LEGISLATIVE COUNCIL

Thursday 6 June 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:16 and read prayers.

QUESTION TIME

FOOD AND WINE INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding the mysterious case of missing millions.

Leave granted.

The Hon. D.W. RIDGWAY: In 2010, Labor began setting up a consumer market innovation centre. It was to be an alliance between the state government, industry, leading researchers and the University of Kent. The university has five campuses—Canterbury, Medway, Tonbridge (in Kent), Brussels and Paris—so its involvement in Adelaide was regarded as big news. Kent's alumni include Sir David Aker-Jones, former acting governor of Hong Kong, Fu Ying, the Vice Foreign Minister of the People's Republic of China, cricketer David Fulton, and E.L. James, author of *Fifty Shades of Grey*. Here, Kent's involvement was to be through the university's value chain centre, run under the direction of the university's Professor Andrew Fearne.

South Australia, in this plan, would see the centre become a national focus for consumer and market insight research and product and process innovation for the food and wine industry. However, the centre was never opened because it was never built; it was quietly, even secretly, scuttled, and sank without a trace. All that remains is an oily slick on the surface.

Yesterday, the minister told the parliament that the 'decision was later made to allocate those...funds to Food SA and [to] the South Australian Wine Industry Council'. My questions are:

1. When was the decision made to scrap the centre?

2. When was the decision publicly announced, and how?

3. When was the University of Kent told its involvement would no longer be needed?

4. What costs were incurred in the setting up of the centre before it was scrapped?

5. When the funds were reallocated, as the minister claimed yesterday, to Food SA and the Wine Industry Council, how much extra did those bodies receive, in what year did they receive it, and when did the government announce this magnanimity?

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) (14:21): I thank the honourable member for his important question. Indeed, in 2010 the minister for primary industries at the time agreed to develop a consumer and marketing centre. As I put on record in this place yesterday, the minister at the time—I believe it was the Hon. Mr O'Brien—after consultation with the industry, determined that there were better ways to invest that money into our primary industries.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: It probably was announced at the time. The opposition never listens to anything. It always gets its facts wrong, and it has them wrong in this case. It gets it wrong time and time again.

We know that the minister had considerable consultation with the industry at the time, and the industry very much supported these funds being distributed in a different way to achieve very similar outcomes for the industry. We know, for instance, that there were two associations supporting the South Australian food industry at the time: Food Adelaide, which focused on exporting food and beverage companies; and Flavour SA, which supported smaller food companies. At that time the industry itself expressed a willingness to develop a single representative food industry peak body, which was known as Food SA.

Food Adelaide was situated out at Regency Park, and the 2010 initiative was to be focused out there to couple with those activities. However, as the Hon. David Ridgway probably does not

realise, Food SA relocated to the Waite Institute, so it would seem quite reasonable, given that they received a grant to undertake some of this activity, that they be able to link with the other experts and the technical support available at the Waite Institute.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: They do not listen, Mr President. I have just outlined the historic structure and how they came together, and how they relocated to the Waite. The honourable member needs to go and read the *Hansard*; or listen, that would be a good start. It would be silly to put something out at Regency when all the action was occurring at the Waite. I understand the then minister determined that supporting key development programs with the industry associations would be an effective way to grow the food and wine industry in South Australia. That was, as I said, supported by the industry at the time, so this was all done in consultation with the industry and supported by the industry.

The strategy was revised and I am advised that, as a result of that decision, Primary Industries entered into grant funding agreements with Food SA and the South Australian Wine Industry Association to deliver programs that would improve the capacity of the state's food and wine businesses. Just for the record, I think I said yesterday it was the South Australian Wine Industry Council. It is not; the association is the SAWIA, just so that record is corrected.

The key outcomes for food and wine sectors from this funding have included things like the establishment of a thriving peak industry body representing the South Australian food industry; the delivery of regional programs, including the Eyre Peninsula market development program, which is about growing international sales for the seafood industry; an Eat Local campaign which was recently launched to encourage people to eat South Australian produce; a Regional & Seasonal program at the Central Market; the South Australian Food User Guide has been developed to highlight our projects, particularly in China; and a sustainability program in collaboration with Zero Waste developed to help new food processing and manufacturing businesses consider their environmental sustainability, which obviously pays dividends for food businesses.

There is a long list of things that have been achieved with these grants that are absolutely consistent with our original position and initiative to grow food and wine marketing opportunities and businesses. These funds have also been utilised to do things like manage the South Australian presence at the numerous food and wine international trade events like HOFEX, Food and Hotel Asia, and SIAL in Shanghai. These are huge events—absolutely amazing events.

Key industry development outcomes for the SAWIA grant funding have been the development of a wine market development program that has delivered increased export awareness and developed workshops throughout the regional wine areas of South Australia, and most recently 'Adelaide: The Wine Capital of Australia' was launched, adopting a new state brand in the campaign designed to boost wine and tourism and cellar door sales.

Also, the industry development activities undertaken by PIRSA to support that program have been the delivery of a number of investment attraction initiatives, including supporting capital flows in agribusiness; detailed value chain and market summary reports on opportunities in the horticulture, grains, meat and livestock, and seafood industries; and, of course, a number of key trade delegations that PIRSA has led, to China in particular.

We see that a great deal of activity has occurred in that space. I understand that the funds that were made available for the initial initiative were about $1.1 million, roundabout that amount. Food SA was given a grant of just over $0.5 million; it was $550,000. The SAWIA was given a grant of $250,000, and $300,000 was retained for the development of investment opportunities, and I have listed a number of those—the delegations, the representation at international events, and suchlike. I believe that that was from 2010-11 for four years and I understand that most of those funds have been expended for those purposes. All of those funds have just about been directed to the activities, the initiatives, that were the original intention back in 2010.

FOOD AND WINE INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): By way of supplementary question, when did the government announce that it was scrapping its election promise, and how much money was spent prior to that announcement?

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) (14:30): The premise of the Hon. David Ridgway's question

is inaccurate. I have just gone to considerable lengths to outline the fact that this initiative was not scrapped, that in fact a great deal of work has been done to achieve the intent of the initiative. I have outlined that and an enormous amount has been delivered. In terms of the date, I would have to check that. It was at the time of minister O'Brien, and I am not too sure exactly in what year that occurred, but I can find it and I am happy to bring it back.

It just shows that the Hon. David Ridgway is completely out of touch because, had he bothered to discuss or raise this at all with any of the key industry stakeholders, they would have said to him, 'Oh, no, the minister consulted with us at the time. We in fact believe that this is a very positive way to go, we believe that the funds should be given to the industry for industry-led activities.' That is what we did and that is why those substantial grants were given to organisations like Food SA and the wine association, industry-run and managed organisations, and spent on those priorities identified by the industry itself. I think that is a very sound position from which to be coming.

FOOD AND WINE INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): By way of further supplementary, how much money was spent by the government on this project prior to it, as the minister says, refocusing the project—I would say scrapping?

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) (14:32): I have already put on the record that the premise of the Hon. David Ridgway's statement is incorrect. It has not been scrapped—

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

The Hon. G.E. GAGO: Well, if you want to keep using that language, I will get up here and correct you every single time, as I should. I have a responsibility. The Hon. David Ridgway comes into this chamber time and again with incorrect, inaccurate information. He does not check his facts or talk to the major key players in the industry and fails to consult.

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

The Hon. G.E. GAGO: Well, he hasn't been to Food SA, he hasn't been to the wine association—the key players in this strategy—and he has not even bothered to pick up the phone and talk to them. He cannot come into this chamber with inaccurate information, and I will challenge him every single time. This initiative has been fulfilled. The initiative was restructured in line with industry needs; it has delivered top products on the ground and that is a credit to Food SA and the wine association, so I congratulate them for their efforts, and that should be recognised by the Hon. David Ridgway.

In terms of the spending, I do not have that detail on me, but I am happy—it was money at a time when I was not minister, so I was not responsible for the spending of that money. I assure members that I am confident that very little of that would have been expended at the time, but I will make sure that I get the exact figure for honourable members and bring it back, but I fear that the Hon. David Ridgway will be left with egg on his face yet again. He will be terribly disappointed and really embarrassed because he has failed to even bother to go to the basic key stakeholders in this—Food SA and the wine association—or even bothered to consult with them about this.

FOOD AND WINE INDUSTRY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): I have a further supplementary. Was the $550,000 supplied to Food SA over and above any budget allocations they were getting prior to that?

The PRESIDENT: Minister, you said you would come back with those figures—I heard it.

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) (14:34): He should give up. He's a big embarrassment. He's just embarrassing himself over and over again. He's on a losing streak. He's got egg all over his face and he just keeps splashing more on. I am advised that, in terms of the spending prior to that time—relating to the previous question—to the best of our knowledge, very little if any was spent, but I've already given a commitment.

The Hon. J.M.A. Lensink: What does that mean—very little?

The Hon. G.E. GAGO: Like 'der'—very little, almost none, not a lot.

The PRESIDENT: I love Thursday question times.

The Hon. G.E. GAGO: It's embarrassing. I'll save them any further embarrassment and we'll just call it quits, I think.

The PRESIDENT: Hear, hear!

Members interjecting:

MURRAY-DARLING BASIN PLAN

The Hon. J.M.A. LENSINK (14:35): Mr President, this is incredible.

The PRESIDENT: Oh, right. The Hon. Ms Lensink, do you have a question?

The Hon. J.M.A. LENSINK: I do.

The PRESIDENT: Good.

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of the River Murray agreement.

Leave granted.

The Hon. J.M.A. LENSINK: Today, it was announced by the commonwealth and Victorian governments that Victoria has been the first state to sign up to the Murray-Darling Basin agreement. I quote from the Hon. Tony Burke's media release, which says as follows:

> The Intergovernmental Agreement ensures that the states and the Commonwealth agree on the funding arrangement for the projects and the processes which make it happen.
>
> Once the IGA is concluded with all states, there is nothing left but implementation.

I understand that Victoria will have access to some $60 million in additional funding over a total of eight years as part of the agreement. My questions for the minister are:

1. If the Weatherill government is so committed to saving the Murray, why wasn't it the first state to sign up?

2. If the Weatherill government is so committed to saving the Murray, why are South Australia and South Australian irrigators still waiting some seven months after the basin plan was finalised?

3. Is there disagreement with the commonwealth regarding funding, as potentially highlighted through minister Burke's media release?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:37): I thank the honourable member for her most important question. I am particularly thankful if I can read into that question that, finally, the Liberals are advocating for the River Murray—three years too late but, at last.

The PRESIDENT: Order, minister!

The Hon. I.K. HUNTER: At last they've caught on to the whole vibe of the political debate in terms of water in this country for the last decade or so.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway has had his go.

The Hon. I.K. HUNTER: Yes, this is also the Liberal Party that builds one-way roads to the south and half a desal plant—that's the sort of policy approach. When you do get a policy approach from the Liberals of course—and we're still waiting to see what that might be—that's the sort of policy approach you see from this Liberal Party: one-way roads, half desal plants. They settle for the Cortina option when it comes to negotiating with the Eastern States on water delivery through the River Murray. But I am very pleased indeed that the honourable member raises this issue because at least it shows the Liberals have finally caught on to the importance of the River Murray.

The PRESIDENT: Now, minister, I'm starting to forget what the question was about. What was it?

The Hon. I.K. HUNTER: I have already, but I will give the answer I was going to give anyway.

The PRESIDENT: Okay.

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

The PRESIDENT: Order! I'm not listening to you.

The Hon. I.K. HUNTER: The final Murray-Darling Basin Plan represented a significant victory for all South Australians, as the honourable member knows, although she and her party were absent from the fight. The Premier and the former minister for water and the River Murray led a very successful campaign which brought together government, irrigators, Riverland communities and, in fact, united the whole state and led to significant changes to the draft plan.

Our demands were based on the best available science, as they should be, which showed that 2,750 gigalitres was insufficient to restore the river to health and that 3,200 gigalitres was required to ensure the health of the entire basin. Those opposite begged us not to push for a better deal. They begged us to accept the second-rate or third-rate option that was foisted on us by the Eastern States. They were willing to accept a plan which would have failed to ensure the health of the river, failed to ensure water for our irrigators. They squibbed it. They still cannot get the concept that we argued the position on the best available science. When the best available science gave us a figure, that is what we backed. Again, like yesterday, they do not understand how science works in this place. These guys have got no clue about science. They just go for the cheap political option and supporting their mates in the Eastern States will never deliver for South Australians.

As a result of Jay Weatherill's negotiations on behalf of the state, $1.77 billion in commonwealth funding has been committed to recover the additional 450 gigalitres of water and to address constraints in the system. Approximately $200 million of this funding will be spent on addressing those constraints, I am advised. The additional 450 gigalitres will be recovered in a way which ensures that there is no negative socioeconomic impact on communities and will include recovery of water through on-farm water efficiency measures and other measures proposed by the states.

It was always South Australia's intention to be a willing and early signatory to the plan. We went out there and we said it. Our signing is contingent on finalising existing funding commitments which were made as part of the negotiations associated with the Murray-Darling Basin Plan, and they are agreements that we insisted on for the good of our state. We will never back down on this side for South Australia, unlike those opposite. We will stand up for our state, for the River Murray and the River Murray communities. The state government has continued to work through these details with the federal government with final agreement to be reached in the very near future.

REGIONAL DEVELOPMENT AUSTRALIA

The Hon. S.G. WADE (14:41): I seek leave to make a brief explanation before asking the Minister for Regional Development a question relating to Regional Development Australia bodies in South Australia.

Leave granted.

The Hon. S.G. WADE: Each year the Weatherill Labor government has slashed funding to regional South Australia. From 30 June this year the state government will stop funding the seven Regional Development Australia bodies in South Australia. As a result, RDA bodies in Eyre and Western, Far North, Yorke and Mid North, Barossa, Murray and Mallee, Adelaide Hills, Fleurieu and Kangaroo Island, and Limestone Coast will lose a total of $4.083 million in funding.

The previous agreement was based on the state government contributing $3 for every $1 contributed by local government. Once the funding agreement ceases on 30 June this year, I understand that the local government funding will no longer be assured and the viability of the bodies is threatened. I ask the minister:

1. Has she received feedback from the seven RDAs as to whether they have sourced alternative funding from 30 June 2013?

2. Will the minister commit to working with the seven RDAs to establish alternative funding sources to ensure their continuation?

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) (14:43): I thank the honourable member for his most important questions. This government takes the development of our regions very seriously and has worked very hard to assist in providing significant economic drivers for our regions. It has been placed on the record before in this place the changes that were made to RDA funding some time ago. When I became regional development minister I took a very close look at that and believed that some funding needed to be resumed, and that level of funding was pretty much at the same level as the commonwealth government's contribution to RDAs. After all, this regional development structure was a federal government initiative, and although it is in partnership with state and local government, it nevertheless was a federal initiative; they were the driver.

I believe that it is quite reasonable that, as a tripartite member, we contribute on par with the commonwealth government. Indeed, in most cases the South Australian government's contribution certainly exceeds that of the local government contribution, but not in all areas per se. Did we inform the RDAs of those changes well in advance? I set up a new funding structure where funds were specifically designated for RDAs, and then a second funding structure where RDAs were eligible to apply, as well as other organisations. So there were additional funds they could have access to as well.

I encourage the RDAs to look to the RDF funds, stream 2, for additional funding that is available. It is based on a merit system so they need to outline what the initiative is and put that forward. I am happy to work with the RDAs in continuing to look at ways of invigorating their activities. I am always happy to do that: I have done so from the outset and will continue to do so.

REGIONAL DEVELOPMENT AUSTRALIA

The Hon. J.S.L. DAWKINS (14:46): I have a supplementary question. To what extent do the funding changes impact on an individual RDA's ability to offer continuity to staff?

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): We set up a timing structure that enabled the RDAs to apply well in advance so that they knew well ahead of time what amount of funding they would have available to them so that they could then provide greater continuity in terms of their staffing.

It is a significant issue for RDAs. RDAs access a whole range of different buckets of funding from all over the place. Different RDAs have different sorts of activities and are funded in different ways according to what they have applied for and for what purpose. Part of the problem with funding in that way, project-type funding, is that the funds are usually once-off for a particular time limit and there is no guarantee that further funds will be available after that time. It makes the issue of continuity challenging for them, and I understand that. However, we have certainly done our best to set up the timing and the announcement of the provisions that are going to be made available to each of the RDAs well in advance so at least they have some certainty.

JOHN LEGOE AWARD

The Hon. R.P. WORTLEY (14:48): In this chamber we all know that the Hon. Gail Gago, the leader of the house, spends a lot of time out in communities looking after her responsibilities in various ministries.

The PRESIDENT: Is the Hon. Mr Wortley seeking leave?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: I seek leave to ask the Minister for the Status of Women and the Minister for State/Local Government Relations a question regarding awards.

The Hon. R.L. Brokenshire: The right faction supporting the left faction.

The PRESIDENT: And you'll be left right out. Is leave granted?

Leave granted.

The PRESIDENT: The Hon. Mr Wortley: you have a brief explanation?

The Hon. R.P. WORTLEY: In this chamber we all know of the great work that the Hon. Gail Gago does in the regions and throughout communities in her capacity as minister of

various portfolios. As I said yesterday, the Hon. Ms Gago is a tireless, fearless and uncompromising advocate for people in the regions.

During her travels the minister, who is also the Minister for the Status of Women, comes across many great women who spend a lot of time giving to the community and expecting nothing in return. These people are the salt of the earth. There have been various events held recently where these women have been recognised. My question is: can the minister advise us on the awards and the women who won them?

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) (14:49): I thank the honourable member for his most important question and his enlightened views. In my role as Minister for the Status of Women I have certainly been privileged to meet a significant diversity of women from all over South Australia who are exceptional people and exceptional role models to our community. Many are the quiet achievers that are very rarely heard of or spoken about and often their achievements go under-recognised and unacknowledged. Many of these people are leaders in their professions and advocates for their communities.

I believe it is important that their work is publicly acknowledged and that these women's achievements are acknowledged as well. I am pleased to be advised that the recent Local Government Association Showcase Awards Dinner recognised two women with the John Legoe Award.

The Hon. D.W. Ridgway: John Legoe, former LGA president, member of the Liberal Party, bloody good bloke; and his wife, Gayle, a lovely lady.

The Hon. G.E. GAGO: No wonder I can't pronounce his name.

The PRESIDENT: Order! I want to hear this. I do not want to hear you, Hon. Mr Ridgway.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, just be quiet.

The Hon. G.E. GAGO: They are named in memory of the former LGA president, and he was also mayor of Kingston. John Legoe died in 2005 shortly after completing his term as president. I understand that John was a passionate supporter of, and gave encouragement to, people (particularly younger people), I believe, nominating and participating in local government.

The awards recognise elected members who have demonstrated commitment to personal development, community service and involvement in promoting their local council or community. The spirit and intent of the awards are to recognise personal development and achievement. I am advised that the winner this year of the John Legoe Award for excellence was the Mayor of Kangaroo Island, Jayne Bates.

The Hon. R.L. Brokenshire: Good mayor.

The Hon. G.E. GAGO: She is an excellent mayor. I agree with the honourable member's interjection indicating that she is an excellent mayor. Mayor Bates was recognised for her work with local government and her dedication to the Kangaroo Island community. Also recognised was Erika Vickery, Mayor of Naracoorte Lucindale Council, who received the John Legoe Encouragement Award.

The Local Government Managers Australia (SA Division) 2013 Leadership Excellence Awards were also announced recently. This year's Excellence in Advancing the Status of Women Award, an award supported by the Office for Women and the Office for State/Local Government Relations, was presented to the CEO of Wakefield Regional Council, Cate Atkinson. I understand that Cate has worked hard to establish a successful women's network as part of the LGMA.

The Year of Women in Local Government was the catalyst in establishing the network. As part of celebrating women's roles in local government, Cate implemented the first state women's conference in 2008, and I am told that this event has grown each year and is now a major training and development event on the local government calendar. Parallel to the annual conference, she has fostered a comprehensive training and development program to assist women across organisations, no matter what their role or skill level.

Training sessions are now undertaken each year around the metropolitan area to ensure women can access training more locally, and this will be extended to country regions in the coming

year. I am advised that over 500 women have benefited from the programs developed through the women's network over the last five years, with many now more confident and determined in their career paths. It is not just in local government that the participation of women is being encouraged; I would also like to mention the excellent work being done by the inaugural winners of the 2013 Premier's Awards for Excellence—leadership in women in resources. This new award was presented to Beach Energy and OZ Minerals for encouraging women to pursue a career in resources, through tailored approaches to the attraction and retention of women.

I also take this opportunity to remind the chamber that nominations for the biennial Women's Honour Roll are currently open but will be closing this Friday, 7 June; so you have until tomorrow. I invite you all to nominate a woman who has provided a positive contribution to the community, whether it is a paid or volunteer role within your area of engagement or constituency.

Even though these awards differ in their acknowledgements and the fields in which they are based, they are all based on a common principle, and that is that, through acknowledging women's achievements, we not only support women to continue to develop their capacity as leaders but hopefully inspire the women who will follow them to continue to pursue their aspirations and become leaders of the next generation.

MURRAY RIVER CATFISH

The Hon. D.G.E. HOOD (14:56): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the survey of catfish numbers in the River Murray.

Leave granted.

The Hon. D.G.E. HOOD: There appears to be a consensus among locals who fish in the Upper Murray of South Australia to the effect that catfish numbers are sufficiently high enough that the existing ban on catfish could be changed in order to allow numbers of catfish to be taken from the river; certainly, that has been feedback to me. Indeed, *ABC News* has aired a report recently, and I quote directly, saying, 'Following the last two wet seasons, catfish numbers have really exploded.' I understand that the government is presently conducting, or is about to conduct, a survey to ascertain the extent to which catfish numbers have recovered. My questions to the minister are:

1. Has the survey actually commenced at this time and, if not, when will it commence?

2. When are sufficient results expected such that a decision can be made on whether fishing of catfish will be allowed in the region?

3. Since the warmer months are the primary tourism season in the Upper Murray, will the survey be completed and changes made to fishing regulations, if changes are justified by the survey, by the end of September this year, thus giving the region this added tourism potential throughout that period?

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) (14:57): I thank the honourable member for his most important questions. I know that he has had a very keen interest in this issue in this place and that he has asked questions on it previously. In response to the issues the honourable member has raised, and in response to advice I have received as a result of the high river flows in the River Murray, recreational fishers are reporting to PIRSA (and also the sorts of reports that the Hon. Dennis Hood has passed on) that there is an increase in the number of River Murray freshwater catfish being caught.

I understand that, since 1997, the South Australian River Murray freshwater catfish have been protected under fisheries legislation as a result of scientific data which had previously indicated that the species had experienced a significant decline in both distribution and abundance. I am advised that Primary Industries and Regions SA has established a catfish working group to understand the current stock status and to provide advice on the future management of catfish.

I recently announced that a new Fisheries Research and Development Corporation project has been funded, which is aimed at improving the understanding of the River Murray freshwater catfish population. This study will promote a comanagement approach to the issue, involving

recreational fishers in the collection of fishing data. I believe that only preliminary work has commenced so far on that, so that work substantially still needs to be undertaken.

While I am aware that there have been calls for the catfish ban to be lifted, I think it is really important that such a significant change to the management of that species be not simply based on anecdotal evidence; I think it is important that we ensure that robust scientific evidence is provided that supports the anecdotal evidence about population recovery before we lift the ban. I think we should wait for that. I know that for enthusiastic recreational fishers it is very frustrating to have the sense that there is an abundance of a species yet bans still remain in place, but time and time again we have seen how easy it is for pressure to be placed on a particular species, and it can take many, many decades for that species to recover from overfishing.

I know it can be very frustrating for fishers who are keen to get out there and fish for catfish, but I believe we should wait for the science to come in. I can assure members that the survey will be conducted as expeditiously as possible and the findings then quickly incorporated into a management plan.

MURRAY RIVER CATFISH

The Hon. D.G.E. HOOD (15:00): I have a supplementary. I thank the minister for her answer, but is she able to give at least some indication as to when she might be in a position to make a decision? Is it likely to be this year, for example, or does the minister expect it might be next year?

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) (15:01): I do not have that information, but I am quite happy to obtain it and bring it back to the honourable member as soon as I can.

CONTAINER DEPOSIT SCHEME

The Hon. K.J. MAHER (15:01): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the council how South Australia is assisting in the campaign for a truly national container deposit scheme, and is the minister able to inform the council if there are any alternative policies in this particular area—or any particular area at all—from the purported alternative government, apart from drinking muscats at dawn at the Adelaide Club?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01): I thank the honourable member for his most important questions. I will certainly give him the first part of the answer and consider the second part of the question at the end.

As you know, sir, recycling is something we do particularly well in South Australia, and I have spoken about this at length before. The fact that our state's rate of waste diverted from landfill is amongst the world's best can be partly attributed to our container deposit scheme. Introduced in 1977, the scheme is a cornerstone of our resource recovery sector and a critical component in efforts to reduce littering and waste entering landfill.

In the financial year 2011-12, 81.4 per cent of all beverage containers were returned for a refund and eventual recycling within our state. This was more than 609 million containers, or 47,510 tonnes of material. Because of this scheme more than $60 million was returned to consumers and community groups in South Australia. These are excellent figures; world-class figures.

I am told that research undertaken late last year by independent consultants revealed that 98 per cent of the South Australian community supports the container deposit scheme. In 2006 the container deposit scheme was deemed so integral to our state identity that it was listed as a heritage icon, alongside pie floaters and Popeye boats.

The success of the scheme and its almost unanimous support amongst South Australian communities has begun to be recognised by the rest of the nation, and indeed the world. Needless to say I was very disappointed with the turn of events in the Northern Territory that led to the scheme stopping there. I was particularly disappointed with the role that the big three container manufacturers—Coca-Cola, Lion and Schweppes—and their representative body, the Australian Food and Grocery Council, played in undermining the legislation in the Northern Territory.

The Australian Food and Grocery Council continues to actively oppose container deposit schemes in any shape or form and, during the Northern Territory's democratic deliberations on the matter, they were promoting their own—and, may I say, entirely incorrect—representation of the South Australian situation to the media. Very recently the Australian Food and Grocery Council stated that South Australia's scheme is a 1970s solution to a 1970s problem. That is an ill-informed statement and, of course, is strongly opposed. South Australia has a world-class system of collection and recycling of beverage containers and whilst the legislation may now be more than 30 years old, it still remains extremely effective.

In response to their actions, I have recently written to the various national executives of these companies and expressed my disappointment on behalf of the South Australian government and our state. I reinforced the success that has embodied the South Australian container deposit scheme and its popular support, and I urged them to represent the situation properly. Nevertheless, because of the turn of events, the Northern Territory has pursued now a permanent exemption through the Council of Australian Governments process to the commonwealth's Mutual Recognition Act 1992.

I am pleased to advise that South Australia supported their endeavours strongly. I have been advised that all jurisdictions are supporting the Northern Territory in its request for a permanent exemption from the commonwealth Mutual Recognition Act. I expect that a regulation will now be developed by the commonwealth government to enable the Northern Territory to succeed in introducing its legislation once again.

This regulation will also require unanimous support from all jurisdictions, but given the support expressed to date this is looking highly likely. The South Australian government will not allow its incredibly successful container deposit legislation to be reduced by these manufacturers. I can put on the record that the Labor government will continue to speak about the environmental success story that is our container deposit scheme and will assist its implementation across the nation. We will continue to do so because it works and because 98 per cent of South Australians want us to do so.

RAW MILK

The Hon. A. BRESSINGTON (15:06): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the provision of raw milk to shareholders.

Leave granted.

The Hon. A. BRESSINGTON: Yesterday, on FIVEaa, the minister stated her outrage that bottled milk provided to shareholders from their own cows was not labelled or stamped with a use-by date. When a person buys their share in a cow, they are provided with instructions on how to store and handle the milk, and when a person collects that milk it is fresh on the day and the document provided states clearly that when stored at 4º or below the milk will last for seven to 10 days. The minister also stated that FSANZ found that raw milk is too risky to allow distribution to the public. My questions to the minister are:

1. Why would bottles need to be labelled and dated when shareholders are already aware of the conditions of use of raw milk and the use-by date?

2. How does the minister explain the decision of FSANZ now allowing the sale of raw milk at the gate in New Zealand, with consumers allowed to bring their own containers? It seems good enough for New Zealand but not good enough for SA.

3. Will the minister make known the nature of the complaint brought against Moo View? Was it a consumer complaint or was it a trading competitor's complaint?

4. When Mark Tyler approached the authorities some four years ago to establish a monitoring and testing arrangement, was he ignored by the authorities then?

5. Why is the minister insisting this be now dragged through the court when in fact for four years this has been a non-issue for the department?

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): The first thing I need to say in providing answers is that this is subject to further investigation and likely prosecution, so therefore I am somewhat

limited in terms of the sorts of details I can discuss. I am happy to talk about general principles, but there are details that I cannot address.

I find it astounding. I cannot believe that the Hon. Ann Bressington could be so irresponsible as to condone these alleged actions. As I reported in my ministerial statement yesterday, there are up to 600 shareholders—600 shareholders. This is not just a handful of neighbouring people. This is not just a small operation. We are talking about 600 shareholders. Allegedly some of this milk was being distributed without any labels, dropped off all over the place—here, there and everywhere.

The Hon. A. Bressington: What a load of rubbish! You are misleading this house.

The Hon. G.E. GAGO: Here, there and everywhere! Dropped off here, there and everywhere.

The Hon. A. Bressington: You are misleading this house.

The PRESIDENT: The Hon. Ms Bressington. You can make that allegation or make that charge.

The Hon. A. BRESSINGTON: On a point of order. The minister is not accurately—

The PRESIDENT: That is not a point of order.

The Hon. A. BRESSINGTON: The point of order is relevance to the question.

The PRESIDENT: She is answering your question. That is not a point of order.

The Hon. A. BRESSINGTON: Oh, well, then she is misleading this house.

The PRESIDENT: Minister, you've got the call.

The Hon. G.E. GAGO: I am not misleading this house at all. The truth hurts! The trouble is obviously hurting the Hon. Ann Bressington. She obviously is afraid of the answers I am giving.

The Hon. A. Bressington interjecting:

The Hon. G.E. GAGO: Well, if you're not afraid, why don't you sit there and listen; if you're not afraid, why won't you listen to the answers?

The Hon. A. Bressington: Because you're not telling the truth.

The Hon. G.E. GAGO: Not only were allegedly some of these—

The PRESIDENT: Order! Minister, just come to order. I can hear the accusations you are making the Hon. Ms Bressington, and they are very serious.

The Hon. A. Bressington: Yeah, absolutely.

The PRESIDENT: So don't make those accusations unless you can prove them.

The Hon. G.E. GAGO: Put up or shut up.

The Hon. A. Bressington: You put up and shut up.

The Hon. G.E. GAGO: I am putting up. I am about to get—

The PRESIDENT: Order!

The Hon. G.E. GAGO: I have lots to say, lots of facts—

The PRESIDENT: Order! Minister, you can continue with your answer.

The Hon. G.E. GAGO: Oh, yes, I do so enthusiastically, Mr President.

The Hon. A. Bressington: Good.

The PRESIDENT: Without interjection, the Hon. Ms Bressington.

The Hon. G.E. GAGO: As I said, allegedly some of this milk was distributed without any labelling whatsoever. We are looking at 600 shareholders with no control over the supply chain in terms of what bottle ends up where, very little control whatsoever. Is the Hon. Ann Bressington really saying that she condones a product that scientifically has been shown to be of risk to the health of particularly pregnant women? There is substantial evidence that shows that in some

instances pregnant women have miscarried their babies as a result of drinking a raw milk product that was contaminated with certain pathogens—miscarried their babies.

So, no warning on the label, unlike in many other countries. Some of those countries that do accept the distribution of unpasteurised milk—not a lot, but some do (I am talking of developed countries, of course)—insist on quite rigorous restrictions around the distribution of unpasteurised milk, providing warnings on the label and particularly to pregnant women. So I just cannot believe that the Hon. Ann Bressington would condone putting pregnant women at risk—one of the groups. It is just totally irresponsible. It is just astounding that she would take such irresponsible actions. Not only that, there is no use-by date on the thing. We are talking about up to 600 shareholders. It is not just a bottle to one neighbour and a bottle to another.

As I said, with the alleged distribution that was occurring, it is very easy to lose control of that supply chain—who has access to it and where the milk ends up. It is very easy for the milk to change hands from one person who knows what is in the bottle to someone who does not know what is in the bottle and therefore is not in a position to make an informed choice about whether or not they are prepared to take the risk of drinking raw milk. As I said, there is plenty of scientific evidence on record (and I will not go into that now) that shows very clearly the potential high risk of drinking raw milk and raw milk products.

In terms of the nature of their complaint, the basis for our officers proceeding with this is because the advice we have received is that the supplier's activities are in breach of the legislation. His activities were outside the law, so that's why we have proceeded to take action.

In relation to FSANZ, it's an independent statutory authority, which has independently conducted recently, up until 2012, a four-year review of raw milk and raw milk products. Using the best science available at the time, consulting extensively with consumers—so, it's not just scientific evidence: they also considered a vast array of public submissions that represented different consumer points of view—they have made it quite clear that they believe that the risk is too high to be distributing raw milk and raw milk products. They have incorporated that into their standard. As members would know, these standards are then incorporated by jurisdictions into legislation or regulation to give them power. That's what has occurred here in South Australia and has done for many, many years, so there is not much that has changed, and every other state here in Australia does the same.

I just need to say that time flies. I did that ministerial statement on Tuesday. It wasn't yesterday; it just feels like it was yesterday. Just so I make sure that I correct the record and make sure that I don't mislead parliament, we just need to set the record straight.

So, that's why New Zealand may have chosen to incorporate that FSANZ standard in one way and Australia in another. Different countries approach this in different ways, and I accept that different countries have got different points of view on this. I used to drink raw milk when I was a child at a family friend's farm and nothing happened to me—I enjoyed it very much. I never used to wear a seatbelt when I was a child, either. You weren't required to then, we didn't understand the risk, and nothing happened to me either, in terms of seatbelts. Here I am, safe and sound.

The Hon. R.I. Lucas: I think the jury is out on that one.

The PRESIDENT: Minister, you've got the call.

Members interjecting:

The Hon. G.E. GAGO: They're being very rude, Mr President—very unparliamentary. We set these standards for the public good in the general public interest. There is a cheap and easy alternative to taking that extra risk of drinking unpasteurised products. The risk is well documented and well evidenced and the solution is really simple: it's cheap, it's efficient and it's called pasteurisation. Work has also been done—and it was done by FSANZ as well, but it has been done in a number of quarters—where they've have looked at the impact pasteurisation has on the quality of milk and the nature—

The Hon. J.S.L. Dawkins: Seven questions: that's a record low.

The PRESIDENT: If you stopped interjecting, you might get a few more questions in.

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

The PRESIDENT: You want to call 'rubbish' on that? I now call on business of the day. Clerk.

The Hon. G.E. GAGO: Mr President, I haven't finished.

Members interjecting:

The PRESIDENT: No, thank you. What's the business of the day?

The Hon. G.E. GAGO: I had more, much more. I was just getting warmed up.

The PRESIDENT: Next question time, minister, you can go for the whole hour on one of our questions.

ANSWERS TO QUESTIONS

BLACKWOOD RAIL OVERPASS

In reply to the **Hon. M. PARNELL** (27 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 Transport and Infrastructure has been advised: Yes.

LIQUOR LICENSING

In reply to the **Hon. A. BRESSINGTON** (27 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 Business Services and Consumers has been advised:

1. to 4. The *Liquor Licensing Act 1997* allows for a complaint to be lodged under section 106 with the Liquor and Gambling Commissioner in relation to noise emanating from licensed premises. The legislation requires that the Commissioner resolve the complaint by conciliation.

I understand that Consumer and Business Services (CBS) does not have the ability, equipment or expertise to measure noise as part of this process, as this needs to be performed by a qualified professional. Furthermore, I can advise that CBS has never held the responsibility of testing licensed venues' noise levels.

Complaints surrounding noise levels are addressed through a conciliation process which continues to be heard by the Commissioner.

On the vast majority of occasions it is found that the parties come to an amicable agreement avoiding the requirement for the testing of licensed venues' noise levels. If noise levels do require testing, this can be performed by seeking assistance from a qualified professional.

I can confirm that CBS continue to have a relationship with the Environmental Protection Agency and they are able to assist CBS in relation to noise complaints, when needed.

I can assure you that there will not be any reprisals against a public servant.

DISABILITY ACCESS, AIRLINE TRAVEL

In reply to the **Hon. K.L. VINCENT** (17 July 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 Business Services and Consumers has advised:

1. I am concerned to note your comments. I am advised that it is common practice for airlines to sell more tickets than seats on a flight, a practice that is known as 'overbooking' or 'overselling'. Airlines expect a certain percentage of invariable cancellations and 'no-shows' from passengers based on their prior experiences and so sell more tickets than seats to cater for this eventuality to avoid empty seats. But it concerns me that this practice has consequences for all passengers.

The control over airlines including boarding on flights is a federal matter and not one that can be resolved at the state level. However, I have asked the Deputy Commissioner, Consumer and Business Services to raise the practice of 'overselling' tickets generally by airlines at the

appropriate forum for Australian Consumer Law (ACL) regulators. I am advised that this issue will be raised with the Compliance and Dispute Resolution Committee (CDRAC).

2. The federal Minister for Infrastructure and Transport, Hon. Anthony Albanese MP is responsible for this portfolio. I understand that there is a national Aviation Access Working Group that focuses on practical solutions to improve access to air services by people with disabilities. Following this issue being raised, I wrote to Minister Albanese to bring the matter to his attention.

3. I hope that this situation does not dissuade people with disabilities from travelling on airlines and other forms of public transport. It is important for airlines to acknowledge their obligations under anti-discrimination and disability laws.

4. I have expressed my concerns on this matter to Minister Albanese. However, as the regulation of airlines is a federal matter this issue would be more appropriately dealt with by the federal Minister for Infrastructure and Transport.

5. Airlines are no different to any other industry or business that operates in Australia. Aside from industry specific legislation that airlines must abide by, they are also required to comply with their obligations and responsibilities under the Australian Consumer Law (ACL); a national law that forms part of the *Competition and Consumer Act 2010*. This law gives consumers the same protections across state and territory borders. It includes consumer guarantees on goods and services and misleading or deceptive conduct or false or misleading representations, amongst other things.

APY LANDS, VOLUNTARY INCOME MANAGEMENT

In reply to the **Hon. T.J. STEPHENS** (19 September 2012).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): I have received this advice:

The South Australian government has consistently advocated for decisions about income management to be made in consultation with targeted communities. The South Australian government does not, however, have the legislative authority to introduce income management.

On 7 September 2012 the Australian Government announced that a model of income management would be rolled out on the APY lands from October 2012. South Australian government agencies are working closely with the Australian Government to support implementation of income management, and remain committed to supporting Anangu financial wellbeing on the APY lands through a range of supports and resources.

AUDITOR-GENERAL'S REPORT

In reply to the **Hon. S.G. WADE** (1 November 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): I am advised:

1. The state government provides a guarantee of the borrowings of the Local Government Finance Authority of South Australia (LGFA), for which the LGFA pays a fee. The fee amount is negotiated as required between the LGFA and the SA Finance Authority. There are no guarantee or similar fees payable by individual Councils to the State as borrowings by individual councils are not guaranteed by the state government.

2. No.

ADELAIDE RAILWAY STATION

In reply to the **Hon. J.S.L. DAWKINS** (1 November 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. During the month long closure business owners within the Adelaide Railway Station were offered three months rent relief in response to the planned temporary shutdown of train services.

2. The concourse and underpass of the ARS remained open during the January shutdown period.

3. A detailed analysis of ticket sales did not always reflect a direct correlation between previous line closures and tenant turnover.

Nevertheless to provide certainty, DPTI offered a 10 per cent reduction of rent for major line closures (Gawler and Noarlunga) from one month before the line closure until one month after reopening, provided tenants could demonstrate a deterioration of their turnover for the corresponding period.

Consideration could also be given to a more than 10 per cent reduction in rent if tenants could demonstrate that the impact of line closures is greater.

4. No further train-bus substitution periods are scheduled beyond those already advised.

BUDGET PAPERS

The following papers were laid on the table:

By the President—

Budget Overview 2013-14—Budget Paper No. 1
Budget Speech 2013-14—Budget Paper No. 2
Budget Statement—2013-14 Budget Paper No. 3
Agency Statements—Volume 1 2012-13—Budget Paper No. 4
Agency Statements—Volume 2 2013-14—Budget Paper No. 4
Agency Statements—Volume 3 2013-14—Budget Paper No. 4
Agency Statements—Volume 4 2013-14—Budget Paper No. 4
Capital Investment Statement 2013-14—Budget Paper No. 5
Budget Measures Statement 2013-14—Budget Paper No. 6

SUPPLY BILL 2013

Adjourned debate on second reading.

(Continued from 4 June 2013.)

The Hon. R.I. LUCAS (15:21): It is opportune that we get the opportunity to speak to the Supply Bill debate on a day of infamy, I suppose, for the state with the latest series of broken promises and rank financial mismanagement by a government led by a part-time Treasurer, sadly, and one can only hope it is the last budget that will be delivered by this particular government and a part-time Treasurer. There will be opportunity obviously at a later time to address the particular details revealed by the budget released today. In addressing this particular Supply Bill debate, it is opportune to look at the record of the part-time Treasurer, Mr Weatherill, and his performance as both Premier and part-time Treasurer and his performance as a former senior minister—

The PRESIDENT: The Hon. Mr Lucas will refer to the Treasurer by his full title.

The Hon. R.I. LUCAS: Well, he is a part-time Treasurer.

The PRESIDENT: He is a Treasurer.

The Hon. R.I. LUCAS: He is a part-time Treasurer.

The PRESIDENT: He is the Treasurer of this state.

The Hon. R.I. LUCAS: You can call him what you like, Mr President.

The PRESIDENT: And you can call him what you like and you can sit down.

The Hon. R.I. LUCAS: I will call him a part-time Treasurer.

The PRESIDENT: His title is the Treasurer.

The Hon. R.I. LUCAS: You can call him what you like.

The PRESIDENT: He is the Premier and he is the Treasurer.

The Hon. R.I. LUCAS: He is a Premier and a part-time Treasurer and that is what I will call him and no-one will stop me, including yourself, Mr President.

The Hon. K.J. MAHER: Point of order. The reference to members in another place is by their electorates or by their title as a minister.

The PRESIDENT: I will uphold that point of order. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: I am referring to him as the part-time Treasurer, Mr Weatherill; that is his title.

The Hon. K.J. MAHER: Point of order. His title is Premier or Treasurer, not part-time Treasurer; that is not his title.

The PRESIDENT: That is correct.

The Hon. R.I. LUCAS: The use of an adjective to describe a minister has never been prevented and will never be prevented in this chamber. Other treasurers have been referred to as failed treasurers, poor treasurers and appalling treasurers. I am reminded of Mr Foley with all those adjectives. How sensitive is this lot? How sensitive are they that the use of the words 'part-time Treasurer' is so worrying to them that they would try to shut down the opposition from being able to speak in a Supply Bill debate because they are so sensitive about the truth being described that this Treasurer is part time in his job as Treasurer.

As I said, if you are going to have a position where any member of parliament is unable to use an adjective to describe a minister, either in his performance or in the delivery of his particular duties, then heaven help us in this particular chamber. As I said, there have been many adjectives used to describe treasurers like Mr Foley; adjectives such as 'poor, appalling, atrocious' and a variety of others that were used when referring to him in many debates in this chamber.

The Supply Bill gives us an opportunity to look at performance. What we have seen is a record of broken promises, projects and programs being scrapped—being promised before an election and then being scrapped as part of a litany of broken promises by this government. The point I am making in relation to our current Premier and part-time Treasurer is that he has been a senior minister in this government, sadly, for its duration, which is now approximately 11 years.

He cannot, as he is seeking to do, spin the line that he is something different or new or, indeed, a fresh start when he is part of the problem and has been part of the problem of this government's performance over more than a decade of broken promises. What we see in the Supply Bill debate—with the money that is being required to meet the ongoing costs of the Public Service—is another example of another broken promise in relation to the original promise that this particular budget would be a surplus budget. Of course, we all know that we are looking at a massive deficit.

In 2011-12, for example, this government promised a surplus of $424 million. However, that was scrapped and we ended up with a $258 million deficit. For 2012-13, this year and in this Supply Bill, the promised surplus was going to be $304 million. However, the Premier and part-time Treasurer scrapped that and it has turned into, as of this morning, a $1.2 billion deficit. So from being a $300 million surplus we ended up with a $1.2 billion deficit—and that was before the budget papers were released today which indicate a further blowout in the size of the budget deficit for this year.

Even prior to today's figures we are talking about a nearly $1.5 billion blowout for one year; from a $300 million surplus to a $1.2 billion deficit. As I said, with today's announcement in the budget we will see that that number has actually increased again. Of course, for next year, for 2013-14, the promised surplus was going to be $480 million, and in the Mid-Year Budget Review that was going to be scrapped and we were looking for almost a $1 billion deficit—$868 million deficit—and today's budget papers will indicate that that number is worse again.

We had been promised over a long period of time that there would be surpluses in seven budgets, both the present and in the forward estimates, and what we have seen in terms of the reality is that six out of the seven either will have delivered or will be delivering deficits. Surpluses have been promised but deficits have been and will be delivered.

We are not just talking about modest deficits; we are not talking about the expenditure of $15 billion, $16 billion or $100 million here or there, we are talking about deficits in and of the order of over $1 billion a year. One can understand, in financial management terms, if you are talking about a budget of $15 billion that within the realms of $100 million perhaps one can see the potential for movements up and down, but it is impossible to justify the scuppering of promises to the tune of over $1 billion a year. As a result, what we see—and part of that is through this

Supply Bill debate—is an estimated state debt exploding to approximately $14 billion. I understand that today's budget papers will confirm that it is still being predicted to be almost $14 billion, the state's biggest ever debt.

The reality is that this Premier and part-time Treasurer is going to deliver the largest debt in this state's history. He is delivering the largest deficit in this state's history and he is also delivering—if he is allowed to continue—six deficits in seven budgets, all of those originally predicted to be surpluses. That is the sad fact of life.

We have seen the sensitivity of Labor members in this chamber in seeking to prevent the facts being told in this debate. We have heard the squealing coming from the backbenchers and frontbenchers because they do not want the facts to be revealed in relation to their gross financial incompetence, their gross financial mismanagement. I am not sure how they hold their heads up in public these days when asked questions about financial management and performance because each of them has to bear the responsibility of the financial debacle, the financial mess, that this state is currently confronting.

This comes on the back of having inherited the rivers of gold that the former Liberal government set up for them when they came into government in 2002. The debt had been removed through the difficult decisions the former Liberal government had taken in fixing the mess created by Labor under the State Bank. So the debt was under control. In the general government sector we had virtually zero debt. The total debt was down to just about $3 billion from the $11.5 billion post the State Bank. Then they inherited the rivers of gold through the GST deal that the former Liberal government had negotiated.

I remind members, as I have done on many occasions—and I will continue to remind them—that the two key financial decisions taken to fix the state's finances were vigorously, violently, trenchantly opposed by the Labor Party in opposition, and they continued to be opposed when they assumed office in 2002. They opposed the repayment of the state's debt through the privatisation of the electricity assets—publicly at least, anyway—and at some stage over the next few months I will have more to say about what went on privately in relation to that particular issue.

They also described the GST deal as being a lemon of a deal for the state of South Australia. Of course, they inherited the rivers of gold. The tragedy that this Supply Bill shows is that, having inherited that wonderful situation, like the drunken sailor, they just threw their money everywhere. They were not prepared to be financially disciplined. When they won their X-Lotto every year for half a dozen years, instead of putting some aside for a rainy day or spending it on one-off expenditure on economic infrastructure, they locked it in to unsustainable, ongoing recurrent spending.

It is a bit like winning X-Lotto as a household and then locking in commitments forever and a day for the next 10 or 20 years. You are unable to sustain the repayments because at some stage you stop winning X-Lotto every year. The government was lucky; it won the X-Lotto for half a dozen years in a row. Then, of course, economic conditions tightened, and what we see in this Supply Bill, and the debate we will have in relation to the budget, is that their chickens have well and truly come home to roost. Not only has the government broken promises about financial management and about surpluses, but it has also broken promises in relation to the delivery of key projects and key programs.

We have the situation where every election or every couple years, the government would promise some new project on the South Road. In 2006, it was the South Road-Sturt Road interchange, which was scrapped. In 2006, it was Port Road-Grange Road; it was scrapped. In 2010, the government made further promises, which have been scrapped. We have seen in this budget year, with the Supply Bill debate, further scrapping of promises, such as payroll tax. For example, at the last election, there was a promise about payroll tax relief for apprentices and traineeships and then, in the last 12 months, that promise was broken by this government. Now, of course, as we have read in the newspaper in the last few days, the government—there must be an election coming up—is now promising further payroll tax relief for small businesses in South Australia.

I am not sure how stupid this government thinks the electors are. Surely, they must, at some stage, have realised that the vast majority of people have woken up to them. The vast majority of people understand that the promises that are being made in this financial year, the government, on its record, will never, ever, if it is re-elected, continue to implement them. The

government will break each and every one of these promises, just as it was quite happy to break promises over its first 10 or 11 years in government.

I have dozens of other examples of broken promises, etc., but I do not intend to put them all on the record today. I refer members to the comprehensive press statements issued by state Liberal leader, Steven Marshall, and the member for Davenport, Iain Evans, for a comprehensive list of all of the promises made by this government, this Premier, this part-time Treasurer, and all of the promises that have been broken during that period of time.

The second point I want to make in my Supply Bill speech is to further indicate where this government continues to waste money within the public sector. On many occasions in the past, there has been much discussion about blowouts in major projects of tens or hundreds of millions of dollars, but I want to point to some of the smaller examples we see on a regular basis in the work in the Budget and Finance Committee to indicate that, whilst the government will waste tens and hundreds of millions of dollars in terms of the way in which it manages big projects, that sort of thinking goes right down the line to $1,000 here, $5,000 there or $100,000 here in relation to the wasteful expenditure, the lack of fiscal discipline, this government and its ministers sadly have. Let me give you some recent examples. The newly elected—and this is information that was revealed only in the last few weeks—

The Hon. J.S.L. Dawkins: They're off home.

The Hon. R.I. LUCAS: Gee, that was quick. That must almost be the world's shortest budget speech, that one. I suppose if you're part time, you don't deliver full speeches; you get only half speeches.

The PRESIDENT: I wish you would get back to the supply speech.

The Hon. R.I. LUCAS: Very disappointing. So, in the Supply Bill—

The PRESIDENT: To remind you, he talks about the fact that the sum of $3,205 million is appropriated from the Consolidated Account for the Public Service of the state for the financial year ending on 30 June 2014, and there are a couple of other little clauses there—

The Hon. R.I. LUCAS: Thank you, Mr President. Let me refer to—

The PRESIDENT: —and I am sure that you will address those.

The Hon. R.I. LUCAS: In that $3.2 billion you are talking about, Mr President, let me talk about the odd $1,000 here or there, the odd $10,000 here or there that is being wasted. One example is where the Premier and part-time Treasurer actually employed a consultant from New South Wales, and paid that particular consultant $1,500 to write the Premier and part-time Treasurer's speech to the Labor Party state convention. This consultant was paid $98 an hour for 15 hours' work to write a single speech. Well, where can I sign up to earn that sort of money to write a speech?

Who can afford to spend $1,500 of their own money to write a single speech to be delivered to your comrades and colleagues at a Labor Party convention? The answer is that no-one can, except if you are the Premier and part-time Treasurer and you have the taxpayers' pocket to put your hand into and rip out $1,500 to pay for a New South Wales consultant to write this particular speech.

It is not as if this Premier and part-time Treasurer does not have literally dozens of staff. He has a team of spin doctors, he has a dedicated speech writer; all of those people could have written a speech for the comrades and colleagues at the Labor Party convention. But no, out of this $3.2 billion that we are talking about, and related expenditure, they spend $1,500 of taxpayers' money to get a speech written to deliver at a Labor Party convention.

They spend $2,500 to pay consultants Write On Consulting to run essay-writing workshops for public servants in the Department of the Premier and Cabinet. So in his own department, one of the priorities for expenditure was to rip out $2,500 of taxpayers' money to run four separate sessions of essay-writing workshops for public servants within his own department. What an extraordinary waste of taxpayers' money.

The CEO of the department refused to tell us how much was paid to consultants McPhee Andrewartha, who were brought in either to conciliate or to resolve a complaint against one senior departmental executive made by another senior departmental executive. The CEO said that he did not have the information on how much was being spent.

The CEO was not able to tell us who was paying for the $800 a pop supermarket vouchers being promoted on government links to Mr Weatherill's Facebook page. If you go to Mr Weatherill's Facebook page there are links to other sites, and you are offered $800 in supermarket vouchers or iPads if you participate in a particular survey on that particular site. The obvious question is: who is paying for these bribes to people to be attracted to Mr Weatherill's Facebook site? Is he so desperate to have people 'like' him on his Facebook site that he has to offer $800 in supermarket vouchers at taxpayers' expense?

The Hon. A. Bressington: They don't like him anywhere else.

The Hon. R.I. LUCAS: Well, they do not like him anywhere else, and maybe they have to pay $800 in supermarket vouchers to get people to be attracted to his Facebook page.

It went on and on and on, in the Department of the Premier and Cabinet, in relation to expenditure. We saw the more substantive issue of the Shared Services shambles that, sadly, continues to evolve. In this particular case an eminent South Australian, Michael Abbot QC, who is the Chair of the Art Gallery Board, unloaded on Shared Services in a letter to the Auditor-General from September 2012, this financial year. He said:

> I must inform you that I and the board have no confidence that any accounts prepared by Shared Services in fact accurately reflect the true financial state of the Art Gallery's financial affairs.

He also went to say that, if he was not required to use them, he would have sacked them and terminated their services long ago. This is an eminent South Australian who is trying to run an organisation such as the Art Gallery board, and who is basically shaking his head and saying, 'No more; we can't go on in this particular way with the Shared Services experiment.'

We saw examples from the transport chief executive in this particular financial year where a senior public servant in the recreation, sport and racing area had $23,000 spent on him in accompanying a minister—minister Kenyon—on an overseas trip. It is a lot of money, but one would assume, if this public servant was going to have an important role to play in the coming years in that particular portfolio area, maybe you can justify it. This particular public servant, however, was being sent overseas in the full knowledge that he had been offered and had accepted a targeted separation package. The taxpayers were about to pay a large lump of money for a separation package, and as a farewell tour gesture the minister decided to take him on a jaunt around the world.

Who can justify that sort of wastage? The reason we need to look at such a large level of expenditure or appropriation for the Supply Bill is that, right across the board, we are seeing these examples of this sort of wastage by ministers and by the government. If the ministers are not fussed, what sort of leadership is that for the senior public servants? They will follow in that particular role as well.

As with the broken promises, again I have literally dozens of other examples, but I do not intend to take the time today in the Supply Bill debate to list all of them. The Appropriation Bill debate and the estimates committees will give us an opportunity to in greater detail prosecute the particular case of financial incompetence and financial mismanagement by the Premier and part-time Treasurer, his ministers and the whole of this government.

I want to place on the record the concerns from the Liberal Party, which I believe reflect the concerns of the broader community, at this government's financial management, or mismanagement, and at this government's financial incompetence. The extraordinary sum of money that we need to allocate for the Supply Bill debate today in part has been driven by that financial incompetence, that financial mismanagement, being led, sadly, by the Premier and part-time Treasurer.

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) (15:48): I thank honourable members for their contributions to the second reading debate for this important bill and look forward to having it 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) (15:50): 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 5 June 2013.)

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) (15:50): I thank honourable members for their contributions to the second reading debate on this bill. A number of questions have been asked by, particularly, the Hon. Robert Lucas and the Hon. John Darley, and I have some information to put on the record in relation to those.

The Hon. Rob Lucas queried the progress of harmonised legislation in other jurisdictions. I am advised that the Western Australian government remains committed to the principles of harmonisation and has always stated that it would wait to implement the laws after the national mining regulations had been completed. The Victorian government has stated repeatedly that it supports in principle the national harmonisation and continues to work towards best practice legislation.

On the question of whether crown law advice was sought on the amendment, the answer is that advice was not sought. The Hon. Rob Lucas asked whether SafeWork has accepted the word of individuals as providing the most certainty to the profession, employers, investigators and employees. The answer is: yes, SafeWork supports this bill as it appears before the council today.

The Hon. Rob Lucas canvassed at length the allegedly differing legal opinions about the bill, and I am advised that both crown law and SafeWork have advised the Minister for Industrial Relations that the drafting of the bill as it appears before this place achieves the purpose of this bill, that is, to make it clear that corporations do not enjoy a privilege against self-incrimination.

The Hon. Rob Lucas claims that there is significant legal opinion that the word 'individual' does not achieve this purpose. The government is only aware of the Law Society's opinion in this regard, which is incorrect. The Law Society has confirmed that the author of that advice did not consider this bill in the context of the act as a whole. The author only considered the bill and the amendment. In that light, the Law Society's advice should not be relied on.

The government prefers to rely on the advice it has received from the crown. During debate in the other place, the Minister for Industrial Relations agreed to undertake further work with SafeWork to ascertain what steps are being taken to obtain information from corporations identified in the letter sent to the member for Davenport on 2 April 2013. That work involving solicitors from crown law is ongoing, but I can advise the Hon. Rob Lucas that information sought from one of the three corporations is still yet to be provided, despite the issuing of three notices under section 155 of the act.

However, as stated by the Minister for Industrial Relations, this is largely academic. It is beyond doubt that the current drafting of section 172 is confusing. The very nature of the debates in and out of this place are testament to that fact, and I am pleased that the opposition does not seek to oppose the bill.

The Hon. John Darley has asked that I provide clarification about how section 172, as amended by this bill, will apply to a sole trader who operates under a corporate structure. He also asked that I explain how SafeWork will conduct an investigation and the warnings that SafeWork will provide to persons answering questions during an investigation. The best way to approach this question is by reference to an example. Let us assume the Hon. John Darley is a carpenter operating as Hammer and Tools Pty Ltd. Let us also assume that one of the Hon. John Darley's contractors has been injured on site and a SafeWork investigator has attended to conduct an initial investigation.

I am advised that the SafeWork investigator would first identify themselves, state that they are an investigator appointed under the act and then show their identification. It may be that the

Hon. John Darley is quite prepared to cooperate with investigators and to assist them by providing any answer or information they might require. If, however, for whatever reason, the Hon. John Darley is not prepared to voluntarily answer questions or provide information, the investigator would be able to rely upon their section 171 power to compel him to do so, but they must also warn him of his own personal privilege against self-incrimination and about legal professional privilege.

I am advised that in these circumstances a SafeWork investigator would say to the Hon. John Darley, 'My name is so and so, I am an inspector appointed under the Work Health and Safety Act, here is my identity card. They will show the card. Section 171 of the Work Health and Safety Act gives me the power to require you to tell me who has custody of or access to documents. If you have custody or access to those documents and I need immediate access to them, I can require you to produce them to me while I am here at the workplace or within a period that I specify. I can require you to answer my questions.'

'I am going to exercise that power under section 171 now. That means that, if you fail to comply with the requirement or answer my questions without reasonable excuse, you will commit an offence under the act, which is punishable by conviction and a maximum $10,000 fine. You can be excused from answering one of my questions or providing information or documents on the grounds that your answer, the information provided or documents supplied may tend to incriminate you or expose you to a penalty. You are not excused from answering my questions or providing information or documents simply because your answer might incriminate some other person or some other company, even if that happens to be your employer.'

'Nothing in the act requires you to produce a document or otherwise provide information that is the subject of legal professional privilege. Now that I have explained that power that I have under section 171 of the act, I am now going to require you, pursuant to section 171 of the act to (as appropriate) tell me who has custody of or access to (specify the document).' If the person is the person who has custody or access to the document and you need it immediately, you ask for it to be produced, and specify the document while there at the workplace or produce to them (specify the documents) by Xam or Xpm on whatever date. Thirdly, they can ask them to answer the following questions, and then the questions are asked.

As members realise from the words the investigator uses, the Hon. John Darley may then refuse to answer any question or provide any document or any information if the answer, document or information may tend to incriminate the Hon. John Darley personally. On the other hand, if the answer, document or information would only tend to incriminate the company, Hammer and Tools Pty Ltd, and does not personally incriminate the Hon. John Darley himself, he is not entitled to refuse to comply with the investigator's request.

Let us now assume that ultimately the Hon. John Darley has decided that his answers might tend to incriminate himself, and that he has advised the inspector that he will not be answering any questions, that is not the end of the investigator's power to obtain information from the company Hammer and Tools Pty Ltd. The investigator may still issue a section 155 notice upon the company some time after the initial visit. In the example we are discussing, there would be little point in issuing a notice personally upon the Hon. John Darley because the Hon. John Darley may still refuse to answer any questions that tend to incriminate him. However, if notice is issued to his company, Hammer and Tools, then the company must provide the information sought.

These issues are complicated, but they have always been complicated. It has always been the case that natural persons or individuals have a privilege against self-incrimination but that corporations do not. I am advised that SafeWork is developing procedural guidelines and information sheets for distribution to industry about these issues. It is of the utmost importance that all parties are aware of their rights and obligations and the way in which those rights and obligations will be enforced. I commend the bill to members.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: I thank the minister for the response to questions that were put to the minister by me and the Hon. Mr Darley. As a general point in relation to the issue of the sole trader, the comprehensive debate between the member for Davenport and the minister in another place, and the answer just provided to the Hon. Mr Darley, it explains as best as is possible what might occur in relation to the circumstances that have been outlined. I think it is clear from the

debate in the other place, with the minister's constant use of the word 'hypothetical', 'unlikely to happen', etc., that it is his view, wish or hope that there will not be the circumstances of these sorts of dilemmas in the future.

I suspect the reality is that there inevitably will be, and then ultimately it will be a court decision in one form or another which will clarify which particular legal view is right in relation to this issue. For those reasons, I do not propose to revisit in this chamber the extensive debate in the House of Assembly between the member for Davenport and the minister. The member for Davenport has very clearly outlined our questions and concerns about this, our doubts about the way it has been drafted, and the reasons why, as he and I indicated, we will not oppose this particular amendment.

I thank the minister for clarifying that, on this occasion as opposed to the previous occasion, crown law is the legal authority that has given the minister the view that this drafting is the correct view. As the minister has acknowledged now, for some reason the former minister did not take or get crown law advice in relation to the drafting of the amendment that he was going to move in this chamber. As I indicated, there is significant legal opinion that disagrees with the view of the Crown and the government on this issue.

I am aware that representatives of the minister's office in the last 24 to 48 hours have been desperately ringing around some leading lawyers in town wanting to know whether or not they were the lawyers that the Hon. Rob Lucas was referring to in terms of the legal opinion. If you remember, I indicated, without naming the lawyer, a leading lawyer who had been active in this particular area, and that particular lawyer had also indicated that the lawyers' view was supported by senior counsel, who I did not name during the particular debate.

But I think it is a fair indication of the lack of certainty, from at least the current minister, in relation to the drafting of this issue that that mere claim by a mere member of the opposition in this chamber set the alarm bells ringing. As I said, the minister's office has been ringing leading lawyers around town wanting to know whether they are the ones who are referred to in the parliamentary debate.

The fact is that minister Rau is the minister. He has taken crown law advice on this, he has authorised its introduction into parliament, he has chosen to proceed and to ignore the alternative views in relation to the drafting, and he will ultimately have to accept responsibility for the performance of this particular provision over the coming year or so, as the law will inevitably be tested—that is the reality.

At least this minister, as opposed to the former minister, can say that he took crown law advice on the issue. Of course, the minister is a lawyer himself and therefore in a position to give a view; although, as I noted—and I think read onto the public record—the minister sought to have his cake and eat it too because he said, 'I am introducing this bill but, if you actually ask for my personal view, I take a different position.' That does not actually fill you, as a member of parliament, with a great deal of confidence.

The minister is on the record as saying his own personal view is this, and he is a lawyer with some experience in the jurisdiction, but he is introducing a bill constructed in a different way. That is why it is important—because he said he had taken advice, but he did not indicate who he had taken advice from. He has now indicated that he has taken advice from the Crown and from SafeWork SA, obviously. He has obviously considered his own individual view and the crown law position, and he is now asking the parliament to support this bill. So, the onus, the responsibility, rests squarely on the shoulders of minister Rau in relation to this issue for the future.

As a non-lawyer in this chamber, I am not in a position to give an opinion on which particular legal battery is right. To be fair to the Crown, they get it right on a number of occasions, but to be fair to the legal battery from the private sector that has had a look at this, and having a look at their history, they have got it right on a few occasions as well. They have diametrically opposed views in relation to the drafting and, I guess, as I said, only time will tell.

For those reasons, I thank the minister for putting on the record at the reply to the second reading the government's response to the issues that I raised and the Hon. Mr Darley raised. Now that we know who has provided the advice—that is, the Crown—I do not propose to delay the proceedings of the house any further.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:09): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MAJOR EVENTS BILL

Adjourned debate on second reading.

(Continued from 15 May 2013.)

The Hon. D.G.E. HOOD (16:10): Family First supports the Major Events Bill. We will consider our position as to any amendments at the committee stage and whether there may be some, but we acknowledge the need for legislation of this nature in this state. There has been some controversy surrounding this bill and Family First has considered those various points of view as put to us. In particular, we note that the bill will give the government—whoever that government may be, of course—certain powers that would otherwise be exercised by local councils over events held in those council areas.

We understand this concern and we think that some of the council concerns are warranted, but our view is that, on balance, where a major event is held, the overall control should be with one body, the senior body, and that of course is the state government in this case. We are persuaded that this approach is necessary. Many major events, such as the Tour Down Under, are only possible with sponsorship funds from the private sector. The money involved can be considerable indeed. It is simply not appropriate or even practical to leave commercial considerations out of the groundwork preceding these events. By 'commercial considerations' I am referring to such things as ticket sales, advertising rights, broadcasting rights and the sole rights to sell merchandise and memorabilia bearing the logo of the event, for example. There is also a need to have control of these matters at state government level.

The government has stated that the existence of legislation of this type may be a significant or even a determining factor in the decision of whether the private sector will bring a major event to South Australia at all. I can say from my years in private enterprise that the private sector does not grant major sponsorships in particular, or even minor sponsorships for that matter, without being confident about commercial risk and return considerations. For myself, these issues are the major considerations for this bill. This bill will give confidence to the private sector about commercial considerations and provide them with greater capacity in order to proceed and sponsor major events.

In saying this, I do not dismiss the concerns about such things as road closures for events that cause inconvenience to certain local residents. These are concerns, but there are also other concerns here that warrant consideration, such as those I have just outlined. The option of the running of major events being done through goodwill, trust and cooperation of various bodies does not guarantee the success of any event. Maybe those days are past. The stakes, in many cases, are too high, given the amounts of money involved.

Adequate powers to deal with the issues that arise simply do not exist at present, and hence this bill. I do not see this bill as indicating that the government will not consult with relevant councils about major events held in their areas. Indeed, I would expect that such consultation will occur in each and every case, and I note that there is a government amendment specifically requiring the government to do this, which will receive Family First support.

An alternative to this bill might be to have specific legislation for each major event itself—that is, each event would have its own bill—but I would not regard this as an appropriate or optimal solution. It is far better to have general legislation in the form of this bill that gives clarity at the commencement of discussions about such major events. The second reading explanation by the minister has given much detail about the particular issues covered by this bill and members will be pleased to hear that I do not intend to recount those in any detail or discuss those matters now.

In summary, this bill is necessary to ensure that South Australia does not miss out on the opportunity to stage major events. We are a small state competing with larger states and we need to have certainty in these matters in order to ensure that they go ahead, or to insist the likelihood of such events going ahead. It ensures that commercial considerations of risk and return by

organisers and sponsors of events are not a hindrance to South Australia being successful in a bid for a major event, whatever that may be.

We are all conscious that major events can be of great benefit to our economy and, particularly in these times, I think that is a very good reason in itself to support this bill. Family First does support this bill, as I indicated. We are aware that there are amendments flagged; I do not believe they have been tabled yet, but have been flagged, other than the government amendment. We are somewhat sympathetic to the thrust of the amendments, as they have been put to us anyway, and we will look at them closely. I think the balance in this bill will be making sure that the government of the day, whoever that may be, does not run roughshod over the councils' jurisdiction. I see this bill as providing the regulatory framework for a working relationship between council and government, which is the optimal outcome, and that is certainly the outcome Family First is seeking through the passage of this bill.

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

HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE ARRANGEMENTS) (URBAN RENEWAL) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:15): 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.

Since 2008, the Government has been progressively reforming the State's planning system to make it more competitive, efficient and responsive to community concerns, environmental and economic needs. Critical to that vision is a focus on urban renewal to accommodate future growth.

All members would be aware of the significant costs associated with traditional urban expansion. In this regard Adelaide has reached a critical turning point and the time has come to rule a line under continuing urban sprawl. We cannot allow our city to continue spreading northward or southwards without check, while underutilising our inner city suburbs. In short, this model is neither economically nor environmentally sustainable for Adelaide to continue with this model of development.

That is why three years ago we set out our vision for a new urban form in the 30-Year Plan for Greater Adelaide. The plan seeks to rebalance the focus from urban expansion to one of limited expansion coupled with a greater focus on urban renewal. To achieve this requires the need for ongoing reform if the vision is to be delivered.

Fundamentally, our current planning system is geared towards a greenfield development model as the easiest way to accommodate likely population growth. Redevelopment of infill locations through urban renewal is not readily accommodated within the system as it stands.

While rezoning of infill locations to provide for urban renewal opportunities will significantly change our urban form over time, redevelopment is a process that takes many years to unfold. Alone, rezoning will not be sufficient to engineer the kind of urban renewal required to create the vibrant, liveable city the 30-Year Plan envisages.

The government also readily acknowledges that it is critical for urban renewal to be informed by strong community engagement and a focus on high quality design, both of which are poorly provided for in the current legislative framework for rezoning.

The 30-Year Plan identifies the need for new statutory mechanisms to support the roll-out of urban renewal projects, such as the Bowden urban village being undertaken by the Urban Renewal Authority. The establishment of the Urban Renewal Authority is one example of how changing the way the planning system operates can position the State to realise the vision outlined in the 30-Year Plan. However, legislatively the authority is poorly equipped to undertake this task.

To be successful long-term urban renewal will require:

- a mix of measures combining market-led change with more direct government intervention to achieve long-term infill growth;
- a focus on community engagement and high quality design;
- statutory powers and processes to support precinct-wide urban renewal projects;
- placement of the provisions that establish Urban Renewal Authority at the level of an Act, rather than in regulations.

To ensure these aims can be achieved, this Bill proposes a new urban renewal planning process. A special precinct development process will be established, operating as an alternative to the normal rezoning process, to enable urban renewal to be kickstarted on a precinct-wide basis at selected locations. The process is particularly design to enable complex urban renewal projects, such as Port Adelaide, to be addressed in ways which are outside the ambit of the current rezoning framework.

Major urban renewal projects typically unfold over a horizon of 10-20 years. It is not possible or desirable to plan every aspect of a development of this nature upfront; rather, final design details should crystallise in stages as required. The Mawson Lakes development is a good example of a project which has unfolded applying these principles. This Bill, drawing on the lessons learnt through such projects, seeks to put a statutory framework around such practices.

The proposed precinct development process closely mirrors similar mechanisms for supporting urban renewal adopted in other jurisdictions such as the redevelopment schemes of the Perth Metropolitan Redevelopment Authority, the Victorian Urban Renewal Authority and the Queensland equivalent. In line with these interstate exemplars, the process will ensure strong community engagement and design input in the planning of new urban renewal precincts while also providing flexibility to support long investment horizons.

While the proposed precinct development process is intended to be principally available to assist the Urban Renewal Authority in its task, there is no reason to prevent councils from being able to apply to use it subject to appropriate oversight. The Bill provides for councils of joint venture-style statutory corporations including councils or other representatives to undertake urban renewal projects. This will be of great assistance to councils undertaking urban regeneration programs such as Marion, Onkaparinga, Tea Tree Gully and Salisbury among others. In complex situations, with multiple land owners, such as the Port, it will ensure that all relevant interests can be included in the governance arrangements for an urban renewal project.

Councils and statutory corporations will be subject to the same oversight as the Urban Renewal Authority in undertaking any role under the Bill. That is, final approval of precinct master plans will be by the Governor on the recommendation of the Minister.

The process outlined in this Bill has been designed to be scalable, working for large sites such as Bowden or Tonsley, while also able to apply to smaller scale renewal opportunities that may arise from time to time and are most likely to be undertaken by councils or private sector developers. Indeed, the availability of a precinct development mechanism will provide a strong incentive to developers to optimise infill land assembly, helping to accelerate the pace of urban renewal over time.

Importantly, the Bill does not limit the precinct powers—including powers to coordinate infrastructure roll-out—to infill projects alone. Where appropriate the powers to coordinate infrastructure through the precinct planning process will also be available for urban growth projects that the Urban Renewal Authority or councils may undertake from time to time.

In addition to the functions of the Urban Renewal Authority being set out in the Bill, the Bill sets out in detail the precinct planning process that will be required for all areas declared as urban precincts. This process involves a declaration by the Minister that a specified area is an urban precinct. That declaration will specify the spatial extent of the precinct and the broad objectives, design criteria and development parameters to inform the precinct planning process.

Detailed planning and design of the precinct will be undertaken by the precinct proponent in accordance with the requirements of the Ministerial declaration and any advice from the Development Policy Advisory Committee and the Development Assessment Commission where appropriate. This stage of the process will include community engagement and design review.

The draft precinct plan that is to be prepared must include:

- policies and principles for achieving the objectives specified by the Minister in establishing the precinct;
- a master plan, setting out the spatial structure of the precinct and integration with surrounding areas;
- design guidelines for buildings and the public realm including the mix of land uses and the scale of intended development;
- an implementation framework, including details on existing and required infrastructure works.

Assessment of master plans will be undertaken against the original Ministerial declaration, with the final approval to be reserved for the Governor on the joint recommendation of the Urban Renewal Minister and the Planning Minister. The Planning Minister will have the power to adjust the underlying development plan to accommodate a precinct plan once approved.

Detailed implementation plans will then be able to be approved by the Urban Renewal Minister and must be broadly consistent with the master plan. The implementation plan will also contain detailed policies relating to land use and design which will override the underlying development plan. There may be one or more implementation plans for a precinct. This will enable developments to be staged appropriately and for the underlying development plan to continue to apply until a stage of the development becomes active.

Once approved, a precinct authority will be authorised to undertake development and associated infrastructure works in the precinct in accordance with the precinct master plan and each implementation plan. Importantly, the precinct authority will be able to certify development as complying with the precinct plan, providing a

streamlined pathway for construction while also ensuring a crucial linkage back with the system of development assessment under the Development Act.

Where a proposed development falls outside of the expectations of the precinct plan and cannot therefore be certified, the Urban Renewal Minister will have the power to request the Planning Minister to refer the matter to the Development Assessment Commission for assessment.

Once a precinct development has been completed, the Urban Renewal Minister may revoke a precinct declaration and the Planning Minister will have the power to transition the precinct to business-as-usual zoning subject to normal development assessment processes.

Importantly, the Bill will enable a precinct authority to exercise such powers as the Governor may, by regulation, confer on the authority to deliver the precinct master plan. This may include infrastructure powers, powers relating to public land and powers over rates and charges. For example, a precinct authority may be granted a power to close or open a road on a similar basis to a road authority. The powers also extend to granting appropriate concessions, by regulation, to land-based taxation and to the invalidation of council by-laws that are inconsistent with a precinct plan.

The ability to grant these powers will provide optimal flexibility in the delivery of a precinct plan, while also ensuring adequate parliamentary oversight. Importantly, this will enable councils and the government to bring together the appropriate suite of necessary powers tailored for the particular needs of each urban renewal project.

While the Expert Panel on Planning Reform will continue its comprehensive review of the planning system, this Bill will provide a kick start to an important reform of our planning and development system. The Expert Panel has reviewed and supports this Bill.

The Local Government Association has been briefed on the Bill and the Government understands they have indicated that are broadly supportive of its aims and objectives, subject to consideration of the detail. The department has also briefed the board of the Urban Renewal Authority on the content of the Bill who have indicated they believe the changes proposed in the Bill will give the authority a clear mandate to undertake its functions effectively.

It is the Government's intention that this Bill lie on the table in this chamber to enable feedback from local government and other stakeholders. We will not seek to further debate until key stakeholders have had an opportunity to provide that feedback. The Government would like to make it clear that it is willing to consider appropriate amendments that will satisfy stakeholders and briefings will be made available to members who seek them at any stage about the Bill.

The Government believes this Bill will be a key tool in ensuring that urban renewal projects can be developed in a way that is comprehensive and consultative. The Government believes this Bill will enable the development of attractive, functional and interesting urban areas that help achieve the urban renewal objectives set out in the 30-Year Plan for Greater Adelaide.

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 *Housing and Urban Development (Administrative Arrangements) Act 1995*

4—Amendment of long title

The long title is amended to reflect new Parts 2A and 2B.

5—Amendment of section 1—Short title

The short title of the Act is changed to reflect new Parts 2A and 2B.

6—Amendment of section 3—Interpretation

Definitions are inserted for the purposes of the measure.

7—Amendment of section 5—Functions

New Part 2A continues the URA in existence as a statutory corporation under the Act. Provisions relating to the Board of the URA, its functions, powers and other relevant matters are also inserted into the Act.

8—Insertion of Parts 2A and 2B

This clause inserts Parts 2A and 2B.

Part 2A—Urban Renewal Authority

7A—Urban Renewal Authority

7B—Board of management

7C—Functions of URA

7D—Specific power of URA

7E—Application of provisions of *Public Corporations Act 1993* to URA

7F—Associated matters

New Part 2A continues the URA in existence as a statutory corporation under the Act. Provisions relating to the Board of the URA, its functions, powers and other relevant matters are also inserted into the Act

Part 2B—Urban Renewal

7G—Preliminary

Definitions are inserted for the purposes of Part 2B.

7H—Establishment of precincts

Proposed section 7H provides for the establishment of precincts (as defined by the Act) by the Minister for the purposes set out in subsection (1), such as renewal or redevelopment of distinct areas. The Minister is to specify objectives for a precinct and may appoint the URA, another statutory corporation or a council to be the precinct authority.

7I—Precinct plans

The precinct authority is responsible for precinct plans under proposed section 7I. There will be a precinct master plan (adopted by the Governor) and precinct implementation plans (adopted by the Minister) for a precinct. Relevant publication, consultation and other procedures are provided for. The precinct authority may establish (and must at the direction of the Minister) panels to assist in the planning process, such as a design review panel.

7J—Certain matters to apply for the purposes of the *Development Act 1993*

A relevant authority within the meaning of the *Development Act 1993* must accept that a proposed development in a precinct is *complying* development under section 35 of the *Development Act 1993* to the extent that the development is certified by the precinct authority as being *complying* development under proposed section 7I(4)(b), and a proposed division of land in a precinct satisfies the conditions specified in section 33(1)(c) or (d) of the *Development Act 1993* to the extent that such satisfaction is certified by the precinct authority. Subsection (3) provides that any requirement imposed by a council or the Development Assessment Commission under section 50 of the *Development Act 1993* must be consistent with any provision made by the precinct authority under proposed section 7I(4)(c).

7K—Precinct authority may be authorised to exercise specified powers

Proposed section 7K is modelled on certain equivalent provisions in section 16 of the *Economic Development Act 1993*. It allows the Governor to authorise a precinct authority by regulation to exercise certain statutory powers in relation to a matter that is directly relevant to the management, development or enhancement of a precinct established under Part 2B. Relevant procedures and Parliamentary oversight is provided for.

7L—Governor may grant concession or make variation in relation to taxes etc on land within precinct

The Governor may, by regulation, grant a concession or make a variation to taxes, rates or charges (imposed by or under an Act) which apply to land within a precinct.

7M—Council by-laws to be consistent with precinct plan

If a by-law made by a council under the *Local Government Act 1999* or the *Local Government Act 1934* relating to a precinct is inconsistent with a precinct plan, the precinct plan prevails to the extent of the inconsistency.

9—Amendment of section 23—Transfer of property etc

The proposed amendment allows the Minister, with the concurrence of the Treasurer, on the revocation of a precinct plan under Part 2B, to transfer an asset, right or liability of a statutory corporation or an agent or instrumentality of the Crown to a person or body that is not an agent or instrumentality of the Crown (for example, a council), with the agreement of the person or body

Schedule 1—Related amendments and transitional provision

Part 1—Amendment of *Development Act 1993*

1—Amendment of section 29—Certain amendments may be made without formal procedures

The proposed amendment to section 29 would allow the Minister to amend a Development Plan in order to give effect to the adoption of, or an amendment to, a precinct plan under the *Urban Renewal Act 1995*, or in order to

make such provision as the Minister thinks fit relating to planning or development within a precinct on the revocation of a precinct plan.

2—Amendment of section 34—Determination of relevant authority

This amendment would allow the Development Assessment Commission to act as the relevant authority in relation to a proposed development in a precinct which, in the opinion of the Minister responsible for the *Urban Renewal Act 1995* may have a significant impact on an aspect of a precinct.

Part 2—Transitional provision

3—Transitional provision

This clause inserts a transitional provision for the purposes of the measure.

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

MAGISTRATES (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:16): 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 is a Bill to amend the *Magistrates Act 1983* (the Magistrates Act). The Bill modernises the Magistrates Act in a number of ways and introduces changes designed to improve public confidence in and understanding of the judicial system.

In modernising the Act, the Bill firstly removes the term 'stipendiary' wherever it appears with 'magistrate'. The title of 'stipendiary magistrate' merely indicates that the magistrate is a paid magistrate. It is an antiquated term, not understood by many in the public nor used any longer in other jurisdictions. The Bill abolishes the administrative positions of 'Supervising Magistrate' and 'Assisting Supervising Magistrate'. These positions were originally intended to provide for the day to day management of a magistrates court. Given the jurisdictional shifts and consequent changes in workload, the positions are now superfluous.

Instead, the direction and delegation provisions within the Act are sufficient to provide the Chief Magistrate with a flexible approach in respect of the delegation of administrative tasks for the appropriate management of the Magistrates Court. Also, consistent with the *District Court Act 1991*, the Bill places responsibility for the administration of the magistracy solely on the Chief Magistrate, removing the qualification 'subject to the control and direction of the Chief Justice' from section 7 and, reflecting current practice, modifies section 5 to require the Attorney-General to consult with the Chief Magistrate (in addition to the current requirement to consult the Chief Justice) on all new appointments to the magistracy.

In line with government policy of attracting the best candidate to leadership positions within the judiciary, the Bill also amends the eligibility requirements of the Chief and Deputy Chief Magistrates. Currently, the Act requires that a person already be a magistrate to be eligible for appointment as Chief or Deputy Chief Magistrate. The Bill removes this requirement and inserts that a person have at least 7 years practice as a legal practitioner, enabling a person outside of the magistracy to be appointed to the positions, effectively widening the pool of candidates and expertise.

Finally, the Bill amends provisions relating to the removal of magistrates, including the grounds for removal of a magistrate. Current procedure for removal of a magistrate involves an investigation and then judicial inquiry in order to determine whether proper cause exists for removal. Currently, section 11(8) provides that proper cause for removal exists if:

(a) the magistrate is mentally or physically incapable of carrying out satisfactorily the duties of his office; or

(b) the magistrate is convicted of an indictable offence; or

(c) the magistrate is incompetent, or guilty of neglect of duty; or

(d) the magistrate is guilty of unlawful or improper conduct in the performance of the duties of his office.

Improper conduct that occurs outside the performance of duties as a magistrate can raise questions about the suitability of a magistrate to continue in public office and undermine authority as a magistrate. Importantly, it can affect the public's confidence in how a magistrate will perform the duties of the position.

The Bill amends section 11(8) of the Magistrates Act to include 'conduct that renders the magistrate unfit to hold office as a magistrate, regardless of whether that conduct relates to the functions of the office.' This amendment will allow for the removal of a magistrate for improper conduct of a serious nature outside the duties of office without the need for a conviction for an indictable offence.

Further to this, the Bill also incorporates a new provision which allows the Attorney-General, with the approval of the Chief Justice, to require a magistrate being investigated pursuant to section 11, to undergo one or more medical examinations for the purpose of assisting in determining whether proper cause exists for removing the magistrate from office. In the event a magistrate fails to comply with the request, a statement as to the refusal may be included in any report prepared in relation to the investigation and, in turn, taken into consideration when determining whether proper cause exists.

This amendment is a necessary and appropriate measure, addressing potential performance management concerns, particularly in light of the recent increase in the retirement age. The amendment does not alter the investigation and removal process currently established in the Magistrates Act. Such a request to undergo medical examination will form part of the inquiry process already established under section 11. However, it does provide an appropriate measure to be utilised in a situation where confidence in a magistrate's capability to perform the duties is being questioned.

I commend this 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 *Magistrates Act 1983*

4—Amendment of section 3—Interpretation

The amendments in this clause relate to the definitions that apply under the Act. Specifically, the amendments in this clause substitute the definition of stipendiary magistrate with magistrate and substitute references to stipendiary magistrate with magistrate in the definitions generally. This is consistent with substituting all outdated references to stipendiary magistrate with references to magistrate in the Act.

5—Repeal of section 4

This clause repeals section 4 of the Act. Section 4 of the Act provides for transitional arrangements in relation to the position of a magistrate which are no longer required.

6—Amendment of section 5—Appointment of magistrates

This clause deletes subsection (2), which provides for the appointment of stipendiary magistrates.

Amendments to subsection (4)(b) provide that the Chief Magistrate must be consulted by the Attorney-General before a recommendation for the appointment of a magistrate is made, whether or not the appointment is to be on a part-time basis.

7—Substitution of section 6

6—Magistracy

The substituted section 6 provides for the appointment of a Chief Magistrate and a Deputy Magistrate by the Governor on the recommendation of the Attorney-General and removes the capacity to appoint Supervising Magistrates and Assistant Supervising Magistrates.

Proposed subsection (2) provides that a person is not eligible for appointment as the Chief Magistrate or Deputy Chief Magistrate unless he or she is a legal practitioner of at least 7 years standing.

The proposed section departs from the existing section by no longer making reference to stipendiary magistrate and, consequently, removing the eligibility requirement that a person be a stipendiary magistrate before an appointment as the Chief Magistrate or Deputy Chief Magistrate can be made. Rather, the Deputy Chief Magistrate will be taken to have been appointed as a magistrate if he or she does not already hold that position. (A similar provision will apply in relation to the Chief Magistrate on the commencement of section 19B of the *Statutes Amendment (Courts Efficiency Reforms) Act 2012*).

8—Amendment of section 7—Administration of magistracy

Subclause (1) removes the requirement in subsection (1) of the principal Act that the Chief Magistrate's responsibility for the administration of the magistracy be subject to the control and direction of the Chief Justice.

Subclause (2) substitutes subsection (3) of the principal Act to make changes consistent with the Statute Law Revision process undertaken for the purpose of the measure.

9—Substitution of section 8

8—Magistrates responsible to Chief Magistrate

Proposed section 8 departs from the existing section 8 by removing the reference to a stipendiary magistrate or an acting magistrate from subsection (1) and by not replicating existing subsection (2).

10—Substitution of section 9

9—Tenure of office

Most of the amendments contained in new section 9 are of a statute law revision nature but departs from the existing section by raising the retirement age of a magistrate to 70 years (from 65).

11—Amendment of section 10—Suspension from office

This amendment is consequential on the removal of references to stipendiary magistrate.

12—Substitution of section 11

This clause inserts an additional ground for the removal of a magistrate from office. Proposed paragraph (e) provides that proper cause for removing a magistrate from office exists if the magistrate is guilty of conduct that renders the magistrate unfit to hold office as a magistrate, regardless of whether that conduct relates to the functions of the office.

11—Removal of magistrate from office

New section 11 provides that an investigation to determine whether proper cause exists for removing a magistrate from office—

- may be conducted by the Attorney-General on the Attorney-General's own motion; and
- must be conducted by the Attorney-General at the request of the Chief Justice (made after consultation with the Chief Magistrate).

The new section sets out the procedure for any such investigation, including the ability to require a magistrate to undergo medical examinations for the purpose.

As in the current section, the Attorney-General must apply to the Full Court for a determination of whether the magistrate should be removed from office if a magistrate is convicted of an indictable offence or it appears from the findings of a judicial inquiry under this section that proper cause exists for removing a magistrate from office and, if the Full Court determines that a magistrate should be removed from office, the Governor may do so.

The section provides for an additional proper cause for removing a magistrate from office if the magistrate is guilty of conduct that renders the magistrate unfit to hold office as a magistrate, regardless of whether that conduct relates to the functions of the office.

13—Amendment of section 13—Remuneration of magistrates

This amendment is consequential on the removal of the positions of Supervising Magistrates, Assistant Supervising Magistrates and the Senior Magistrates.

Further consequential amendments are made by this clause to remove a reference to stipendiary from section 13.

14—Amendment of section 14—Superannuation

15—Amendment of section 15—Recreation leave

16—Amendment of section 16—Sick leave

17—Amendment of section 17—Long service leave

18—Amendment of section 18—Special leave

19—Amendment of section 18A—Concurrent appointments and outside employment etc

20—Amendment of section 19—Determination of rights on transition from other employment

The amendments proposed by these clauses will remove references to 'stipendiary' from the sections and make other changes consistent with the statute law revision process undertaken in respect of the principal Act.

21—Substitution of section 20

20—Payment of monetary equivalent of leave to personal representative etc

Proposed section 20 is substantively the same as the existing section 20 in the principal Act. The changes made reflect the removal of references to 'stipendiary' and other changes consistent with the statute law revision process.

22—Amendment of section 21—Industrial awards not to affect magistrates

This clause removes a reference to 'stipendiary' from section 21 of the principal Act.

Schedule 1—Related amendments

Schedule 2 makes related amendments to other Acts relating to the amendments proposed to the *Magistrates Act 1983*.

Schedule 2—Statute law revision amendments of *Magistrates Act 1983*

Schedule 2 makes amendments to the principal Act to convert various outdated references and to make other technical changes to accommodate current drafting practices.

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

POLICE (GST EXEMPTION) AMENDMENT BILL

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

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (16:17): 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.

South Australia Police (*SAPOL*) currently provides a number of services to the public for which it charges fees. Some of these charges are imposed in accordance with legislation (for example, the impounding or clamping of vehicles; the issue of firearms licences) and some are provided under individual contract (for example, police escorts of over dimensional vehicles; police aircraft hire). However, there are some services that police carry out that are under neither the authority of any legislation nor specific contract. These relate solely to requests from the public for access to information from certain police records, namely, national police certificates, fingerprint reports, fingerprint and history checks, police incident reports, vehicle reports, antecedent reports and apprehension reports.

Amendments were recently made by the Commonwealth Government to the *A New Tax System (Goods and Services Tax) Act 1999* (Cth). The amendments state in part that a fee charged by a Government agency to supply information that is not required to be provided under an Australian law will be subject to GST. These Commonwealth amendments will come into operation on 1 July 2013. As the aforementioned requests for access to SAPOL records are not subject to any legislation, they will be liable to GST payments from that date, unless they can be brought under South Australian law in the meantime.

As the South Australian Government does not want the public to have to pay GST on these particular fees, this Bill seeks a necessary amendment to the regulation making power in the *Police Act 1998*. The amendment will provide authority for regulations to be made as soon as practicable after the enactment of this Bill specifying that particular services and respective fees may be charged by SAPOL. This will formally bring the imposition of such fees (being fees for the provision of information that is of a regulatory nature by a government agency) under the authority of South Australian legislation thereby allowing the payment of such fees to continue to be GST exempt under the Commonwealth Act.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. There being no provision included in this measure, it will come into operation on the day on which, once enacted, it is assented to by or on behalf of the Governor.

Part 2—Amendment of *Police Act 1998*

3—Amendment of section 76—Regulations

It is proposed to amend section 76 of the Act to include a new paragraph that will enable regulations to be made to fix fees and provide for the payment, recovery, refund, waiver or reduction of such fees.

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

ADOPTION (CONSENT TO PUBLICATION) AMENDMENT BILL

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

At 16:19 the council adjourned until Tuesday 18 June 2013 at 14:15.