LEGISLATIVE COUNCIL

Thursday 25 July 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 10:31 and read prayers.

SITTINGS AND BUSINESS

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) (10:32): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

APPROPRIATION BILL 2013

Adjourned debate on second reading.

(Continued from 23 July 2013.)

The Hon. G.A. KANDELAARS (10:33): I rise to make a second reading contribution to the Appropriation Bill for the 2013-14 fiscal year, and in so doing I wish to concentrate my remarks on the Labor government's commitment to the future of our state, with particular reference to its record ongoing investment in infrastructure. The 2013-14 budget contains a range of measures which aim to support the South Australian economy, including the continuation of stimulus measures, which have already provided a significant boost to the housing and construction sectors.

A major feature of the state budget has been the government's ongoing budget commitment to the state's infrastructure program, with $10.1 billion being provided over four years. I will expand on the Labor government's commitment to the expenditure on infrastructure. The government has embarked on a sustained infrastructure spend, which will provide world-class infrastructure here in South Australia, but also, more importantly, will support jobs.

This commitment is shown by its investment in the new Royal Adelaide Hospital project, which commenced in 2011 as a public-private partnership and is due for completion in 2016. This project includes an investment of $1.8 billion to construct the new hospital. Most critically, this project will provide this state with a world-class, state-of-the-art health facility, providing for the health needs of South Australians for decades to come. Prior to this, however, the construction of this project will provide 3,000 direct jobs and 2,000 indirect jobs. The development of the Adelaide Oval—

The Hon. R.L. Brokenshire: How much does it cost?

The Hon. G.A. KANDELAARS: I told you that: $1.8 billion—a very good investment in the future of the state's future health. The development of the Adelaide Oval will provide South Australians with a world-class sporting facility of their own when completed next March. The work commenced in December 2011, and this project has and will continue to support over 1,200 jobs. In fact, 58 of the 61 subcontractors engaged on the project are South Australians, and the state government's contribution is $535 million.

The state Convention Centre upgrade, stage 1, commenced in July 2011, with completion expected in late 2014. This is a $210 million investment which will see jobs on the site peak at 300. Stage 2 of the project is expected to commence in early 2015, with the completion date set for mid-2017. At this stage, it is too early to assess the jobs impact of stage 2.

The Riverbank bridge, which is a $40 million project, commenced in March this year, with the completion expected in December. The project is expected to employ 170 South Australians. The Adelaide Railway Station yard upgrade is a $50 million project, which commenced early this year, and its completion is planned for March 2014, is expected to employ 170 people. The South Road superway is an $842 million project, which commenced in early 2010, with completion expected later this year. This project employed over 2,010 people, with a further 380 indirect jobs; 6 per cent of those have been Aboriginal workers, 18 per cent of workers have overcome barriers to employment and 2 per cent have been trainees.

The Southern Expressway duplication is a $407.5 million project, which commenced in early 2012, with an expected completion date of mid-2014. This project has employed 1,040 directly and 190 indirectly. The project is consistently exceeding targets which require that 50 per cent of the workforce come from the southern regions of Adelaide.

Overall, averages for 2012 saw each of the other targeted areas being exceeded as well, with 4.3 per cent of workers upskilled, 4.9 per cent from trainee, cadet and apprenticeship categories, 9.9 per cent being from local people who have overcome a barrier to employment, and 5.1 per cent of workers from the Aboriginal community. To date, 86 per cent of contracts that have been awarded on the project have gone to South Australian businesses, and 27 per cent of those have come from the southern suburbs.

The Goodwood Junction is a $110 million project which has employed 250 people, with a completion date expected later this year. The Adelaide-Melbourne road corridor, the Dukes Highway, is a $100 million project which has employed 50 directly and 100 indirectly, with 20 per cent of this project being funded through the state government. I should also mention some federally-funded infrastructure projects and their significant impact on jobs here in South Australia.

The new South Australian Health and Medical Research Institute's building is a $200 million project, and it has employed 320 directly and 200 indirectly. The Seaford rail extension is a $291 million project, which has employed 200 directly and 350 indirectly. Of those, 2.9 per cent have been Aboriginal; 8.5 have been 'barrier to employment'; trainees, cadets and apprenticeship categories make up 5.1 per cent; and it has employed 95 per cent from South Australia.

This is a record infrastructure spend that the state government is proud of, and I am proud to stand here as a member of government and say that we have invested, and will continue to invest, in the future of South Australia and South Australians. The choice that this government has made in this budget stems from our belief that government has a critical role to play in helping industries to change and grow in protecting and creating jobs and in building a better quality of life.

In this budget, we have continued to invest carefully in infrastructure and economic measures to ensure that the economy grows and people have access to good jobs. Those opposite have called this a false economy. That could not be further from the truth. It could not be more wrong. This budget and the government's investment in infrastructure have had real tangible effects on South Australian families. We are talking about real jobs—more than 8,700 jobs. That is what has flowed from these investments in this year alone.

That is 8,700 jobs—8,700 individuals who have the security of knowing that their state government is investing in projects that will enable them to provide for their families. It is 8,700 people who, with the security of employment, go out and spend in their local community, adding to the flow-on effect through our economy. This is anything but false economy. I defy the members opposite to tell those 8,700 that these employment projects are a false economy. It could not be more real.

The Premier—our Treasurer—has framed a budget that looks to South Australia's future with significant and ongoing infrastructure investment, as well as looking to assist those in the community who need it most. This budget also shows a significant strengthening of the budget position by the end of the forward estimates, as compared with the position set out in the Mid-Year Budget Review.

We return to a substantial surplus in 2015-16, and by the end of the forward estimates debt will reduce by over $450 million, compared with the level forecast in the Mid-Year Budget Review. We will also do this in a responsible way without the mean-spirited cuts that have been seen from conservative governments in other states. The budget provides for strong government, strong business and strong community. It ensures that South Australia has a strong, positive future, and I commend the Appropriation Bill to this council.

The Hon. T.J. STEPHENS (10:43): That was a heartwarming speech from the Hon. Gerry Kandelaars because, as we all know, socialist governments are terrific until they run out of other people's money to spend. The Hon. Gerry Kandelaars has just highlighted how wonderful they are while the borrowing is happening, but at some stage the tap is going to be turned off and do you know what is going to happen then? The Liberal government is going to have to clean up the filthy mess again.

The message that I take from this Labor government's budget is plain and simple: you just cannot trust Labor. We are witnessing this at both a state and federal level—Labor cannot be

trusted with our money and we cannot trust this Labor government with anything that they tell us. Time and time again we are told that a surplus will be delivered—it is almost comedy hour—but time and time again we, as a state, are left with a deficit and a debt to pay. Six deficits in seven years, a figure that is completely unacceptable.

Why is this happening? It is because this government, over the course of 11 long and damaging years, has lost touch with reality and lost touch with the community. Because of its ill-considered decisions families, small businesses and those already struggling in this time of economic hardship are forced to pay for this government's failures.

It has been said before, and it will continue to be heard for as long as Labor is in government, that Labor has a spending problem. If anyone else in the community were to spend beyond their means, like this government does, they simply would not get away with it. The banks would foreclose on them—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. T.J. STEPHENS: I am not listening, Mr President; he can rabbit on as much as he wants, like a stupid child.

The PRESIDENT: Government members will come to order. The Hon. Mr Kandelaars was heard in silence, so let us afford—

The Hon. T.J. STEPHENS: Thank you, Mr President. That would be a courtesy it would be nice for these guys to return, actually.

The PRESIDENT: Let us afford the same courtesy to the Hon. Mr Stephens. The Hon. Mr Stephens has the call.

The Hon. K.J. Maher: Respect is earned.

The Hon. T.J. STEPHENS: That's why you will never have any, you clown. After what can only be described as a heap of disconnected, poorly considered and generally disastrous decisions, this Labor government has to be turfed out. It needs to be evicted from the Treasury benches, having had 11 years—and it has been 11 years too long. Imagine the position our state could have been in with a competent government during that period, one that took the time to analyse the needs of the community and the financial situation of the state, and that did not just spend, spend, spend to have their names on building plaques.

The government claims that this deficit is beyond its control, that it is a result of a revenue downturn. This is an absolute falsehood, and we all know it. The figures show that over the last four years revenue has actually grown by 3 per cent per year. The real issue is that this Labor government continues to partake in unbudgeted spending—this year's splurge of $626 million takes its total figure up to $3.8 billion worth of expenditure that was not planned for—only later to shrug its shoulders and say, 'It's not our fault.'

What is the government going to do about this enormous debt? It has made promises that it is good for it and that the state will return to surplus by the 2015-16 budget but, if history is anything to base predictions on, the safe money is that it will not; it simply cannot deliver. To give Labor the benefit of the doubt would surely only lead to more poor decisions and our state going further and further into the red.

Why should we be concerned by this? The government is not running up its debt, this is not a debt that the Labor Party will pay; it is running up the state's debt, the community's debt. After all, it is not this government that will be paying back the current debt of $13.75 billion at an interest cost of $952 million per year; it is the community that will bear the brunt, the mums and dads, small businesses, ordinary members of the community. Not only are they already struggling under the pressure of their own financial affairs and poor economic conditions that this government seems to only exacerbate, they are also being burdened by the weight of the debt of an incompetent government, one that uses the public as security rather than taking responsibility for its own actions.

We are already seeing this take place with the ridiculous cash grabs. It started with the car park tax, and where will it end? Throughout the course of this government South Australia has gone from being one of the lowest taxed states to the highest taxed state in mainland Australia. We have the highest electricity prices in the nation, the highest water prices of any capital city, and the

highest WorkCover rate, as we operate under the worst performing scheme. Our bus fares, licence fees and car registrations are all nearly double CPI.

South Australia continues to hold the title of worst state when it comes to land tax, which is levied at 36 per cent above the average; stamp duty, which is levied at 27 per cent above the average; and insurance tax, levied at 42 per cent above the average. By the Premier's own admission, we are a high cost jurisdiction. How is anything meant to thrive in this environment?

Tax revenue has increased by 92 per cent under this Labor government, yet the government is still set to deliver the state's largest debt at a disgraceful $13.75 billion. Why should the public have to bear the repercussions of Labor's bad decisions? If Labor were allowed another term in government, this burden would only continue to grow. Labor wants us to believe that the state will return to surplus in a few years time, to give it a chance, but this sounds all too similar to the promises we have heard before.

They told us in the 2011-12 year that we would see a $420 million surplus, and they gave us a $258 million deficit. This year, 2012-13, we were promised a $304 million surplus. What did Labor deliver? A $1.3 billion deficit. For this coming year, 2013-14, we were promised a $480 million surplus: the prediction that we are looking at is a $911 million deficit. I do not think I need to point out how disgraceful this is, but I will ask: why is this happening? Is it because Labor cannot manage its money, or is it because they are not telling us the truth?

If this government decides that, one day, they wish to open up to the community and tell us what went wrong with their budgeting, they should have no trouble delivering their message. Statistics show that Labor is so engrossed in spin, it is spending a mind-blowing $70 million on advertising each year. Just disgraceful! Budgets for health, education and policing are being slashed left, right and centre, yet this government wastes millions upon millions trying to convince us that everything is fine. The Premier alone employs three separate speechwriters, at a cost of $194,000 per year. Why the need for so much spin? Clearly, something is going terribly wrong.

While on the subject of waste and expenditure, let us not forget the yearly figures of $25 million the government spends on travel and the $200 million that goes to the coffers of consultants and contractors. Then there are blowouts and broken promises to consider. We have the new RAH, promised at $1.7 billion, now likely to come in at over $2.8 billion. We were promised to have a redeveloped Adelaide Oval for 'not a penny over $450 million'. How does $600 million look to you? The Southern Expressway duplication was set for $370 million: we are now told that it will be $407 million. The $304 million water interconnector is set to come in at $403 million. It is no wonder we are in the red when government projects continue to go far beyond what was budgeted for.

I want to touch on not only the overspending of this government but also their lack of understanding of business and their constant interference by way of legislation and regulation. It is hurting business—and let me use an example. Let me use the example of family hotels. This government has consistently, over 11 years, broken promises, tried to change regulations, tried to change legislation, which has led to so much uncertainty in the hotel industry that the value of hotels has plummeted.

Banks do not value the asset in the way they used to do. Why? Because of the uncertainty in the industry. When government interferes with the basic running of a business, it leads only to disaster. When we look back at the result of Labor's 11-year reign, it is clear that they have left a solid path of destruction in their wake. I seek leave to continue my remarks.

Leave granted; debate adjourned.

STATUTES AMENDMENT (GAMBLING REFORM) BILL

Bill recommitted.

Clauses 1 to 38 passed.

Clause 39.

The Hon. G.E. GAGO: I move:

Page 23, line 33 [clause 39, inserted section 42B(8)]—After 'than' insert '$5'

I have spoken at length about this, but basically it is the government's view that the maximum bet for non-premium gambling machines at the Casino, as well as clubs and hotels, should be reduced.

The current maximum bet is $10 and we are proposing to set that at $5. I have outlined in a previous debate the reasons for that and I seek the support of this council.

The Hon. R.I. LUCAS: Just to try to expedite matters, I note that there is another amendment that the minister is about to move, of which I have no knowledge and have had no discussion on. I do not wish to delay the debate. I am seeking to try to get the member for Davenport for urgent discussions, but can the minister, with the concurrence of the Chair, at least at this stage indicate briefly to me what it is about and whether or not the Casino has been consulted and approved the change if it impacts on them? I know it is contrary to the arrangements, Mr Chair, but if we want this bill to be debated, that would assist. If it makes it easier, we can have a private discussion.

The CHAIR: Can we postpone it until after what we are dealing with at the moment, your amendment at clause 39?

The Hon. R.I. LUCAS: No, I am happy to do the amendment at clause 39. I am just trying to work out what else is coming so that I am ready to do it.

The Hon. G.E. GAGO: I can just talk at this point about what else I propose to do, so then it is clear from the outset what these three amendments seek to do. So I will make just some general comments at this point. That is, there are three amendments; two that go to the maximum betting limit and—

An honourable member interjecting:

The Hon. G.E. GAGO: I have moved the amendment standing in my name, and I have spoken to it as well. The third amendment to 69 is consequential on the amendment to allow Club One to place its entitlements in the Adelaide Casino if a commercial agreement can be achieved. It was an issue identified by parliamentary counsel, so you might just like some time to discuss it with them.

There has not been consultation with the Casino; it is not deemed to be necessary, given that there needs to be a commercial agreement achieved for it to have effect. It is an enabling provision, if you like. I am happy if you want to take some time to further discuss this with your colleagues.

The Hon. R.I. LUCAS: The main issue which is being debated is the one you have moved and we are about to debate and will satisfactorily resolve. With the agreement of the minister, I would not envisage it would be a long delay. We might be able to report progress before we do the last amendment to 69 so I can have a quick discussion with the member for Davenport.

Whilst we accept that the Casino does not need to be consulted, we would like to consult the Casino to see that this amendment does not impact on it in any way. We need to try to track them down and do that. I would envisage that the member for Davenport should be able to do that before the lunch break and it would all be satisfactorily resolved. With the minister's concurrence, we are happy to expedite the debate prior to the luncheon break.

Let's get back to what has been moved and back into order, the $3—sorry, the $5 not the $3 bet limit. That was a Freudian slip: it was not $3 but the $5 the minister has moved. As I indicated to a number of members yesterday, in the discussions last evening it was certainly our understanding that minister Gago was going to (and in fact she did) seek to recommit last night to do this. From our viewpoint, and all members' viewpoint as I understand it, we were going to resolve this issue last night.

With the greatest of respect to the minister (minister Rau) handling this bill, all of a sudden there was an urgent call not to proceed down the path that was going to be undertaken by minister Gago last night. We were all told that everything had to halt last night and that there were to be urgent discussions at 9am to sort out what had become a Swiss cheese bill, which I think was the phrase used on radio this morning.

As I said, I had discussions with a number of members and, whilst the Liberal Party had moved, whenever we first debated this bill, for a position of the status quo, we ended up in a position where at that stage the majority of this chamber did not support the government's position of $5, the majority did not support the Liberal Party's position of the status quo, and the majority of the committee did not support the Hon. Mr Darley's position of $1, so we were left virtually with the issue still to be resolved.

We in the Liberal Party recognised that there was not the support for our position of the status quo. As I had indicated to the Hon. Mr Brokenshire and a number of others, on the recommittal last night of minister Gago we assumed we would go ahead with, we would not be moving an amendment and we would not be dividing on the issue; we would accept the majority view of the committee.

For whatever reason—and I guess it is for minister Rau to explain to his colleagues, advisers and the public—he either did not understand that or sought to try to make political capital out of the situation overnight and on morning radio.

The Hon. J.M.A. Lensink: He didn't do a very good job of it.

The Hon. R.I. LUCAS: As my colleague the Hon. Ms Lensink said, that did not work for him either, as I am afraid he was left publicly embarrassed in terms of the actions of himself and senior members of his own staff. That is for another day. It is not really the matter here. The matter here is that this issue was going to be resolved last night. Minister Gago did move for the recommitment of these particular clauses and, for whatever reason, minister Rau made another hash of the handling of the bill and unnecessarily prolonged—

The Hon. R.L. Brokenshire interjecting:

The Hon. R.I. LUCAS: Beg your pardon?

Members interjecting:

The CHAIR: Ignore the interjections.

The Hon. R.I. LUCAS: I think the Hon. Mr Brokenshire was saying that minister Gago had the issue under control and perhaps minister Rau should have listened to his advisers and minister Gago, who was accepting their advice. One only had to look at the faces of the advisers when they heard that minister Rau had pulled the plug, and they did not say a word, minister Rau, just in case you or your officers are listening, so please do not intimidate them. They did not say a word.

An honourable member: Or get Danny to intimidate them.

The Hon. R.I. LUCAS: Or get Danny to intimidate them. They were ashen-faced. Their jaws dropped. There was much amusement from members of all persuasions here, not just on our side, as they looked at the crestfallen nature of the advisers in relation to this particular issue. So, the issue could have been resolved, should have been resolved, last evening. As I said to members, and I repeat now on behalf of the Liberal Party, we explored our position and there was no support for it. We do not intend to move an amendment to the minister's amendment and we do not intend to divide on the issue. We accept the majority view of the council in relation to this particular issue.

The only other point I would make, in concluding, is that during this whole debate—the minister is about to move another amendment in relation, partially, to the Casino—the government's position—again, sadly, minister Rau's position—has been that in some way this was going to jeopardise the $350 million Casino redevelopment. My colleague the member for Davenport tells me this morning that at the crisis meeting at 9am the minister acknowledged what we had been saying all along, that is, the bill, as it is passed in the Legislative Council, is no impediment at all to the Casino redevelopment.

Surprise, surprise. That is what we had said all along. That is what the majority of members in this chamber have been prepared to support, albeit with different degrees of passion.

The Hon. R.L. Brokenshire interjecting:

The Hon. R.I. LUCAS: Exactly. As I said, albeit with—

The Hon. R.L. Brokenshire interjecting:

The CHAIR: Order, the Hon. Mr Brokenshire!

The Hon. R.I. LUCAS: Albeit with different degrees of passion—

The CHAIR: Make your contribution later.

The Hon. R.I. LUCAS: —that has been the view in relation to the Casino. But for the last couple of weeks, minister Rau, sadly, has been telling the Casino, the media and a variety of other people that in some way the actions of the Legislative Council were threatening the $350 million

redevelopment. Well, surprise, surprise, he told the member for Davenport and other members at the 9am crisis meeting this morning that that was not true, the bill that was going through would not impede in any way the $350 million—

The Hon. T.J. Stephens interjecting:

The Hon. R.I. LUCAS: I think the Casino operators and others will look on minister Rau and the government representatives in a new light. We did warn them all the way along that from our viewpoint we do not trust and we certainly do not believe the sorts of claims that are being made by minister Rau and the government and its advisers in relation to the issue. We were pledged, and the Legislative Council has pledged, to allow the Casino redevelopment to proceed. The bill, as it will pass with this particular amendment, and perhaps one further amendment, will not impede the Casino redevelopment. For that, we in the Liberal Party are strongly supportive and that has been our position all along.

The CHAIR: Do you have something else to add, the Hon. Mr Brokenshire?

The Hon. R.L. BROKENSHIRE: I do have a bit more to say, followed by a question.

The CHAIR: And you will be heard in silence.

The Hon. R.L. BROKENSHIRE: Thank you, sir. Our preference would have been to support the Hon. John Darley's $1. The less maximum betting opportunities people have the less money they are going to lose, but we are happy to support the government's $5 as a compromise. In saying that, I have two final questions and then I promise to say no more in this debate. I have two questions—

An honourable member interjecting:

The Hon. R.L. BROKENSHIRE: I will have to think about that. I have two questions to the minister. The first is with respect to the $5 betting, the impacts and so on that that may have on gaming and, therefore, taxation revenue. Can the minister assure the committee that by allowing the Casino to have this expansion with the additional poker machines and the VIP high roller room, as I call it, the government are sure that they will get a percentage of the overall taxation from the Casino and more money in future years than they are currently getting? That is my first question.

The second question to the minister is: one thing we missed in getting an answer on, as I recall, is about the $20 million upfront payment from the Casino. Is that an advance on taxation payments from the Casino or is it a gift or is there a lease by which it is liable to make payments to the government which are being amortised and paid upfront? I think it is important for the record that we actually establish if it is a gift—and then I wonder which marginal seats it is going to go into. Could we have an explanation as to why and where comes the $20 million from the Casino?

The Hon. G.E. GAGO: I have been advised in relation to the percentage of total tax forecast, the total level of tax as forecast in the budget will increase compared to previous amounts. The average percentage of the tax rate will be dependent on the split between premium customers and main gaming floor customers. For instance, if the Casino attracts more than what they predict, referring to international and interstate VIPs, then the average tax outcome will be less. However, if they are not as successful at attracting those international and interstate VIPs then it is likely to be more than forecast. In relation to the $20 million, I am advised that it is an upfront payment.

The Hon. T.A. FRANKS: I rise to indicate that the Greens will support the two amendments before us put up by the government. As the voting record reflects, we would prefer that $1 bets be the maximum bet, which is certainly in line not only with Greens policy and long-held campaigning from Senator Richard Di Natale on this issue but also is a recommendation of the Productivity Commission and of groups, such as SACOSS, which are well respected in the welfare sector in calling for measures that will indeed address gambling harm.

We recognise that we do not have support for the amendment put forward by the Hon. John Darley for $1 maximum bets and that currently, as the status quo sits, we have the choice of $10 or $5; with that choice we will choose the lower amount, being closer to our end goal of $1, so we will support $5 maximum bets.

The Hon. R.L. BROKENSHIRE: Sorry, Mr Chairman—

The CHAIR: You promised something earlier.

The Hon. R.L. BROKENSHIRE: I have not had a full answer.

The Hon. R.I. Lucas: You even broke Mike Rann's record! That was 46 seconds and you broke your promise!

The Hon. R.L. BROKENSHIRE: Well, I sat and watched and learnt from him for years. The $20 million up-front, what is it up-front for? I do not understand what the $20 million is used for? Is it an advance on future taxation? We need to know specifically.

The Hon. G.E. GAGO: I am advised that it is not an advance on future taxation. It is a simple up-front payment, an additional payment.

The Hon. J.A. DARLEY: Whilst I would have preferred the $1 bet, I must admit that $5 is better than $10, so I will support both these amendments.

The Hon. K.L. VINCENT: Very briefly, as the record will show, Dignity for Disability certainly supports $1 maximum bets, but we concede that we have lost that and, in the words of Mr Darley, whose opinions on problem gambling in particular I believe should be taken very seriously, $5 is certainly better than $10, so I will continue to support this sensible amendment.

Amendment carried; clause as further amended passed.

Clauses 40 to 68 passed.

Progress reported; committee to sit again.

APPROPRIATION BILL 2013

Adjourned debate on second reading (resumed on motion).

The Hon. T.J. STEPHENS (11:20): Sir, just to conclude my remarks: when we look back at the results of Labor's 11-year reign, it is clear that they have left a solid path of destruction in their wake. This Labor government has delivered the loss of our AAA credit rating, the state experienced its worst consumer confidence in 16 years, reaching a 41 per cent full-time youth unemployment rate in Adelaide's northern suburbs and having us being labelled Australia's second Tasmania. It goes without saying that the state economy is a disaster.

The only chance South Australia has to return to prosperity is to elect a Liberal government come March. Our state needs stability to be seen once again as strong and reliable. It needs certainty. It needs promises that are delivered upon, not promises made to be broken. We need to return the state to a place that is attractive for families and businesses but, first and foremost, we need to fix this utter mess that Labor has left us with. The only good thing to come out of this government's latest budget is the fact that it will hopefully be their last.

The Hon. CARMEL ZOLLO (11:21): I rise in support of the 2013-14 budget and congratulate the Premier and Treasurer, in the other place, on his first budget. South Australia, like all other states, faces constraints at the financial level and, at the same time, the government has social and economic goals to pursue, all in a responsible manner. The 2013-14 budget captures the tenets of the Labor government, as one would expect it to do. If I may, I will echo the comments of the Premier and the Treasurer in the other place:

> The choices we have made in this budget stem from our belief that government has a crucial role to play in helping industries to change and grow, in protecting and creating jobs, and in building a better quality of life for people.

Even with the pressure on our manufacturing sector and our soft retail expenditure, South Australia has still seen more jobs being created than lost—I understand some 10,600 in the last 12 months.

Seven priority areas were identified at the beginning of our term and the economic statement, which was released earlier this year, built on that, with four focus areas identified. The statement was built on independent economic modelling, with our long-term outlook being strong. One should also place on the record that the economic backdrop of the budget in South Australia is one of facing declining tax and GST revenues. So, Mr President, many challenges.

There is also a change in accounting treatment which sees a reduction in the two forecast surpluses of 2015-16 and 2016-17. Nonetheless, government debt is expected to fall to $8.8 billion by 2016-17, an estimated improvement of over $450 million against the forecast in the Mid-Year Budget Review, with a moderate 7.6 per cent of gross state product.

I think it is worthwhile reiterating the Premier's words in the other place that this budget does deliver a significant strengthening of the budgetary position by the end of forward estimates in comparison to the position at the Mid-Year Budget Review.

Whilst the Premier acknowledged that it is true that the government did not take decisions that would lead us to surpluses more quickly, he responsibly outlined the reasons that we have chosen not to sell the state's remaining significant government assets, not to abandon our program of infrastructure spending, which those opposite sometimes fail to support, and, at the coalface, not to cut deeper into the important services which support or protect the community. All in all, a very responsible budget by a very responsible Premier and Treasurer. The Premier rightly highlighted the areas of health, disability and education—

The Hon. J.S.L. Dawkins: What about mental health?

The Hon. CARMEL ZOLLO: I will be speaking about mental health, the Hon. John Dawkins—and I write my own copious notes. The Premier rightly highlighted the areas of health, disability and education where the commonwealth government has partnered South Australia in the provision of these services, which will have a positive budgetary situation for many years to come.

I would like to take the opportunity today to focus on a couple of areas, if time permits. I have already had the opportunity to speak on the disability sector during a matter of interest yesterday. I have in the past talked about the strong infrastructure spend of this government in the health area, and I noticed the Hon. Gerry Kandelaars also doing so this morning. This year's budget continues to provide funding for works at the Royal Adelaide Hospital, as well as $328 million to rebuild and upgrade hospitals around the state, as well as continued support to make South Australia a leader in medical research and deliver better dental services for South Australians.

As pointed out by health minister Snelling, despite the need to live within our means, this government's continued growing investment in health is showing excellent results. Over the last decade, this government has transformed every metropolitan hospital with major redevelopment, as well as having some of the best-performing public hospital emergency departments and the highest rates of elective surgery in the nation, with lower than average waiting times.

In short, health is the single largest area of investment in our state and the 2013-14 budget continues with that outlay. Whilst there may not be a massive amount of new health spending announced in this year's budget, this government is still making a record investment in South Australia's health system and making important reforms, such as in CTP, which I will briefly mention in a minute—reforms that go to the core of our Labor values: looking after the most vulnerable—

The Hon. J.M.A. Lensink: You don't have any.

The Hon. CARMEL ZOLLO: —and those in our community who are doing it tough. We will wait to hear what you have to say, then, because we are all waiting. New measures in this year's health budget see $41.3 million of funding to support the South Australian Health and Medical Research Institute and attract specialty medical research groups. I know that there is enormous excitement about the addition of SAHMRI.

There is $1.5 million in 2015-16 for the Adelaide Dental Hospital and partnering with the commonwealth to deliver $16.1 million over the next two years to treat more dental patients around the state. Dental treatment is a very basic health need, which can change people's quality of life. The discomfort and sometimes misery that people can suffer with dental health problems are recognised by this increased spending.

The budget also includes support over three years for those most in need in our Indigenous communities with $32 million over three years for the Closing the Gap Indigenous healthcare initiative and $3.5 million over two years for communities on the APY lands. As politicians, many of us have the opportunity—and, I think, privilege—to travel and meet members of our Indigenous community who live on the lands and I am certain all would appreciate the need to close the gap at many levels. I believe the great levellers in any society are jobs and education, but one must first have the opportunity to access good health care to start with.

As honourable members would know, the health minister was responsible for initiating the reforms to the state's compulsory third-party (CTP) insurance scheme. Several months ago, the parliament passed the Motor Vehicle Accidents (Lifetime Support Scheme) Bill 2013. From memory, I made a short contribution to the bill when it was before us. The intention of the legislation was to help those who are catastrophically injured in vehicle accident or crashes.

It will see those people able to access a new lifetime support scheme—a scheme that essentially would relieve the burden on struggling families who currently have to care for loved

ones with little help. It will mean that people who have been catastrophically injured will be able to get everything that is reasonable—and, more importantly, necessary—for their treatment, care and support, which does include the necessary home modifications and good quality equipment.

The health minister has referred to the scheme as a once-in-a-lifetime legacy that this government will leave for South Australians and I do concur with those comments. The changes in the CTP scheme have seen savings to motorists and South Australian families commencing on 1 July this year.

As a former minister for mental health, I just want to quickly touch on those reforms. The government has invested more than $300 million to modernise the system with both more mental health beds and investment in preventative mental health. I am pleased to see the continued funding towards the redevelopment of James Nash House as well as the Glenside campus redevelopment. The misinformation about the Glenside campus doing the rounds was extraordinary, suggesting that mental health services were no longer going to be run from there. Instead, what we have on the campus is a redevelopment of $142.6 million with the building of a new 129-bed mental health hospital, a 15-bed intermediate care centre, and the provision of 20 supported-accommodation places.

Other continuing funding in this year's mental health budget focuses on community mental health centres, intermediate care, mental health centres and towards the expansion of older persons' mental health community facilities. As part of the 2013 budget, we also see health funding focusing on the continued redevelopment/improvements in country South Australia. What it means on the ground is essentially more services being delivered directly in regional communities, improving the outcomes and reducing the stress and expense of travel for country South Australians and their families.

I know that we have some assistance in housing country people in Adelaide for medical treatment, and many other organisations do some good work and provide assistance in that area, but I think we all agree that any level of care delivered in the local community, with one's family and support network, is so beneficial at a time when the news and subsequent treatment for serious illness is being faced. Amongst the other projects announced in this budget, it is good to see $6.6 million towards the $16.5 million new and improved cancer facilities and equipment for Whyalla, regional South Australia and the Lyell McEwin Hospital, in partnership with the commonwealth government.

One of the areas I want to quickly touch on is the food and wine industry. As a former convenor of the then Premier's food council, I have always had an interest in those areas. When I kept the role in the first year I was the minister, I remember, Mr President, the comments of agreements coming from you on the backbench as I talked about premium food and wine. On a more serious note, the food and wine industry is worth over $14 billion to our state and is responsible for 36 per cent of our state's total merchandise exports. It is an industry which is constantly ensuring that we deserve and keep our reputation as clean and green to attract better prices and new markets as well as ensuring that innovation is at the forefront.

To this end, we have seen funding to the EPA to protect the environment, where we source and produce our products, funding to establish innovation clusters in regional South Australia, funding for the promotion of our markets in China, funding to boost food safety and public education, and funding to the High-Value Food Manufacturing Centre to bring all parties together to focus on processes that will add value to our produce.

It is interesting to see how the government-private partnership has evolved over the last 13 years or so to this important time where we are now, where the government is providing the right environmental conditions, food security, the research capacity and the promotion of markets, amongst other assistance, whilst the private sector is promoting its leadership and expertise and built-up knowledge, amongst other capacities. To that end, I congratulate the Leader of the Government in this chamber, the Hon. Gail Gago, who holds the important portfolio of Minister for Agriculture, Food and Fisheries, on her leadership.

I think that it is worthwhile to place on the record the six areas the Premier in the other place highlights in the 2013-14 state budget as being: investment in infrastructure and transport, with the support of 8,700 jobs in this budget year alone; the extension of the Housing Construction Grant and the establishment of an affordable housing program to support jobs and home ownership; the small business support, in particular, help to win government work; the provision of funding in helping people train for job opportunities in growing industries; the reduction of car

registration costs by $148 over the next two years, which I have previously mentioned; the provision of front-line services, with more police and more hospital care and more support for people with disability, through DisabilityCare Australia.

I add my support for the 2013-14 budget and again congratulate the Premier and Treasurer for this, his first budget. It is no secret that this is my last budget contribution and I know how deeply I will miss having to hear those opposite (I assume you will still be in opposition) trying their very hardest to find faults, as indeed good oppositions do, whenever our government brings down their responsible budgets.

The Hon. J.M.A. LENSINK (11:35): I rise to make a contribution on the budget bill and would like at the outset to place some remarks on the record about the estimates process that precedes the Legislative Council dealing with this piece of legislation which provides the appropriation for various government departments.

The estimates process, I think, is useful for the government and the opposition in terms of auditing, if you like, the budget lines, although certainly under this government, things have been aggregated to the point where it is very hard to find the details of where the funding cuts are and so forth, which I think is just an indication of the fact that it has become trickier and trickier as it has gone along. It has done so in the health portfolio as well, particularly with the amalgamation of hospitals into boards and so forth, so they no longer report individually.

From the preparation point of view, for the government and the opposition to determine as much as they can and prepare as much as possible for what is in there and what is not in there, that is useful. However, when the estimates committees take place and the floor of this place is taken over by those rogues from the House of Assembly to quiz ministers (members of the Legislative Council, unless they are ministers, do not participate in the process at all), that is where it all falls apart.

We have this process where the ministers have an opening statement and they take up as much time as possible. In recent years they have been trying to do so-called deals with the opposition and say, 'Well, we will trade off our opening statement and cut down the total time.' As a shadow minister, I have always instructed whoever is asking my questions never to agree to that, because I think that the amount of time that we spend on the examination of each department is a pittance in any case.

From memory—I have not checked this, but I think it is in this order—for the Department of Environment, Water and Natural Resources it was two hours in total. When you take out 20 or 30 minutes of an opening statement and Dorothy Dixers, that might leave the opposition with an hour at most. SA Water and the River Murray combined is one hour. Zero Waste SA gets half an hour and the EPA gets half an hour. That is just not good enough.

I am a member of the Budget and Finance Committee, which is chaired by the Hon. Rob Lucas, and we have a much more useful process where each department comes in without their minister for two hours. I have found that that is a much more transparent process than estimates. I think estimates needs some reform, but you would not expect that under the tricky Rann-Weatherill government, so we will have to wait for the next premier to come in and clean up the place.

I am going to make some general remarks about the budget and then talk about the portfolio areas for which I am responsible. It is a tragedy that we have had 11 years of Labor, because there are so many missed opportunities. Over the years—and these are all well documented—we have had promises of prison rebuilds and we have had electrification of some lines which have then been cancelled; there have been so many different promises written on the back of an envelope which have then been cancelled.

We should have had a proper plan right at the outset, and I think transport is one of those areas which is a classic area. The government has never had a transport plan in 11 years. It never had a transport policy when it came into office and before it was elected. Everything is done in this ad hoc way that is driven by whichever seats Labor thinks it is trying to hold onto.

In 2002, when Labor came into office, it had revenues of some $7 billion or $8 billion. That has now doubled. We are in the situation where more revenue has come into the budget each year than the government realised was coming in, and yet every year, at the time of the Mid-Year Budget Review, it found that it had still overspent and in many years were saved by GST and property windfalls—but those days are gone; the golden years of growth have gone.

Labor does what it always does when it is in government: it finds that it runs out of money and undertakes cuts itself, in areas where they should never have taken place, and it has overspent. We all know their white elephants: the Adelaide Oval; that blasted $40 million footbridge, which is an abomination; and the new Royal Adelaide Hospital. There have been wasted opportunities in every single budget.

In the current budget, we are going to have a deficit of $1.3 billion, but you can bet your cotton socks that it is going to be a lot more than that. We will get to the end of the financial year and the Premier and Treasurer will say, 'Oh, gosh, well, the growth forecasts were a little bit optimistic and we are very sorry, but there is less money available.' Our debt in this year alone is approaching $14 billion.

We have had six budget deficits in seven years, after promises that the budget would be in surplus. We just cannot trust the Rann/Weatherill governments to bring us into surplus—or anything they say, in fact. The AAA credit rating impacts on the state's borrowings: the lower your rating, the more your money costs to borrow. Treasurer Snelling made the rather valiant claim in September 2011, 'We are committed to making sure we retain the AAA credit rating,' but it has been downgraded; the latest downgrade is to AA under Mr Weatherill.

In the water area, there have been huge price hikes, which I detailed in a recent matter of interest. However, I think it is worth mentioning what factors are contributing to increased water costs. Obviously, there is the desalination plant with 100 gigalitres we are not going to need even in 2050, according to the experts. The carbon tax is costing an extra $14.6 million; renewable energy, $43.7 million; executive salaries, $69.6 million; and the mothballing of the desal plant will cost us $90 million—huge amounts of waste. The socialists who run this show do not really worry about it because it is other people's money and who cares? Just stick it on the credit card and the great-grandchildren will pay for that one, thank you very much.

For each of the portfolio areas, because I do not have the privilege of sitting in on the estimates process, I do have a number of questions. I appreciate that the government may not have time to reply to them by the close of this debate, but I would like to signal to minister Hunter that I would appreciate answers to these if he can provide them over the winter recess when the parliament is not meeting.

SA Water, Budget Paper 5, Capital Investment Statement, pages 58 to 60 of the budget. My questions are:

- In relation to the pipe network renewal, nearly $40 million is allocated to that program. Is that a regular annual funding amount and was this program reduced during the funding of the desalination plant and interconnector program?
- What estimates has SA Water undertaken for future costs and liabilities of our ageing pipe infrastructure?
- The Adelaide desalination plant (which is an existing project as per page 58), the payment of $32.374 million will be paid in 2014. What services does South Australia receive from this payment? Will there be a similar payment every year?
- The total capital expenditure for 2013-14 is $407 million. What is the impact on the regulated asset base?

I think that is all I have on SA Water.

The Department of Environment, Water and Natural Resources. This is a fairly modest sized budget, one would have to say. It has undergone lots and lots of restructures since the last election. The environment was one of the areas that Mr Rann liked to fancy himself as being quite a guru in. Most of his projects were tokenistic and all designed for publicity and most of them, I have to say, are gone. The latest one is the NatureLinks program, which has been cut to the bone, to the point where it is just about finished.

So, we have had a number of restructures. We used to have the department of water, land and biodiversity conservation and the department for environment and heritage. They got folded together. They then had the department of water folded into that and now they have had natural resource management folded into those. So, a significant number of restructures in the last three to four years.

In the 2010 budget there was a huge cut to DEH, which would have an impact in 2013-14 (that is, this financial year) of $30 million. This is on top of the cuts that have been outlined in this budget. Natural resource management had $26 million taken out in 2011-12. Courtesy of, as I have mentioned before, that very useful committee that both the Hon. Rob Lucas and I are members of, Budget and Finance, we have discovered that the cuts to this department, the cumulative savings expected in 2016-17 is $169.4 million. The current cumulative savings expected for the year 2013-14 is $107.148 million, and then in 2014-15 $159.35 million. So, I will be surprised if there is much left in that department if we are elected next year.

We were provided with a list of all of the programs. This was asked of the minister in estimates and he refused to answer. It was rather cute, I have to say, but we did manage to get a useful bit of information at our committee. So, there are a range of things: workforce reductions (obviously), reductions in various business functions, field support, aquatic ecology, development referrals, applications for water-affecting activities and managed aquifer recharge schemes, the Border Groundwaters Agreement Review Committee, surface and groundwater monitoring, heritage grants—well, that has been attacked over many years now—science monitoring and knowledge events, media monitoring, brochure production and online services, feral animal control—an area that is always under pressure—further amalgamation of regional natural resource management and DEWNR delivery programs, regional support unit volunteers, NatureLinks and Bounceback.

On that, which is one that I mentioned at the start of my contribution, this was a Rann election promise. There are six regions, and I would like to comment on some of the things that various ministers have said about this program over the years. Former minister John Hill described in 2003:

> The NatureLinks program is a particularly important program, because it links public lands with private lands to ensure that there are habitat corridors to allow species to travel.

Our own leader in this place, as minister for the environment, in 2007 said:

> Healthy biological and diverse ecosystems underpin South Australia's environmental, social, cultural, spiritual and economic wellbeing...The five biodiversity corridors identified in South Australia's Strategic Plan provide a bold vision for biodiversity conservation in South Australia to enable South Australia's species and ecosystems to survive, evolve and adapt to environmental change.

Those are pretty strong words. This is a program that has, effectively, had some seven people and, as a result of this budget, has been cut down to one.

People might not support this program and, if they do, they should be particularly concerned because like many in the environmental space it provides seed funding and it also leverages commonwealth funds. This program, which one might have been sceptical of at the start of the program, has actually been recognised by the commonwealth government as being very important to the commonwealth wildlife corridors. So, it is one that I think the commonwealth was interested in providing some funding for but in its rage with the razor gang the government has decided that it will just slash it.

I have a number of questions in relation to the environment department as well. I would like to receive some responses from the minister. In relation to the south-east drainage scheme, which is in Budget Paper 4, Volume 2, Agency Statements, pages 149 to 198, particularly on page 154 under the title Investing Expenditure Summary on the South-East drainage scheme, I would like an update about what the program to divert the water from the South-East to the Coorong is.

Under Strategy, Science and Resource Monitoring, which is on the same page, the government expects to reduce the number of staff from 500 to 410. What programs will be cut as a result? In the highlights on page 157, as to the Hanson Bay land purchase, can the government explain the rationale behind the purchase of this property? What due diligence was undertaken? Did the government consider that the $1.8 million may have been better spent on the River Murray or numerous other essential programs which have now been slashed?

The old office of sustainability and climate change, which is on page 180: how many staff have been retained from the old days when it was in DPC? On page 158, the targets for 2013-14, what is the state koala strategy? Is it limited to Kangaroo Island or other regions? Is there a similar one to manage New Zealand fur seals?

Activity indicators on page 159 refer to the number of heritage applications received. What is the current level of funding for the heritage branch, heritage assessors and grant programs? How

does this compare to the previous financial year? Sustainable water resources on page 159: is there more detail available on the remediation of the Hume Dam? Was less water provided for environmental purposes under the decrease of expenditure of $7.9 million for water for environmental purposes? Yes, we know there is no money for stormwater, so that question has been answered at some point.

As to the $445 million for South Australia for environmental infrastructure and industry diversification, is there more information about guidelines or what specific purposes? When will we first see the implementation of the Murray-Darling Basin Plan? Will a review of the environmental watering plan take place since the change of water ministers? What stage is the current annual environmental watering plan at? When is an environmental watering requirement including a draft long-term environmental watering plan for the River Murray and the water quality and salinity management plan expected to be implemented?

On page 169, Highlights, there is $23.1 million over four years for prescribed burning in national parks. How many hectares of lands are in high risk areas and how regularly should they be burned and are they burned? As to the nine natural resources centres across South Australia, what are their locations, what is the capital cost and how many staff are in each? Page 170, people and parks, what has happened to that strategy? Pages 172 and 173, again these are highlights. One of the highlights was the commencement of the construction process for regulators and pump relocation for priority River Murray wetlands and flood plains. Where are these sites located? Can the minister provide an update of the costs to install the Chowilla environmental regulator? Of the 750,000 seedlings planted at the Coorong, Lower Lakes and Murray sites, what percentage of them survived and why did those that died fail?

Licensing and permits, page 181, in relation to prescribed water resources areas and crown land, how much of the income comes from water levies under the NRM Act? Volumetric conversion of water licences has been rolled out across the Mallee prescribed wells area from 1 July. What percentage of an irrigator's allocation has been impacted by these changes? One of the targets for 2013, at the top of page 183, is to 'review the existing meter reading programs, with a view to developing a state-wide management program'. What does this mean?

In relation to the EPA, I also have some questions in relation to solid waste and the liquid waste levy, as follows:

1. What is the average amount by weight of solid waste collected per household per year in South Australia?

2. What scope is there for councils to increase rates in line with increases to the solid waste levy?

3. What was the total solid waste levy revenue in 2011-12, the budget for 2013-14 and the projected for 2016-17?

4. Who pays the liquid waste levy and what are examples of liquid waste?

5. What was the total liquid waste revenue in 2011-12, the budget for 2013-14 and the projection for 2016-17?

6. For the solid and liquid waste levy revenues, what are the funds hypothecated with moneys to be spent only on waste recycling related projects? What are the terms of reference for the spending of these funds? Can we have some examples?

7. Are funds collected entirely spent each year and where are the funds held?

Referring to Budget Paper 4, Volume 4, the Zero Waste budget showed a $12.9 million deposit in the Waste to Resources Fund. What quantum of funding would be in the Waste to Resources Fund by the end of the financial year 2013-14, if there were no outgoings? How much of the Waste to Resources Fund was expended in 2012-13? Can we have a list of programs and projects?

One of the highlights of 2012-13, on page 232, was to prepare a background study on contaminated soils in South Australia. Has it been published and what were the objectives of the study? For example, was it the Royal Adelaide Hospital site contamination or typical contamination of South Australian soils from foundries or other manufacturing activities? One of the highlights in 2012-13, on the same page, was to prepare a background paper on waste to energy technologies; has it been published or is it publicly available? What proposals are there for this technology in South Australia? Finally, on Zero Waste, does Zero Waste still advocate fortnightly waste collection as a means to reduce waste to landfill?

I apologise for having to read all those questions into the record. However, if we had an adequate estimates process, it could have all been dealt with there and we would know the answers by now. Such as it is with this tricky government, we do not get answers to fair and reasonable questions and we have to detain people, including the poor people in the gallery, to whom I apologise for putting them through all that, but that is the situation in which we find ourselves.

I cannot say that I endorse this bill because it is full of red ink, but, be that as it may, it is the standard process in this parliament that we do not oppose budget bills, so with those remarks I reluctantly endorse the bill.

The Hon. J.S.L. DAWKINS (12:00): In supporting the passage of this bill, I recognise its importance in providing $12.245 billion to the various programs incorporated in the 2013-14 budget of the government. It is my intention to focus on two particular areas that have come to my attention, as they relate to priorities of the government and the manner in which public servants carry out those wishes.

First, I want to take the opportunity to express grave concern over the decision to cease, in 2013, funding for the Murray-Darling Basin Authority's Native Fish Strategy, otherwise known as the NFS, and the resulting impediment to the recovery and sustainability of the basin's native fish populations and ecosystems into the future. It is disappointing that state and federal funding has been removed. The NFS has achieved outstanding success since its establishment in 2003, including:

- the establishment of highly successful river rehabilitation demonstration reaches across the Murray-Darling Basin. This program has engendered community engagement in river restoration, and showcases the benefits to native fish species which result from improved river system health;
- advice on the construction and operation of fishways, which has assisted greatly in unrestricted fish movement by restoring fish passage along the River Murray;
- measures to manage and control the invasive European carp, including integrated pest management exercises, 'daughterless carp' technology, and the development of the Williams carp separation cage;
- research and development addressing key issues affecting native fish communities, including flow regulation, cold water pollution, introduced disease management, drought impacts, habitat enhancement benefits, and innovation in fish community monitoring;
- development of a population model for Murray cod to assist decision-making for the management of this iconic species;
- workshops on fish management and conservation to facilitate knowledge sharing and collaboration across jurisdictions; and
- emergency rescue responses to preserve at risk fish populations.

The success of the first nine years of the 50-year Native Fish Strategy was underpinned by a cooperative approach by all basin governments, linking objective science with community input and engagement, and serving as an example of best practice ecological management.

The NFS is regarded as a highly successful and essential component of the cross-jurisdictional efforts to restore the environment and health of the Murray-Darling system. It is the view of many in the basin that the period since the establishment of the NFS in 2003 is an unreasonably short operational time for what is designed as a long-term strategy to sustain native fish populations and recreational use of the fishery. They consider that terminating the NFS, without establishing a national authority to continue the present successful management structure, is a major step backward.

It is considered vital to preserve the native fishery of the basin from ecological, social, cultural and economic perspectives. Native fish populations in the basin are unique, and form an integral part of the basin's overall ecology, as well as being culturally significant to local Indigenous Australians. Recreational fishing contributes approximately $1.3 billion to the basin economy.

At this point I should indicate that the strategy has had strong support from a range of community and recreational groups throughout the basin, including the constituent bodies which

make up Field and Game Australia, one of which is Field and Game SA, which is well known to many members in this chamber.

Having noted these concerns, it is relevant to acknowledge the commitment of many public servants within PIRSA, SARDI and DEWNR to the Native Fish Strategy and the overall restoration of the Murray Darling system. It is also important, of course, to note that these good people have had to implement the priority of the government. The government has its right to do that and, unfortunately, governments—both state and federal—have seen the need to remove the funding, and that is a pity.

I want to move on to another area and that is the government's suicide prevention strategy. That strategy was developed in the last year or so and resulted largely from a motion that I put through this chamber, with strong support, and a similar one that was put through the House of Assembly by the member for Adelaide.

I think sources in the government realised that they were not doing enough about suicide prevention. They did have a large number of consultation meetings in the development of the strategy. The strategy is a commendable document. It has got some very broad aims and I think that is something that a lot of people support; however, it becomes more and more apparent to me that there is a significant lack of resources within the mental health area and within the health portfolio to back up that suicide prevention strategy. I think that those who are in those departments certainly have very little resources to implement that strategy.

There is an ongoing need for more work within government to assist our various communities to deal with suicide in matters that best befit the local areas. I think the strategy can fulfil those aims, but at the moment it will not happen because the resources from the government to back that up are not there. That is something that I say with great sincerity as someone who deals daily with people in relation to the prevention of suicide and also, very importantly, dealing with the families of people who have committed suicide and those who have been unsuccessful in trying to take their life. Those issues go on for many years and, unfortunately, in some cases decades.

I do support the people who are working within government to assist communities in dealing with suicide prevention and related matters through the strategy, but unfortunately the commitment to back that up, particularly from the health department and other departments, is not there at the moment. I am very strongly of the view that it is something that needs to be rectified and I will do everything I can to urge policy makers. Certainly within our own party we have a strong policy of arming the community and arming those with life experience to assist those mental health professionals in dealing with this terrible blight on our community. With those words, I am happy to support the passage of the Appropriation Bill.

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

STATUTES AMENDMENT (GAMBLING REFORM) BILL

In committee (reconsideration resumed on motion).

New clause 69A.

The Hon. G.E. GAGO: I move:

Page 37, after line 10—After clause 69 insert:

69A—Amendment of section 24A—Special club licence

(1) Section 24A(3)—after 'holding a gaming machine licence' insert:

or the casino premises

(2) Section 24A(3)(a)—after 'licence' insert:

or the holder of the casino licence (as the case may require)

(3) Section 24A(3)(b), (c) and (d)—after 'licence' wherever occurring insert:

or casino licence

(4) Section 24A(3)(d)(i)—after 'Act' insert:

or the *Casino Act 1997*

As previously mentioned, this proposed amendment, I have been advised, is consequential on the amendment to allow Club One to place its entitlements in the Adelaide Casino if a commercial

agreement can be achieved. It was an issue that was identified by parliamentary counsel as providing the clarification needed and is consistent with the policy position that we have been pursuing.

The Hon. R.I. LUCAS: The opposition supports the amendment as consequential to other amendments that we have debated. Since we were advised of it this morning, the member for Davenport has consulted with the Casino. The Casino has taken advice and advised the member for Davenport that they have no objections to it and accept that it is consequential on the earlier amendments as well. With that information, we support the amendment.

New clause inserted.

Clauses 71 to 91 passed.

Clauses 93 to 95 passed.

Clause 96.

The Hon. G.E. GAGO: I move:

Page 47, line 7 [clause 96, inserted section 53A(6)]—After 'of more than' insert '$5'

It is consequential to the first amendment to clause 39, in relation to the $5 maximum betting limit.

The Hon. R.I. LUCAS: The Liberal Party accepts that it is consequential on the earlier amendment.

Amendment carried; clause as further amended passed.

Clauses 98 to 110 passed.

Clauses 112 to 142 passed.

Title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (12:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

APPROPRIATION BILL 2013

Adjourned debate on second reading (resumed on motion).

The Hon. J.S. LEE (12:16): I would like to start by congratulating and thanking the Leader of the Opposition in the other place, Mr Steven Marshall, for his excellent budget reply speech. He began by setting out a plan and a vision of how the future Liberal government would structure the state and address the productivity issues that are holding South Australia back. I also congratulate my Liberal colleagues on this side of the chamber on their excellent contributions to date.

It is time to reflect on this budget. After 11 years of the Labor government, what do we have? We have the largest debt in the state's history, the largest deficit in the state's history, and the worst credit rating in Australia. At the same time, the government is collecting the highest taxes in Australia and the highest WorkCover levy in Australia, and South Australians are suffering a high cost of living compared with the rest of Australia.

The 2013-14 budget is an accumulation of economic mismanagement over the past 11 long years of Labor government. This is a terrible budget, delivering the largest deficit in this state's 176-year history. This budget shows that Labor has lost touch with the constituents it represents. This budget provides no relief for households struggling with ever-increasing cost of living pressures.

This budget offers no incentive to provide relief for businesses here in South Australia, it provides no plan to support economic development and regional development in South Australia. Instead of moving the state forward and providing essential services to our community, the budget delivers cuts to police, health and education. It is going to put South Australia further and further behind the rest of the states in Australia.

On Thursday 6 June, the Treasurer, who is also the Premier, confirmed that this year will record the largest deficit in this state's history: $1.314 billion. Two years ago, we had a budget deficit of $53 million. Last year, the government delivered a budget deficit of $258 million, and now it is sitting at $1.3 billion. This was the year that the government promised that we would be returning to the black. This is the year that it promised a surplus; instead, the government has delivered the largest deficit in this state's history.

How can you ask the people of South Australia to trust this Labor government? Let's face it, the Labor government is addicted to spending. Almost half the budget deficit this year is on unbudgeted expenditure. The government blew its budget this year by a staggering $626 million that was never even in its budget. Over the last 11 years, this equates to a total of $3.8 billion. How can we trust this government to have any control over its spending?

As a taxpayer, it is important that we understand how much the government borrows on our behalf over the course of a year, and this year alone the net lending deficit will hit $1.376 billion. To put it simply, that is $3.8 million per day, for every day of the year, the government is borrowing on behalf of you, me and the people of South Australia. The budget will deliver the largest debt in the state's history, a staggering $13.75 billion. The problem with any mounting debt is, of course, the interest. The Premier (yes, also the Treasurer; the same person) is too ashamed to inform taxpayers, so he did not include it in the Premier's speech to the parliament and you will not be able to find it in his budget summary. But we found it. Hidden deep in his document, page 155 of budget paper 3 reveals that the government has the audacity to burden us with a debt that is paying a staggering $952 million per year in interest.

The Labor government is so addicted to wasteful spending that it sees no opportunity for reforming its performance and getting the state back on track. It continues to put danger signs across all sectors in South Australia. The budget provides a convincing picture that Labor, in particular this Premier, who is also the Treasurer, has no credibility to manage our money and no ability to charter a course for our economy to prosper.

South Australians are disappointed by this budget. Every day people inform me that they simply cannot believe the government has decided to put all cost pressures back on to them, affecting the household budget. How irresponsible is this government? South Australians are paying more in bus fares, licence fees, car regos, and water and electricity bills. Water prices are up 249 per cent under Labor. Electricity prices are up 150 per cent under Labor.

To make matters worse, not only is this government increasing tax rates and fees, but it is actually introducing a new tax. Yes, the car park tax. The same government wants to increase city vibrancy. The same government wants more people in the CBD. Yet, what does it come up with? It wants to charge people $750 a year for car parks. It is a crazy cash grab. Interestingly, in the budget it is called a transport development levy.

The business community is suffering under the Labor government. South Australia remains the highest business taxed state in the nation. We have the highest electricity prices in the nation. We have the highest water prices of any capital city. We have the highest WorkCover rate in the nation. It is not 5 per cent more than the national average; it is not 10 per cent more than the national average; it is over double the national average. It is the worst performing scheme and it is the most underfunded scheme in the country.

The small business and family business sectors are the driving force of the economy. Many of these business operators come from the multicultural sector, so I see them regularly and work closely with them. These business people are doing it really tough. Collectively, the sector is the largest employer for the state, so it is important that they stay viable. They need to survive in order for many individuals to have jobs to cater for their family needs.

To demonstrate how tough it is out there, let us look at the ASIC insolvency appointments statistics for the March quarter. There were 264 insolvency appointments for the quarter. That is three companies per day. Many companies are in terrible situations similar to Spring Gully. Three companies from South Australia have made insolvency appointments with ASIC in the first three months of this year. That is up 118 per cent on the previous quarter, while the rest of Australia has gone down by 2 per cent.

As the shadow parliamentary secretary for education, I would like to refer now to the education sector. The way this government manages education is a disgrace. Can anyone tell me how many Labor education ministers have been appointed over the last 11 years? How many? There have been five Labor education ministers. As a matter of fact, in the same period there have

also been 10 CEOs or acting CEOs in the education department. We are looking at nine or 10 restructures of the department and they still cannot get it right.

If you listen to Labor ministers over the last 11 years, they will tell you that they are spending more money than ever on education, yet the facts are that when Labor came to office about 24.5 per cent of the state budget was spent on education. Guess what? That has not changed. Still now, about 24.5 per cent of the budget is spent on education. There have been significant differences and significant changes in the last 11 years under Labor. The most significant change is that, when Labor came into office in 2002, only 30 per cent of families sent their children to the non-government sector—now it has gone up to 37 per cent.

Let us look at the performance of students across the board. South Australia, unfortunately, has consistently fallen near the bottom compared to other states. South Australia has been below the Australian average every year and in every year level to date. Key performance indicators show that Labor has a poor record on education.

Let us look at some statistics presented by Mr Costello in his PowerPoint presentation to principals across South Australia. Over 16 per cent of year 11 students failed to meet the numeracy requirement; over 41 per cent of South Australian students passed pattern and algebra testing compared with 51 per cent nationally; and only 37 per cent of year 3 students in South Australia passed the recall questions compared to 49 per cent Australia-wide.

In the latest education department annual report, further statistics have shown that there has been a 16 per cent drop-off in the number of students getting a pass mark or equivalent for their ATAR, which is the year 12 score they need to get into university. This further demonstrates that Labor does not take education seriously.

As the shadow parliamentary secretary for families I, along with many others, am extremely concerned about the way that the Labor government handled child protection issues. How can this government allow a staggering 75 cases of alleged child sexual abuse, inappropriate behaviours by teachers and other school staff to happen under its watch? Seventy-five cases were identified by the education department in just four years. Even more disturbing, of those cases, 21 involved teachers having sex with their students.

The Debelle report showed that the 75 cases occurred between 2009 and 2012. The Debelle report also examined the age of the victims in each of the 75 cases. For some unexplained reason, the department did not know the ages of the victims in seven of those cases. Of the remaining 68 matters, 38 involved students aged 14 and over, and 30 involved students under 14. It is time the Labor government had a serious look at child protection issues and provided confidence back to parents and children in the public system.

Let me now turn to the multicultural affairs portfolio. As the shadow parliamentary secretary for multicultural affairs, I have been contacted by community leaders about the uncertainties facing Multicultural SA. On 8 May 2013, on 891 ABC radio, it was reported that the staff of Multicultural SA had been told that half of their jobs would go, and they are going to be merged into the Department for Communities and Social Inclusion.

I received a number of concerned emails that day from community leaders expressing their disappointment that it appeared that Multicultural SA was being shut down. Some of the leaders called the minister's office for clarification but were not able to get a response. They also called Sophia Poppe, who was then the director of Multicultural SA, who was apparently at a conference in Melbourne. She later advised that she had been relocated to the newly-established South Australian NDIS office.

Once again, the Labor government has taken the DAD policy—decide, announce and defend. The government did not consult with the culturally and linguistically diverse communities before announcing that Multicultural SA would join the Policy and Community Development Division of the Department for Communities and Social Inclusion. The government also did not consult with the multicultural communities when it transferred Multicultural SA's Interpreting and Translating Centre to join the Youth Justice, Community Engagement and Organisational Support Division. Transferring the functions of Multicultural SA to other departments and divisions is really taking the multicultural communities for granted; it is taking away the identity of Multicultural SA from the culturally and linguistically diverse sector.

As the Liberal Leader of the Opposition outlined in his speech in the other place, the Liberal Party does not accept that we should have the highest business taxes in the country; it

does not accept that we take education and multicultural affairs for granted; it does not accept that we should have the highest utility prices in the country and that we have the worst WorkCover scheme in this country. We want to get off the back of the productive component of our economy and grow South Australia.

The Liberal Party has a plan to get this state back on track. Our approach revolves around three core strategies: to return our budget to surplus, to grow our economy and to make this a more attractive place for the next generation to live. With those remarks, I support the Appropriation Bill.

Debate adjourned on motion of Hon. R.P. Wortley.

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (BUDGET 2013) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July 2013.)

The Hon. R.I. LUCAS (12:31): The Liberal Party, as outlined by the member for Davenport in another place, supports this legislation. It amends the First Home and Housing Construction Grants Act 2000. It extends the eligible transaction date for the $8,500 housing construction grant from 1 July 2013 to 1 January 2014 and extends the completion dates for new homes from 31 December 2014 to 30 June 2015. We support this particular measure.

The Hon. K.L. VINCENT (12:31): I would like to speak very briefly today to indicate my support for this bill. Given its request for continuance, the government obviously believes this measure is giving the housing construction sector a much-needed boost in what has been a difficult time for this industry and for this reason I support the bill. I would also like to put on the record that as a private citizen I am currently building an apartment in the Brompton redevelopment, and an accessible apartment at that, thankfully. This is due to be completed in October, hopefully, meaning that I am likely to be a beneficiary of this particular grant. So, I would like to put that on the record, in the interests of the openness and accountability for which Dignity for Disability stands, but I still intend to vote and support this bill as a member of parliament representing Dignity for Disability and we do support the intention and effect of this first home and housing construction grant.

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) (12:32): I do not believe there are any further second reading contributions. I would like to thank honourable members for their support for this bill. The bill introduces legislative amendments to extend the housing construction grant for a further six months, as announced in our 2013-14 budget. Grants of up to $8,500 have been available for homebuyers who have entered into a contract to buy or build an eligible new home from 15 October 2012. The HCG was due to end on 30 June. As a result of this budget measure the grant will now be available for contracts entered into on or before 31 December 2013. All other existing criteria for the HCG remain unchanged. Again, I thank honourable members for their support for this bill. I look forward to 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) (12:36): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 3 July 2013.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:36): I rise on behalf of the opposition to speak to the Heavy Vehicle National Law (South Australia) Bill 2013. We actually have two bills—the Heavy Vehicle National Law (South Australia) Bill and the Statutes Amendment (Heavy Vehicle National Law) Bill 2013—and it is my intention to make a few brief comments about both bills. I have a couple of questions I might allude to in my comments so that when we do the

committee stage of the bill I might be able to get an answer. I make it clear that I will speak on both bills.

The Heavy Vehicle National Law (South Australia) Bill contains all relevant national laws and the Statutes Amendment (Heavy Vehicle National Law) Bill makes the necessary changes to the current law in South Australia that will enable the implementation of the new national law in South Australia. As I have said before, we are supportive of both bills and want to facilitate their relatively fast passage through the chamber today.

Noting that the Heavy Vehicle National Law (South Australia) Bill developed out of a COAG agreement, the Liberal Party has always been supportive of a national system for heavy vehicle regulation. There will be one national law covering a range of issues related to the transport industry, including but not limited to registration; fatigue management; accreditation schemes; mass, dimension and loading limits; compliance requirements and enforcement powers for all heavy vehicles over 4.5 tonnes.

Currently, the heavy vehicle operators and drivers must comply with a number of different regulations in each state. For example, an interstate operator using a restricted access vehicle through several states needs to obtain approvals from each individual state regulatory authority. This is a huge burden for the South Australian transport industry doing business in this state and interstate. As members would know, I lived most of my life on the South Australian-Victorian border and have been familiar not only with the transport industry but a whole range of industries where there have been different regulations on either side of the border, and it has always posed a burden on operators on both sides of the border trying to do business in both states.

Under the bill, one national regulator will act as a one-stop shop and will issue a single permit with a simplified set of operating conditions for all Australian states. It is important to note that the national regulator will administer the system and will be the national regulator that will oversee the national law. As I said, the legislation should be passed swiftly to ensure that there are better efficiencies in our road transport industry.

I will frame this by way of a question for the adviser sitting there. A couple of years ago we had the intelligent access program, I think it was called, for mass management that was imposed on the industry, and I think there was a cost of $2,000 or $3,000 per vehicle to be equipped with that. I am interested to know if the minister, via the advisers, might be able to give me an update on where that program is at. The industry at the time was somewhat concerned that there was this compliance cost but no actual increased access—it was just for the existing roads that had been gazetted for higher mass. That is the first question I would be keen to have answered in committee, if possible.

I have had a number of phone calls, especially post the harvest season, around access to silos and grain delivery sites, particularly where you have a state road and then a small short piece of council-owned road and where the council does not give access or will not grant a permit. One in particular that springs to mind is in Frances in the South-East. I note that in some notes provided by the shadow minister in the other place it states:

> Internal and external review provisions: currently if a local council refuses access to a road, the DPTI attempt to negotiate an outcome, but will not act to override the decision of the council. The new process will allow a review by the department and then the minister, but requires approval of the regulator to proceed.

It goes on to say:

> There is still no appeal to the District Court.

The comment here really is that just formalises the current arrangements but makes it more cumbersome. I would like some explanation of how that will work if you have a local council road where the council does not grant access. It may be only a very short piece of road. As members would understand, with these bigger heavy mass vehicles—road trains, B-doubles and the like—the reason they are designed the way they are is to actually get the axle weights down to a manageable weight. I am interested in why some councils are being recalcitrant or reluctant to grant approvals to use some of their roads. Having said that, I commend the bill to the parliament.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:47): I thank the Hon. Mr Ridgway for his comments and his indication of support, and I undertake to ask the advisers for answers to the questions he has put on record at clause 1 in committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: I thank the honourable member for indicating that I always have the answers for him.

The Hon. D.W. Ridgway: Not always; you misrepresent me.

The Hon. I.K. HUNTER: He is quite correct: question 1, the mass management question, I will take on notice. I will inquire for him and bring back a response on that. The second question related to access to silos and grain delivery sites where there is an intersection or interaction of state roads and council roads, where councils do not give approval for access. I am advised that, under the national law, the decision of the regulator not to grant a class 1, 2 or 3 permit is a reviewable decision.

This means that the applicant may, if dissatisfied, apply to the regulator for a review of a decision. The regulator must review the decision not to grant the permit within 28 days. The applicant is entitled to reasonable opportunity to make written or oral representations regarding the application. If the applicant is not satisfied with the review decision of the regulator, they may appeal to the Administrative and Disciplinary Division of the District Court of South Australia against the review decision within 28 days.

Where the refusal to grant access or to grant access subject to road or travel conditions in relation to a class 1, 2 or 3 vehicle was as a result of the road manager's decision, the road manager is required to give a written statement that explains the reasons for the decision. On that basis, it seems that the decisions can be taken to the District Court of South Australia.

The Hon. D.W. RIDGWAY: Are there any special provisions around harvest time? There is a whole range of small country roads, and these days vehicles are bigger and bigger and heavier and heavier than they have ever been before. I have some recollection of there being some sort of harvest provisions where the roads are not used every day, seven days a week, 12 months of the year for these high masses to get product out of the farmers' paddocks. Could the minister give some clarification on that?

The Hon. I.K. HUNTER: My advice is that, under the new law, road managers will have the ability to assess heavy vehicles purely for specific commodities, and they have the ability to vary conditions for specific points of time to manage safety and access.

The Hon. D.W. RIDGWAY: I do not want to prolong things, but how quickly would that be? Obviously, in harvest conditions time is often of the essence to get the product out of the paddock and into storage. Road managers have the ability to review road conditions, but how quickly can all that happen?

The Hon. I.K. HUNTER: My advice is that generally there would be consultation with grain cutters and various associations and organisations involved in harvesting to plan ahead well before the harvest is due, as you would expect. However, there is an ability to issue special permits by the national heavy vehicles organisation, and our expectation is that the turnaround time would be very quick, a matter of days.

The Hon. D.W. RIDGWAY: If it has not been preplanned, a matter of days in the middle of harvest, with a rain event coming, can be a significant concern. Can the minister clarify how long 'a matter of days' is? I am sure there will be a lot of preplanning done, but for the odd instance when something is overlooked time is of the essence, and I would appreciate a better answer than 'a matter of days'.

The Hon. I.K. HUNTER: I cannot give the honourable member any more clarity than that. Obviously, we will have consideration to the circumstances at the time. My advice was that the intent would be to do it quickly, but at this point in time I cannot promise how quickly that might be. My advice was that rather than weeks it would be within days, so I expect that every endeavour would be made to turn it around as quickly as possible.

Clause passed.

Remaining clauses (2 to 755), schedules and title passed.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (HEAVY VEHICLE NATIONAL LAW) BILL

Adjourned debate on second reading.

(Continued from 3 July 2013.)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:51): I would like to give my thanks to the Hon. Mr Ridgway for his comments on this bill made in the previous debate and indicate my happiness with his decision to support it.

Bill read a second time.

In committee.

Clauses 1 to 61 passed.

Clause 62.

The Hon. I.K. HUNTER: I move:

Page 20, line 25 [Clause 62, substitution of sections 123 and 124]—Delete:

'Section 123—delete the section' and substitute:

Sections 123 and 124—delete the sections

If the amendment is not made there will be two sections 124 in the Road Traffic Act. Section 124 is an offence provision. This could create confusion for industry and uncertainty for enforcement and prosecution, so I invite the house to support the amendment.

Amendment carried; clause as amended passed.

Clauses 63 to 79 passed.

Schedule 1.

The Hon. I.K. HUNTER: I move:

Page 27—Delete 'Section 19(5)(c)' and substitute 'Section 19(5)(b)'

This is another minor amendment. Schedule 1 of the bill seeks to make a minor change to subsection 19(5) of the Road Traffic Act to modernise the language of the act by changing 'in pursuance of' to 'under'. It mistakenly refers to a subparagraph that does not exist.

The amendment is intended to be made to section 19(5)(b), not section 19(5)(c) as currently stated in the bill. If the above amendment is not made, the original measure will be ineffective. Parliamentary counsel advises that these errors need to be corrected on the floor and could not be done as typographical errors, so I beg the indulgence of the chamber.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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) (12:56): I move:

That this bill be now read a second time.

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

Leave granted.

The *Child Sex Offenders Registration Act 2006* (SA) (the CSOR Act) requires child sex offenders to register with the Commissioner of Police ('registrable offenders'). Depending on the offence or offences for which the registrable offender has been convicted, registration is mandatory for 8 or 15 years or life, or for a discretionary period specified in a court order. Under the CSOR Act these registrable offenders are required to make an initial report to the South Australian Police (SAPol) of certain personal information, must report annually, and must update SAPol when certain personal information changes. Registrable offenders are precluded from undertaking child-related work.

In response to a request from the Commissioner of Police, the Child Sex Offenders Registration (Miscellaneous) Amendment Bill 2013 ('the Bill') was drafted to:

- significantly tighten and strengthen the reporting requirements under the CSOR Act;
- create a new category of a serious registrable offender for whom the Commissioner of Police will have enhanced monitoring powers including the power to order electronic tracking, search their premises and require far more frequent reporting;
- empower the Commissioner of Police to publish personal details, including a photograph or digital image, of a registrable offender if the Commissioner of Police is satisfied that the registrable offender has failed to comply with their reporting requirements under the CSOR Act (including providing false or misleading information) and their whereabouts is unknown to the Commissioner of Police.
- amend the Bail Act 1985 (SA) so that unless a bail authority is satisfied that a person accused of a child sex offence poses no risk to the safety and well being of children, the accused will be subjected to the bail condition that they not engage in child related work;
- ban all registrable offenders from working as taxi or hire-car drivers and ban all registrable offenders from changing their names unless the Commissioner of Police consents;
- update the list of Commonwealth child sex offences that trigger operation of the CSOR Act;
- for a limited category of child sex offenders, empower the Commissioner of Police to modify the operation of the CSOR Act;
- strengthen provisions so that persons charged with a child sex offence, or suspected of committing a child sex offence, must provide police with details of their employment;
- empower police to contact employers to verify the information provided by the accused person and notify the employer of the charge;

The last two changes implement Recommendations 28 and 29 in the Report of the Independent Education Inquiry, undertaken by the Honourable Bruce Debelle.

The Bill takes a balanced approach to ensure that children are better protected and to ensure that the CSOR Act targets those offenders who pose a risk to the safety and well-being of children.

Serious Registrable Offenders and Electronic Tracking

SAPol requested enhanced powers to enter and search premises of high risk registrable offenders.

The Bill contains amendments that create a new category of offender called a 'serious registrable offender'. Under these amendments, any registrable offender who commits:

- on at least three separate occasions a class 1 or class 2 offence; or
- on at least two separate occasions a class 1 or class 2 offence against a person or persons under the age of 14 years,

will be deemed a 'serious registrable offender'.

In addition, the Commissioner of Police may also declare a registrable offender to be a 'serious registrable offender'. This decision can be appealed to the Administrative and Disciplinary Division of the District Court, and on application by the registrable offender the Commissioner of Police must provide written reasons for the decision.

Under the Bill, an authorised SAPol officer will have the power to enter and search the premises of a serious registrable offender to ensure he or she is complying with his or her obligations under the CSOR Act. In addition, by way of written notice the Commissioner of Police will be able to require a serious registrable offender to report more frequently.

The Commissioner of Police will also have the power to impose a condition on a serious registrable offender that they wear or carry an electronic tracking device. If the serious registrable offender removes or does not carry the device in order to attempt a breach, the act of removing or not wearing the device is a breach itself. It is important to note that the Commissioner of Police does not currently have access to the technology to implement electronic tracking of offenders. The purpose of this amendment is to ensure that the Commissioner of Police is positioned to use this technology when it becomes available.

DNA

The Bill contains amendments to the *Criminal Law (Forensic Procedures) Act 2007* such that registrable offenders may be required by SAPol to provide a DNA sample. This will allow SAPol to collect a DNA sample when a person first becomes a registrable offender, as well as collect samples from any current registrable offender (allowing a back-capture of the DNA of those persons currently registered).

Under these amendments SAPol will be authorised to conduct a simple forensic procedure on current registrable offenders even if they were sentenced before the State's first DNA legislation, the *Criminal Law (Forensic Procedures) Act 1998*, commenced on 25 July 1999.

Penalties and Offences

Currently, there are two offences created under the CSOR Act, being:

- Section 44 offence of failing to comply with reporting obligations, with a maximum penalty of $10,000 or 2 years imprisonment; and
- Section 45 offence of furnishing false or misleading information in purported compliance with the CSOR Act, with a maximum penalty of $10,000 or 2 years imprisonment.

The Bill includes an amendment to create a new more serious offence with an increased penalty of 5 years imprisonment and a fine of $ 25,000. SAPol support this increase.

This higher penalty applies when a breach of the CSOR Act (or the provisions of false information) involves working with children or reportable contact with children.

Change of Name

The Bill inserts new restrictions concerning registrable offenders changing their name.

Under the amendments, a registrable offender will not be able to change their name unless the Commissioner of Police consents.

Initial Reports and Reporting Timeframes

The Bill includes amendments whereby registrable offenders are required to make their initial report to police within 7 days of release from custody or from sentencing.

In line with this change amendments have also been drafted that reduce other time frames, such as the time frame for reporting changes in personal circumstances, to 7 days. This consistent approach should reduce any confusion for registrable offenders as to what their reporting requirements are.

The Bill also proposes amendments to cure an issue identified by SAPol whereby an offender cannot be registered in SA under the CSOR Act unless they spend 14 consecutive days in SA. This time frame will be shortened to 7 days to be consistent with other reporting time frames, as well as to reduce the ability to border hop to avoid registration. Other time frames, such as reporting travel, are also being reduced.

Valid Passports

The Bill also sets out a number of amendments whereby registrable offenders are required to:

- present any valid passports at their initial report and provide and update passport details annually (as part of their relevant personal information); and
- present their passport when returning from overseas travel.

Paedophile Restraining Orders

Currently, at the time that a paedophile restraining order (PRO) is made against a person, a court may also order that the person comply with the CSOR Act. However, if this application is not made at the time the PRO is made, there is no power to apply to the court at a later date for the person to be subject to the CSOR Act.

The Bill changes this and contains amendments such that an application may be made to the court by a police officer at any time, in regards to a person who is the subject of a PRO, for an order that the person comply with the reporting requirements of the CSOR Act. In such cases the court will determine for how long these reporting requirements will apply.

Enhanced Reporting Requirements

To address concerns raised by SAPol with respect to the administration of the CSOR Act, the Bill includes amendments to give the Commissioner of Police the power, by way of a notice served on the registrable offender, to specify:

- an actual date on which the registrable offender must make their annual report to the Commissioner of Police in accordance with the CSOR Act; and/or
- that the annual report must take place at the current address of the registrable offender.

In addition, the Commissioner of Police has the power to declare that a registrable offender:

- who has a low risk of re-offending may make their reports by alternative means, such as email or via a secure SAPol database; and
- a registrable offender, who is physically no longer able to comply with the reporting requirements of the CSOR Act, is exempt from the reporting requirements of the CSOR Act.

These amendments address some practical difficulties experienced by SAPol, particularly in regional areas whereby authorised police officers may visit a registrable offender at their home in a remote or regional area for the purpose of completing their annual review in person and the person may refuse to undertake the review on that day. There may also be numerous registrable offenders in that area and officers are unable to currently arrange reviews to occur within the same period of time.

This new process will allow the Commissioner of Police to notify the registrable offenders in one regional area of a date, time and place for their annual reviews, allowing officers to undertake numerous reviews in an area during one visit. This process also allows authorised officers to actively arrange the annual reporting, rather than rely on the registrable offender to undertake their annual report within the specified time frame.

Given that it is inevitable that some of the registrable offenders will become incapacitated making reporting impossible, these amendments also ensure that for such offenders an exemption may be granted.

Contact with Children

Under the Bill, there are substantial amendments to tighten and clarify the reporting requirements of registrable offenders with respect to contact with children. These amendments will require registrable offenders to report both supervised and unsupervised 'reportable contact' with children and to make this report within 2 days of the contact occurring.

This proposed amendment was developed through extensive consultation with SAPol and with reference to the Victorian Law Reform Commission Report (the VLRC Report) into a review of the laws governing the registration of sex offenders and the use of information about registered sex offenders by law enforcement and child protection agencies.

Under the Bill 'reportable contact' is defined as:

- any form of physical contact or close physical proximity with the child; or
- any form of communication with the child (whether in person, in writing, by telephone or other electronic device).

where the contact with the child:

- occurs in the course of the person visiting or residing at a dwelling or supervising or caring for the child; or
- involves the person providing contact details to the child or obtaining contact details from the child or otherwise inviting (in any manner) further contact or communication between him or her and the child.

For the avoidance of any doubt, the Bill also specifically provides that 'reportable contact' includes contact that is supervised and in addition, allows for other forms of reportable contact to be prescribed.

Under this proposed amendment, if a registrable offender has any sort of the above 'reportable contact' with a child it must be reported. The report would be due within 2 days of the contact.

This amendment also removes any reference to the contact being 'unsupervised' as this is difficult to define and most importantly, there have been cases where offending has occurred whilst the child and offender were in the company of others (for example, under a shared blanket in a dark room whilst watching television in the company of others). Furthermore, grooming can occur even if contact is supervised, ie, in the company of others.

Tightening these time frames means that this 'reportable contact' with children is reported sooner and allows an earlier assessment by SAPol of any associated risk to the child.

Criminal Intelligence

The Bill amends the CSOR Act such that any criminal intelligence used by the Commissioner of Police in making a decision is protected.

For consistency across the statute books, the Bill inserts a proposed definition of 'criminal intelligence' that is identical to the existing provision within the *Serious and Organised Crime (Control) Act 2008*.

In the Bill, 'criminal intelligence' is defined to mean:

> 'information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety'.

Under the Bill, if any decision is made by the Commissioner under the CSOR Act because of information that is classified by the Commissioner as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.

Furthermore, under the amendments contained within the Bill, in any proceedings under this Act, the court determining the proceedings:

- must, on the application of the Commissioner, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and
- may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of Superintendent.

This proposed provision will ensure that information acted upon that is 'Criminal intelligence' is protected throughout any appeal process and is also consistent with the existing provision within the *Serious and Organised Crime (Control) Act 2008*.

Taxi Drivers and Children

The Bill amends the CSOR Act so that taxi-drivers and hire-car drivers are inserted into the definition of 'child-related work'. This means that under the CSOR Act it is an offence for a registrable offender to be a taxi-driver or hire-car driver.

Currently under the CSOR Act, registrable offenders are precluded from applying for or being engaged in work (which includes volunteering) involving contact with a child in connection with a number of areas of work. However, driving a taxi is not included.

Bail

The Bill amends the *Bail Act 1985* so that every person charged with a class 1 or class 2 offence is subjected to an automatic condition of bail that the person not engage in child-related work. The condition can be varied or revoked by the bail authority but only if there are cogent reasons for doing so, and only if the bail authority is satisfied that the applicant engaging in child-related work will not pose a risk to the safety and well-being of children.

Summary Offences Act

The Bill amends section 74A of the *Summary Offences Act 1953* to give police officers the power to require a person to state the name and address of that person's place of employment if the police officer has reasonable cause to suspect that the person has committed, is committing, or is about to commit a sexual offence involving a child.

This amendment implements Recommendation 29 from the Report of the Independent Education Inquiry.

Publication of Information about Registrable Offenders

The Bill inserts a new provision whereby the Commissioner of Police may publish, on a website maintained by the Commissioner, any or all of the personal details of a registrable offender, including a photograph or digital image of the registrable offender, provided the Commissioner is satisfied that the registrable offender has failed to comply with their reporting requirements under the CSOR Act (including providing false or misleading information) and their whereabouts is unknown to the Commissioner of Police.

In determining whether or not to publish this information the Commissioner may take into account a number of matters, including the effect that the publication might have on a victim of an offence committed by the registrable offender. In addition, before publishing the information the Commissioner must take reasonable steps to consult with any persons that the Commissioner believes may be adversely affected by the publication.

In addition, under these amendments it will be an offence for any person to engage in any conduct that will create, promote or increase animosity toward or harassment of a person identified by the information published or any person associated with a person identified by the information. It will also be an offence for any person to publish, distribute or display any photographs or personal information provided by the Commissioner of Police without the prior written approval of the Minister.

Commonwealth and State Offences

A number of child sex offences that were contained within the *Crimes Act 1914* (Cth) have been repealed and replaced with offences now in the Criminal Code. Under the Bill, the list of class 1 and class 2 offences that trigger the operation of the CSOR Act are updated to reflect these changes. Any new Commonwealth child sex offences are also listed.

Section 270B of the *Criminal Law Consolidation Act 1935* ('the CLC Act') creates the offence of assault with intent, being the offence of assaulting another person with the intent to commit an offence against the person (as well as other offences to which the section applies).

Currently, a person charged with an offence against section 270B is not captured by the CSOR Act, even if the offence they intended to commit is listed as a class 1 or class 2 offence that trigger the operation of the CSOR Act.

Therefore, the Bill makes amendments to the CSOR Act so as to include within the list of class 1 and class 2 offences the offence of assault with intent, when the offence intended to be committed is a class 1 or class 2 offence.

Temporary Modification of Reporting under the CSOR Act

In order to ensure that SAPol powers and resources are directed towards those offenders who pose the most risk to the safety and well-being of children, the Bill amends the CSOR Act such that the Commissioner of Police has the power to modify the operation of the CSOR Act with respect to a limited group of offenders.

As the number of persons registered under the CSOR Act increases it will become more difficult to continue to monitor all registrable offenders. Resources should be directed towards those offenders who pose a risk to safety and well-being of children, but at present the same resources must be directed to all offenders regardless of their level of risk.

The Bill makes amendments to the CSOR Act such that registrable offenders who have been convicted of the following offences will be eligible to apply to the Commissioner of Police for a modification of their reporting obligations if the offender meets certain criteria:

- an offence against section 49(3) of the CLC Act (unlawful sexual intercourse) with a person under the age of 17 but above the age of 14;
- an offence against section 56 of the CLC Act (indecent assault); and
- an offence against section 58 of the CLC Act (gross indecency).

Under these amendments, the registrable offender must have been registered under the CSOR Act for 12 months, have undertaken their first annual report, and have not breached the CSOR Act at any time.

In addition to the above criteria, under the Bill the following registrable offenders would be ineligible to make an application to the Commissioner:

- offenders who refuse to participate in a risk assessment; or
- offenders who have breached the CSOR Act; or
- offenders who have offended against more than one victim; or
- offenders whose victim had not reached the age of 14 years; or
- offenders who were more than ten years older than the victim at the time of the offence; or
- offenders who committed the offences or offences against a victim with whom they had contact with via child-related work.

In addition, when making the decision to modify the registrable offender's reporting requirements under the CSOR Act, the Commissioner of Police will be required, to the extent that it is possible, to take into account the following factors in making a decision:

- a risk assessment undertaken with respect to the offender;
- any victim impact statement;
- the sentencing remarks;
- the offences charged, any prior convictions and any offences taken into account during sentencing; and
- any other information the Commissioner of Police considers appropriate (which is noted in the Bill as including whether or not the victim consented and whether any consent of the victim was obtained through grooming).

In making a decision about whether reporting requirements should be modified for a registrable offender, the Commissioner of Police must provide reasons for the decision if requested by the registrable offender.

Under the Bill, there is a right of appeal from a decision of the Commissioner of Police which would be heard in the Administrative and Disciplinary Division of the District Court.

If a registrable offender, who has had his or her reporting requirements modified, reoffends, their original offence(s) will count towards any future operation of the CSOR Act and in addition, any modification of the reporting obligations will be automatically revoked upon conviction.

The Commissioner of Police can also revoke the modification if there is any change in circumstances.

Ultimately, this proposed reform is about getting smarter about how the CSOR Act operates. At the moment, the same resources have to be dedicated to both high and low risk offenders. SAPol have asked for the ability to modify reporting requirements for certain low-risk offenders so that resources can be 'freed up' to be applied to the offenders who pose a risk to the safety of children.

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 *Child Sex Offenders Registration Act 2006*

4—Amendment of section 4—Interpretation

This clause inserts definitions for criminal intelligence, reportable contact, registrable repeat offender and serious registrable offender. Criminal intelligence has the same meaning as in the other Acts in which it is used. Reportable contact is defined in proposed section 13(4). A registrable offender is a registrable repeat offender if he or she has committed on least 3 separate occasions, a class 1 or class 2 offence, or on at least 2 separate occasions, a class 1 or class 2 offence and the victim was less than 14 years old. A serious registrable offender is a registrable repeat offender or a registrable offender who has been declared to be a serious registrable offender under proposed Part 2A.

5—Insertion of section 5A

This clause inserts a new section as follows:

5A—Criminal intelligence

The proposed section provides that if a decision is made under the Act by the Commissioner, based on information that is classified by the Commissioner as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds. The Commissioner may not delegate the function of classifying information as criminal intelligence for the purposes of the Act except to a Deputy Commissioner or Assistant Commissioner of Police. The proposed section provides that the court determining the proceedings must maintain the confidentiality of the criminal intelligence. The provision is consistent with those in other Acts dealing with criminal intelligence.

6—Amendment of section 6—Who is a registrable offender?

Section 6 is amended to clarify the wording of (4)(a) and (b) and to add an exclusion for 2 class 2 offences more than 15 years ago.

7—Amendment of section 9—Child sex offender registration order

Currently, the Magistrates Court may make an order that a person comply with the requirements of the Act at the same time as a restraining order is made under section 99AA of the *Summary Procedure Act 1921*. This clause extends that power and provides that the Magistrates Court may make an order that a person complies with the requirements of the Act at any time while the person is subject to a restraining order under section 99AA of the *Summary Procedure Act 1921*.

8—Amendment of section 10—Appeal against order

Section 10(1) is substituted so that an appeal against the making of a child sex offender registration order by the Magistrates Court lies to the Supreme Court constituted of a single judge.

9—Insertion of Part 2A

This clause inserts a new Part as follows:

Part 2A—Serious registrable offender declarations

10A—Serious registrable offender declarations

The inserted provision provides that the Commissioner may declare a registrable offender to be a serious registrable offender if satisfied that the registrable offender is at risk of committing further class 1 or class 2 offences. The Commissioner may revoke the declaration, at any time, on his or her own initiative or on application by the serious registrable offender.

10B—Appeal against declaration

This provision gives a right of appeal to a registrable offender who is aggrieved by a decision of the Commissioner in relation to him or her under proposed Part 2A.

10—Amendment of section 11—When initial report must be made

Amendments made by this clause reduce the time by which an initial report must be made to 7 days in all cases, from 28 and 14 days respectively (depending on the category of the registrable offender).

11—Amendment of section 12—When new initial report must be made by offender whose previous reporting obligations have ceased

This clause reduces the timeframe within which registrable offenders whose previous reporting obligations have ceased must make a new report from 28 or 14 days (depending on the circumstances) to 7 days.

12—Amendment of section 13—Initial report by registrable offender of personal details

This clause has 2 purposes. Firstly, it expands the personal details that a registrable offender must report to include his or her postal address for service, the names and ages of any children that the offender usually resides with, the names and ages of any children that the offender will have reportable contact with and, where the offender has a valid passport, the passport number, date and place of issue and date of expiry of the passport. Secondly, the clause defines *reportable contact*. Reportable contact occurs if an offender has any form of physical contact or proximity with a child (whether supervised or unsupervised) or any form of communication with the child (whether in person, in writing, by telephone or other electronic device) while the person or the child is visiting or residing at a dwelling, or caring for or supervising the child or contact involving the provision, or obtaining, of contact details or any other invitation of further contact or communication, or contact of a kind occurring in circumstances prescribed by the regulations.

13—Amendment of section 14—Persons required to report under corresponding law

Under this clause a registrable offender under a corresponding law will be required to report under this Act if he or she remains in the State for 7 or more consecutive days (currently 14 or more).

14—Amendment of section 15—Registrable offender must report annually

This clause allows the Commissioner to set the date on which a registrable offender must make an annual report. If the Commissioner does not specify a date, the default date is the end of the calendar month in which the anniversary of the last annual report by the offender under this Act or a corresponding law falls.

15—Insertion of section 15A

This clause inserts a new section as follows:

15A—Serious registrable offender may be required to make additional reports

The inserted section allows the Commissioner, by declaration, to impose additional reporting requirements on a serious registrable offender if the Commissioner has reason to suspect that the offender may not comply with his or her reporting requirements, or poses a risk to the safety and well-being of children. A declaration by the Commissioner can only operate for a total of up to 2 years. The proposed section also, however, allows the Magistrates Court, on application by the Commissioner, to impose additional reporting requirements and such an order is not subject to the same 2 year limitation. A declaration or order under the proposed section ceases to be of any force or effect on the expiration of the serious registrable offender's reporting period. A definition for *additional reporting requirements* has also been inserted, and limits an order being made that requires a registrable offender to report more frequently than monthly.

16—Amendment of section 16—Registrable offender must report changes to relevant personal details

This clause shortens relevant reporting periods under section 16 from 14 and 28 days to 7 days. The clause also requires changes in personal details occurring during a suspension of reporting requirements to be reported within 7 days of cessation of the suspension.

17—Amendment of section 17—Intended absence from South Australia to be reported

A registrable offender who intends to leave South Australia for a period of 7 consecutive days or more will be required to report intended travel details within 7 days of the intended travel. Currently, registrable offenders are only required to report absence from South Australia if the registrable offender intends to be absent for 14 or more consecutive days.

18—Amendment of section 19—Registrable offender to report return to South Australia or decision not to leave

Amendments made to this section shorten the timeframe within which a registrable offender must report on his or her return to South Australia or where he or she has decided not to leave the State. In addition, if the registrable offender travelled out of Australia, he or she must present his or her passport for inspection and copying within 14 days of his or return to South Australia under the section as amended.

19—Insertion of section 20A

This clause inserts a new section as follows:

20A—Report of reportable contact

The proposed section requires that a registrable offender report *reportable contact* with a child within 2 days of the reportable contact occurring. This means that reporting is required within 2 days after the third occasion of contact with the child.

20—Amendment of section 21—Where report is to be made

These provisions expand on the locations that registrable offenders might make their reports. Offenders must, if directed by the Commissioner, report from their usual residential premises or at a particular police station or, if no such direction is given, must report at a place approved (either generally or in a particular case) by the Commissioner.

21—Amendment of section 22—How report is to be made

These amendments specify various reports that must be made in person. The provision, however, allows a registrable offender to report by electronic means (including by email or other form of electronic transmission) if the

Commissioner so approves either generally or in the particular case. In addition, the amendments clarify the position for children and people with a disability that makes reporting impossible or impracticable.

22—Amendment of section 23—Right to privacy and support when reporting

This clause is consequential to the increase in flexibility in terms of where a registrable offender can report.

23—Amendment of section 25—Additional matters to be provided

The section as amended requires that if a registrable offender attends to report in person, he or she must provide a copy of his or her current passport for inspection and photocopying. Currently, this is not a reporting requirement.

24—Amendment of section 32—Suspension of reporting obligations

Changes made by this clause are consequential to the insertion of Part 5A and clarify that a period during which reporting requirements are suspended will not count towards a total reporting period expressed as a number of years.

25—Insertion of section 36A

This clause inserts a new section as follows:

36A—Division doesn't apply to additional reporting obligations

The proposed section provides that the provisions about reporting requirements in Division 5 do not apply to additional reporting requirements under proposed section 15A (which will be governed by the relevant declaration or order).

26—Amendment of heading

The change to the heading to Part 3 Division 6 is consequential to the insertion of proposed Part 5A.

27—Amendment of section 38—Order for suspension

This clause has 2 purposes. Firstly, it makes a minor terminology change, directing the Supreme Court to consider the 'safety and well-being' of children, rather than only the sexual safety of children, when making an order suspending reporting requirements. Secondly, it directs the Supreme Court, when making an order suspending reporting requirements under the Act, to consider whether the registrable offender has ever been subject to a declaration or order under proposed Part 2A or proposed section 15A.

28—Amendment of section 44—Offences of failing to comply with reporting obligations

Section 44 is amended to create a further offence of failing to comply with a reporting obligation relating to reportable contact with a child without a reasonable excuse. The maximum penalty for the offence is a $25,000 fine or imprisonment for 5 years.

29—Amendment of section 45—Offences of furnishing false or misleading information

The amendment to this section makes it an offence to furnish information in relation to reportable contact with a child that the person knows to be false or misleading in a material particular, the maximum penalty being $25,000 or imprisonment for 5 years.

30—Amendment of section 48—Notice to be given to registrable offender

This provision is consequential and provides that a registrable offender be given notice of certain matters under the Act.

31—Amendment of section 60—Register of child sex offenders

Amendments made by this clause provide for information relating to declarations under Part 2A and 5A and requirements under section 66G to be recorded in the Register of child sex offenders.

32—Substitution of heading to Part 5

The change to the heading of Part 5 reflects that the Part will be broader in scope under the proposed measure.

33—Amendment of section 64—Interpretation

Amendments to this section have 2 purposes. Firstly, the definition of *child related work* is expanded to include taxi services and hire car services. Secondly, consequential to the insertion of section 66, the amendments provide the circumstances in which proceedings are considered finalised for the purposes of the Part.

34—Insertion of section 65A

This clause inserts a new section as follows:

65A—Offence to fail to disclose certain matters to Commissioner

This provision allows the Commissioner to give a person arrested or reported for a class 1 or class 2 offence a written notice requiring the person to provide the Commissioner with information as to whether or not he or she currently engages in any work, has applied for any work, or will commence engaging in any work, as well as the details of that work. A notice under this section must be served on the

person to whom the notice relates personally and is not binding on the person until so served. In order to effect service, a police officer may require a person to remain at a particular place, or detain the person for a period of up to 2 hours. A person who fails to comply with a notice given to the person under the proposed section is guilty of an offence, and may be liable to a maximum penalty of a $10,000 fine or imprisonment for 2 years. Further, the inserted section allows a police officer to make such enquiries as the officer thinks necessary to verify information required under a notice, including advising any employer or prospective employer of a person that the person has been arrested or reported for a class 1 or class 2 offence.

35—Substitution of section 66

This section substitutes a new section 66 as follows:

66—Offence to fail to disclose arrest or report

The proposed section creates 3 new offences. Firstly, a person engaged in child-related work who is arrested or reported for a class 1 or class 2 offence must disclose that fact to his or her employer within 7 days of being so arrested or reported. Secondly, a person who applies for child-related work and who has been arrested or reported for a class 1 or class 2 offence must disclose the arrest or report to his or her prospective employer at the time of making the application. Finally, a person who has applied for child-related work and who, while the application is still current, is arrested or reported for a class 1 or class 2 offence must disclose that fact to his or her prospective employer. Child related work includes work performed under a contract for services. The maximum penalty for each offence is a $5,000 fine. Under the inserted section, the Commissioner may give a person a notice advising of his or her obligations under the section and the consequences that may arise if the person fails to comply with those obligations. If a person is given a notice, the Commissioner must ensure that a determination is made, within a reasonable time, as to whether to charge the person with a class 1 or class 2 offence. It is a defence to a charge of an offence under the section if the person did not receive notice or was otherwise unaware of the obligation, or if the person did not know that the work was child-related work.

36—Insertion of Part 5A

This clause inserts a new Part 5A which provides powers for the Commissioner to modify the reporting requirements of registrable offenders in appropriate cases and a new Part 5B which allows for publication by the Commissioner of personal details of a registrable offender where it is suspected that the offender is in breach of the Act and cannot be located.

Part 5A—Modifications and suspensions granted by Commissioner

66A—Power to make declaration modifying reporting obligations

The proposed section gives the Commissioner a general power to make a declaration, on application by a registrable offender, modifying the offender's reporting requirements under the Act. The Commissioner may require that a registrable offender participates in a risk assessment prior to considering an application. The proposed section also provides factors the Commissioner must take into account and sets out circumstances in which a declaration may not be made.

66B—Power to make declaration suspending reporting obligations of registrable offender with disability

Under proposed section 66B, the Commissioner has the power to suspend a registrable offender's reporting obligations if satisfied that the registrable offender has a disability that makes it impossible for the offender to satisfy his or her reporting obligations and does not pose a risk to the safety and well-being of children. The Commissioner may exercise this power on application by a person or of his or her own motion.

66C—General provisions relating to declarations under Part

The proposed section provides that applications for a declaration under the new Part must be made in the prescribed manner and form and be accompanied by the fee (if any) prescribed by regulation. An application for a declaration under the new Part may only be made if more than 12 months have elapsed since the last application was made by the person. In addition, the Commissioner may vary any declaration made at any time, and may revoke a declaration if the person is arrested for a class 1 or class 2 offence, or if any of the grounds upon which the declaration was made change.

66D—Appeal to District Court

This proposed section provides for an appeal to the Administrative and Disciplinary Division of the District Court by an offender who is aggrieved by a decision made by the Commissioner under the new Part.

Part 5B—Publication of information about registrable offenders

66DA—Commissioner may publish personal details of certain registrable offenders

Under proposed section 66DA, the Commissioner may publish the personal details (including a photograph) of a registrable offender if satisfied that the registrable offender has failed to comply with his or her reporting requirements, or has provided information that is false or misleading, and the offender's whereabouts are not known to the Commissioner. The Commissioner is prohibited from publishing personal details in the circumstances set out in the proposed section.

66DB—Commissioner may take into account certain matters

The proposed section sets out the matters that the Commissioner may take into account when determining whether or not to publish a registrable offenders details under proposed section 66DA. In addition the proposed section provides that the Commissioner must take reasonable steps to consult with any persons that may be affected by the publication of personal details prior to that publication.

66DC—Protection as to publication and other provision of information

No liability will attach to the Commissioner or the Crown for publishing or providing, or not publishing or providing, information under the proposed Part.

66DD—Conduct intended to incite animosity towards or harassment of identified offenders and other people

Proposed section 66DD creates 2 new offences. A person is guilty of an offence if her or she engages in conduct intending to cause animosity towards, or harassment of, a registrable offender whose details are published under the proposed Part, or an associate of such an offender. The maximum penalty for that offence is 10 years imprisonment. The proposed section also creates a lesser offence of engaging in conduct that is likely to cause animosity towards or harassment of such an offender or associate, the maximum penalty being 2 years imprisonment.

66DE—Publication, display and distribution of identifying information

Under proposed section 66DE, a person must not publish, distribute or display certain identifying information without having first obtained the written approval of the Minister. A failure to do so constitutes an offence, with the maximum penalty being 2 years imprisonment.

37—Insertion of sections 66E, 66F and 66G

This clause inserts 3 new sections in Part 6 as follows:

66E—Change of name of registrable offender

This provision requires that a registrable offender obtain the Commissioner's written permission before changing, or applying to change, the offender's name under the *Births, Deaths and Marriages Registration Act 1996* or a law corresponding to that Act. A failure by the registrable offender to obtain the Commissioner's written permission before changing or applying to change his or her name is an offence which carries a maximum penalty of a $10,000 fine or imprisonment for 2 years. In addition, a court that convicts a person of an offence against the section may declare a change of name registered under the *Births, Deaths and Marriages Registration Act 1996* in relation to the person to be void.

66F—Power to enter and search premises

This provision gives a police officer the power to enter into, break open and search any premises that the police officer suspects on reasonable grounds are occupied by, or under the care, control or management of, a serious registrable offender. In exercising the power, the police may inspect, or remove and inspect, any computer or device capable of storing electronic data at those premises. In addition, if data stored on a computer or other device being inspected or removed by a police officer requires a password, the registrable offender must provide the password. Failure to do so constitutes an offence, with the maximum penalty being imprisonment for 2 years.

66G—Tracking devices

This provision allows the Commissioner to issue a requirement to a serious registrable offender that he or she wear or carry a tracking device supplied by the Commissioner for the purpose of monitoring his or her whereabouts. The serious registrable offender to whom it is issued must wear or carry the device, take reasonable care to maintain the device undamaged and comply with all reasonable directions of the Commissioner in relation to the device during the period for which the requirement applies. The Commissioner may vary or revoke a requirement under this section at any time, on his or her own initiative or on application by the serious registrable offender. The proposed section also includes appeal provisions for a registrable offender against decisions made by the Commissioner under the proposed section.

38—Amendment of section 67—Confidentiality of information

Changes to this section are consequential.

39—Insertion of section 72A

This clause inserts a new section as follows:

72A—Service

The proposed section inserts standard provisions regarding service, necessary to allow the service of notices and other documents on registrable offenders.

40—Amendment of Schedule 1

This clause updates Schedule 1 by designating new relevant State and Commonwealth criminal offences as class 1 and class 2 offences.

Schedule 1—Related amendments

Part 1—Related amendments to *Bail Act 1985*

1—Amendment of section 11—Conditions of bail

This clause amends the Bail Act to provide that a bail applicant who is charged with a class 1 or class 2 offence will be subject to conditions that the applicant agrees not to apply for, or to engage in, child related work. A bail authority may only vary or revoke those conditions if satisfied that there are cogent reasons for doing so and the applicant for bail will not pose a risk to the safety and well being of children.

Part 2—Related amendment to *Criminal Law (Forensic Procedures) Act 2007*

2—Amendment of section 20—Offenders procedures

The effect of this provision is that any person who is a registrable offender under the *Child Sex Offenders Registration Act 2006* may be subjected to a simple identity procedure (ie the taking of prints of the hands or fingers or the taking of forensic material from a person by buccal swab or finger-prick for the purpose of obtaining a DNA profile) under the *Criminal Law (Forensic Procedures) Act 2007*.

Part 3—Related amendment to *Summary Offences Act 1953*

3—Amendment of section 74A—Power to require statement of name and other personal details

Under section 74A a police officer may require a person to state their personal details if he or she has reasonable cause to suspect that the person has committed, is committing, or is about to commit, an offence or may be able to assist in the investigation of an offence or a suspected offence. At present 'personal details' is defined to include a person's 'business address' but the proposed amendment would provide a broader alternative that is applicable where the police officer has reasonable cause to suspect that a person has committed, is committing, or is about to commit a sexual offence involving a child or children and that includes the name and address of any place where the person works as an employee, independent contractor, volunteer or in any other capacity).

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

STATUTES AMENDMENT (POLICE) BILL

Second reading.

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) (12:57): I move:

That this bill be now read a second time.

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

Leave granted.

The *Police Act 1998* and its Regulations provide the legislative infrastructure for the management and control of South Australia Police (SAPOL). This Bill now seeks to amend the Act by addressing a number of issues that were identified during an internal review by SAPOL, but which were unable to be rectified administratively. Also included in the Bill is an amendment to the *Police (Complaints and Disciplinary Proceedings) Act 1985* regarding appeals, and minor complementary amendments to the *Public Intoxication Act 1984*.

Drug and Alcohol Testing of Police

A major emphasis in the Bill concerns the introduction of on-duty drug and alcohol testing of police officers, community constables and police cadets. Because such testing procedures cannot be effectively introduced by administrative means alone, significant additions to the Police Act and Regulations will be required.

As in any industry, SAPOL has the potential for alcohol and drug related problems to occur within its workplace. While the use of alcohol (as a legal substance) can form part of a community culture, extent of the use of illicit drugs or abuse of prescription drugs by police in South Australia is not known. No in-depth or ongoing research has been conducted in this regard, and it is stressed that there is no evidence to suggest that such a problem actually exists within SAPOL. Even so, it still behoves SAPOL as a statutory policing authority and responsible employer to ensure all possible endeavours are taken to prevent and deter its occurrence. SAPOL currently has in operation a comprehensive policy concerning alcohol and drugs in the workplace, but this is principally directed towards the health and welfare of its members and the standards expected of them. It does not provide an enforcement process and, until appropriate legislative authority is put in place, the effective ability to detect any actual substance abuse will be limited.

Alcohol and drug testing of police was one of the issues in the South Australia Police Enterprise Agreement 2007, between the Department of the Premier and Cabinet, SAPOL and the Police Association of South Australia. It was ratified on 17 January 2008 by the Industrial Relations Commission of South Australia. The wording of the agreement states that parties 'agree to support the introduction of legislation that enables targeted and mandatory alcohol and drug testing of police officers in certain circumstances in support of the provisions of the Act.' The agreement binds 'the Chief Executive Officer, Department of the Premier and Cabinet and the police officers, commissioned officers/officers of police, community constables and cadets' of SAPOL. Finalisation of the agreement now requires appropriate amendments to the Police Act and Regulations.

The use of alcohol or drugs by police officers can give rise to 3 main aspects of concern. Firstly, there is the matter of operational safety. Officers on duty under the influence of alcohol or drugs threaten to jeopardise the safety of themselves, their colleagues and the public. SAPOL is bound by occupational health and safety legislation to provide a safe working environment, and the use of these substances can severely compromise the operation of established safety standards. Secondly, the issue of integrity comes into question if alcohol or drugs are abused. In particular, the use of banned substances first requires their acquisition and, by so doing, the inherent contravention of the criminal law. This severely compromises an officer's position by making the officer vulnerable to further criminal influence and corruption. Personal use of drugs and involvement in the drug culture may also dissuade police from carrying out their expected drug enforcement responsibilities. Finally, the abuse of alcohol or some prescription drugs, or the use of illicit drugs, would be likely to damage the reputation of SAPOL and undermine public confidence. This Government is of the view that the ability to ascertain whether or not police officers are under the influence of alcohol or drugs is paramount to the proper management, control and operation of its police force.

It is noted that most other Australian jurisdictions have legislated to permit the drug and alcohol testing of police. While some have extended this to include random testing at any time or place, South Australia is not adopting such a position. Instead, it prefers the model of specifying the actual circumstances when testing can occur. Circumstances for such testing will include:

- where there is a reasonable suspicion that a drug has been used or alcohol consumed;
- where a defined critical incident has occurred involving death or serious injury (such incidents including the discharge of a firearm or while detained by a member of SAPOL);
- following 'high risk' driving;
- a police officer applying for a designated classified position;
- a person applying to join SAPOL.

The types of drugs to which these proposals are to apply will be defined and refer to any substance that is a controlled drug under the *Controlled Substances Act 1984*.

Testing for a drug will involve a sample being taken of blood, urine or oral fluid. Testing for alcohol will be by breath analysis, using apparatus of a kind approved under the *Road Traffic Act 1961*.

The majority of actual testing processes, policies and other related aspects are to be contained either in the Police Regulations or addressed by internal directions from the Commissioner of Police. These will include:

- prescribing procedures for drug and alcohol testing;
- the authorisation of persons to conduct tests and operate necessary equipment;
- collection, analysis and use of test samples and results;
- evidentiary provisions to facilitate proof;
- confidentiality of test results;
- destruction of samples collected.

Other Amendments to the Police Act

A number of other miscellaneous amendments are included in the Bill to address difficulties and shortcomings that have been identified in the administration of the Police Act. These include, removing a legislative impediment in determining the length of probationary periods; addressing aspects involving punishment and appeal options; providing a right of review to an applicant for a prescribed promotional position when no selection has been made; and allowing the Commissioner of Police to suspend the powers of police officers who are absent from duty for extended periods by reason of, either physical or mental disability or illness, or approved leave.

The laws regarding the appointment of special constables will be extended to give the Commissioner of Police authority to make oral appointments during times of declared emergency. In such instances, confirmation of the appointment in writing must follow as soon as possible.

Three amendments are proposed to provisions relating to the Police Review Tribunal. These deal with the appointments of its presiding officers and the secretary to the Tribunal.

Amendment to the Police (Complaints and Disciplinary Proceedings) Act

The Commissioner has current authority to impose punishment on a member of the police force who has been found guilty of a breach of the police Code of Conduct. Similar authority also exists for the Commissioner to impose punishment on a police officer who has been found guilty of a law of any State, Territory or the Commonwealth. Pursuant to section 46 of the Police (Complaints and Disciplinary Proceedings) Act, a right of appeal exists for the former situation but not the latter. This amendment seeks to correct the apparent oversight.

Amendments to the Public Intoxication Act

A new police position of responsible officer under the Police Regulations is to be created with responsibility for managing persons in custody in police cells. The position will support, but remain distinct from, the current obligations of an officer in charge of a police station. Because the Public Intoxication Act contains a number of references to officer in charge of a police station in relation to the detention and handling of lawfully apprehended persons, the new position of responsible officer will also need to be recognised in that Act. Duties of the new position

will relate to the admission and discharge of the detained person, and the giving of directions that are reasonably necessary for the purpose of detention.

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 *Police Act 1998*

4—Amendment of section 27—Probationary appointment

It is proposed to repeal current subsection (2) and substitute a new subsection that will provide the Commissioner of Police with the flexibility to be able to determine that the period of probationary service of a member of SA Police will not include the whole or part of any period during which the member (while on full or reduced pay) is absent from duty (other than on recreation leave) or performs limited duties. A probationary period will also not include (unless the Commissioner determines to the contrary) any period during which—

- the member is absent from duty without pay; or
- the member's appointment is suspended.

New subsection (7) substantially re-enacts the previous subsection (2) to provide that section 27 does not apply to the following appointments:

- appointment as the Commissioner, the Deputy Commissioner or an Assistant Commissioner;
- appointment for a term under Part 4 Division 1;
- appointment of a member of SA Police to another position of the same rank as that held by the member immediately before the appointment to the other position;
- appointment as a community constable.

However, there is a proviso that if the appointment of a member of SA Police to a position is on probation and the member is, during the probationary period, appointed to another position of the same rank, the period of probation carries over to that other appointment (and the provisions of this section (other than subsection (7)(c)) apply accordingly).

Other proposed amendments to this section are consequential.

5—Amendment of heading to Part 6

It is proposed to amend the heading to Part 6 to 'Conduct and discipline of police and police cadets' to better reflect its contents.

6—Insertion of heading to Part 6 Division 1

It is proposed to divide Part 6 into Divisions to accommodate proposed changes to the Part. Division 1 (comprising sections 37 to 41) is to be headed 'Code of Conduct'.

7—Amendment of section 37—Code of conduct

The proposed changes to section 37 will make it clear that the Code of Conduct established under the regulations may include provisions relating to drug and alcohol testing of members of SA Police and police cadets. Other amendments are consequential.

8—Amendment of section 40—Orders for punishment following offence or charge of breach of Code

It is proposed to amend section 40(1)(g) to enable the Commissioner to transfer a member of SA Police, as a disciplinary measure, to another position. Such a transfer may be for an indefinite period or specified term, and with or without a reduction in rank, seniority or remuneration. The current paragraph does not make provision for the period of time for which such transfer may occur.

9—Insertion of Part 6 Division 2

It is proposed to insert this new Division after current section 41. This Division will make provision for drug and alcohol testing of police and police cadets.

Division 2—Drug and alcohol testing of police, police cadets, etc

41A—Interpretation

This section contains definitions of words and phrases for the purposes of interpreting this Division. For example, a *critical incident* is defined as an incident where a person is killed or suffers serious bodily injury—

- while detained by a member of SA Police, or while in police custody; or
- as a result of the discharge of a firearm or an electronic control device; or
- in circumstances involving a police aircraft, motor vehicle, vessel or other mode of transport; or
- as a result of alleged police action.

41B—Drug and alcohol testing of members and cadets

Subsection (1) of this section provides that a member of SA Police or a police cadet may, in accordance with this section, be required to do undergo *drug and alcohol testing*; that is, either or both of the following:

- to submit to an alcotest or breath analysis, or both, for the purpose of testing for the presence of alcohol;
- to provide a biological sample (that is, a sample of blood, urine or oral fluid) for the purpose of testing for the presence of alcohol or drugs.

Drug and alcohol testing, in accordance with orders or directions of the Commissioner, of a member of SA Police or a police cadet may occur in any of the following circumstances:

- if the member or police cadet has, while on duty, been involved in a critical incident;
- if the member or police cadet has, while on duty, engaged in driving that is classified by the Commissioner in orders as high risk;
- if there is a reasonable cause to believe that the member or police cadet has recently consumed alcohol or used a drug;
- if the member or police cadet is applying for a classified appointment or position.

41C—Drug and alcohol testing of applicants to SA Police

If a person who is not a member of SA Police or a police cadet is applying for appointment to SA Police or to become a police cadet, the person will, in accordance with orders or directions of the Commissioner, be required to do either or both of the following:

- to submit to an alcotest or breath analysis, or both, for the purpose of testing for the presence of alcohol;
- to provide a biological sample for the purpose of testing for the presence of alcohol or drugs.

41D—Procedures for drug and alcohol testing

This section makes provision for the Governor to make regulations for the purposes of this Division dealing with drug and alcohol testing and lists examples of what such regulations may deal with.

41E—Biological samples, test results, etc not to be used for other purposes

This section regulates the use of any biological sample or other forensic material taken, or the results of any drug and alcohol testing or analysis conducted, under this Division.

10—Insertion of heading to Part 6 Division 3

Division 3 (comprising sections 42 to 44) is to be headed 'Minor misconduct'.

11—Amendment of section 42—Minor misconduct

The proposed amendment to section 42(1) will give a member of SA Police or a police cadet suspected of a breach of the Code involving minor misconduct the option to have the matter dealt with by a hearing before the Police Disciplinary Tribunal, rather than through an informal inquiry under this section. Other amendments are consequential.

12—Amendment of section 55—Right of review

This amendment will require the Commissioner to publish in the Police Gazette notice of the selection decision (including notice that no selection has been made) following the conduct of a selection process in relation to a prescribed promotional position.

13—Substitution of section 59

59—Appointment of special constables

New section 59 makes provision for the Commissioner to appoint a special constable by instrument in writing or, if a declaration has been made under Part 4 Division 3 of the *Emergency Management Act 2004*, orally. If an appointment is made orally, it must be confirmed by the Commissioner by instrument in writing.

14—Amendment of section 61—Duties and powers of special constables

The amendments proposed to this section are related to the substitution of section 59.

15—Amendment of section 67—Divestment or suspension of powers

It is proposed to insert additional subsections that will allow the Commissioner to suspend all powers and authorities vested in a member of SA Police by or under this or any other Act or law during any extended period of leave or, if the member is on leave by reason only of physical or mental disability or illness of the member, until the suspension of the powers and authorities is revoked by the Commissioner.

16—Amendment of section 70—Suspension or revocation of suspension under Act or regulations

It is proposed to repeal current subsection (2) and substitute a new subsection that provides that, despite (current) subsection (1), remuneration may only be withheld under that subsection for more than 3 months if—

- the person has been committed for trial for a serious offence; or
- the person has been found guilty of a serious offence; or
- the person has admitted or been found guilty of a breach of the Code in respect of which the most probable outcome is termination of the person's appointment.

Other amendments are consequential.

17—Amendment of Schedule 1—Police Review Tribunal

These proposed amendments update the provisions relating to the constitution of the Tribunal and the office of Secretary to the Tribunal.

Part 3—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

18—Amendment of section 46—Appeals in respect of discipline

The proposed amendment to section 46 will insert a new subsection to provide a process for designated officers (as defined in section 3(1) of the Act) to appeal to the Court against an order of the Commissioner made after the commencement of this subsection imposing punishment on the designated officer for having been found guilty of an offence against a law of this jurisdiction or another jurisdiction.

Part 4—Amendment of *Public Intoxication Act 1984*

19—Amendment of section 4—Interpretation

The proposed amendments to section 4 will insert a definition of *responsible officer*, in relation to a police station in the following terms:

(a) the police officer in charge of the police station; or

(b) if a police officer has, for the time being, been designated by the officer in charge of the police station as the officer with responsibility for persons accepted into custody at the police station—that officer.

20—Amendment of section 7—Apprehension of persons under the influence

21—Amendment of section 10—Custody of persons detained

The amendments proposed to sections 7 and 10 are consequential on the insertion of the definition of *responsible officer*.

Schedule 1—Transitional provisions

The Schedule contains provisions of a transitional nature.

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

[Sitting suspended from 12:58 to 14:16]

SELECT COMMITTEE ON ACCESS TO AND INTERACTION WITH THE SOUTH AUSTRALIAN JUSTICE SYSTEM FOR PEOPLE WITH DISABILITIES

The Hon. S.G. WADE (14:16): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

ANSWERS TO QUESTIONS

ACCESSIBLE TAXI SERVICES

In reply to the **Hon. K.L. VINCENT** (22 November 2011) (First Session).

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

1. Officers from the Department of Planning, Transport and Infrastructure (DPTI) met with you (the Hon. Kelly Vincent MLC) on December 6, 2011, and provided an update on the 2011 Christmas Day services provided through Adelaide Access Taxis (AAT).

Christmas Day is the busiest day of the year for Access Taxis. Licence conditions attached to Access Taxis require the drivers to work on Christmas Day. The issue with Christmas Day services is the inability for some clients to book an Access Taxi for their preferred times, rather than the number of vehicles available for the day. As with other general Christmas Day services, such as the hospitality industry, requests for Access Taxis at the popular times are booked quickly.

The 50 people referred to in the Question Without Notice were people who were waitlisted for their preferred time, they were not people who could not be provided with a service at all. Every year people cancel bookings when their circumstances or travel arrangements change. Bookings that become available through such cancellations are offered to the people on the waiting list. As at December 15, 2011, Access Taxis had 1,407 booked jobs for Christmas Day and 56 customers on the waiting list.

Viability for Access Taxi operators and drivers would be impacted if Access Taxi licences were released on the basis of demand for one day in the year.

2. 96 Access Taxis were working on Christmas Day 2011.

Organisation for Christmas Day 2011 commenced from September 2011.

The planning process for 2011 included the following:

- Bookings for nursing homes and similar establishments, such as Disability SA, Highgate Park (formerly the Julia Farr Centre) were contacted by AAT several months in advance to obtain preferred bookings times for customers;
- A continual assessment of the number of bookings that were able to be accepted, taking into consideration the total number of vehicles available;
- Gradually closing bookings at various times across the day as the number of bookings reached capacity. Customers were then offered alternative available times. Customers can also be placed on a waiting list for preferred times if any cancellations become available;
- Four additional vehicles were sourced from Disability SA, Highgate Park, and accessible minibuses were also sourced from the Adelaide Metro service providers. These vehicles were used as standby vehicles to cover emergency/breakdown situations or difficult bookings. AAT accepts bookings regardless of the distance or location, and the government vehicles were used to assist with distant and isolated jobs. This enabled the taxi fleet to transport the majority of people as efficiently and effectively as possible;
- Disability SA and Highgate Park, provided a co-ordinator who, together with Mr Bill Gonis, Manager, Passenger Transport, Public Transport Services Division, were able to ensure customers were available to be picked up when the taxis arrived and assisted where required with taxis, Disability SA vehicles and clients;
- An additional employee was rostered on by AAT to specifically address any customer complaints or commendations; and
- In instances where the vehicles are running late, AAT will contact the customer to notify them of the delays.

3. DPTI ensured the entire bus fleet deployed on Christmas Day 2011 was *Disability Discrimination Act 1992* compliant, alleviating the pressure on Access Taxi services. This initiative was first done on Christmas Day 2010.

People will still require door to door transport and it is not envisaged there will be less need for the provision of Access Taxis in the future. Access Taxis will continue to be an important mode of transport for people with disabilities.

In summary, a total of 1,439 jobs were dispatched, including 1,304 pre-booked jobs, with 96.1 per cent being picked up within 30 minutes, with the average waiting time for all customers

being 5 minutes. Christmas Day 2011 was AAT's busiest Christmas Day to date, with well over 2,000 (estimated) passengers carried on the day.

MOTOR VEHICLE REGISTRATION

In reply to the **Hon. J.A. DARLEY** (30 May 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): The Minister for Transport Services has received this advice:

Yes, consideration has been given to changing the register of motor vehicles from operators to owners. A review conducted during 2010 highlighted the difficulties of establishing ownership and entitlement, the additional administration, processes, regulatory burden and cost to the community. The review concluded that a change was not supported, but that additional material should be made available to the public to assist in understanding competing claims for ownership involving the registration of a vehicle. A brochure was developed containing information on how to address matters where ownership is disputed and highlighted that the Registrar has no legal power in relationship to ownership issues.

It would be very difficult for, as it currently exists, the recording or determining of property rights in relation to motor vehicles are not matters which are within the scope of the Registrar's statutory functions and powers. Therefore, it is not possible for the Register to record those details, as it is outside the scope of its current legislated powers. The issue of who may have ownership/legal title to a vehicle is a question of property rights, which must be determined in the same manner as for any other form of personal property, through the courts raising a further difficulty in a 'Register of Owners'

If the Register was amended to allow the determination of ownership, the department would need to introduce a 'Proof of Entitlement to Register / Proof of Acquisition' policy. This would require the applicant to prove the means by which the vehicle came into their possession and their subsequent entitlement to become the registered operator of the vehicle. In addition to the likely regulatory burden for the community, this would fuel the public misperception that the register of motor vehicles is evidence of title, which legally it is not.

Costing of the suggested changes could not be estimated without knowing exactly what would be required to implement the changes. However, the resource impact incurred by Service SA, due to an increase in transaction time dealing with disputes and implementation costs, would certainly outweigh any benefits.

LAKE ALBERT

In reply to the **Hon. S.G. WADE** (21 March 2013).

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:

1. Consideration will be given to the impacts on water quality in the Coorong from the management options examined in the Lake Albert Scoping Study.

2. A range of management options, including the Meningie Narrung Lakes Irrigators Association's five-point plan and the interconnector between the Coorong and Lake Albert, are being considered in the scoping study.

3. The merit of a permanent regulator in the Narrung Narrows is being examined as part of the scoping study.

4. Salinity levels in Lake Albert have been on a downward trend since 2010.

5. Information sessions and updates have been provided by the Department to the local community, including to the Meningie Narrung Lakes Irrigators Association in December 2012.

In March 2013 members of the scoping study Community Reference Group met with local landholders and members of the Meningie Narrung Lakes Irrigators Association on-site to discuss the Lake Albert interconnector proposal.

SHACK LEASES

In reply to the **Hon. J.A. DARLEY** (30 April 2013).

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:

1. The department did not receive a flawed report. The department did however pay $6,600 for a report provided by a New South Wales valuer in private practice.

QUESTION TIME

FARM FINANCE PACKAGE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the minister for primary industries questions regarding the farm finance package.

Leave granted.

The Hon. D.W. RIDGWAY: Some months ago, the federal government announced a farm finance package. Among other things, it provides farmers with low-interest loans to restructure debt and to increase productivity. As part of that, the state government announced soon after that it had 'joined other states in signing a new national drought program reform agreement with the commonwealth'. The government claimed that it was working with the commonwealth to explore the details of the package.

Queensland has already signed on the dotted line, and primary producers in that state now reap the benefits and, this week, the Victorian government also signed up. So, farmers over the border from South Australia and, in fact, just over the border from where I used to live, now get the cash of up to $650,000 at 4½ per cent. Farmers in this state can't because the minister has not yet reached an agreement with the commonwealth. My questions for the minister are:

1. Why has South Australia not signed the agreement?

2. Why is it that other states have reached agreement and the minister in this state has not?

3. Has the minister personally discussed the package, in the past week, with the successful Victorian minister to see what she might learn?

4. Is the incompetent impediment in this situation the minister or her federal colleague?

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) (14:19): I thank the honourable member for his most important question. This initiative is a very positive one for our primary producers, and we are very grateful to the federal government for showing this sort of leadership and initiative. The federal government has been negotiating state-by-state. It has only just recently provided us with what I think is a copy of the guidelines and the provisions for South Australia. I can't remember exactly when we received those, but really it was only a matter of days ago, to the best of my knowledge, and so my officers are working through those documents.

As I said, we have only just received them, whereas the federal government has initiated discussions with other states on a state-by-state basis and has been slowly working around the nation. They have only really just come to South Australia. We have been participating in those discussions and believe that we should be in a position to sign off on that within the very foreseeable future. As I said, the guidelines that they have given us are only draft ones and we need to make sure that they are in the best interests of our farmers.

The good news is that we have progressed negotiations around the administrative costs. Although we have not signed off on the agreement, nevertheless we believe we have reached an agreement, which needs to be formalised, where the federal government has indicated a preparedness to provide additional funds to South Australia to cover administrative costs. They are funds that I understand, at least at this point in the discussions, will not be coming from the funds themselves.

We have done very well in our negotiations. We have been working very hard to make sure we get the best position possible for our farmers. As I said, the federal government has only just come to South Australia with these guidelines. They have been working their way around Australia state by state with negotiations, and we are doing very well out of this. Our primary concern is to make sure we get the very best deal possible for our primary producers, and we believe we are in a very strong position to do that. As I said, once we have been able to look at the details of the guidelines and assure ourselves that they are in our best interests, that will be signed off, and that will be in the very foreseeable future.

FARM FINANCE PACKAGE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I have a supplementary question. The 'foreseeable future' is not good enough. When will we see this on the ground for our South Australian primary producers and, secondly, why is it under your leadership we are always tail-end Charlie? Why haven't you been at the front of the pack and had South Australia signed up first?

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) (14:23): When? When we have the best deal for South Australian farmers. This government is uncompromising. Unlike the opposition, we don't sell out our people. We don't sell out South Australians. We don't sell out South Australian interests. We stand and fight for the very best deal that we can get—and that is exactly what I am doing, and we are achieving wonderful things.

The PRESIDENT: The Hon. Mr Brokenshire has a supplementary.

The Hon. G.E. Gago: You're going to congratulate me, aren't you, Mr Brokenshire?

FARM FINANCE PACKAGE

The Hon. R.L. BROKENSHIRE (14:23): I regularly do, minister.

The PRESIDENT: I'm tempted to call order.

The Hon. R.L. BROKENSHIRE: My supplementary, sir, is: given the desperate state of many farmers in South Australia, has or will the minister instruct her CEO to make getting this fixed priority number one?

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) (14:24): That's an offensive question, and the Hon. Robert Brokenshire knows that I always prioritise our primary producers' interests; he knows that, and he has often congratulated me on my efforts. He knows that it is a priority, not only for me, but he knows it is a priority for every single one of my officers within the PIRSA agency. They would take great offence, and I'm sure that he didn't really mean it, so I accept his apology.

CHOWILLA FLOODPLAIN

The Hon. J.M.A. LENSINK (14:24): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation about the Chowilla regulator.

Leave granted.

The Hon. J.M.A. LENSINK: The Chowilla Floodplain is nationally recognised as one of six significant ecological assets or a priority icon site, and the construction of an environmental regulator at Chowilla was considered the best option to meet the objectives of the Living Murray's First Step which will influence the flow of water down the river.

York Civil was contracted for the project with construction beginning in January 2010; however, high flows resulted in significant delays, pushing the completion of the project out to 2014. As stated by the Hon. Jing Lee earlier this year, the project costs have blown out from an initial project estimate of $40.13 million to a total project cost of $54.43 million. My questions are:

1. Can the minister confirm whether York Civil has lodged any request or submission for additional funds to complete the regulator and, if so, will he provide an updated estimate of the total cost?

2. Will the minister provide details as to whether these funds will come from his department or from another source and, if so, which source?

3. When does the government believe that the regulator will be completed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:26): I thank the honourable member for her most important questions. Some of the answers have already been put on the record but let me go through the issue again.

The Chowilla Floodplain is, of course, a National Parks and Wildlife Game Reserve located north-east of Renmark. Its significance is recognised by its status as a Living Murray Icon Site and the fact that it is part of the Riverland Ramsar wetland of international importance. The reserve is also the subject of a lease agreement with Robertson Chowilla Pty Ltd, which allows the company to graze selected areas of the game reserve and the adjoining regional reserve.

To address the long-term decline in the health of the flood plain and wetlands, a large environmental regulator and associated infrastructure is being constructed on the Chowilla Floodplain. The project forms part of the Living Murray Initiative. The positive environmental outcomes of the regulator are consistent with the management plan for the reserve. The Department for Environment, Water and Natural Resources approved the construction of the regulator on the basis that it was consistent with the reserve's management plan and the outcomes wanted for that area.

I understand that the construction of the regulator commenced in early 2010. The return of high flows to the River Murray during that year resulted in significant delays to the project. I canvassed that issue previously when I was answering another question on this issue. Construction is expected to be completed in early to mid-2014. I believe I have given that answer previously as well.

I am advised that Robertson Chowilla Pty Ltd has been consulted throughout the development of the Chowilla regulator concept and investment proposal and that the company has been supportive of the proposal and other related activities. The department is currently in negotiation with Robertson's and their legal representatives on matters relating to the lease and the operation of the regulator—I have mentioned that previously in this place before—and those discussions will continue.

I am advised that the costs of construction have increased but we have covered that previously as well. As I said, some excessive water flows which were not planned for have held up the construction phase. The water in itself is a good thing but, of course, it means that engineering and heavy equipment cannot get onto the flood plain to do the work that is required. I am advised that is the reason why it has been delayed and the reason why some of the costs have increased.

CHOWILLA FLOODPLAIN

The Hon. J.M.A. LENSINK (14:28): I have supplementary question. Does the minister believe that the final project cost will be in the order of $54.43 million? Apart from the Robertson's issue, which is not what I asked about, has the engineering firm York Civil lodged a request for additional funds and if so, how much and when will they be provided?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:29): I do not have any information before me at the moment which tells me that York Civil have lodged an increase for funds. However, I will go back to my department and interrogate people assiduously about that question and seek to bring back a response for the honourable member.

FRUIT FLY

The Hon. J.S. LEE (14:30): I direct my questions to the Minister for Agriculture, Food and Fisheries regarding the sterile Mediterranean fruit fly program:

1. Can the minister explain what has happened to the existing arrangement for the South Australian government to work with the Western Australian department of agriculture to develop the Mediterranean fly control sterile program?

2. Can the minister outline why $700,000 was removed from the sterile Mediterranean fruit fly program in the state budget?

3. Is the government planning to import sterile fruit flies from overseas to combat fruit fly outbreaks?

4. What is the cost to import these fruit flies from overseas rather than within Australia?

5. Will there be any risk from importing the fruit flies from overseas suppliers rather than supporting a proven Australian supplier?

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): I thank the honourable member for her most important questions and really value the opportunity to put on the record another fabulous success story for PIRSA's biosecurity agency. Indeed, we know how important the use of sterile fruit flies is as one of the means of helping to combat fruit fly infestation, and this has been a technique that we have used for some time. If honourable members have kept up with their reading, they would be aware of the most recent research which involves another form of sterile fruit fly as well that which involves an antidote that can be switched on and off. When that male fly mates with female fruit flies, the offspring all die when this antidote is turned off.

In the pipeline we even have further developments on the sterile fruit fly front. It will be well worthwhile watching this space carefully in the foreseeable future because we may even have other alternatives at our fingertips. In the meantime we use sterile fruit fly. We have purchased them from Western Australia in the past. They are very expensive. It is an extremely expensive process and quite a lengthy one as well.

PIRSA has been able to negotiate with, I think, a South African company, although I will double-check that. It is with a company overseas that caters for a large segment of the international market in providing these sterile fruit flies. They are extremely efficient and they are much cheaper than what we have been purchasing in the past. Of the financial adjustments that we have made, at least some of that is associated with the cut in costs by purchasing through this overseas company compared with Western Australia. So, not only is it much cheaper for us, but we can obtain the fruit flies much quicker and they are far more responsive to us. They have economies of scale that cannot be achieved here. But as I said, further work in research and development is occurring in this space, so hopefully we will even have other options at our fingertips in the foreseeable future.

FRUIT FLY

The Hon. J.S.L. DAWKINS (14:33): I have a supplementary question. Given the importance of the almond industry to this state, what action has been taken by PIRSA to monitor the systematic attack on the Western Australian almond industry by the Mediterranean fruit fly?

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): PIRSA's biosecurity agency is diligent and ever vigilant. They monitor very closely what is happening across our borders and in different parts of the industry, not only in Victoria and New South Wales and Queensland but also in WA. We monitor the developments and infestations there very carefully.

FRUIT FLY

The Hon. J.S.L. DAWKINS (14:34): I have a further supplementary question. Will the minister, if she needs to, bring back particular details about the attacks on the almond industry in Western Australia, given the importance of that sector in this state?

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): I have answered the question: we are monitoring it carefully and will continue to monitor it.

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

The CHAIR: Order!

WOMEN IN LEADERSHIP

The Hon. R.P. WORTLEY (14:34): I seek leave to make a brief explanation before asking the Minister for Agriculture, Regional Development and the Status of Women a question regarding women in regional and rural South Australia.

Leave granted.

The Hon. R.P. WORTLEY: Women in regional and rural areas have a pivotal role in contributing to primary industry in their communities. My question is: can the minister advise us of how the South Australian government supports regional and rural women to become leaders in and ambassadors of primary industry?

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) (14:35): I thank the honourable member for his most important question. My portfolio responsibilities do place me in a unique position to observe and admire the very pivotal role of women, particularly women in rural Australian life. They are truly remarkable and their contributions are invaluable.

The South Australian government is committed to providing support and guidance to regional and rural women to ensure that they have the opportunities and training to fully participate in their communities and primary industry. I believe it is vital that rural women have a voice in shaping the policy responsibilities that affect them, that is why this government supports rural women's leadership by funding activities that will build the leadership and representative capacity of women and girls living and working in rural regions and also remote communities.

I am pleased to inform the chamber today that $50,000 in state government funding has been provided to the Ag Excellence Alliance Women in Leadership program for 2013-14. This program is designed to assist women who live and work in regional areas to develop their skills and help fulfil their potential as leaders in their communities and chosen industries. I strongly believe that supporting regional women to access training or mentoring programs not only provides them with a competitive edge but develops new enterprise and strength in relation to existing skills that can be put into practice in their businesses and industries.

Strong regional communities benefit from women who actively pursue leadership opportunities and become advocates for their region and their trade. Women in our regional, rural and remote communities can and often do face significant barriers to accessing opportunities in skill development and also mentorship access compared with those women based in metropolitan areas. I was very pleased that earlier this year I was able to attend a networking portion of Bigger, Brighter, Better: Vibrant Rural Women, which was a conference at which I was given the opportunity to address delegates on women in leadership.

PIRSA provided $50,000 to both the Ag Excellence Alliance and Dairy SA in October 2012 to fund projects that support the further development of women's leadership capabilities, which culminated in that particular conference. Since then, I have received correspondence from numerous women who participated in the program. I was very pleased to receive their letters. They simply told their own personal stories and outlined, in a very personal way, what the benefits of attending that program meant to them. It was very touching and it was very pleasing to see, really, for some women, the very profound effect that sort of support can have on them. So, I am very pleased that the South Australian government continues to make available opportunities for all women in our state to develop their skills and self-belief, to take on leadership roles and, in turn, provide guidance and mentorship to future generations of regional women in primary industry.

Carly Gogel is one such leader of the next generation of women in our primary industries, and I am pleased to advise that this remarkable young woman from Keith has been announced as the winner of South Australia's 2013 Young Rural Ambassador award. Carly is a committee member and co-founder of the junior subcommittee for the Keith and Tintinara District Show. I understand she has been very deeply involved in the show from a very early age, where she has previously exhibited her skills in cooking, produce art and photography in a number of competitions. She hopes to use her time as young ambassador to encourage more young women to become involved in their local agricultural shows.

The Young Rural Ambassador award is conducted by the Agricultural Societies Council of SA and is open to rural youth from 16 to 19 years of age. It provides a wonderful opportunity to showcase excellence in primary industries. I am very pleased that the South Australian government through PIRSA provides $100,000 in sponsorship to the Agricultural Society's Council of South Australia to help fund not only this important recognition of young advocates involved in primary industries but also to support the Rural Ambassadors Award.

FRUIT FLY

The Hon. R.L. BROKENSHIRE (14:40): I seek leave to make a brief explanation before asking the Minister for Agriculture a question regarding fruit fly protection for our horticulture industry.

Leave granted.

The Hon. R.L. BROKENSHIRE: Family First has obtained information revealing that the noncompliance rate for passenger vehicles travelling through permanent fruit fly detection road blocks at Ceduna, Oodla Wirra, Pinnaroo and Yamba is constant at 13.69 per cent—just over one in seven vehicles carrying food with fruit fly potential. At Yamba, arguably the most active roadblock closest to the horticultural food bowl of the Riverland, noncompliance has risen from 15.8 per cent in 2010-11 to 17 per cent in 2011-12 and now 17.28 per cent in 2012-13.

Most concerning is that the fruit fly and larvae detection rates at those four roadblocks has risen from 17 in 2010-11 for fruit fly itself and larvae to 21 in 2011-12 to now 35 in 2012-13. That comes despite the number of vehicles inspected by permanent road blocks dropping from 410,000 approximately to 315,000 approximately in that same period.

Random roadblocks conducted at Blanchetown are finding increasing rates of noncompliance, with 14.45 per cent in 2010-11 and rising to 16.5 per cent in 2012-13. However, over 2012-13 the noncompliance rates at random roadblocks at Bordertown and Port Augusta revealed a noncompliance rate of 23.57 per cent—that is almost one in four vehicles. Our information also reveals that audits of commercial imports to South Australia have dropped from 545 in 2009-10 to just 190 in 2012-13, and despite that reduced rate of audit of the four inspections conducted, seven larvae were found in 2012-13 after a record nine detections in the previous 2011-12 year.

It appears from long-term data that in recent times Mediterranean fruit fly is the more regularly detected, with Queensland fruit fly less regularly featuring in declared fruit fly outbreaks and in traps outside of outbreaks than their Mediterranean fly counterparts. Therefore, my questions to the minister are:

1. Have there been shifts in the budget of the biosecurity section of PIRSA to explain the huge variances in audits of commercial imports and 10 random roadblocks conducted this year compared with just six in the five years before that?

2. Is the noncompliance rate of motorists stopped at random roadblocks at Bordertown acceptable to the minister and the government?

3. Does the government believe it is acceptable for there to be an average rate of PIRSA inspection of commercial consignments at 3.75 per cent?

4. Why is the government insisting on $1 million of appropriated extra fruit fly funding being conditional on industry contribution when the industry tells Family First that it cannot afford that contribution and, given all the stats I have just put to the house, if the minister is not in a position to get money dollar for dollar from the industry, can she ensure that the $1 million appropriated by Treasury to her portfolio for this important matter be provided irrespective?

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) (14:44): I thank the honourable member for his most important questions. He has raised a number of issues. In relation to the number of audits undertaken by Biosecurity SA, it is dependent on the number of importers and also on the frequency of audit of each importer. The frequency of audit is dependent upon the level of confidence and rigour around each importer's system and previous history. With the introduction of a new Plant Health Act in 2009, the number of audits rose from 306 to 545 in 2010, and in subsequent years the audits have reduced, to 273 in 2011, 202 in 2012, and to just below 200 midway through 2013. The reduction in the number of audits of importers of biosecurity is due to satisfactory levels of compliance. Also, fewer businesses are requiring audits because they do not import products which are the host of a regulated pest.

The requirement for importers of plant products to be registered commenced in 2009, so the need for the audits has declined due to fewer businesses importing those products that are potential hosts. If that increases again, no doubt so too will the number of audits. I think that once the system was put in place people had to get used to it. Obviously they are used to it now, and

there are systems in place, so the level of compliance has generally increased overall. That is great, and I think it is a real credit to the industry.

In terms of compliance, obviously PIRSA utilises things like quarantine stations, roadblocks, signed packages, disposal bins, community awareness programs, trapping grids, etc. There is a wide range of things we do to mitigate the threat and assist in the early detection of fruit fly. The noncompliance rate at random roadblocks in the Riverland rose between 2010-11 and 2011-12, and in order to address that slight increase in the noncompliance rate over the past three seasons Biosecurity SA has purchased variable message signs, mobile electric signs, and suchlike, which will be deployed at various entry points to the Riverland.

In relation to noncompliance at other border entry points—Port Augusta and Bordertown—higher noncompliance by travellers from outside the state was to be expected, and Biosecurity SA is investigating aspects of fruit fly community awareness campaigns that will help address that interstate audience as well as help reduce the level of noncompliance. So, work is being done around that area. As I said, we do have a number of fruit fly trap sites to address those things.

In terms of outbreaks, there were four Mediterranean fruit fly outbreaks declared in Adelaide in 2013. Eradication programs have been implemented by Biosecurity SA in accordance with the national protocols and in response to that detection. Obviously, work continues in regard to managing the eradication of fruit fly from those areas. As we know, Mediterranean fruit fly comes from the west, and we are working on a number of strategies to assist in improving compliance.

Mediterranean fruit flies typically become dormant during the winter months, so it is likely that the current baiting activity will cease later this month. At the same time, Biosecurity SA is already making plans for a pre-emptive spring campaign to prevent any of the current outbreaks from re-emerging, and at this stage quarantine provisions will remain in place until the end of the year. That follows three separate Mediterranean fruit fly outbreaks in metropolitan Adelaide in 2012.

Prior to 2002-03, there was an average of 4.6 fruit fly outbreaks per year in South Australia over the previous 20 years. Since 2002-03, there has been an average of 1.5 outbreaks per year. Fruit fly eradication programs are obviously very labour intensive. Activities are funded from PIRSA's biosecurity fund, and that is an annual commitment. Obviously, successful eradication is critical to our fruit fly free status, so we continue to commit funding to assist in those programs. Some of the other responses include:

- to help improve compliance and reduce risk we have increased the number of random roadblocks at Bordertown and the entrance to the Riverland at Blanchetown;
- the Riverland Fruit Fly Committee has been reinvigorated, and they have conducted a scenario planning day to help prepare for and consider the impact of fruit fly outbreak;
- a fruit fly community awareness program is being renewed and a new public education program has been put in place;
- advertising and poster placement; and
- a number of other initiatives to assist in that public awareness and education campaign.

Finally, in relation to the commitment of up to $1 million in additional funding for fruit fly activities, as I have said in this place before, those funds are contingent on coinvestment of the industry, and our officers are currently in discussions and negotiations with the industry generally to consider the sorts of contributions they may be able to make towards that, and those negotiations are progressing.

CLIMATE CHANGE AND RENEWABLE ENERGY

The Hon. K.J. MAHER (14:52): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the house about the recent launch of the Climate Change Commission's report, entitled The Critical Decade 2013?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:52): I thank the honourable member for his most important question and his ongoing interest in the matter of climate change. Last month, I had the pleasure of opening a climate change conference organised by the Committee for Economic Development Australia, where the much respected professor Tim Flannery launched the latest Climate Commission's science report,

entitled The Critical Decade. It was pleasing to see so many members of the South Australian science community, industry and government in attendance to hear about the latest science from the Climate Commission.

For the benefit of the chamber today, the Climate Commission was established to provide all Australians with an independent and reliable source of information about the science of climate change, the international action being taken to reduce greenhouse gas emissions and the economics of carbon. Last month, the commission released the latest round of science under the guidance of Climate Commissioner, Professor Tim Flannery, and his colleagues Professor Will Steffen and Professor Lesley Hughes, who both authored the report.

Two years ago, in its report, 'The critical decade: climate science, risks and responses', the Climate Commission stated that this decade, 2011-2020, is the decade to decisively begin the journey to decarbonise our economy and thereby reduce the risks posed by climate change. Two years on, one-quarter of the way through the critical decade, this latest report begins by describing the basics of climate change science, how our climate works, and how human activities are affecting climate. It then goes on to examine observations in the changing climate and what is expected of the future and, most importantly, what these changes in the climate mean for people and natural ecosystems.

Some of the key findings from that report are that our understanding of the climate system has continued to strengthen—one would hope that would be the case. We are already seeing the social, economic and environmental consequences of a change in climate, many of which scientists warned the community about in the not too distant past. The change in climate poses substantial risks for health, property, infrastructure and natural ecosystems, and one-quarter of the way into the critical decade it is clear that some progress is being made globally to reduce emissions.

However, far more will need to be done to stabilise the climate and most of the available fossil fuels cannot be burnt if we are to stabilise the climate this century. It should be obvious to all that climate change is one of the biggest challenges that this state, the nation and, indeed, the whole world face but I am pleased to advise that, here in South Australia, under this Labor government, we have taken this challenge seriously indeed.

For this stance, we are beginning to be recognised as leaders in this area. Last year the South Australian government launched Prospering in a Changing Climate: A Climate Change Adaptation Framework for South Australia which I touched on, I think, yesterday. This framework will assist our state in managing the inevitable impacts from climate change.

The key components of the framework are regional planning for climate impacts and opportunities, coordination of state government processes with a focus on working more closely with regions, establishing a statewide research agenda and effectively engaging with the community by empowering regional leaders to communicate climate issues.

This framework includes significant involvement from a broad range of local government, natural resource management groups, regional development committees and key industry bodies. Just last month, this framework was awarded the Adaptation Champions award at the National Climate Change Adaptation Research Facility's national conference in Sydney. This was a great recognition of what we are doing in this state.

Also in Sydney on that night, Mr Brian Foster, a farmer from Eyre Peninsula who has firsthand experience in rural and regional adaptation to climate change, was awarded a National Champions award for this work as an advocate. This is great recognition for—as he would describe himself, I suppose—an everyday South Australian, but he has become a leader in pressing government to act on the threat posed by climate change.

Mr Foster is of course a member of the Premier's Climate Change Council, but he has been lobbying government and raising the issue in his local community for many years, I am told. Mr Foster has also been on hand to the scientific community providing firsthand evidence of the impacts of climate change on his land and on his farm. Again, his award was a another great recognition for South Australia.

To protect our economy into the future will require preparedness for an ongoing adaptation to the impacts of climate change. However, there are some out there who, for unknown reasons, really, portray this necessity as merely an impost or a cost on business. This is unfortunate for many reasons, but the most important is the fact that implementing measures to combat climate

change and provide for sustainable secure energy futures will bring about new economic benefits and new employment opportunities.

Just this month, the United Nations launched updated international figures on the renewable energy industry. These figures show that the year 2012 was the second-highest year for renewable energy investments worldwide, and these investments have totalled $1.3 trillion across the globe since 2006.

The fact of the matter is that renewable energy sources have rapidly become a vital part of the global energy mix and, here in South Australia, Clean Energy Council figures show that we have attracted a total of $3 billion in capital investment in wind farm projects. This has translated to 842 direct jobs, I am advised, with another 1,700 or so indirect jobs. We have another $5 billion worth of wind farm developments on the horizon. These are estimated at creating another 1,850 jobs in South Australia.

The commonwealth recently reported that South Australia's net greenhouse gas emissions were 30.8 million tonnes of carbon dioxide in 2010-11—9 per cent lower than the 1990s baseline, as I reminded the chamber yesterday. Over this same period, South Australia's gross state product rose 65 per cent, again proving that economic growth and productivity can still occur with a significant investment in renewable energy.

The benefits from these investments are clear: jobs and a sustainable future, not the burden and the cost or unnecessary green tape that climate change deniers bandy about from time to time. Whilst some people—and some of them are here and some of them are in Canberra—

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: Well, I didn't want to say that—some of them do and some of them don't—run scare campaigns, they denigrate the valuable work that scientists perform and even sometimes call for moratoriums on wind farms. This government is committed to a clean and sustainable future, one that is ready to meet the challenges of climate change and one that can provide high-tech jobs into the future.

The PRESIDENT: Supplementary, the Hon. Mr Parnell.

CLIMATE CHANGE AND RENEWABLE ENERGY

The Hon. M. PARNELL (14:59): Does the minister accept that even the 9 per cent reduction in emissions that he talked about is completely inadequate for dealing with climate change in this critical decade for action?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:59): I invite the honourable member to reread what I said in the chamber yesterday and he will see the figures that I announced then. Of course, we need to make deeper cuts here and around the world, but South Australia is making a very good start.

The PRESIDENT: The Hon. Mr Parnell.

Members interjecting:

The PRESIDENT: Order!

COAL SEAM GAS

The Hon. M. PARNELL (15:00): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions regarding coal seam gas activities on farmland.

Leave granted.

The Hon. M. PARNELL: Alarm continues to grow, particularly in the Eastern States, over the encroachment on private farmland by mining companies exploring for coal seam gas. The dramatic scenes we have seen in New South Wales and Queensland, with farmers fighting to keep mining away from their land and the growth of the Lock the Gate Alliance, are set to be repeated in this state as energy companies increasingly focus on fossil fuel reserves here. The biggest clash between farming and coal seam gas is likely to occur in the state's South-East, in an area which also has significant seismic activity and where groundwater reserves are already under significant stress.

Like other members of this house, I have recently been contacted by concerned citizens in the South-East regarding old mine drilling holes in the South-East that have recently (about six months ago) opened up. The drill holes in question are on private property and were apparently drilled by Western Mining Corporation some time between 1979 and 1982, when WMC conducted exploration activities. Whilst it is quite likely that these drill holes were originally capped and sealed appropriately, they are now gaping holes in the ground. What has alarmed the landowner is the strong likelihood that methane and other greenhouse gases are leaking from these drill holes, as well as the unknown impact on groundwater.

I understand that a recent audit conducted by DMITRE at the request of a group of farmers on Lower Eyre Peninsula on the activities of mineral explorer Eyre Iron has found that 80 per cent of all inspected drill holes were noncompliant with their exploration licence. So, the state of old drill holes that are scattered across our state is a live issue. My questions of the minister, as Minister for Agriculture, Food and Fisheries as well as Minister for Regional Development, are:

1. What is the minister doing to inform the farming community, particularly in the state's South-East, about the potential impact of coal seam gas exploration and extraction on their productive lands?

2. Does the minister support the creation of no-go zones to protect productive agricultural land from coal seam gas and other unconventional gas mining?

If the minister can also take on notice (and perhaps refer to her colleague the Minister for Mineral Resources and Energy) the following questions:

1. Why has there not been an audit of old mining drill holes on farmland in South Australia?

2. How many inspections are conducted annually by DMITRE on mining drill holes in South Australia?

3. How many trucks and full-time equivalent staff are available to do this work?

4. Whose responsibility is it to manage old mining exploration drill holes on private land in South Australia: is it the landowner, the mining company or the state government?

The PRESIDENT: The Leader of the Government, representing all the ministers.

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) (15:03): Everybody! Thank you, Mr President. I thank the honourable member for his most important questions. I know that there are considerable issues of concern around the impact of the energy and mining sectors for some of our farming communities. We have seen, particularly in the Eastern States, that they have experienced considerable difficulties adjusting to encroaching interests. Some of those incidents have led to confrontations and a great deal of conflict.

Here in South Australia, we have been pretty fortunate to date that we have not been subject to the same level of conflict from the mining and energy sector. However, we are very mindful that this situation is changing as exploration activity continues to grow nationally and it comes further and further south. We have prime agricultural land, so I want to avoid the confrontation that has been characterised by some of those Eastern States. I am also, obviously, keen to see that opportunities provided by the current demand for mineral and energy resources be balanced with farming and other interests in our rural communities. Hopefully, we can get the balance right and end up with a win-win for everybody.

South Australia is fortunate, therefore, to be at the forefront of efforts to build a more open and constructive engagement between the minerals and resources sector and rural communities. This is underway through a number of initiatives involving the state government and its departments. Key to addressing these issues are a number of initiatives that I will just briefly outline.

Firstly, the South Australian government is leading work in the Council of Australian Governments (COAG) arena to develop a multiple use land use framework. The primary aim of this framework is to identify pathways to profitable and sustainable coexistence by the mining and farming sectors. DMITRE is undertaking this work on behalf of the ministerial standing committee on energy and resources. Stakeholder engagement on this initiative has started, and PIRSA is obviously participating in the process as well.

Secondly, South Australia has also joined the National Partnership Agreement (NPA) on Coal Seam Gas and Large Coal Mining Development. The NPA will lead to baseline water resource research that is relevant to the future of primary industries and regional water supplies across the state. Our involvement in the NPA is being led by DMITRE and the Department of Environment, Water and Natural Resources. Participation will provide a framework for assessing and managing the issues and impacts of future proposals for coal seam gas or large coal mining projects.

Thirdly, a roadmap for unconventional gas projects is being developed for South Australia. This project is aimed at maximising the potential of South Australia's unconventional gas resources in an environmentally sustainable way. The roadmap recognises the importance of effective and informative stakeholder consultation well ahead of land access so stakeholders can reach informed views about potential risks and the trustworthiness of risk management strategies. It also provides a pathway for South Australian stakeholders to be engaged through the establishment of a round table.

Fourthly, Rural Solutions SA is developing a concept of a landholder advisory service on behalf of DMITRE. The focus of this initiative is timely engagement, access to services, and information exchange for landholders and miners alike. It is proposed that this service be trialled on Eyre Peninsula. I am pretty sure that is the project that has been given new money in the most recent budget. If it is not that project, it is another similar project to be conducted on Eyre Peninsula, so we have actually provided some government funding in the last budget to assist in that exchange.

Fifthly, informed decision-making is a key component in addressing these issues. Mapping and datasets being developed by PIRSA will help ensure that decision-makers are fully informed about the pattern of key agricultural land resources and the costs and benefits of new projects. PIRSA proposes to see this information made widely available throughout the community in association with the Department of Planning, Transport and Infrastructure, DMITRE and DEWNR integrated into policy-making and decision-making at key points in the South Australian planning system and natural resources management system.

Finally, I recall that the government announced a range of amendments through the Mining (Miscellaneous) Amendment Act 2010 and the Mining Regulations 2011. One of the important amendments in that legislation relates to improving the information that must be supplied to landowners by explorers as part of the consultation on access and as part of the formal notification to enter their land.

The government intends that this suite of measures will see South Australian farmers treated more respectfully and equitably than appears to have been the case occurring in some of our Eastern States. In relation to the specific questions around drill holes and DMITRE's activities, I am happy to take those on notice and to bring back a response.

BERRI BOWLING CLUB

The Hon. J.S.L. DAWKINS (15:09): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Berri Bowling Club.

Leave granted.

The Hon. J.S.L. DAWKINS: For the past five years, Berri Barmera Council has been awaiting state government approval to relocate the Berri Bowling Club so that it can develop the land between the Berri Resort Hotel and the town's caravan park. I understand that the move of the Berri Bowling Club, from its current site on Riverside Drive adjacent to the hotel, to Glassey Park, an established sporting hub on the eastern perimeter of the residential area, has been delayed by the crown land section within the Department of Environment, Water and Natural Resources.

The project, expected to cost between $1.6 million and $1.8 million, will involve the sale of an area of state government-owned land along the riverfront once the bowling club is relocated. My questions to the minister are:

1. What is the cause of the lengthy delay in the crown land section of DEWNR which has prevented the Berri Bowling Club's move from taking place?

2. Will the minister commit to resolving this issue quickly to ensure that the relocation of the bowling club can commence as soon as possible?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11): I thank the honourable member for his most important question. I can advise him and the chamber that I am aware of the matter; it is currently before me and we will be making a decision on the issue as soon as we possibly can.

BERRI BOWLING CLUB

The Hon. J.S.L. DAWKINS (15:11): I have a supplementary question. I thank the minister for that response. Can he inform me and other members in this place in a prompt fashion? Given that we are now not sitting for some six weeks, I would appreciate some advice by correspondence.

The PRESIDENT: Minister, there is a sort of supplementary in there.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11): Yes, after some special favours, Mr President. Of course, I am always particularly pleased to offer special favours to those across the aisle. I can advise that I think my office or department met with the bowling club people just this Monday to work on this issue. We will be working with them in the first instance and giving them the good news first, but we will bring back a speedy response.

OUTBACK COMMUNITIES AUTHORITY

The Hon. G.A. KANDELAARS (15:12): I seek leave to ask the Minister for Regional Development a question about outback communities.

Leave granted.

The Hon. G.A. KANDELAARS: Approximately 4,000 South Australians reside in numerous small communities, service locations, and pastoral and farming properties in outback South Australia, an area which encompasses roughly 65 per cent of our state. Can the minister advise us of her recent visit to communities in outback South Australia?

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) (15:12): I thank the honourable member for his most important question. I was pleased to be able recently to spend three days travelling through the outback areas, visiting communities and stations and meeting with residents of this area, which covers over half of our state but has less than 1 per cent of our population.

On Wednesday 10 July, I travelled to Andamooka, where I was pleased to meet with the recently appointed Outback Communities Authority Chair, Ms Cecilia Woolford, and Ms Deb Allen, Andamooka Community Administrator. I was given a tour of Andamooka township and the opportunity to view some of the wonderful new and planned infrastructure, including current construction of their community splash pad.

Meeting with the Andamooka Town Management Committee later that morning, I was pleased to formally hand over the Andamooka Structure Plan. The plan was developed by the state government with the former minister, the Hon. Russell Wortley, in collaboration with the former Andamooka town management committee, the Andamooka Progress and Opal Miners Association, and the Andamooka community generally. It is a visionary document that will guide the future design and planning of Andamooka over the next 10 to 20 years.

That afternoon, I travelled to Roxby for a short and informative meeting with the town's administrator, Bill Boehm, before flying to Marree, where I headed to the Marree Hotel and was pleased to meet with Marilyn and Phil Turner. Ms Turner has been the co-lessee of the Marree Hotel since 2011; she was formerly from Canberra. Ms Turner is an active supporter of community projects and events, such as the Marree Races and Camel Cup, and the Royal Flying Doctor Service. She is also one of the recent appointees to the Outback Communities Authority. Opportunities for local economic development were raised including tourism opportunities with the Marree Man, which I was able to fly over on my way to William Creek. To see what is left of that outline is quite spectacular.

My time in William Creek started in style with the community providing me a delightful William Creek taxi for my journey from the airstrip (100 metres or so) into town. It was handpainted white with a handpainted 'taxi' sign on it. It was decorated with Australian flags and had an esky

bolted to the roof of the car as well. I felt very privileged. They had gone to extraordinary lengths and they all had their cameras ready as I got off the aircraft to see the expression on my face when I saw the taxi—a reminder of the good-natured humour of many of our outback areas.

From William Creek I travelled to Anna Creek Station. I was given a tour of the station by the station manager, Norm Sims. We also had a wonderful lunch that was provided by his partner, Steph Sims, before we went off for a tour around the station. It is a magnificent station. The country is awesome at that time; there is a fair bit of water around and the stock were looking pretty healthy and plump. As you know, Mr President, the Anna Creek Station is the world's largest cattle station, covering over 2.3 million hectares.

On Friday I journeyed to Oodnadatta, as honourable members would be aware (I have already spoken in this place about it), to do the naming of the airstrip. When I was in Oodnadatta, particularly with my background in nursing and health, I was pleased to be able to attend the clinic, also the school and the museum. They are very important services to that town and community. Oodnadatta is populated by approximately 275 people and that grew enormously with the naming ceremony in memory of Adam Plate. Hundreds of people came out.

The outback areas, while small in population, have a history and narrative that is comparable to its area—vast and interesting and very compelling. It is a significant part of South Australia's consciousness. The South Australian government, through the Outback Communities Authority, continues to support the maintenance and growth of these communities, and I was pleased to be able to have the opportunity to witness this firsthand.

The residents in these communities are what makes our outback areas tenacious and resilient. The rest of South Australia and our nation are regularly in wonder and admiration of this, and I look forward to future visits to this remarkable area and others in regional and rural South Australia.

APPROPRIATION BILL 2013

Adjourned debate on second reading (resumed on motion).

The Hon. R.I. LUCAS (15:18): I rise to speak to the second reading of the Appropriation Bill. In addressing the bill I want to make some specific comments ultimately to the health portfolio, but firstly some general comments in relation to the general position of the state budget. As other members have highlighted, we are facing a financial disaster. We are confronting an annual deficit of $1.3 billion a year.

An honourable member interjecting:

The Hon. R.I. LUCAS: Yes. We are looking toward a state debt increasing by the end of the forward estimates close to $14 billion. As other members have highlighted, the sad reality of this is that we have seen similar circumstances in terms of state debt before in the period around the State Bank in the early 1990s when state debt went to $11.6 billion.

A newly elected Liberal government, in 1993, saved the state from financial disaster. When the government changed in 2002 the $11.6 billion state debt had been reduced to approximately $3 billion, so during that particular period there was a very significant reduction in the state's debt. Sadly, that is all for nothing now because in the space of approximately 11 years the Jay Weatherill government, supported by all and sundry across the chamber, has managed to increase the state's debt from $3 billion to $14 billion, higher again than the $11.6 billion post the State Bank disaster in South Australia.

While that is bad enough, what is even worse is the health of the annual budget; that is, the annual operating expenses, what comes in and out on an annual basis. The reality there is that, with the situation of a $1.3 billion deficit, we are in extraordinarily parlous circumstances. I did note, not that I was in the chamber but someone referred me to the fact that the Hon. Mr Kandelaars, with his closed eye approach to reading what is given to him in relation to defending the state government's financial record, said that he was comforted by the fact that at the end of the forward estimates there was a very healthy surplus, and it was even healthier than the surplus that was predicted last year or in the midyear budget or something like that.

The problem is that for about the last five or six years, or at least four or five years, the government has been predicting returns to healthy surpluses during the forward estimates period whilst overspending massively in the current year budget and the next year budget. So, it is always on the horizon, under a Labor administration, this mythical recovery from financial disaster. Just

across the horizon is the financial rainbow of a significant surplus, which is predicted to occur under the Labor administration.

For the current year they say, 'Well, we're $1.3 billion in deficit, but if you just look across the financial horizon far enough there is this rainbow where there will be a significant surplus.' Sadly, it is only the foolhardy and the Labor backbenchers like the Hon. Mr Kandelaars who fall for the rhetoric, who fall for the claim, who, after so many years, still believe, or at least say they believe, that if a Labor government was re-elected that would be the circumstances.

The proof of the pudding is in the eating and we have seen, as I said, for four or five years now of the Jay Weatherill government and prior to that the Mike Rann government, both of them Labor governments, predicting disasters in the particular financial year in terms of the annual deficit but always predicting, just across the horizon, that recovery was just around the corner.

I will not waste time this afternoon. There are any number of other eminent economic forecasts from bodies like the South Australian Centre for Economic Studies and a number of other private sector economic forecasters, who have all reported either that this state is currently in recession and, more sadly, that at least for the next financial year is likely to continue in that particular way. So, not only do we have a fiscal disaster, a financial disaster, in terms of our budget management, in terms of the management of the state's economy—again contrary to the claims made by the Hon. Mr Kandelaars and other government members in both houses during this particular debate—the economic conditions of the state are parlous as well.

It pains us. We get no pleasure from having to report the facts. We would wish it otherwise. It would be good, from the state's viewpoint, to be able to say congratulations to this government, even though we disagree with them they have delivered balanced budgets, they have managed their debt, the state's economy is booming and the hundred thousand jobs that the Labor government promised it would deliver by 2016 will be delivered. The reality is that none of that has occurred.

We are not within a bull's roar of delivering the promised 100,000 jobs by 2016. Labor members who have spoken in this debate studiously avoid talking about it. It is a bit like the mad uncle at the Christmas party: no-one wants to talk about him sitting in the corner for fear of the embarrassment he causes. No Labor member wants to talk about the mad uncle sitting in the corner at the Christmas party—the 100,000 jobs the Labor government promised would be delivered by 2016, the economic recovery that was promised to be delivered, the financial recovery that was promised to be delivered. Sadly, from South Australians' viewpoint, none of it has been delivered.

I could spend a couple of hours talking about the misery that confronts the state, but I will not because the facts are too depressing for all of us. Those of us who are not members of the government recognise the facts for what they are and recognise the fact that the only way this can be changed is for a significant change in financial policy direction and economic policy direction; sadly, the reality after 11 years is that the only way that will be achieved is by a change in government.

The people of South Australia will have the opportunity in March 2014 to decide whether they want to see another four years of misery, another four years of financial mess, another four years of the Jay Weatherill Labor government, with all the inadequacies we have seen over the last 12 to 18 months or so, or whether they want to see a fresh start, whether they do want to see a change of financial and economic direction and whether they want to at least give somebody else a go in terms of tackling the major problems we have.

The substance of my remarks this afternoon I want to devote toward health. Sadly, as I have just highlighted in terms of the state's finances, we see the same sort of mess within health. We had in former minister for health, John Hill, a man who never saw a budget that he could not blow. That will be his political epitaph, 'Never saw a budget that he couldn't blow.' That is not just a commentary from the Liberal Party but is certainly a commentary from former Labor treasurers and also a commentary from Treasury officers in relation to his sad record in terms of financial management within health.

Let me acknowledge that he was a well-intentioned, albeit negligent and incompetent, health minister. His heart was in the right place, he had some good ideas, but in the end you need to be able to manage a $4 billion to $5 billion budget and, as former treasurer Kevin Foley will say to anyone who will listen to him privately, as will former treasurer Jack Snelling, now the health minister, John Hill just never could, or wanted to or was able to manage his health budget. Every

year, there would be a massive blowout in the health budget. Every year, he would come, cap in hand, to Treasury and indicate that he had been well intentioned in the last 12 months but had not quite made it, was just a couple of hundred million short and could Treasury help him out in terms of balancing the books.

Of course, during the period when the rivers of gold were flowing into the Treasury coffers through massive increases in property taxation, massive increases in property valuations, and massive increases in GST revenue as a result of the GST deal struck by the former Liberal government with the former federal Liberal government, ministers such as then minister for health Hill were in a fortunate position. When they went to the former treasurer, Mr Foley, to say, 'Look, I am just a couple of hundred million dollars short,' the then treasurer was able to say, 'Well, as it so happens we have just won the financial equivalent of budget lotto, and we have an extra $500 million to $600 million in our budget this year that we did not predict, because of the GST and because of property taxes. Here's a couple of hundred million dollars to pay for the profligate overspending in your department.'

That lasted for a number of years, for six or seven years. Ultimately, though, your chickens come home to roost (to use a colloquial expression); ultimately we stopped winning the budget lotto every year, with an unbudgeted $500 million or $600 million a year coming into the accounts, and our budget position started to reflect the overspending of ministers like former minister Hill, as well as other ministers.

We now have a situation in health where there are ongoing examples of financial waste. The Budget Reform Unit was established just over two years ago at an extra cost of $10 million over four years. Why was that Budget Reform Unit established? It was established because Treasury was so frustrated at the executives within Health, and with the minister, that it could not trust them to try to target the savings that were meant to be achieved. So they superimposed a former Treasury officer, Mr Stephen Archer, and a number of other former Treasury officers, in a unit of up to 13 at the time, to try to force former minister Hill and his senior executives to meet their budget savings tasks.

What a travesty that is, that $10 million of taxpayers' money had to be spent because almost 100 senior executives within the health portfolio and the minister, the almost 100 executives earning between $150,000 and $440,000 a year—all of them above the basic wage for a member of parliament, I note—because those executives earning those lumps of money could not or would not bring their budget in on the required budget that Treasury had outlined for them. Instead of insisting that they perform and do what they were meant to do, the answer from the government was, 'Well, let's put in another 10 or 13 staffers, half of them from Treasury, to try to force these 100 or so executives—earning between $150,000 and $440,000—and the minister to do what they were meant to do.'

Here is a bright thought: instead of spending $10 million, why not tell the minister and the 100 executives that it is their responsibility to bring the budget in on budget? What a novel thought! I suspect that the former minister and former senior executives thought it would be outrageous, to actually expect them—even though they were earning between $150,000 and $440,000 a year—to bring the budget in on line. They supported the notion of putting an additional 13 full-time equivalent staffers into the Budget Reform Unit.

We have seen it right across the board, and I will just refer to some IT projects that are perfect examples of the financial mismanagement of the health ministers, both Snelling and Hill. The budget papers show a massive blowout of more than $40 million as the total impact of the Oracle IT project. That project was originally meant to cost $23 million. The actual project cost has now blown out more than double to $47.5 million, and $15 million that was going to be saved by introducing it has not been achieved. That means the total hit to the health budget is now about $63 million, instead of $23 million, or a blowout of $40 million on a $23 million project.

Many of us who have been on the Budget and Finance Committee have seen so many examples of IT projects blowing out massively because of financial mismanagement. This is one of the worst, but you have a situation—and we have seen it in many examples—where approval is given for a new IT project on the basis that legacy systems will be closed and wound up. Once the project has started, not only does the project cost more, but the legacy systems are either not able to be wound up or cannot be wound up as quickly as they were intended to be, and for a period of time both the legacy systems and the new systems have to be funded so the savings are not achieved and the budget blows out at the same time. There you are with a $23 million project and the total impact on the budget is up to $63 million.

We should be very fearful about another project called EPAS because that is a $400 million project, and we found out in the estimates committees that it had been budgeted to cost $404 million, and the minister has already acknowledged that that has now blown out to $422 million—a $14 million blowout. The minister said, 'Oh, well, look, that was just adding CPI to it,' but I am told that they had forgotten to include the CPI increases during the duration of the implementation of the project—a basic and fundamental error. It should have been picked up by Health. It should have been picked up by Treasury. All of these projects include—if the project is to extend over a number of years—some sort of inflater, whether it be at the CPI level or others, in terms of increased costs during the duration of the contract.

Minister Snelling sought to portray that as being, 'Well, it is neither here nor there. That is just a CPI increase.' That is the problem with this government. A lazy $14 million increase is portrayed as, 'Well, don't you worry about that. That was just a CPI issue,' as if it is not real money. 'It is only $14 million in the greater scheme of things.'

I think that is the problem with this government. If I can perhaps wrap up my comments, in relation to this part anyway, I would say that after 11 years they have lost touch with the real world. After 11 years they, and their advisers, have just lost touch with the real value of a dollar. The blowouts are so significant that, with a $14 million blowout on $400 million, the minister probably thinks, 'Well, I blew out the Oracle budget from $23 million to $63 million, so that was $40 million on $23 million. A $14 million blowout on $400 million isn't too bad.'

Sadly, that is the way Labor ministers, like minister Snelling, and Labor premiers, like Premier Weatherill, think about budget issues. They have forgotten the real value of a dollar. They have lost touch with the real world. They have lost touch with the people who voted at one stage for them. They are not in a position to recognise that $14 million is a hell of a lot of money. That is not the last we have heard of the EPAS project because it is certainly my view that the real blowout of the EPAS project will be significantly more than $14 million.

Certainly, whoever is elected after March 2014 in my view will either retain responsibility, if it is a Labor government, or inherit responsibility, if it is a Liberal government, for a potential financial disaster. It has all the makings of a potential financial disaster, and I know that minister Snelling is desperate to keep this under wraps until March 2014. With some of the questions that were put to the estimates committees, he was desperate to put a lid on it, to play a straight bat, or whatever expression you want to use to describe his response to the questions, but he is desperate to keep a lid on this particular financial scandal brewing within his own department until after March 2014.

If our audit processes are working well, the Auditor-General should, in his October report, lift the lid on a brewing scandal within health in relation to EPAS. I am not overly confident, given the past record, but I am ever hopeful that, if it is as I have portrayed it, we will get an early warning sign from the Auditor-General of some significance in his October report. If a new government is elected in March 2014 and the whistle has not been blown on this financial scandal within health, questions will need to be asked, not only of the department but also of Treasury, as to what they have been doing, but also I think the Auditor-General would need to ask questions of his own staff if it has not been publicly identified in relation to the problems that exist within IT.

I do acknowledge for the Auditor-General that, in recent years, they have given a focus to IT projects; certainly, I have welcomed that. We think they are a little late coming to the party in relation to the financial disaster of Shared Services but, soon after we first blew the whistle on Shared Services, the Auditor-General's staff did, in a detailed fashion and in a regular fashion on an annual basis, report the financial disaster of what is Shared Services. Whilst I still disagree with some aspects of their analysis, most of it I heartily agree with in terms of the detail of that analysis.

I think that same forensic analysis which has now been applied to Shared Services needs to be applied by audit staff to some of the IT projects and, in particular, big IT projects that exist within the health department as well. Sadly, we are seeing, as a result of this financial waste, massive cuts right across the board in essential services. We have seen the abolition of paediatric services to the hardworking families in the north-eastern suburbs. A heartless health minister has trodden on the wishes of families and their children in the north-eastern suburbs by the removal of paediatric services from Modbury Hospital.

Mr Acting President, you would well know, because you are in touch with the families of the north-east, that they are angry at further broken promises by minister Snelling and the Jay Weatherill government in relation to paediatric services at Modbury Hospital. It is sad that members

in the Labor caucus in this place and in the House of Assembly have been virtually mute on the issue of the slashing of paediatric services at Modbury Hospital. The Hon. Mr Kandelaars in this chamber, who is quick to defend the government on every issue, has been unprepared to speak out on behalf of his friends, acquaintances and, probably, family members in the north-eastern suburbs who are railing against the heartless decision of the Jay Weatherill government to slash the paediatric services at Modbury Hospital.

Where are the Labor members who are prepared to speak out on behalf of their constituents in relation to a specific commitment or promise given by the Jay Weatherill government? I can tell you where they are: they are cringing, hiding underneath their desk in their office, collecting their annual salary each year and desperately trying to keep away from acquaintances and friends who are saying, 'Why are you doing this to us? Why have you abandoned us at a time when we need your advocacy within the caucus, within the community, and with the minister and with the Jay Weatherill government?'

It is galling to see lower house members, such as the member for Florey, turning up at media events and, in essence, attacking, or disagreeing I should say, rather than attacking (although I see from your nod that maybe 'attacking' was a better word), with those who are protesting about the decisions at Modbury Hospital. I think that is disappointing because the member for Florey, on some other occasions, has been prepared to stand up for her community. I would hope that Labor members in this place and the other place will join with the Liberal leader, Steven Marshall (the member for Norwood), and the Liberal Party and support the policy position he has put out on the Liberal Party's behalf to fight for and to return paediatric services to Modbury Hospital.

We congratulate the Hon. Mr Kandelaars on his initiative this week in terms of PitStop, the men's health initiative. He is very keen on bipartisan initiatives, and we were keen to support him. The Hon. Mr Dawkins, I understand, went there to support him. I now invite the Hon. Mr Kandelaars to join me, in a bipartisan way, to oppose the decision of his government in relation to the cutting of paediatric services at Modbury Hospital.

I invite the member for Florey, in a bipartisan way, to join me and the Liberal Party in fighting for the families and children in the north-eastern suburbs. I invite the other Labor members in the north-eastern suburbs, Mr Acting President, to join the leader of the Liberal Party, yourself and myself, in a bipartisan way, to oppose these heartless cuts to paediatric services in the north-eastern suburbs.

There are so many other examples. There will be a mass meeting in Millicent next week, and I am sure that the Hon. Mr Maher will be coming down for that, as a representative of the South-East, and the Hon. Mr Finnigan, I am sure, will be there as well. It is there that the Jay Weatherill government is cutting obstetric services from the Millicent hospital, and there will be a mass meeting. Many of those people would be friends of the Hon. Mr Maher, as I am sure they would have been quite active over the years in supporting community groups and others with the Hon. Mr Maher.

I invite the Hon. Mr Maher to join us, in a bipartisan way, to listen to the concerns of Millicent residents about the cuts in obstetric services from the Millicent hospital. We are seeing so many of these examples. It is disappointing to see that the Hon. Mr Maher and the Hon. Mr Kandelaars, in this chamber, have their heads our down and that there is no response at all to this open bipartisan invitation to them to join either of the particular causes.

There are many examples of heartless and pointless cuts in the health arena. That is why the waste we see with the IT projects, the waste we see with the number of executives and the waste we see with the Budget Reform Unit is so galling for all of us. We acknowledge that budgets are tight, we know cannot do everything for everybody at one particular point in time, but we do know that, if there is a change in government, at least a new government will be intent on trying to remove and reduce the waste within health and across the public sector and to spend it on important services such as the paediatric services at Modbury Hospital.

That is the challenge for a potential new government. That is the fresh start that Liberal leader Steven Marshall is promising. Not that we are going to be able to solve the problems and the financial disasters that it has taken 11 years for this Labor government to create, because they cannot be corrected in four years. What a Liberal government will set about doing in its first four years is commence the long process of recovery, the long process of correcting the mess that we inherit (if we do) in March 2014 of 11 years of financial disaster under Labor and start a process

where waste is removed and priorities such as paediatric services at Modbury Hospital can be saved.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:50): I would like to thank all those honourable members who have made a contribution to this important debate, especially those who have offered their congratulations to the government on an excellent state budget or at the very least have offered their support for the Appropriation Bill. I look forward to its speedy passage.

Bill read a second time.

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I know that the minister would have been listening intently to my contribution, because I covered a lot of areas that were involved in his portfolio, but that was only a couple of hours ago and really, apart from not congratulating his government, I asked a number of questions. He obviously would not have had time to retrieve those, but I just request whether he is able to provide out of session some replies to them. Given that we members in the Legislative Council do not have the opportunity to participate in the estimates debate, I put a few questions to him that I would have liked answered.

The Hon. I.K. HUNTER: I did listen intently to the penetrating questions that the Hon. Ms Lensink put on the record. I am surprised, of course. Most of them had no pertinence to the bill that is before us. They were questions that could have been more appropriately directed to the estimates process, and I understand members in this place have the opportunity, as some honourable members over there did, of passing their questions to their friends in the lower house. But of course, the Hon. Ms Lensink wants all the glory herself. That is fine. I will have a look at those questions and see which ones I can bring back a response for her on.

Clause passed.

Remaining clauses (2 to 8), schedule and title passed.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on the question:

That this bill be now read a second time.

which the Hon. J.A. Darley has moved to leave out all words after 'That' and insert 'the bill be withdrawn and referred to the Legislative Review Committee for its report and recommendations.'

(Continued from 5 June 2013.)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:55): I thank the honourable members for their contributions on this amendment bill. The Hon. Ann Bressington asked that the government explain how section 21 works in practice. Section 21 states that a person must not practise the profession of the law or hold him or herself out as being entitled to practise the profession of the law. Section 21 also lists a number of circumstances in which it will be held that a person is practising the profession of the law.

The examples given by the Hon. Ann Bressington—making telephone calls to assist a person or photocopying—would not generally give rise to an offence under the act, I am advised. This, however, depends on circumstances. If a person makes a telephone call to another person and, during that telephone conversation, falsely claims to be a lawyer, then an offence may have been committed.

The Hon. Ann Bressington also asked a number of questions about the impact that the bill may have on business. The government does not expect the compliance changes to have any detrimental effect on business and existing legal practices. The new provisions relating to costs disclosure are those proposed in the 2007 bill and are similar to those in use in other jurisdictions. The new provisions will ensure that clients engaging legal practitioners will be properly informed about the costs of the service to the extent that that is possible at the outset. This is simply good practice and will enhance the provision of services to clients.

Insofar as ILPs are concerned, they have been operating in New South Wales since 2001 and in other jurisdictions for at least five years. The government has no reports of adverse effects. The Law Society supports the introduction of ILPs, I am advised, and has advised the government that it has no knowledge of any reported concerns.

Trust account provisions are also based on the proposed 2007 provisions. They will introduce more detailed provisions for investigations and examinations of trust records and activities and require practitioners to report trust account irregularities to the society. This may be more onerous than current requirements but recent events support this higher level of scrutiny. The government is not aware of any adverse comments regarding the trust account provisions, which are supported by the Law Society.

It must be noted that the government tabled this bill in parliament in March 2012. The consultation process on this bill has been extensive and long. The Law Society—its members (including small practices and sole practitioners)—has made it known to all members that it supports this bill in its entirety, as does the Bar Association.

A number of questions were also taken on notice by the Attorney-General at the committee stage of this bill in the other place. I can now provide answers to those questions. The first question was: what was the total number of claims and total amounts claimed from the Guarantee Fund by Magarey Farlam victims? The Law Society has advised that while many of Magarey Farlam former clients made claims for their losses against the fund, those claims were not accepted because they had not exhausted existing rights as required by the legislation as it then applied.

Those claims then lapsed when their entitlements were met from other sources as part of an overall confidential settlement. In other words, no money has been paid from the fund to former Magarey Farlam clients with respect to the direct losses sustained by them as a result of the defalcation. However, a total of $570,761.79 was paid out of the Guarantee Fund to claimants who had incurred legal fees as a result of the application to the Supreme Court that was brought by the supervisor. Those costs were paid in accordance with orders made by Justice Debelle and were not the subject of individual claims against the fund.

The second question was: did the Magarey Farlam partners claim against the guarantee fund? If so, what amount did they claim and what amounts were paid? The Law Society has advised that claims were made by the Magarey Farlam partners; however, no payment was made from the fund and those claims lapsed with the confidential settlement.

The third question was: were all of the Magarey Farlam clients' assets fully accounted for? The answer from the Law Society to that question is yes. Forensic accountants were engaged by the supervisor and manager who traced all of the Magarey funds and Magarey Farlam clients' assets.

The fourth question was: were all dividends paid to the shareholders, including those who were initially missing or returned to companies as undeliverable? The answer is no. The Law Society has advised that the question is unable to be answered in the context of Magarey Farlam because the clients were not shareholders nor were there any dividends returnable or returned.

Finally, the fifth question was: what are the total itemised cost and expenses of the Magarey Farlam case for all parties, including the Attorney-General, the Attorney-General's agencies and officials, the society and its professional standards branch, the supervisor, the manager, the victims and the former Magarey Farlam auditors, Lawguard Management, law claims, the top-up insurers and any other entity? I am advised that no additional funding was allocated by the Attorney-General's Department or the Attorney-General's Office to the Magarey Farlam matter. Work undertaken in relation to this matter was done as part of normal business operations and cannot be separately identified.

The society has advised that, as the terms of the settlement agreement between the parties require the society to take all responsible steps to preserve confidentiality, the society was

prevented from providing us with a response to questions about costs and expenses of the Magarey Farlam case for the victims, the former Magarey Farlam auditors, law claims and the top-up insurers. The costs for the supervisor and manager have been itemised as follows: supervisor client file maintenance, $184,320; supervisor general costs in taxable to 17 October 2008, $141,147.56; disbursements, $35,755.87; accounting, $39,020; forensic accounting, $153,856.50; counsel fees, $272,106.16; making up a total of $826,206.09. Manager fees came to $1,739,340.89; audit fees came in at $55,750; making a total of $1,795,090.89.

The costs to the society itself, other than the Professional Standards Business Unit, were neither itemised nor claimed. They have not been costed or estimated. As to the Professional Standards Business Unit of the society, while they form part of the general funding of the unit, they cannot be separately identified or estimated.

As to the final question—do members of the Legal Practitioners Conduct Board receive an annual payment or are they paid on a per meeting basis?—I am advised that members of the Legal Practitioners Conduct Board are paid an annual fee which is paid monthly. The board meets on a regular schedule every five weeks, plus special meetings as required. The deputy member is paid per meeting if required to attend.

In closing, I note that the Hon. Stephen Wade proposes a number of amendments that seek to insert the South Australian Bar Association into the act. The Attorney-General has advised both the Law Society and the Bar Association that the government is happy to support further work on how the independent bar in South Australia ought to be recognised in the act. This work is substantial and will involve the resolution of a number of interesting policy issues, including how to ensure that South Australia retains a fused profession whilst recognising that a number of practitioners have voluntarily chosen to practise solely as a barrister. The amendments filed by the Hon. Stephen Wade make no attempt to deal with these policy issues. These issues include, amongst others:

- the attempt to give statutory recognition to an incorporated association without including any statutory safeguards about the governance of that organisation;
- the relieving of a barrister's obligation to comply with the society's professional conduct rules when no work has been done on whether there are aspects of the society's rules that need to be incorporated into the Bar Association's professional conduct rules; and
- the fact that no attempt has been made to reconcile the conceptual difficulties with including the Bar Association in the act whilst retaining section 6 of the act in its current form.

These flaws may be rectified with further work, but it is entirely premature for the Hon. Stephen Wade to attempt to include the Bar Association in the act without this work being done.

I am advised that the Bar Association and the Law Society have agreed to join a working group to be chaired by the Attorney-General's Department to do this further work. The Bar Association, the Law Society and the government are agreed that the passage of this bill should not be delayed until this work is completed. Accordingly, the government will be urging the council to oppose the amendments relating to inclusion of the Bar Association in the bill.

Finally, the Hon. Mr Darley has indicated his intention to refer the bill to the Legislative Review Committee. The government does not support a referral. This bill has had an extremely long gestation period and it is time that the South Australian legal profession is brought up to the standards that the rest of Australia is operating under. I commend the bill to members and indicate that should it receive its second reading I will be suggesting that the committee stage be adjourned to the next day of sitting.

Amendment negatived; bill read a second time.

CHILD PROTECTION

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:06): I table a copy of a ministerial statement relating to child protection made earlier today in another place by my colleague the Hon. Michael O'Brien.

PORT PIRIE SMELTING FACILITY (LEAD-IN-AIR CONCENTRATIONS) BILL

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

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:30): 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 an important Bill for many reasons—it is essential to securing the continued prosperity of the Port Pirie community, it is essential to improving environmental outcomes in and around Port Pirie, and most importantly it is essential to ensuring continued investment aimed at further improving the health outcomes for the children of Port Pirie.

Nyrstar's Port Pirie facility is one of the world's largest primary lead smelting facilities and the third largest silver producer. It is an integral part of the fabric of the community, having been a mainstay of the regional economy during continuous operation for more than 120 years.

The operation directly employs more than 850 people, or around 17 per cent of the working population in the town.

It incorporates a lead smelter and refinery, a precious metals refinery, a copper plant and a zinc plant. In 2012, Nyrstar Port Pirie produced significant amounts of commodity grade lead, zinc, silver, copper cathode, gold and sulphuric acid. For the record—158,000 tonnes lead metal, 31,000 tonnes zinc metal, 3,000 tonnes copper cathode, 13.8 million ounces silver and 56,000 ounces gold.

In 2011, Nyrstar and the South Australian Government began discussions to determine the best way forward for the company's Port Pirie smelting facility, in the expectation that new licensing arrangements with the Environment Protection Authority would require additional investment to transform the existing operation.

During 2012, the State Government established the Port Pirie Transformation Taskforce to work with Nyrstar and Commonwealth and State agencies to determine the best way forward—to deliver certainty to the company and a long-term future for Port Pirie.

Under the leadership of the Port Pirie Transformation Taskforce, the Federal and State governments agreed to a range of measures to support Nyrstar's Transformation proposal because of the regional significance of the facility for Port Pirie's local economy and workforce and because the employment of modern smelting technology would result in significantly improved environmental and health outcomes for the community.

The State providing regulatory certainty is a cornerstone of this agreement. Without that certainty, the investment in the Transformation would not happen, and the benefits would not be realised.

Put simply, this Bill provides that regulatory certainty.

The progression of the Transformation into execution is dependent on the successful completion of feasibility and engineering studies, expected by the end of 2013.

The company is expected to make the decision to invest in the transformation in early 2014.

The Transformation would result in the smelter's existing and aged facility being replaced with modern, state of the art and proven processing technology. Technology transformation will result in the Port Pirie facility significantly improving its environmental performance, as well as enabling the company to be more flexible in the recovery and delivery of a broader range of products into the metal market.

A transformed facility, supported by operating licence certainty, provides a long-term, sustainable future for the facility and the Port Pirie community.

Assuming that the Transformation is completed as expected, the project should move into construction in 2014, with commissioning of the new plant by early 2016.

The Bill does two key things.

Section 4 provides that, for a period of 10 years following the date on which the EPA sets the maximum lead-in-air condition in the operating EPA licence for the completed project, the EPA may not vary that condition except in circumstances where the variation has been either approved by the Manufacturing Minister or where the company has consented to the variation. This section relates only to any conditions of the EPA licence that set the maximum permissible concentrations of lead in air in Port Pirie.

Section 5 modifies the law of the State to the extent that any requirement that would have the effect of reducing the maximum permissible concentrations of lead in air at licensed locations in Port Pirie does not apply, unless a determination is made by the Manufacturing Minister that a particular law or authorisation does apply. The Manufacturing Minister may only make such a determination in one of two defined circumstances; 1) either the company has consented to the making of the determination, or 2) the Manufacturing Minister has undertaken consultation with both the company and, where the requirement arises under an Act, with the Minister to whom the administration of the Act is committed. Section 5 operates from the commencement of the Act for a period of up to 4 years, and then, if the defined project completion date is achieved during that initial period, for a further 10 year period.

The provisions of the Bill have been constructed to provide an appropriate level of certainty necessary to ensure that Nyrstar and its investors can commit to the massive investment to achieve the Transformation.

This Bill is designed to ensure that decisions in relation to lead-in-air conditions for a transformed Port Pirie smelting facility are made on the basis of a triple bottom line assessment of all relevant matters—taking into account and achieving a balance between environmental, social and economic factors.

Control remains with the EPA to set the initial lead-in-air limits during the period (up to 6 months) following the project completion date. This is to allow the EPA to consider the operating performance of the asset post-commissioning, to ensure the limits are achievable on a sustainable basis. However, when the EPA is setting the initial lead-in-air limits, the Bill stipulates that the EPA will afford both the Company and the Manufacturing Minister the full opportunity to consult with the Authority. This is designed to ensure, not only that the environmental factors are considered in setting the limits, but also that the potential for significant social and economic impacts and benefits, for Port Pirie and the region, are taken into account.

Similarly, when the Manufacturing Minister is making decisions under both section 4 and section 5, the Bill requires that the Minister considers a full spectrum of relevant matters, including any submissions from the Company and the relevant Ministers of the Crown, relevant medical and scientific information, the international standards relating to lead emissions, and of course any potential impacts on the Port Pirie community as well as the potential impacts on the Company.

When the Transformation is complete, many direct benefits will flow to the local community, the region and to the State as a whole. It will give rise to a range of important benefits—economic, health, social and environmental benefits.

Summarising firstly health improvements expected to result from the Transformation:

In the health area, the key benefit of a successful transformation is that emissions of lead will be significantly reduced (along with emissions of other pollutants like sulphur dioxide and carbon dioxide), increasing the number of children with blood lead levels below the National Health and Medical Research Council's guideline from the current level of 77.8 per cent of Port Pirie children tested in 2012 to at least 90 per cent. With ongoing emissions reducing, the work of cleaning up the contamination that has built up over 120 years can have a greater impact.

Most importantly, continued commercial operations will ensure ongoing funding for the Targeted Lead Abatement Program to address health risks in children with elevated blood lead levels, that is being developed by the State and Nyrstar. This program will drive additional reductions in blood lead levels and is expected to further increase the number of children meeting the guideline from 90 per cent to 95 per cent.

And now the economic benefits of the Transformation:

The jobs of thousands of people depend on the facilities continuing to operate. Direct wages and salaries paid to these individuals total around $270 million each year. Much of this goes straight into the local economy. Much of the rest ripples out into the wider economies of the State and the region.

Nyrstar's value add contribution to South Australian Gross State Product (GSP) is around $518 million per annum. It contributes some $1.6 billion to the value of South Australia's economic output, including an average annual contribution to exports of around $755 million.

The technological transformation of the Port Pirie smelting facility is consistent with the move towards an advanced manufacturing economy for SA, as the technology employed will be state-of-the-art.

Nyrstar Port Pirie will continue to pay taxes of just over $100 million per year.

There will also be clear benefits in terms of reduced impacts on the environment

Following the Transformation, the Port Pirie facilities will give rise to less emissions of lead and other metals.

Emissions of sulphur dioxide will also be reduced.

The Transformation will result in improved energy use through recovery of energy from the smelting process; heat will be converted to steam, resulting in significant electricity cogeneration and consequent reduced load on the existing state electricity grid.

The transformed facility will have a smaller carbon footprint. And potable water use will be more efficient.

And, of course, the Transformation will result in a number of important social benefits.

The company supports its community through a wide range of programs and initiatives. Between 2007 and 2012, Nyrstar spent far in excess of $4 million on community programs.

Their primary focus is to support initiatives that deliver the health improvements for the community.

Specifically to date these initiatives have included sponsorships for breakfast programs within schools and child care centres, assistance to community support agencies such as Uniting Care Wesley, donations to local organisations, community events, and educational health promotions targeting young children and those disadvantaged in the community.

Nyrstar also supports organisations that focus on supporting those with disabilities in the community, helping to deliver a better quality of life.

The regulatory certainty provided by this Bill is a necessary precursor to the company deciding to invest in the Transformation project. If for any reason the project does not occur, there is every likelihood that Nyrstar will be forced to shut down the Nyrstar Port Pirie site. Closure of the site would have impacts and consequences that are extremely serious.

The first impact is that unacceptably high levels of unemployment would occur. In short order, some 850 people directly employed at the site would lose their jobs. Modelling has determined that the jobs of some 2,500 others depend indirectly on successful ongoing operation of the Port Pirie smelter and associated facilities. Over time these people also would lose their jobs. The local economy would suffer significantly, and the economy of the State would be seriously affected. Social disruption in the town and adjacent region would be extensive.

But probably the most serious outcome would be that, as the company would no longer be operating in Port Pirie, the operation would no longer be able to contribute to the necessary ongoing funding to clean up the lead contamination in the town that has built up over 120 years. Governments would be left as the only source of such funding.

The Port Pirie Smelting Facility (Lead-In-Air Concentrations) Bill is squarely aimed at providing the necessary regulatory certainty for Nyrstar to invest in the Transformation which will unlock those benefits for the local community and the broader region.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause inserts definitions for the purposes of the measure. Important definitions include:

- *maximum lead-in-air condition* which is defined to mean a condition of the relevant environmental authorisation that specifies the maximum permissible air concentration of lead at a location or locations in Port Pirie specified in the relevant environmental authorisation; and
- *project* which is defined to mean the redevelopment of the plant by the Company to transform it from a primary lead smelter to a poly-metallic processing facility by replacing the existing sinter technology with enclosed bath smelting processing technology and the carrying out of associated works; and
- *relevant environmental authorisation* which is defined to mean any environmental authorisation under the *Environment Protection Act 1993* applying from time to time in relation to the Company's operations in connection with the plant.

4—Provisions relating to reduction of maximum lead-in-air condition by Environment Protection Authority

This clause provides that Environment Protection Authority may not, during the period commencing on the project completion date and ending on the commencement day (both of which are defined), vary a maximum lead-in-air condition in a way that would have the effect of reducing the maximum specified in the condition unless the Environment Protection Authority has consulted with the Manufacturing Minister and the Company.

This clause then provides that, during the prescribed period (which is defined), the Environment Protection Authority may not vary a maximum lead-in-air condition in a way that would have the effect of reducing the maximum specified in the condition.

However, the Manufacturing Minister may approve a variation of a maximum lead-in-air condition (in which case the above prohibition does not apply). Certain procedural requirements apply before the Manufacturing Minister may do so.

In addition, the Company can consent to a variation of a maximum lead-in-air condition.

It is also provided that nothing in the prohibition above—

- applies to a condition of the relevant environmental authorisation other than a maximum lead-in-air condition; or
- affects any requirement for the Company to take reasonable and practicable measures to prevent or minimise any environmental harm that may result from its operations in connection with the plant.

5—Maximum lead-in-air condition not affected by other laws of State

This clause modifies the law of the State so that a relevant requirement is taken not to apply to the Company during the prescribed period (but only to the extent that the relevant requirement has the effect of reducing the maximum permissible air concentrations of lead at a location or locations in Port Pirie specified in a condition of a relevant environmental authorisation). In addition, an exception to subclause (1) is provided for so that the modification of the law does not apply to the extent that the Manufacturing Minister determines, by notice in writing to the Company, that a particular law or relevant authorisation specified in the notice should not be so modified, or should only be modified as specified in the notice. Certain procedural requirements apply before such a determination may be made.

A *relevant requirement* is defined to mean any requirement applying (whether directly or indirectly) to the Company under—

- a law of the State; or
- a relevant authorisation,

that would have the effect of reducing the maximum permissible air concentrations of lead at a location or locations in Port Pirie specified in a condition of a relevant environmental authorisation.

6—Immunity provision

This clause provides that no act or omission undertaken or made by the Manufacturing Minister or any other person engaged in the administration of the Act with a view to exercising or performing a power or function under the Act gives rise to any liability (whether based on a statutory or common law duty to take care or otherwise) against the Manufacturing Minister or other person or the Crown.

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

STATUTES AMENDMENT (GAMBLING REFORM) BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment; and agreed to the suggested amendments without any amendment and amended the bill accordingly.

STATUTES AMENDMENT (HEAVY VEHICLE NATIONAL LAW) BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 16:31 the council adjourned until Tuesday 10 September 2013 at 14:15.