing our concerns about the insensitivity of the government. We hope that tomorrow we might see a change of heart.

We will be supporting the Hon. Robert Brokenshire's bill. If the council considers that it is appropriate to take it through all stages, we are happy to do that—not because we think that every 'i' has been dotted and every 't' has been crossed. There is more work to be done on this bill, but at least the Legislative Council and the crossbenchers are in here doing the work.

Where has the government been? Time after time we have had these victims bills thrown out with no response and no constructive engagement. We are not going to be pedantic and begrudging. We are going to support this bill today without holding it up on technicalities. Sure, there might well be points where the government, through alternative amendments in the House of Assembly, might seek to improve it. I note the Hon. Robert Brokenshire has made his own suggestions for improving the bill even now and others may well come.

I do not think we are going to benefit from a Legislative Review Committee report, in spite of all of the learned members that serve on that committee. We have done the work in this chamber; let us keep doing the work in this chamber. The Liberal Party, as I said, will support this bill as a starting point for much-needed reform. There is no point in addressing the detail, in our view, until we have a government which is willing to constructively engage in reform. If that comes in tomorrow's budget, the opposition stands ready to constructively work through changes. If that needs to wait for a Liberal government, so be it.

The Hon. R.L. BROKENSHIRE (16:37): In summing up, there are a few further comments that I would like to make. Two amendments were circulated on 30 May. Just to refresh everyone's mind, one was consequential on lifting the limit to $100,000 by taking the point scale up accordingly. The other was regarding making a scale of compensation by regulation. Consultation revealed that was not going to be acceptable, so we have removed that aspect. The bill will continue the status quo on how entitlements are determined.

I obviously consulted far and wide on this. I acknowledge colleagues, including the Hon. Ann Bressington—as the Hon. Stephen Wade said—and, I believe, also the Hon. John Darley, to give two examples, have been pushing this for some time too.

There is nothing worse, I would imagine, than being a victim of crime. No-one wants to be a victim of crime but, if you are, then you need proper support. In talking about support, you also need NGOs and others to get opportunities for programs and support as well. I contacted the Office of the Commissioner for Victims' Rights, and I want to put on record a few of the paragraphs that I received from that office. I quote:

> Since state funded victim compensation was established in South Australia in 1969, it has become a critical ingredient of our responses to crime victims. Such compensation is a tangible acknowledgement on behalf of South Australians for those people who have been hurt by violent crime in particular.
>
> Lump sum compensation, however, does not address all the harm done, so it is also important to provide practical, medical and therapeutic assistance to crime victims that is accessible when they need it. Compensation therefore should be a component of a broader system of crime victim support. The state has a responsibility to pay compensation when violent offenders are unable to pay restitution. Further, state-funded compensation is in the public interest as doing more to assist victims deal with the effects of crime. It should help these people recover so they can continue to contribute to our community. If victims are physically and mentally well, as well as able to, amongst other things, return to work, then the entire community is better.
>
> $50,000 as the maximum payable was introduced more than two decades ago. The sum does not have the same value today as it did in 1990, so it should be increased. One way to do that is double the maximum payable and introduce a 0-100 point scale instead of the existing 0-50 point scale. There are other ways that might come forth during the parliamentary debates on the victims of crime bill.

The final quote is:

> Victim compensation payments should be fair. The process for obtaining compensation should be respectful and efficient and easily understood, thus I urge that any changes to the existing compensation scheme do not add insult to injury by making compensation difficult to obtain. A prime object should be to ease the burden on those who have suffered at the hands of criminals.

I think that is a pretty good summing up of the intent of the bill and I would imagine that most, if not all, members of parliament in both houses would have at times made representation on behalf of victims of crime to the office and the Commissioner for Victims' Rights. It is an important office and I commend the work that the office do for victims. Without that I do not know where we would be able to go to seek assistance.

I want to talk further about what the shadow attorney-general said regarding a report in *The Advertiser*. The figure of $29 million was reported in *The Advertiser* some months back—based on a leak or a drop from government; I am not sure what happened—as what cabinet was considering on raising the limit to $100,000. We are entitled to rely on that, in my opinion. The government has not, as yet, repudiated the estimation either, which confirms to me that that is what the figure would be. I am sure that the government have that figure and they could have today given us that figure because they do have access to all the officers that we do not have access to.

Interestingly enough, when you look at the freedom of information material that we received, that indicates that $29 million is what the fund made net in just nine months of the current financial year. So, $29 million of additional cost to look after these victims. The net figure, after all expenses, for a nine-month period in the fiscal year to March 2013 was $29 million—so $29 million is grabbed just like that. The fund, I believe, can afford the doubling of compensation and some change.

The critical question really that all people in the community would ask is: why was the victim of crime levy doubled? Did the government double it just to sit in the fund, never being paid out, to help the budget bottom line across government? Is it a benefit to the government to have an independent and transparent dedicated fund still within the budget lines? Is that a benefit to offset the massive debt that the state has? Why did the government create a dedicated fund? Was it to truly provide for victims of crime or was it to avoid the political problem of creating a tax by claiming it was a levy? Finally, if this is genuinely a fund for victims of crime, it should be applied for their benefit and not for the budgetary or political benefit of the government. It is there as a specific dedicated fund so that we can give these victims of crime some compensation to help with the healing.

I am not playing politics at all with this. I think this is way above politics. It is an important piece of legislation put up for victims of crime and their families, and we have had good contributions from members today and previously when other colleagues have put up a very similar

bill. It is not my brainwave to do this; it has come up through crossbenchers, the Liberals raising it and, I believe, the government talking about it too, which is why we saw it in *The Advertiser*.

Whilst I understand and accept that it may not be the will of the majority of my colleagues in this council to support the bill through all stages today, my fallback position, as I indicated to the government, will be to accept the bill being examined and going to the Legislative Review Committee. That would be my fallback position. At least we would get some advancement on this for a change instead of stalling.

With the amount of requests, demands and public debate in relation to this matter on the increase, I acknowledge, as the Hon. Stephen Wade said, that there could be some improvement, and we have already found that ourselves. If the bill is passed in this council today, it will go to the House of Assembly and there will be an opportunity for the government, with all of its resources, to make this better, but at least we will be progressing it. I fear that unless we get some advancement today we could be here in three years' time with no improvement.

The final point I want to make is that if the absolute majority of my colleagues in this council do support this bill through its three readings, then I would obviously go down that track because we would be advancing a lot quicker than if we put it through to the Legislative Review Committee. As I said, the government can then review this in the next few weeks and put amendments in.

I want to put on the public record that I, on behalf of Family First—and colleagues can speak for themselves when other amendments come back—would be very open to the government putting any amendments forward in the House of Assembly that come back here to further improve this bill. I do not think we can be more open with the community and the parliament. With that, I commend the bill to the council.

Amendment negatived; bill read a second time.

In committee.

Clauses 1 to 6 passed.

Clause 7.

The Hon. R.L. BROKENSHIRE: I move:

Page 3—

After line 10—After subclause (1) insert:

(1a) Section 20(3)(a)(ii)—delete '0 to 50' and substitute '0 to 100'

Lines 13 to 16 [clause7(3)]—Delete subclause (3)

The Hon. S.G. WADE: As I indicated in my second reading contribution, we are not intending to deconstruct and reconstruct this bill. We do not have the actuarial resources the government has. We would look forward to a constructive engagement by the government in the House of Assembly with alternative amendments, if they see they are necessary.

Amendments carried; clause as amended passed.

Clause 8.

The CHAIR: I point out to the committee that this clause, being a money clause, is in erased type. Standing order 298 provides that no question shall be put in committee upon any such clause. The message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

Remaining clause (9), schedule and title passed.

Bill reported with amendment.

The Hon. R.L. BROKENSHIRE (16:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WORK HEALTH AND SAFETY (SELF-INCRIMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June 2013.)

The Hon. R.I. LUCAS (16:53): I rise to conclude my remarks from yesterday. I put a number of questions to the minister and I assume that if we are proceeding today the minister will have answers to those questions at either the conclusion of the second reading or at clause 1 of the committee stage, or else we do it tomorrow. There are two further issues I want to raise with the minister. The minister in charge of the bill in another place, in defending the government's position on the bill, said:

> I have asked those who advise me to check whether there is any material difference in law between the use of the words 'natural person' and the use of the word 'individual'. They say that they are, in effect, interchangeable; that is the advice I have received.

On that basis he indicates that the government is moving the bill in its current form.

As I indicated yesterday, and I will not repeat the argument, there is learned legal opinion which argues strongly against that particular position. I am seeking, through the minister in this chamber, a response to the question as to specifically who has advised the minister in relation to this; that is, there is no material difference in law between the use of the words 'natural person' and the use of the word 'individual'. In particular, are we talking about SafeWork SA, are we talking about crown law—and, as I indicated yesterday, crown law evidently had not been consulted on the original drafting of the amendments when the debate was occurring last year—are we talking about private legal counsel or are we talking about ministerial staffers? I think it is important to know exactly who has given this particular advice because there is significant legal opinion that is arguing a contrary view.

The other issue was that, during the committee stage of the debate in the House of Assembly, the member for Davenport asked the minister, between the passage of the bill in the assembly and debate in the council, to consider providing further information about the three cases that SafeWork SA was claiming could not proceed, or might not able to proceed, as a result of the original drafting of section 172. The minister said:

> The first one is that, yes, I will ask that there be some work done on that. The second point is the honourable member's last point about maybe it was...

He then went on to talk about the nature of the debate they had in the house. Further on, he says:

> We will try to get an answer to the honourable member's question but, for the reason I have just explained, I think the answer to that question is a bit academic because, had there been no problem with the current wording, I assure the honourable member and everyone else that we would not be wasting all of your time by debating this here.

The minister did give the member for Davenport an undertaking to bring back some further information. The minister in this chamber in introducing the bill did not provide any further explanation in relation to this particular issue, and so I ask the minister whether she can provide answers to all of those questions either at the conclusion of the second reading or at clause 1 of the committee stage.

The Hon. J.A. DARLEY (16:57): I rise briefly to speak on the Work Health and Safety (Self-Incrimination) Amendment Bill. According to the government, it would appear that the current wording of section 172 of the Work Health and Safety Act could be interpreted as providing a privilege against self-incrimination to corporations as well as individuals. Clearly this was never contemplated by the government and there is some concern that the provision could seriously compromise future investigations into workplace fatalities and serious incidences. The amendment is intended to make it clear that the privilege against self-incrimination applies to individuals, that is, natural persons only.

Whilst the bill is arguably only technical in nature, it has caused a great deal of concern amongst stakeholder groups, particularly because they were not consulted over the proposed change. It is fair to say that my reaction was not too dissimilar when I first heard of the proposed change. I think it is fair to say that the current Minister for Industrial Relations was, at the time, unaware of the protracted history behind the Work Health and Safety Bill and the level of concern that any future changes would give rise to. That being said, since that time, the minister has consulted with the relevant stakeholder groups and proposed a number of ways of addressing this issue. I might add also that the minister's advisors were very quick to respond to this issue and dealt with it appropriately.

I know they certainly took the time to discuss the matter at some length with my office in order to ensure that all my concerns were addressed. Ultimately, the government has opted to settle on the use of the term 'individual' rather than 'natural person' because that is the term used

throughout the Work Health and Safety Act to distinguish between a body corporate and a natural person. I am advised that overall the majority of stakeholders have indicated a preference for the use of the term 'individual' also. Obviously there are those stakeholders who would prefer that the bill not be amended at all, but that does not appear to be a viable option in this case.

As the Hon. Rob Lucas pointed out in his contribution, there is no question that I, along with the former minister, supported and, indeed, proposed amendments identical to that which resulted in the need for this bill, based on identical legal advice. I would have to agree with the Hon. Rob Lucas that it would appear that at that stage crown law advice had not been sought by the government with respect their own proposed amendment.

That aside, and in closing, I do not intend to oppose the bill, but I would appreciate it if the minister could clarify, for the record, how this provision would apply to sole traders who operate under a corporate structure. Further, can the minister confirm how SafeWork SA will go about conducting an investigation involving companies, and what warnings will be provided to persons who answer questions in their capacity as, say, an authorised officer?

Debate adjourned on motion of Hon. Carmel Zollo.

ADELAIDE WORKERS' HOMES BILL

Adjourned debate on second reading.

(Continued from 30 April 2013.)

The Hon. R.I. LUCAS (17:00): I rise to support the second reading of the Adelaide Workers' Homes Bill. Again, this is a relatively simple bill that seeks to establish a new constitution for the organisation. It seeks to change the name of the organisation from the Adelaide Workmen's Homes to the Adelaide Workers' Homes, it seeks to remove the limit which prevents property ownership more than 100 miles from the Adelaide GPO (I suspect it probably converts that to kilometres), and it provides additional flexibility to trustees to manage the organisation, to change their name, and enter into developing partnerships, etc. For those reasons the Liberal Party supports the bill before the council.

The only point I would like to make in my brief second reading contribution is that this is a hybrid bill and, as such, requires the conduct of a select committee. This is an issue that our dear friends in another place have not always treated as fondly, or with as close adherence to the law, as perhaps the Legislative Council has. I think that is, in large part, testimony to the leadership shown by our Clerk in this particular chamber, who continues to remind us of what the law says, which standing orders relate to hybrid bills, and the requirement for select committees.

Whilst our friends and colleagues in the other place have, I suppose, in the strict letter of the law, conducted a select committee, my understanding, from reading the *Hansard* of the committee debate, is that it was established on one day, met for a millisecond, concluded the same day and then reported to the House of Assembly.

The Hon. J.S.L. Dawkins: It's not the first time they have done that.

The Hon. R.I. LUCAS: As my learned colleague the Hon. Mr Dawkins indicates, it is not the first time they have done that. That is a farce, a travesty of those particular provisions. I have long held the view—and still hold the view—that it should not be beyond the wit or wisdom of governments, Labor or Liberal, in relation to these issues and their management of the program and, with something that is as uncontroversial as this, to introduce it in such a time frame as you can actually follow the required provisions. That is, that you do have a select committee, that you do advertise in relation to it, and that you at least take some evidence from the key stakeholder or stakeholders in relation to the issue.

I suspect that 99 times out of 100 these are not controversial issues, but there have been examples in the past where, whilst the government of the day may well have been led to the view that it was uncontroversial and no-one had a contrary view, the work of the select committee attracted evidence from people who opposed the provisions. The reason for the hybrid bill provisions, the reason for having a select committee, is to give people the opportunity to put their alternative point of view if they wish. This sort of farce of saying, 'Okay, we've held a select committee, we've established it today, we told nobody that it's on, we don't advertise, we don't take any evidence and then we report', is a farce and it snubs the nose at the rules that govern the procedures of our parliament.

I am not going to test the waters here because it is not an issue that we have discussed in our party room but, at some stage, an upper house may well wish to test the waters and say, 'Well, look, that wasn't a sensible select committee being conducted on a hybrid bill. We'll establish our own select committee and do the job properly.' One would need to take advice from the Clerk, but it would be my guess that there is nothing that prevents the second chamber from actually doing the job that is expected of the parliament in relation to a hybrid bill.

I hasten to say that what that requires is that governments need to introduce a bill knowing that it is a hybrid bill and giving reasonable time for anyone who might want to put an alternative point of view in relation to the particular matter to do so. There have been some examples where that has been rushed through but it has been done in about two weeks with the gap between the parliamentary sessions, so one house will agree to establish a select committee, you advertise and if you do not get any evidence other than from the key stakeholder, you meet with the key stakeholder, take any evidence and report in two or three weeks' time when the parliament—

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

The Hon. R.I. LUCAS: There were a number of them. There was one down in Naracoorte at the town square which I recall. My colleague the Hon. Mr Dawkins refers to the Waite Arboretum which I think the Netherby Kindergarten people had a particular view about contrary to the views of the majority. Prince Alfred College—there have been a number. What I am saying is that it does not necessarily need to hold up proper or appropriate consideration of a piece of legislation which, as I said, 99 times out of a hundred is likely to be accepted by all and sundry.

However, this is a safety net. It is a safety valve to allow either a dissident group, a dissident family or a dissident individual—or indeed in some cases it may well be a significant number of people—who take a different point of view to express that to a parliamentary committee and to have that reported and considered in the debate on the legislation.

In supporting the bill, I urge members to at least consider these particular provisions in relation to hybrid bills and the use of select committees and to consider that, if we are going to have select committees—which I think we should—in relation to these particular issues, they should at least be conducted in an appropriate fashion and not in the farcical way our friends in another place have conducted the committee in relation to this particular 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) (17:08): I thank the opposition for their second reading contribution and support for this bill. Indeed, this bill is quite straightforward. It allows the Adelaide Workmen's Homes Incorporated to have a legislated constitution and to clarify that the association may exercise certain powers and functions to give effect to that purpose. I appreciate the support and I look forward to this being dealt with expeditiously through the committee stage.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (17:12): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June 2013.)

The Hon. J.A. DARLEY (17:12): I rise to speak on the Legal Practitioners (Miscellaneous) Amendment Bill. The bill seeks to improve the regulation of South Australia's legal profession and in so doing provide greater harmonisation with other Australian jurisdictions. It incorporates many aspects of the 2007 Legal Professional Bill, which became deadlocked and lapsed during the last parliament. These include amendments relating to disciplinary issues, cost disclosure, trust accounts, incorporated legal practices, community legal centres and practising certificates.

The new disciplinary system includes the abolition of the Legal Practitioners Conduct Board, which is to be replaced with a legal profession conduct commissioner, who will have increased powers, the enactment of a mentoring and early intervention system aimed at dealing with early signs of trouble in legal practices, as well as the enactment of new procedures for the Supreme Court to deal with practitioners who pose an immediate risk to the public.

The bill replaces the current definitions of 'unsatisfactory conduct' and 'unprofessional conduct' with those definitions from the 2007 bill, which are broader in scope and consistent with other jurisdictions and indeed the new national law, which is under discussion. As mentioned by the Hon. Stephen Wade in his contribution, there are concerns that, despite best intentions, the bill fails to adequately address the community's concerns about the regulation of the legal profession in South Australia, especially as a result of the Magarey Farlam case and the McGee case.

In relation to the McGee case, the new definition of 'professional misconduct' captures a wider range of conduct through the introduction of a fit and proper person test. The conduct itself need not be connected with the practitioner's practice, and need not be criminal in nature in order to amount to misconduct. This is certainly a very welcome move. That being said, given its apparent prospective nature, it does very little to address the McGee case itself and the ongoing concerns of Di Gilchrist regarding the death of her husband, Ian Humphrey. I accept the difficulties and, indeed, the reluctance in introducing retrospective legislation; however, in this instance, it is a very bitter pill to swallow.

There are questions still remaining over the government's decision to completely remove the involvement of laypersons from the disciplinary system. I understand the Hon. Stephen Wade will be moving amendments regarding this issue, which I intend to consider very carefully.

In relation to the Magarey Farlam case, where do I start? As members are aware, the law firm collapsed when $4.5 million of clients' money went missing between 1998 and 2005. The Magarey Farlam case resulted in four Supreme Court actions and a 21-month freeze over all 250 clients' assets, including those of the 208 clients who were not defrauded.

I am advised that the total compensation claim from former clients was some $6 million. The additional $1.5 million in claims was said to include losses which arose as a result of the decision to freeze the assets of the firm. In addition to the $6 million, clients also sought compensation from the fund for approximately $1.2 million in legal costs.

According to documents prepared by the Law Society and previously tabled in this parliament, between 2006 and 2007, the manager and supervisor appointed to administer Magarey Farlam also included costs of approximately $1.9 million. Those costs were paid from the guarantee fund. Whilst the total amount of the legal and court costs is not known, it is said to be substantially more and perhaps even double that of the $4.5 million that was initially stolen by one of the firm's former employees. I think the Hon. Robert Lawson QC, a former member of this place, put it best when he said, and I quote:

> This unfortunate episode in the history of the legal profession in SA is a shame to the Law Society and the legal profession and to the government, which provided no leadership.

Given the history of the Magarey Farlam affair, it is of little surprise that many of its victims felt and continued to feel let down by the legal profession in South Australia. All of us would have no doubt received correspondence and perhaps met with some of those innocent victims in relation to their ongoing concerns about the regulation of the legal profession in South Australia. I am sure we are all familiar with Mr Chris Snow, who has taken a personal interest in this bill and dedicated a great deal of time to following the various debates that have taken place, both at a state and national level, after having been personally involved in the Magarey Farlam case.

In South Australia, publicity surrounding this matter appears to have been somewhat limited to the fraudulent behaviour of the former employee of the firm. Despite having been the topic of hot discussion amongst the legal fraternity not only in this jurisdiction but Australia-wide, the wider South Australian community seems to have little knowledge of the story that unfolded following the revelation of the missing money, particularly in the context of the bills that have been subsequently introduced into this parliament.

There is little doubt that some of the victims feel that their concerns have not been adequately addressed. Many of the amendments that we are dealing with in this bill relate directly to the Magarey Farlam case. The guarantee fund or fidelity fund, as the government is proposing it

now be named, is a perfect example. The 2007 bill failed largely due to the fact that the government would not accept amendments that proposed to make the fund one of first resort.

I commend the member for Heysen (Isobel Redmond), from the other place, for maintaining her stance on this issue. I agree wholeheartedly that, when a person puts money into a solicitor's trust account, they do so in good faith and with the expectation that they should be able to have access to that money when necessary.

If that money goes missing through no fault of their own, that person should be able to recover it from the fund without having to endure what the Magarey Farlam victims were confronted with. The fact that no other jurisdiction has a fund of first resort is no excuse. I am sure, if we took a poll of the average person in the street, there would be no question about whether the fund should be one of first or last resort. During the 2008 debate, the then shadow attorney-general stated:

> We had an opportunity in this legislation to correct what has clearly been something that is very wrong. It has been evidenced by a massive case in this state, and we should have taken the opportunity to address it but, sadly, we are not doing so. I think that particularly the Law Society, in supporting the current and proposed mechanism, should hang its head in shame for diminishing the practice of law in this state.

Five years later, here we are again with the same opportunity and the government has again opted to ignore it. Instead we are saying to innocent victims once again that they must explore every other avenue including the firm in question, the firm's bank, the firm's auditors and ultimately the courts, in order to get their money back. If all that fails, then they can make a claim against the guarantee fund.

I do not think any client would willingly deposit money into a solicitor's trust account if they knew from the outset that this is their only option, even with the financial hardship provisions that the government is proposing. The suggestion that an individual be forced to demonstrate that they are experiencing financial hardship before they can get their hands on their own money is nonsense. Let us not forget that this is the fund that is predominantly made up of money earned from clients' funds. The fact that we ought to be looking at a better system is supported by the damning opinion of Justice Debelle who, during the Magarey Farlam case, stated:

> One has the deplorable state of affairs that costs are continually being incurred to a point where, rather like Bleak House, by the time costs are paid, what is going to be left for these people who innocently suffer from the fall of another? There must be a better system.

Although this bill introduces some reforms in this area, it does not go far enough. To make matters worse, to date there has been no forum or inquiry where victims have had the opportunity to have their say on these matters and there has been limited consultation and feedback beyond the legal fraternity about some of the outdated provisions of the bill. I will therefore be proposing that the bill be referred to the Legislative Review Committee for inquiry. I move:

> Leave out all the words after 'That' and insert 'the bill will be withdrawn and referred to the Legislative Review Committee for its report and recommendations.'

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

STATUTES AMENDMENT (FINES ENFORCEMENT AND RECOVERY) BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (17:24): I move:

> That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Criminal Law (Sentencing) Act 1988* and the *Expiation of Offences Act 1996*, as well as making consequential amendments to a number of other Acts, to change the present system for the collection and enforcement of unpaid pecuniary sums and expiation fees as well as debts owed to the Crown under the *Victims of Crime Act 2001*.

In the Government's view, the present system of enforcing these debts is not working as effectively as it could. As at 22 March 2013, the state of South Australia had $275 million under management with the Fines Payment Unit within the Courts Administration Authority. Of this amount, approximately:

- $132 million is subject to active time-payment arrangements or is not yet due.

- $103 million is overdue as it has not been paid within the time set by law and for which the debtor has not entered into a time payment or deferral arrangement. Of this, approximately $45 million relates to the original fine and $58 million relates to additional fees and charges (including the Victim of Crime levy, reminder notice fees and enforcement fees). Of the $103 million overdue, over $91 million is the subject of enforcement action pursuant to the *Criminal Law (Sentencing) Act*.
- $40 million is currently subject to an outsourced pilot arrangement with a specialised debt recovery organisation.

To address this problem, the Government previously established a working party to look at options to improve the system. An options paper was duly published for consultation in September 2011. The present Bill is the final result.

The Bill removes the function of fines enforcement from the Courts Administration Authority's Fines Payment Unit and instead confers it on the Fines Enforcement and Recovery Unit. This is a business unit to be established within executive government. It makes changes to the present fines collection process to reduce delays and increase flexibility.

The key expected benefits to Government of this reform include:

- A favourable budget impact.
- An ability to manage some debts earlier—to enable more proactive collections activity to motivate payment.
- The government's ability to declare amnesties from the whole or part of costs, fees and other charges and to increase the likelihood of recovery by running targeted amnesty campaigns from time to time.
- Expanded enforcement options—to increase the likelihood of collection, enhanced enforcement measures will include:
  - clamping and impounding of vehicles (in addition to the present power of seizure and sale);
  - sale of a debtor's primary place of residence if the debt amounts to $10,000 or more, including where enforcement action is taken on debts that precede the passing of the new Bill;
  - publishing of debtor names on a website to publicise who is subject to enforcement action and as a means to locate and/or to fulfil the service of certain notices (with some exceptions); and
  - indefinite suspension of a debtor's driver's licence.

The Bill allows for greater flexibility in applying enforcement actions—the Bill removes existing restrictions on the sequencing of enforcement actions providing the ability to execute the most effective enforcement treatment path of action for a particular debtor in the first instance.

The Bill establishes the role of the Fines Enforcement and Recovery Officer (the Officer) and provides the Officer with various powers.

One of those powers is to negotiate with debtors to enter into a time payment plan. A person who receives either a court fine or an expiation notice will have the option of instalment payments, without needing to prove hardship. There will be a right to enter into an instalment plan that will see the fine paid off within 12 months. This right, however may not be available to a person who has previously defaulted on an instalment plan or who is bankrupt. It will be at the discretion of the Officer to refuse to enter into any such payment arrangement. The instalment plan must provide for payment of the debt by a direct debit arrangement. For persons on Centrelink benefits, this could be a Centrepay arrangement. Alternatively, there will be the option of entering into some other arrangement with the Officer, such as payment by instalments over a period exceeding 12 months, giving a charge over real estate, a combination of payment arrangements such as a lump sum payment plus instalments, garnish wages or relinquishing property to the Officer to be sold. Such alternative arrangements are in the discretion of the Officer.

This will be easier to access for debtors with arrangements able to be made over the phone or online and reducing reliance on over-the-counter services.

When entering into an instalment arrangement, the debtor may be required to give an irrevocable authority for the disclosure of financial information by any Commonwealth, State or Local Government agency or employer at the Officer's request.

The present procedure whereby the Manager cancels the broken instalment arrangement and the debtor can then seek a review of that decision is abolished. Likewise, the procedure whereby the Manager makes an enforcement order and the debtor can seek a review of that order is also abolished. Instead, if a debtor fails to comply with an arrangement and the failure has endured for 14 days then the arrangement terminates. Once the default occurs, it is up to the Officer to pursue enforcement or to negotiate some other arrangement with the debtor.

Debtors will be able to apply to the Officer for a review of an enforcement determination in relation to an expiation notice on limited procedural grounds and an administrative application fee will be payable. The Officer may refuse to entertain an application if the Officer considers the application is frivolous or vexatious or is not made in good faith. Where an enforcement determination is revoked, management of the debt will be returned to the Issuing Authority. The Bill also allows for applications for a merits based review by the Magistrates Court where the alleged offender claims he or she did not commit the offence to which the expiation notice relates, for example the offender claims they were not the driver at the time but had allowed a relative to drive the vehicle.

If the Officer does decide not to take enforcement action, or to waive payment of any part of a debt that includes a component of victims' compensation, the Officer must notify the victim. The victim is then entitled to recover the compensation awarded as a debt from the debtor. This is considered to be fairer to the victim than the present system, whereby the court can remit or reduce the pecuniary sum, which includes the compensation, or convert it into community service, without reference to the victim.

The Bill abolishes the present hierarchy of enforcement options open for the collection of the debt. Under the present law, the Manager, Penalty Management, must normally seek to enforce the debt first by a 60-day suspension of a debtor's driver's licence or a ban on certain transactions between the debtor and the Registrar of Motor Vehicles, or both. If these sanctions do not result in payment, the Manager can then take action to sell the debtor's property. Only if that is also unsuccessful does the option of garnishment of a source of funds arise. The Bill would abolish this hierarchy of options. Instead, the Fines Enforcement and Recovery Officer would have a free hand to select the option most suited to the particular case. If, for instance, the debtor owns land, the Officer might take enforcement action by registering a charge over the land immediately. If the debtor is working, or is due an award of compensation, the Officer might garnish the wages or the award.

The Bill also adds some new enforcement powers and options and enhances some existing options. The Officer will have power to require any person to produce documents relevant to the debtor's financial affairs. For example, the Officer might ask the Public Trustee or a private administrator to disclose records about the funds of the debtor that are under management. The Officer will also be able to require state government agencies to disclose contact details for the debtor, other than agencies that are excluded by regulation. The Officer can also require a person reasonably suspected to be the debtor to produce proof of identity and where a person, without reasonable excuse refuses to comply with such a requirement can be found liable to prosecution.

The Bill allows the Officer to require information from public sector agencies relevant to the debtor—to assist in locating debtors. Public sector agencies must, on request from the Officer, provide debtor contact details if the agency is in possession of those details.

The option of suspending a driver's licence is amended so that the suspension can be indefinite, rather than limited to 60 days as at present. That is, unless the Officer is persuaded otherwise, the debtor will need to make arrangements to pay his debt if he wants to become entitled to drive again.

The power to bar transactions with the Registrar of Motor Vehicles is expanded so that it includes the transfer or re-registration of the debtor's vehicle, except for a transfer to a bona fide purchaser for value. If a debtor can afford to re-register his car or renew his driver's licence, then, in the Government's view, he can afford to put money towards his debt to the state.

The option of sale of personal property allows the sale of non-essential household items such as a games console or a television could be sold, although it is intended to protect essential household items such as refrigerators by regulation. The option of sale of land is expanded so that the debtor's residence can be sold, if the debt reaches $10,000. Currently, a debtor's house cannot be sold, no matter how much he owes and no matter what the value of the house or the equity in it.

The power to garnish wages or some other source of funds is amended so that it is not mandatory to investigate the debtor's means first and to exclude hardship. If there are funds belonging to the debtor in a bank account or in the hands of a third person, or money owing to them from any source, the Officer can attach those funds to pay the debt.

It will also be possible for the Officer to clamp or impound a vehicle. This includes a vehicle owned by the debtor or a vehicle the debtor is accustomed to drive or a vehicle that was used in the commission of an offence even if he does not own it. Clamping or impounding is available whether or not the offence was a driving offence. Currently, and perhaps surprisingly, the law allows the Manager, Penalty Management, to sell a person's car but not to immobilize it without proceeding for sale. The Officer will have additional powers in relation to clamping and impounding a vehicle, from requiring a person to stop the vehicle; causing a locking device or other feature of the vehicle to be removed, dismantled or neutralised to also requiring a person to surrender the keys to the vehicle, or starting the vehicle by other means or towing or pushing the vehicle away.

There is a new power to publish the name of a defaulting debtor on the internet. Again, this is taken from the Tasmanian law. As a result of the Commonwealth Privacy Act, a credit report obtained by a prospective lender does not include criminal penalties. It is thus possible for a person to appear to be a reliable payer but in fact to owe a substantial sum in unpaid court fines. A prospective lender or a landlord is at risk of lending money or letting premises to a person who, in fact, has not paid their debts. The Bill proposes that the Fines Enforcement and Recovery Officer could publish the names of debtors subject to enforcement action on a website which would be publicly accessible. Names would, however, have to be promptly removed if full payment was made.

As well as collecting court fines and expiation fees, the Fines Enforcement and Recovery Officer will be able to collect debts owing by offenders to the Victims of Crime Fund as a result of payments made to injured victims of crime. At the moment, these debts are collected by the Crown Solicitor's Office. Routine debt collection work is not considered a good use of the resources of that office.

The Bill allows the Officer to charge a lodgement fee to issuing authorities for lodgement of expiation fees for collection or enforcement by the Officer—the Bill provides for the ability to charge a fee to issuing authorities for the purposes of partial cost recovery for accepting the debt into the system.

The Bill also permits the Fines Enforcement and Recovery Officer in future to take on debt collection work for other government agencies by arrangement and on a cost-recovery basis.

As under the present law, the cost of enforcement action will be added to the amount owing and collected through the same processes. However, the Bill permits the Minister to declare an amnesty, during which if the debtor pays the fine in full, the accrued costs, fees and/or other costs can be waived.

Under the transitional provisions, for debtors who have made instalment payment arrangements under the present law, those arrangements continue under the new law. Where a default has already occurred and an enforcement order has been made under the old law, that order continues unless the Fines Enforcement and Recovery Officer revokes it. Where a default occurs, and no enforcement order has yet been made under the old law, all of the new enforcement options will become available.

The Bill makes consequential amendments to several other Acts reflecting the abolition of the office of Manager, Penalty Management.

The Bill also amends the *Motor Vehicles Act 1959* to increase the penalties for two offences. The penalty for driving an unregistered vehicle increases from $2,500 to $7,500 and that for driving an uninsured vehicle increases from $5,000 to $10,000. As a corollary, the Bill also amends the maximum amount of an expiation fee under this Act from $1,250 to $2,500. This will permit proposed increases in the expiation fees for these two offences, set by regulation, which the Government intends to increase from $315 and $582 respectively to $1,000 and $1,500. This is intended to ensure that there is no financial incentive to commit these offences. That is, it should never be cheaper to drive unregistered than to register the vehicle.

This Bill is intended to deliver a more effective fines collection system, not only by being tougher, although in some respects it is, but also by being more flexible and more practical in its approach than the present law. The collection process is removed from the courts and will become largely administrative. The Fines Enforcement and Recovery Officer will have wide discretion to decide whether and how to pursue a debt. The new process is expected to be quicker and more effective in recovering debts, and at the same time not to waste money pursuing those debts that are plainly unrecoverable. It is also intended to give debtors more payment options at the start of the process, to maximise the opportunities for those able and willing to pay to do so and, for debtors who for good reason are unable to pay, to divert them to other options at an early stage.

The Government believes this Bill is a practical measure to address a problem that, under the present law, has become intractable.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of section 74AA—Board may impose community service for breach of conditions

Section 74AA currently provides that if the Parole Board of South Australia imposes a parole condition requiring performance of community service, the person subject to the order cannot, except in circumstances approved by the Minister, be required to perform the community service for a continuous period exceeding 8 hours. This clause amends the section by reducing the maximum continuous period to 7.5 hours.

Part 3—Amendment of *Courts Administration Act 1993*

5—Amendment of section 21A—Non-judicial court staff

This amendment is consequential.

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

6—Amendment of section 3—Interpretation

This amendment inserts and amends definitions for the purposes of the measure.

7—Amendment of section 13—Order for payment of pecuniary sum not to be made in certain circumstances

This amendment is related to the substitution of Part 9 Division 3.

8—Amendment of section 47—Special provisions relating to community service

Currently, under section 47, the number of hours of community service to be performed by a person under a sentence or condition imposed by a court must not be less than 16 or more than 320. Under the section as amended by this clause, the number of hours must not be less than 15 or more than 300.

The section also currently provides that a person subject to such a sentence or requirement may not, except in circumstances approved by the Minister, be required to perform the community service for a continuous period exceeding 8 hours. This clause amends the section by reducing the maximum continuous period to 7.5 hours.

9—Amendment of section 56A—Appointment of authorised officers

This amendment allows the Minister to appoint a person as an authorised officer and makes consequential amendments.

10—Insertion of section 56B

This amendment inserts definitions for the purposes of Part 9 Division 2 that are related to the proposed substitution of Part 9 Division 3.

11—Substitution of Part 9 Division 3

This clause substitutes a new Part 9 Division 3 as follows:

Division 3—Enforcement of pecuniary sums

Subdivision 1—Preliminary

60—Interpretation

This section provides definitions for the purposes of the Division.

61—Amounts due under expiation notices may be treated as part of pecuniary sum

This section provides for the making of a determination by the Fines Enforcement and Recovery Officer, on application by a debtor, that an amount due under an expiation notice will be taken to be part of the pecuniary sum owed by the debtor.

62—Enforcement against youths

This section relates to enforcement against youths.

63—Service of notices etc

This section provides for the service of notices generally under the Division.

Subdivision 2—Fines Enforcement and Recovery Officer

64—Fines Enforcement and Recovery Officer

This section establishes the Fines Enforcement and Recovery Officer.

65—Delegation

The Fines Enforcement and Recovery Officer may delegate powers or functions.

Subdivision 3—Payment of pecuniary sums

66—Pecuniary sum is payable within 28 days

This section provides for the payment of pecuniary sums within 28 days.

67—Payment of pecuniary sum to Fines Enforcement and Recovery Officer

This section provides for pecuniary sums to be paid to the Fines Enforcement and Recovery Officer.

68—Payment by credit card etc

This section allows payment of a pecuniary sum by credit card, charge card or debit card.

69—Amounts unpaid or unrecovered for more than certain period

If any part of a pecuniary sum imposed by court order is unpaid or unrecovered in accordance with the provisions of Subdivision 3 or 4, an amount determined under the regulations is added to the pecuniary sum. The Fines Enforcement and Recovery Officer may waive the payment of the whole or part of an amount payable by a debtor under this provision.

70—Arrangements as to manner and time of payment

This section provides that a debtor may enter into an arrangement as to the manner and time of payment of a pecuniary sum, and provides for procedures relating to such arrangements.

70A—Minister may declare amnesty from payment of costs, fees and charges

The Minister may declare an amnesty from the payment of costs, fees and charges.

70B—Investigation of debtor's financial position

The Fines Enforcement and Recovery Officer may investigate a debtor's means of satisfying a pecuniary sum.

70C—Power to require information

The Fines Enforcement and Recovery Officer may require certain information from a public sector agency.

70D—Disclosure of information to prescribed interstate authority

The Fines Enforcement and Recovery Officer may disclose prescribed particulars of a debtor to a prescribed interstate authority.

70E—Power to require identification

This section provides for an authorised officer to require identification evidence in certain circumstances.

70F—Publication of names of debtors who cannot be found

This section provides for the publication of names of debtors who cannot be found.

70G—Charge on land

The Fines Enforcement and Recovery Officer may register a charge over land owned by a debtor for the amount of a pecuniary sum outstanding.

70H—Reminder notice

This section provides for a reminder notice to be sent to a debtor who has not paid a pecuniary sum or entered into an arrangement within 28 days after the pecuniary sum is imposed.

70I—Enforcement actions

This section provides for the Fines Enforcement and Recovery Officer to take enforcement action if a debtor has not, within 14 days of (and including) the date on which a reminder notice relating to a pecuniary sum was served on the debtor, paid the sum or entered into an arrangement under the Division in respect of the sum or an arrangement under the Division has terminated.

Subdivision 4—Powers relating to enforcement action

70J—Aggregation of pecuniary sums for the purposes of enforcement

This section provides for the aggregation of pecuniary sums for the purposes of enforcement.

70K—Seizure and sale of assets

This section provides for the seizure and sale of assets of a debtor to satisfy a pecuniary sum.

70L—Garnishment

This section provides for the garnishment of money to satisfy a pecuniary sum owed by a debtor.

70M—Suspension of driver's licence

This section provides for the suspension of a debtor's driver's licence.

70N—Restriction on transacting business with Registrar of Motor Vehicles

This section provides that the Fines Enforcement and Recovery Officer may prohibit a debtor from transacting any business with the Registrar of Motor Vehicles.

70O—Clamping or impounding of vehicle

This section empowers the Fines Enforcement and Recovery Officer to clamp or impound a motor vehicle that a debtor owns, or is accustomed to drive, or that was used in the commission of an offence to which action under this Division relates.

70P—Power to dispose of uncollected seized vehicles

This section empowers the Fines Enforcement and Recovery Officer to dispose of a motor vehicle if no person who is entitled to custody of the vehicle that has been seized and clamped or impounded applies to the Fines Enforcement and Recovery Officer for release of the vehicle within 28 days of the vehicle ceasing to be liable to be so clamped or impounded.

70Q—Publication of names of debtors subject to enforcement action

This section provides for the publication of the names of debtors subject to enforcement action.

70R—Costs

This section provides that any costs incurred by the Fines Enforcement and Recovery Officer in relation to the exercise of powers and functions under the Subdivision are added to and form part of the pecuniary sum owed by the debtor.

70S—Liability

This section makes provision relating to the liability of the Fines Enforcement and Recovery Officer or a delegate of the Fines Enforcement and Recovery Officer in respect of the exercise, or purported exercise, of powers an functions under the Subdivision.

70T—Fines Enforcement and Recovery Officer may be assisted by others

This section provides that the Fines Enforcement and Recovery Officer or an authorised officer may, in the exercise of any powers or functions under the Subdivision, be assisted by others.

Subdivision 5—Failure of enforcement process

70U—Community service orders

This section provides that the Court may, on application by the Fines Enforcement and Recovery Officer, make a community service order in relation to a debtor, if the Court is satisfied that the debtor does not have, and is not likely within a reasonable time to have, the means to satisfy a pecuniary sum without the debtor or his or her dependants suffering hardship.

12—Amendment of section 71—Community service orders may be enforced by imprisonment

This clause amends section 71(2) to provide for a 12 month limit on the term of imprisonment that may be imposed in enforcing community service orders made under Part 9 Division 3 Subdivision 5 (as distinct from other community service orders, in relation to which the existing 6 month limit continues to apply). The other amendments are consequential.

13—Amendment of section 72—Identification of authorised officers

14—Amendment of section 72A—Hindering authorised officer or assistant

15—Amendment of section 75—Regulations

These amendments are consequential.

16—Transitional provisions

This clause provides for transitional provisions for the purposes of the measure.

Part 5—Amendment of *Cross-border Justice Act 2009*

17—Amendment of section 120—Terms used in this Part

This amendment is consequential.

Part 6—Amendment of *Expiation of Offences Act 1996*

18—Amendment of section 4—Interpretation

This amendment inserts and amends definitions for the purposes of the measure.

19—Amendment of section 6—Expiation notices

This amendment is consequential.

20—Amendment of section 7—Payment by card

This amendment is technical.

21—Amendment of section 8—Alleged offender may elect to be prosecuted etc

22—Amendment of section 8A—Review of notices on ground that offence is trifling

These amendments are consequential.

23—Substitution of sections 9 and 10

This clause deletes the existing sections 9 and 10 and substitutes a new section 9 as follows:

9—Arrangements as to manner and time of payment

This section provides that an alleged offender who has been given an expiation notice may at any time during the expiation period, enter into a written arrangement with the Fines Enforcement and Recovery Officer for payment of the amount due under the notice by direct debit instalments or some other kind of written arrangement with the Fines Enforcement and Recovery Officer for payment of the amount due under the notice.

The section makes provision for procedures and other matters relating to arrangements.

24—Amendment of section 11—Expiation reminder notices

This clause deletes subsections (2) and (4) and makes consequential amendments.

25—Amendment of section 11A—Expiation enforcement warning notices

This clause deletes subsections (3) and (5) and makes a consequential amendment.

26—Substitution of sections 12 to 14

This clause substitutes sections 12 to 14 as follows:

12—Late payment

This section provides for late payment of expiation fees.

13—Enforcement determinations

This section provides for the Fines Enforcement and Recovery Officer to make an enforcement determination in relation to an expiation notice given to a person if an issuing authority has sent a certificate under subsection (1) to the Fines Enforcement and Recovery Officer. The section provides for procedures and other matters relating to the making of a determination, including as to how the alleged offender will be treated in relation to the offence or offences to which the determination relates.

14—Review of enforcement determinations by Court

If an enforcement determination has been made, the alleged offender may apply to the Court for a review of the determination. An application may only be made on the ground that the alleged offender did not commit the offence or offences to which the expiation notice relates.

14A—Enforcement actions by Fines Enforcement and Recovery Officer

This section provides for the Fines Enforcement and Recovery Officer to take enforcement action if an enforcement determination has been made in relation to an expiation notice to secure payment of the amount due under the notice. Enforcement action includes entering into an arrangement under section 9 or taking enforcement action under the *Criminal Law (Sentencing) Act 1988*.

14B—Amounts unpaid or unrecovered for more than certain period

If any part of an expiation fee remains unpaid, or unrecovered from, the alleged offender at the end of the expiation period, an amount determined under the regulations is added to, and forms part of, the amount due. The Fines Enforcement and Recovery Officer may waive payment of the additional amount in such circumstances as he or she thinks fit.

27—Amendment of section 15—Effect of expiation

28—Amendment of section 16—Withdrawal of expiation notices

29—Amendment of section 17—Application of payments

These amendments are consequential.

30—Substitution of sections 18, 18A and 18B

This clause deletes sections 18, 18A and 18B and substitutes new sections as follows:

18—Provision of information

This clause requires issuing authorities and the Fines Enforcement and Recovery Officer to agree to provide relevant information to each other.

18A—Minister may declare amnesty from payment of costs, fees and charges

The Minister may declare an amnesty from the payment of costs, fees and charges.

18B—Investigation of alleged offender's financial position

The Fines Enforcement and Recovery Officer may investigate an alleged offender's means of satisfying a pecuniary sum.

18C—Power to require information

A public sector agency that is in possession of the contact details of an alleged offender must provide the details to the Fines Enforcement and Recovery Officer on request.

18D—Disclosure of information to prescribed interstate authority

Prescribed particulars of an alleged offender may be disclosed by the Fines Enforcement and Recovery Officer to a prescribed interstate authority.

18E—Power to require identification

The Fines Enforcement and Recovery Officer may require a person to produce evidence of his or her identity if the Officer has reasonable cause to suspect that the person may be a person to whom an expiation notice has been issued.

31—Amendment of section 20—Regulations

This clause amends the regulation making provision of the Act so that the regulations may—

- prescribe, or provide for the calculation of, costs, fees or charges for the purposes of the Act;
- exempt a person or class of persons from the obligation to pay prescribed costs, fees or charges;
- prescribe penalties, not exceeding $5,000, for breach of, or non-compliance with, a regulation;
- be of general or limited application;
- make different provision according to the persons, things or circumstances to which they are expressed to apply;

- provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Fines Enforcement and Recovery Officer or another prescribed person;
- provide that a specified provision of the Act does not apply, or applies with prescribed variations, to a person, circumstance or situation (or person, circumstance or situation of a prescribed class) specified by the regulations, subject to any condition to which the regulations are expressed to be subject.

The regulations may also make provisions of a savings or transitional nature consequent on the commencement of a provision of the Act.

32—Transitional provisions

This clause sets out transitional provisions for the purposes of the measure.

Part 7—Amendment of *Fisheries Management Act 2007*

33—Amendment of section 104—Demerit points for certain offences

The amendments made by this clause are consequential.

34—Amendment of section 108—Disqualification etc and discounting of demerit points

Section 108 currently refers to a person having been convicted of offences. The section as amended by this clause will refer instead to a person having been found guilty of offences.

Part 8—Amendment of *Magistrates Court Act 1991*

35—Amendment of section 7A—Constitution of Court

Under section 7A as amended by this clause, the Magistrates Court may be constituted of a special justice for the purpose of hearing and determining applications for review of enforcement determinations under the *Expiation of Offences Act 1996*.

36—Amendment of section 9A—Petty Sessions Division

37—Amendment of section 12—Administrative and ancillary staff

The amendments made by these clauses are consequential.

38—Repeal of section 13A

This clause repeals section 13A. The section, which sets out the responsibilities of the Manager, Penalty Management, will be redundant on the establishment of the position of the Fines Enforcement and Recovery Officer.

Part 9—Amendment of *Motor Vehicles Act 1959*

39—Amendment of section 5—Interpretation

The amendment made by this clause is consequential.

40—Amendment of section 9—Duty to register

This clause increases maximum penalties for offences under section 9.

41—Amendment of section 85—Procedures for suspension, cancellation or variation of licence or permit

Section 85 applies if the Registrar of Motor Vehicles decides to exercise a power to suspend, cancel or (otherwise than on the person's application) vary a person's licence or learner's permit and requires the Registrar to give the person written notice of certain matters. This clause inserts a new subsection that makes it clear that the section does not apply if the Registrar is required to exercise a power to suspend, cancel or vary a person's licence or learner's permit.

42—Amendment of section 93—Notice to be given to Registrar

Section 93 as amended by this clause will require the Commissioner of Police, a prescribed issuing authority or the Fines Enforcement and Recovery Officer to give written notice of the expiation of an offence to the Registrar. The provision also provides for notification of a revocation of an enforcement determination where appropriate.

43—Amendment of section 98B—Demerit points for offences in this State

The amendment made by this clause is consequential.

44—Amendment of section 102—Duty to insure against third party risks

This clause increases maximum penalties for offences under section 102.

45—Amendment of section 139D—Confidentiality

This clause makes a consequential amendment to the confidentiality provision.

46—Amendment of section 145—Regulations

This clause amends the regulation making power to increase the maximum amount that may be fixed by regulation as an expiation fee for an offence against the Act or the regulations.

Part 10—Amendment of *Summary Procedure Act 1921*

47—Amendment of section 189A—Costs payable by defendant in certain criminal proceedings

The amendment made by this clause is consequential.

Part 11—Amendment of *Victims of Crime Act 2001*

48—Amendment of section 28—Right of Attorney-General to recover money paid out from offender etc

Section 28 is concerned with the right of the Attorney-General to recover amounts paid under the Act in certain circumstances. Under the section as amended by this clause, if a debt arises from a judgment in favour of the Crown and against an offender in accordance with the section, the Fines Enforcement and Recovery Officer is permitted to take action on behalf of the Crown to recover the debt.

49—Amendment of section 32—Imposition of levy

The amendments made by this clause are consequential.

Part 12—Amendment of *Young Offenders Act 1993*

50—Amendment of section 49A—Restrictions on performance of community service and other work orders

Section 49A currently provides that a youth cannot be required to perform community service for more than 8 hours in any one day except in circumstances approved by the Minister. This clause amends the section by changing the maximum period to 7.5 hours.

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

MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW (APPLICATION) BILL

The House of Assembly agreed to the bill without any amendment.

At 17:29 the council adjourned until Thursday 6 June 2013 at 14:15.