LEGISLATIVE COUNCIL

Tuesday, 7 June 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia and their connection to land and community. We pay our respects to them and their cultures and to elders, both past and present.

Bills

EMERGENCY MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

DOG FENCE (PAYMENTS AND RATES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (HOME DETENTION) BILL

Assent

His Excellency the Governor assented to the bill.

LOCAL NUISANCE AND LITTER CONTROL BILL

Assent

His Excellency the Governor assented to the bill.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

HEALTH CARE (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (COMMONWEALTH REGISTERED ENTITIES) BILL

Assent

His Excellency the Governor assented to the bill.

LEGAL SERVICES COMMISSION (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

SUPPLY BILL 2016

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Employment (Hon. K.J. Maher)—

District Council By-laws—
Orroroo Carrieton—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Cats
No. 7—Waste Management
Regulations under the following Act—
State Procurement Act 2004—Prescribed Public Authorities

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

Regulations under the following Act—
Fisheries Management Act 2007—
Demerit Point Offences
Miscellaneous
Rock Lobster Fisheries
Vessel Monitoring Scheme

By the Minister for Police (Hon. P.B. Malinauskas)—

Government Response to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation's 22nd Report
Regulations under the following Acts—
Development Act 1993—City of Holdfast Bay
Harbors and Navigation Act 1993—Fees
Legal Practitioners Act 1981—Fees Amendment
Motor Vehicles Act 1959—
Fees Amendment
National Heavy Vehicles Registration Fees
Second-hand Dealers and Pawnbrokers Act 1996—Miscellaneous
Tattooing Industry Control Act 2015—General
Work Health and Safety Act 2012—Fee for Registration of Employees
South Australian Marine Spill Contingency Action Plan prepared by the Department of Planning, Transport and Infrastructure

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. J.S.L. DAWKINS (14:22): I bring up the 109th report of the committee, entitled Natural Resources South Australia Business Plans and Regional Levies 2016-17.

Report received.

The Hon. J.S.L. DAWKINS: I bring up the 110th report of the committee, entitled Adelaide and Mount Lofty Ranges Natural Resources Management Committee Board Levy Proposal 2016-17.

Report received.

The Hon. J.S.L. DAWKINS: I bring up the 111th report of the committee, entitled Eyre Peninsula Natural Resources Management Board Levy Proposal 2016-17.

Report received.

The Hon. J.S.L. DAWKINS: I bring up the 112th report of the committee, entitled Northern and Yorke Natural Resources Management Board Levy Proposal 2016-17.

Report received.

The Hon. J.S.L. DAWKINS: I bring up the 113th report of the committee, entitled South Australia Arid Lands Natural Resources Management Board Levy Proposal 2016-17.

Report received.

The Hon. J.S.L. DAWKINS: I bring up the 114th report of the committee, entitled South Australian Murray-Darling Basin Resources Management Board Levy Proposal 2016-17.

Report received.

The Hon. J.S.L. DAWKINS: I bring up the 115th report of the committee, entitled South East Natural Resources Management Board Levy Proposal 2016-17.

Report received.

Ministerial Statement

LEIGH CREEK

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:23): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.J. MAHER: I rise today to speak about the future of Leigh Creek and the communities that rely on the services provided by that town. On 13 October 2015, the Premier announced that the state government had opened a request for information process inviting industries and businesses to formally put their ideas forward to the government to be considered. Former South Australian education and tourism minister, Dr Jane Lomax-Smith, was appointed to oversee the process. Dr Lomax-Smith's experience in the education and tourism portfolios made her a natural fit for this important role.

The request for information process concluded on 1 February, and the state government received more than 30 responses from people and organisations interested in ensuring a sustainable future for Leigh Creek. Yesterday, I was in Leigh Creek to speak to the community about the result of this process and the future of the area. I was pleased to be able to announce that the state government will keep Leigh Creek open for business to provide services for people both in the town and surrounding communities.

The state government continues to negotiate with Alinta, with the intention that the Outback Communities Authority (OCA) will take over management of Leigh Creek from 1 January 2017, with essential services and buildings to be maintained, including those for commercial use, such as the caravan park and tavern, whilst the buildings are offered through an expression of interest process to operators in the second half of 2016.

Maintenance of essential town services and assets include water, wastewater, roads, aerodrome and municipal services, such as the rubbish dump, footpaths, parks, gardens, barbecues, public toilets, street lighting and other recreational facilities in the town including the swimming pool, ovals, gymnasium, and sports stadium. Current Leigh Creek residents will be encouraged to stay in the town with the intention of selling housing to new residents by 1 January 2018. Of the current housing stock, some dwellings are intended to be kept and upgraded for current use; other dwellings will be retained for possible potential future use and, depending on future demand, there will be a progressive program to demolish unrequired dwellings.

At this stage, the planned demolition of dwellings is intended to be conducted over a three-year period, with annual reviews undertaken to account for any progress or development in the region and to determine if additional demolition is required. The interest shown in the commercial potential of Leigh Creek is welcome and I am pleased that a number of divergent industries submitted proposals to the request for information process.

Ideas submitted through the request for information process include a range of proposals for commercial and industrial use of the mine site, use of the area's natural mineral and renewable energy resources, as well as proposals to use the town's existing infrastructure for education, training and the arts. Several submissions were received from members of the Leigh Creek community who are keen to preserve the town's existing infrastructure and ensure it continues to service the region well into the future.

Other proposals include the future use of Leigh Creek's tourism facilities, such as the caravan park and the tavern. With quality existing assets and infrastructure, surrounded by natural wonders and an area that is rich in Aboriginal culture, it has the potential to become a hub for services for the Flinders Ranges. The Leigh Creek area, while well known as a coalmining town, has the potential to support new resource developments. The area continues to be explored for a range of minerals including copper, gold, lead, zinc, silver, magnesium, magnesite and uranium.

Many of the recommendations from the RFI are already being worked upon. The South Australian Tourism Commission has given greater prominence to the town's amenities in its latest marketing brochure and online material. DPTI has installed road signs that previously said Copley and Leigh Creek, and they now have indications that Copley and Leigh Creek are both open for business.

The South Australian Tourism Commission and DECD have supported a Penguin Random House series book launch set in Farina and Leigh Creek recently. The event had positive *Sunrise* television coverage and was associated with a marketing and media flight over the region. Negotiations have commenced with the SA Film Corporation and independent filmmakers regarding greater use of the region for filming locations. Registration for an RV friendly town is underway and there has been a negotiated university field trip to Leigh Creek, with an economic impact locally of $21,050.

We have also announced our intention to appoint a transition manager to develop commercial and marketing opportunities for Leigh Creek, and the surrounding communities. We believe there is a strong future for the Leigh Creek region and are working hard with Alinta Energy, its workers and the entire community, surrounding communities, and interested parties to realise a future and we will be closely considering the request for information report and our ongoing responses.

SA WATER

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:28): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.K. HUNTER: The South Australian government is committed to easing cost of living pressures on families and I was pleased to announce with the Treasurer yesterday that this government's policy to ease those cost of living pressures have resulted in another reduction in household water and sewerage bills for 2016-17. This has been possible because of the significant reforms we have undertaken in South Australian water management over the past decade. And it has been a real success story. So much so that we have—

Members interjecting:

The Hon. I.K. HUNTER: The success of our reforms lies in the combination of infrastructure investment to ensure long-term water security, as well as an independent regulation of water prices by the Essential Services Commission of South Australia.

The greater transparency in the setting of revenue and prices through ESCOSA allows South Australians to be confident they are receiving value for money when it comes to water and sewerage services. The new water prices that I released this week are further proof that the reforms are working. From 1 July 2016, 97 per cent of all customers will benefit from lower SA Water bills. I was pleased to announce that there will be no increase to residential water supply charges in 2016-17, with charges remaining at the 2015-16 price.

The price of water is set to fall on average by 3.4 per cent, and sewerage prices will drop by over 13 per cent for metropolitan and regional customers. For the average metropolitan residential customer this will mean a combined water and sewerage bill reduction of around $87 in 2016-17. This builds on the reduction to household water bills of $44, announced during the first regulatory period in 2013-14, and highlights the fact that savings for this coming regulatory period are almost double that of the last. This will certainly provide welcome relief to households struggling with the cost of living. A reduced price for water will also have a positive impact for South Australian businesses, which will benefit from a 12¢ reduction per kilolitre from $3.36 per kilolitre to $3.24 per kilolitre, which will further reduce the cost of doing business and support state growth.

I was also very pleased to announce that $1.2 billion will be spent as part of the capital expenditure program over the next four years, and the total spending over the next four years on water infrastructure specifically will be $675 million. This will enable the laying of 274 kilometres of new main piping during this regulatory period, compared with 180.1 kilometres in the last one, and there will be an extensive program of major works, including $15 million to upgrade the Warooka and Point Turton water supply, $11.1 million for the installation of new trunk mains for the Mount Barker water supply and $10.3 million towards the Hope Valley water tank.

There will also be an extensive program of works to accommodate for future growth, including $66.6 million for the Murray Bridge wastewater plant, $17.7 million towards an upgrade of the Lefevre Peninsula wastewater plant, and $10.3 million for wastewater and water mains growth. This is good news for South Australians. This is an investment in our most precious resource, our water. These reductions in water and sewerage prices, coupled with the $50 million annual revenue reduction from the first determination, means that SA Water customers will now be saving $110 million every year compared with 2012.

Last year we abolished the Save the River Murray levy, giving annual savings to most households and businesses of more than $40 and $182 respectively. This government is committed to reducing cost-of-living pressures, and these water prices are further evidence that our reforms are working without undermining security of water supply in what is the driest state in the driest inhabited continent.

ROYAL ADELAIDE HOSPITAL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:32): I table a copy of a ministerial statement made today by the Minister for Health in the other place on the new Royal Adelaide Hospital.

CHEMOTHERAPY TREATMENT ERROR

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:32): I seek leave to table a copy of a ministerial statement made today by the Minister for Health in the other place on chemotherapy underdosing.

Members

LUCAS, HON. R.I.

The PRESIDENT (14:34): Before we go into question time, I have been informed by a reliable source that it is the Hon. Mr Lucas's birthday today, so happy birthday.

Question Time

POLICE TRAFFIC TARGETS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking the Minister for Police and Minister for Road Safety a question around road safety.

Leave granted.

The Hon. D.W. RIDGWAY: Previously, emails have emerged that showed Holden Hill Senior Sergeant Mr Andrew McCracken required each officer in his LSA to make five arrests and reports; arrest or report two drunk drivers; make nine traffic contacts, including on-the-spot fines; and issue one drug-related fine for minor drug possession. The email also said a minority of officers had failed to reach the targets and that officers who cannot or choose not to reach those benchmarks will need to provide an explanation to their sergeant and to Mr McCracken himself.

The police commissioner at the time, appearing before a parliamentary committee, said he was uncomfortable with aspects of certain police traffic operations and the zero-tolerance approach. Three or four years later, very senior police have expressed disquiet about police targets, saying they hurt relationships between individual officers, particularly in rural communities and in the public. My questions are:

1. Are the police instructed by senior officers to meet targets for traffic and other offences?

2. Who sets these targets and have you as minister ever seen these targets or discussed them with the commissioner?

3. Is it true that officers who fail to meet these targets can be disciplined, fail to be promoted and have adverse career ramifications?

4. Do some LSAs draw up a list of tickets and expiation notices categorised by teams, and is there an official, or unofficial, wooden spoon awarded for the team which has the lowest number of tickets issued over a specific period?

5. Despite these measures and despite the fact the government is now collecting some $144.6 million in traffic fines, why is it that more South Australians are injured in road crashes per head of population than in New South Wales or Western Australia?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:36): First and foremost I would like to commend the outstanding work that is done by all South Australian police when it comes to making a contribution to road safety in South Australia. Over the life of this government there has been a substantial reduction in the number of injuries and deaths that have been occurring on South Australian roads. There are a number of things that have contributed to that success, but one of them has been the incredibly hard work that the South Australian police force has been conducting to make sure that the rules of the road are complied with to ensure that the South Australian community generally remains safe.

In regard to the honourable member's question concerning targets, I am happy to inform the chamber that I have not received any formal specific advice from the police commissioner about actions that he undertakes and processes and procedures that exist internally within SAPOL regarding targets. I am more than happy to take those questions on notice. Generally, it would be my expectation and hope, as I think it would be the hope and expectation of the South Australian community generally, that we have a police commissioner who pays a lot of attention and commitment to ensuring that the rules of the road are complied with.

We know from an enormous amount of experience across the globe, but also locally here in South Australia, that when police aren't doing their job in regard to policing road rules, then people start treating road rules with impunity, and that, of course, endangers lives. We have speed limits in place in South Australia, we have a whole range of other rules in place in South Australia to ensure that the safety of the community is placed first—is placed as a priority—and in turn we expect the police force to be able to ensure that those laws are enforced.

I am happy to take the honourable member's questions on notice in respect to specific targets. Up to this point I haven't received any information on this, and I am happy to ask about that. But, critically, as a parliament I think we should be supporting the police commissioner's endeavours to ensure that the road rules of South Australia are enforced to ensure that the South Australian community remains safe.

The final point I will make goes to the reference that the honourable member made to the large amount of money that is raised through policing of road rules in South Australia. I understand

that the principal source of revenue that comes from fines is that which comes from speed cameras. It is a large amount of money, but what people need to constantly remind themselves of is that money raised from speed camera revenue goes into the Community Road Safety Fund. The money raised that goes into the Community Road Safety Fund is invested straight back into measures that are associated with road safety. No-one likes paying a speeding fine, but when they are paid, the money goes into the Community Road Safety Fund and is invested back into road safety measures in South Australia.

Recently, we have seen a few accidents on our roads. They are heartbreaking. I don't think anyone in this chamber would like to see those sorts of accidents repeated. We need to do everything we can to ensure that South Australian roads remain safe, and I endorse the police commissioner's efforts to ensure that that is the case.

SAVE THE RIVER MURRAY LEVY

The Hon. S.G. WADE (14:39): My questions are to the Minister for Water and the River Murray. Firstly, when will the minister table the final Save the River Murray levy annual report, which is for 2014-15? Secondly, given that we are three weeks from the end of this financial year, why has it taken so long to table the annual report for the last financial year?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): I thank the honourable member for reminding the chamber that it was this government that removed the Save the River Murray levy from householders. It was this government that saved householders $40—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —and businesses $180. It is useful to understand that this forms part of the government's focus on easing the cost of living for South Australian families. In 2013-14, as I said earlier in my ministerial statement, SA Water prices were reduced by about 6.6 per cent, I think it was—so $44 on average for an average bill. This current determination handed down by ESCOSA this week and adapted by SA Water in terms of a pricing structure shows that it will be further decreasing average water bills by $87. That is about a $131 reduction. Add the Save the River Murray levy coming off and there is another $40 on top of that.

That is a direct saving to households. That is a direct action of this government to save householders and people in South Australia in terms of cost-of-living pressures. We make no apology for removing that levy. It did the work it was required to do at the time and, when the time came, we removed it because that is the focus of this government. In terms of tabling the annual report, I will bring that back when I have that across my desk.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:41): My question is directed to the Leader of the Government. Given that the Northern Economic Plan said that the Northern Economic and Social Implementation Board will meet regularly and the Community Leaders Group will meet regularly and given that the plan was released in January, can the minister indicate how many meetings of the Community Leaders Group and the Northern Economic and Social Implementation Board have actually occurred since the plan was launched?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): I thank the honourable member for his question. I will check if this isn't correct, but the Community Leaders Group, comprising the mayors and myself, I think have probably got together three times since it was launched. I will go back and check. I know it is at least two times. I'm not sure if there was a third meeting with the three mayors and myself. In relation to the implementation group that consists of officers from the councils and officers from the state government, I don't know how many times they have met, but I'm happy to take that on notice and bring back a reply for the honourable member.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:42): Supplementary question: can the minister therefore confirm that he has appointed an independent chair of the Northern Economic and Social Implementation Board? Can he indicate who the independent chair of that board is and who are the members of that board?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:43): For the implementation board, I will have to take that on notice and bring back a reply for the honourable member. As I said, I'm happy to take that on notice and bring back a reply.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:43): Supplementary question: I'm just confirming that we are talking about the Northern Economic and Social Implementation Board, not the project implementation group, and my question—

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: No, the Northern Economic and Social Implementation Board. I'm simply asking the question: has the minister appointed an independent chair of that board and appointed other members? The first question is: has he appointed an independent chair of that board?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:43): As I said, in relation to the operation of that group under the leaders group, I will have to check on exactly where that's up to and bring back a reply.

The Hon. R.I. Lucas: You don't even know whether you've appointed an independent chair.

The PRESIDENT: Order! The Hon. Mr Ngo.

Members interjecting:

The PRESIDENT: Order!

ENTREPRENEURS WEEK

The Hon. T.T. NGO (14:44): My question is to the Minister for Manufacturing and Innovation. Can the minister tell the chamber of the importance of Entrepreneurs Week to South Australia's start-up community?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:44): I thank the honourable member for his question and his ongoing interest in the growth of entrepreneurship and innovation in South Australia. There has been heightened activity occurring in Adelaide in recent days as entrepreneurs descend on our city for Entrepreneurs Week 2016. Many members may have noticed information on signage on the poles around town. Thousands of entrepreneurs are expected to come together to celebrate and embrace South Australia as a place where entrepreneurs thrive. Over the week, South Australia's support programs and success stories from our thriving start-up community will be showcased, positioning our state as the place for innovation, a place where entrepreneurs collaborate and network and, importantly, a place where entrepreneurship flourishes.

I understand that last year more than 1,500 registrations were received for 16 events and I am told that we have nearly doubled the amount of events from last year. Some of the events directly supported by the government include the SouthStart Conference, the two-day conference which will provide opportunities for entrepreneurs, investors, mentors and service providers to get together and share their experiences and explore new opportunities. The government supported the opening event of the week with the Innovation Starts Here session held yesterday, featuring acclaimed

speakers like the CEO of Disruptor, Tom Hajdu, and inventor, writer, entrepreneur and broadcaster, Mark Pesce.

Calls for nominations for the 2016 Winnovation Awards coincided with the opening of the week. These awards showcase and celebrate the success of South Australia's female innovators as well as those businesses that support innovative women, recognising South Australian women who are making a real impact in their field that is providing innovation in their area of endeavour. These awards continue to grow, with two new categories this year recognising the achievements of women in government and emerging innovators.

South Australia's recognition as a state that fosters creativity, innovation and entrepreneurship continues to build and these awards recognise the important contribution that women in our state are making to our economic growth. Entrepreneurs Week really delivers something for everyone with an interest and there are many free and paid events on offer across the program. The government recognises that South Australia's entrepreneurial ecosystem has evolved over recent years. Not that long ago Adelaide was home to only a handful of start-up companies and fast forward to today and we have an impressive list of young up-and-coming start-ups and entrepreneurs who are joining other well-established businesses that are making a name for themselves here in Adelaide.

We know, through the growth of entrepreneurial activity, that the evolution of our entrepreneurial ecosystem increases and the capability that accelerates commercialisation, economic growth and job creation in our state can be realised. Our state's entrepreneurs, our co-working spaces, our support programs and our research institutions are providing the foundations for new companies to start up and for firms to invest and for innovation to flourish. This has been recognised at a national level as well.

We had a visitor to Adelaide recently who had some very positive things to say about what we are doing in this field. He said:

> South Australia already has enormous competitive advantages, including world-class universities, a substantial industry base with a great capacity to innovate, an abundance of mineral and energy resources, rich agricultural lands and some of the finest food and wine in the world, a capital city bursting with vibrancy and, relative to many other Australian cities, more affordable housing.
>
> As the information age revolutionises the way we work and live and do business, South Australia is perfectly positioned to become a hub of the ideas boom.

He went on to say:

> A smart state, productive, technologically advanced and up to the challenge of competing with the world's best.
>
> Over the years, however, I've often heard South Australians' concern that their children feel that they need to look elsewhere to study, start and build a career and once they leave, they won't come back.
>
> Now, this attitude is in nobody's interest.

I hear the Hon. Robert Brokenshire asking, 'Which recent visitor said this?' It was the Prime Minister, Malcolm Turnbull, who said this about South Australia. That stands in stark contrast, the words from our Prime Minister Malcolm Turnbull, to the doom and gloom we constantly hear from Steven Marshall. They are two very different views, two very different outlooks.

The Hon. J.S.L. DAWKINS: Point of order, Mr President.

The PRESIDENT: Point of order.

The Hon. J.S.L. DAWKINS: The minister knows that he shouldn't refer to a member by his Christian name and surname.

The PRESIDENT: Take note, minister.

The Hon. K.J. MAHER: I thank the honourable member who has been here a lot longer than I and knows how this place works far better than most of us and—

The PRESIDENT: Keep on with your answer.

The Hon. J.S.L. Dawkins: So, the member for Dunstan. Is that what you meant?

The Hon. K.J. MAHER: The member for Dunstan, the Leader of the Opposition in another place, constantly talks down this state. It is all tales of doom and gloom. It does not line up with reality and it does not line up with what the federal Liberal leader is saying who has a positive view about South Australia. Frankly, it was an embarrassment to the South Australian Liberal Party that we had the Prime Minister here telling the truth about some of the advantages that we have. I think the opposition here would do well to listen to some of the words of their federal leader about the possibilities for this state.

The PRESIDENT: Order! There may be two ex-ALP secretaries here, but there is also 14 years of government, so that has to say something.

FIREARMS LICENCES

The Hon. J.A. DARLEY (14:50): I seek leave to make a brief explanation before asking the Minister for Police questions regarding firearms licences.

Leave granted.

The Hon. J.A. DARLEY: I understand that in order to gain a firearms licence applicants are required to undertake firearms training. This is following an initial approval process whereby a background check is conducted to determine that the applicant is a fit and proper person to hold a firearms licence. Upon completion of firearms training, the applicant's training certificate is sent to the Firearms Branch by the training provider ahead of final approval and the issuing of a licence. I am advised that currently applicants are experiencing extended delays to receive the initial approval to undertake firearms training, with some being told that it will take four to five months. I am further advised that there are also extended delays in receiving a final firearms licence following completion of their training, with some having to wait two to three months. My questions are:

1. Can the minister advise if the time frames outlined are accurate in reflecting the average time frame to obtain a licence?

2. Can the minister advise how many staff have been assigned by SAPOL to conduct the initial background checks, how many staff have been assigned to assess applications after receiving a certificate of completion and whether they are the same staff or in two different areas?

3. Can the minister advise how many new applications SAPOL received thus far in the 2015-16 financial year and how many of these are still outstanding?

4. Can the minister advise if SAPOL has any plans to improve the efficiency of this process and, if so, provide details?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): I thank the Hon. Mr Darley for his important question on a topic that I know is heartfelt and of concern regarding many legal firearms users throughout the state of South Australia. I can inform the chamber that new applications for firearms licences are currently being processed by the Firearms Branch. Once the Firearms Branch completes background checks, a letter is sent informing applicants of a requirement for them to organise and undertake a relevant training program conducted via TAFE. SAPOL is not invited in the process of facilitating that training nor the time frames to completion. Upon completion, a certificate of completion is sent to the Firearms Branch.

I am also happy to go into a bit of detail regarding the Hon. Mr Darley's second question. The Firearms Branch Adjudication Section handles all firearms licence applications processes, including probity checking, training requirements and licensing. Critically, the demand on this section of SAPOL is quite substantial, with the section receiving on average 3,000 related documents per month requiring varying degrees of research, investigation, follow-up and processing. The section is managed by a sergeant and a senior constable and staffed by eight full-time administration support officers undertaking adjudication roles and three undertaking a senior adjudication role.

In addition, the Firearms Branch currently employs a number of temporary staff to support the over 57,000 licence, permit and registration applications processed each year—57,000 is an incredibly large number. Temporary staff numbers fluctuate on the basis of work volumes and

associated initiatives, such as firearms amnesties, and of course that is a significant event that has occurred recently in South Australia.

Regarding the Hon. Mr Darley's third question, I am advised there are 2,821 new applications for a firearms licence that have been received to date during this financial year; 624 are being processed and include applications being delayed within legislative waiting periods by completion of required training or awaiting receipt of the Firearms Branch certificates of completion.

Regarding the commitment to try to improve the area generally, all firearms licensing and registration processes are currently paper based, labour intensive and not representative of contemporary business practices. I think this is something the Hon. Mr Stephens has asked questions about previously. A replacement system is envisaged in the future; however, it is predicated on that such a system will require about two years to implement, once funded, and the cost attached to that is not insignificant.

The Firearms Branch has implemented a staffing model to support the present business model using the current firearms control system, having increased staffing of the adjudication section recently, and the firearms licence renewals are presently being processed within two weeks and permits to acquire firearms are being processed within one week. I think that represents an improvement on some of the frustrations that have been experienced previously. This is something that we want to get right.

There are a lot of people in the South Australian community who represent legitimate, law-abiding firearms users. We want to make sure that those people who are trying to do the right thing, encounter a smooth and efficient system. But no system is ever perfect. We have to make sure that we are constantly trying to improve things, and that is something that SAPOL is actively turning its mind to with respect to the applications for firearms licences in the state of South Australia.

FIREARMS LICENCES

The Hon. A.L. McLACHLAN (14:56): Supplementary: can the minister advise the chamber of what is the estimated cost of the new business practices or IT systems that he has alluded to in his response?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): I do have a figure in my head but, for the sake of ensuring accuracy, I am inclined to have that figure double-checked. So, I will do that as soon as I possibly can and make that information available to the Hon. Mr McLachlan.

FIREARMS LICENCES

The Hon. J.A. DARLEY (14:57): In respect of my first question, as I have said, I have been provided with times ranging from six to eight months to get a licence. Can you comment on that?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57): Not being familiar with the specific circumstances that the Hon. Mr Darley is referring to, it is probably difficult for me to be able to make a specific comment. What I would say generally is that we would hope that all applications that are rudimentary are being dealt with in a manner that is efficient. I think one would reasonably expect a quicker time line than the one you have outlined, but not knowing the specific circumstances that you are referring to with respect to the application that you are referring to, it is difficult for me to make a comment.

There is no attempt on behalf of the government to suggest that the system that has recently been in place is perfect; we acknowledge that there is work that needs to be done. We are not seeking to avoid scrutiny in that respect. We, as a government, and SAPOL are putting efforts in place to ensure that we can try to improve the process, as I have outlined, and that is something that we remain committed to. With respect to the Hon. Mr Darley's specific question, I am not in a position to answer it by virtue of the fact that it is in regard to a very specific application.

FIREARMS LICENCES

The Hon. T.J. STEPHENS (14:58): Supplementary question. Thanks for your answers, minister. Would you not think that 30 days would be a more than adequate period to issue a licence? These stories of six to eight months seem to be outrageous, really.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:59): I think the Hon. Mr Stephens makes a reasonable point, but I would point out that I am advised that, currently, firearms licence renewals are being processed within two weeks and permits to acquire firearms are being processed within one week, so I would have thought that represents quite a reasonable time line.

POLICE OMBUDSMAN

The Hon. J.S. LEE (14:59): I seek leave to make a brief explanation before asking the Minister for Police a question about a Police Ombudsman's report.

Leave granted.

The Hon. J.S. LEE: A constituent contacted my office yesterday in the late afternoon about a police issue in relation to two SAPOL constables who fined him almost $500, alleging that he had gone through a red light while driving through the CBD on 13 November 2014. Bill Thomas—he has given permission for his name to be mentioned here—represented himself five times in court. He said the fine and the subsequent court process were outrageous because court adjournments were done on two occasions when they informed him that they had difficulties in contacting the police officers.

The court case and then further adjournments caused hardship for Mr Thomas's business as he was unable to register his work vehicle due to the traffic expiation notice and had therefore lost a number of contracts for his small business. The fine was then withdrawn last December and an internal police investigation, released two weeks ago as part of the Police Ombudsman's report, found the officers had given varying details of the night in question.

According to media reports, the Ombudsman's investigation found the police prosecution's case was wholly inadequate and one officer had failed to provide relevant facts in his affidavit. My questions to the minister are:

1. Can the minister advise whether the former minister of police passed on the complaint made by this constituent for him to address?

2. What disciplinary action did SAPOL take when the officers were found to have acted in breach of SAPOL's Code of Conduct which was stated in the letter from the Police Ombudsman's investigating officer?

3. Police were supposed to give evidence under oath. The constituent asked for a copy of the police report and was rejected. Will the minister review the matter further to resolve the dissatisfaction faced by this constituent on the prolonged battle for justice?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I thank the honourable member for her question. On a regular basis—every week almost I would have thought—my office deals with questions regarding complaints towards police. There is a very clear process about what we do as a state when complaints are made around the police and there is an established office, the Police Ombudsman, which is able to deal with these complaints. I think it is important that the South Australian public can be confident in the independence of the Police Ombudsman when they go about the business of examining police complaints. It is a process that does deliver results and it is a process that I think we can all be confident in.

I read many of these files and I think I am familiar with the one to which you refer. I am not in a position to start detailing correspondence that I have read regarding specific cases. You may have been given permission, Hon. Ms Lee, but I have not so I am not at liberty to start discussing particular cases and I do not think it would be appropriate for me to do that.

What I would say is that I would hope, by the sound of it and from the information that you have shared with the chamber, that a process ensued that did result in an outcome with the charges being withdrawn—I think that is what you said—so hopefully the affected individual can be satisfied to that extent.

In regard to internal police disciplinary matters, it is not appropriate for the government, or certainly not the police minister, to be intervening into internal police disciplinary procedures. There have been questions in this chamber recently regarding the way that works and I have gone into a bit of detail to explain it, but really the independence of the police, in conjunction with the Police Ombudsman, provides a whole range of mechanisms to ensure disciplinary actions can occur.

Of course, members of the public who have been wholeheartedly dissatisfied with the process up until this point or who feel as though there has not been an appropriate outcome have also got the option of referring matters to the Independent Commission Against Corruption as well where they see it as being absolutely necessary to do so. My job as Minister for Police, and our job as a state government, is to make sure that there are processes in place to ensure that the police are always acting with integrity, and that where they do not, there are disciplinary procedures to ensure that natural justice is afforded them and also that they themselves are subject to disciplinary actions if appropriate.

I am not inclined to stand here in light of one particular case that has been referred to and announce that I am initiating an inquiry of some description. I am happy to have a further look at specific incidences that the Hon. Ms Lee refers to. If she feels comfortable to do that outside of here, I can refer it to the appropriate authority, but I for one am not in a position to start disciplining individual police officers. There is a process to go through, and if they want this to be pursued then I encourage relevant parties to do it.

WORLD ENVIRONMENT DAY

The Hon. G.E. GAGO (15:05): My question is to the Minister for Water and the River Murray. Will the minister inform the house about how World Environment Day was celebrated locally and outline some examples of local communities protecting one of our most precious natural assets?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): I thank the honourable member for her most important question. Sunday 5 June was World Environment Day, the United Nations' most important day for encouraging worldwide awareness and action for the protection of our environment. Since it began in 1974, it has grown to become a global event celebrated in, I am advised, over 100 countries.

World Environment Day shows us that every action can count and that by bundling all this energy and activity of individuals together we can generate real, positive impacts on the environment. Above all, World Environment Day is also known as 'the people's day' for doing something to take care of the earth and become an agent of change.

I was pleased to spend World Environment Day attending two important initiatives. Firstly, I joined local community members at Wyndgate on Hindmarsh Island for the final round of winter planting in the Coorong Lower Lakes and Murray Mouth Recovery Project. It is a very special part of the state. I was joined there by—

The Hon. D.W. Ridgway: Wasn't the Liberal member for Hammond down there with you?

The Hon. I.K. HUNTER: I was just about to say that I was joined there by Mr Adrian Pederick, the Liberal member for the local seat. If the Hon. Mr Ridgway wants to complete the reply to my government question—

An honourable member interjecting:

The Hon. I.K. HUNTER: Perhaps he would, but he wouldn't do it anywhere near as well as I would, Mr President, but he does need the practice, I suppose. If the Hon. Mr Ridgway would like, I can invite him next time, but I can assure him that Mr Adrian Pederick and I got on famously and posed for several photographs together.

Members interjecting:

The Hon. I.K. HUNTER: It was actually tree love that day—and shrub love and groundcover love. There was a lot of love to spread around at Wyndgate. From an environmental point of view, the diversity of the wetlands, the species that they support and the unique role within the Murray-Darling Basin make this site both locally and internationally important. What makes this region very special is the local community: the traditional owners, local residents, community groups and business owners who, over the past five years, have rolled up their sleeves to help restore the health of these very important wetlands.

This final round involves around, I am advised, 160,000 native plants going into the ground, and on Sunday 5 June alone, 4,000 seedlings were planted. It was great to see so many dedicated volunteers braving the weather to attend. It was particularly great to see so many children there learning about and appreciating environmental issues. Once this final round is complete, I am advised, over 4.5 million seedlings will have been planted since the program began, covering an area of over 2,000 hectares, roughly the size equivalent of around 1,000 Adelaide Ovals, and their ultimate aim is to plant five million seedlings.

Over the course of the project, more than 13,000 community volunteers and 50 local organisations have volunteered what someone has calculated to be a quite staggering 75,000 volunteer hours. It is an incredible and impressive effort. Another impressive effort is the work that goes into the biannual Bridgestone World Solar Challenge, an exciting event that combines innovation and creativity with a broader environmental message. It has therefore become a bit of a tradition, I am told, for the dates and key rule changes for the following year's challenge to be announced on World Environment Day. The Bridgestone World Solar Challenge will celebrate its 30th anniversary in 2017. It is anticipated to attract up to 50 teams from 25 countries, who are set to race the 3,000 kilometres from Darwin to Adelaide.

It continues to engage a global community of some 25 million people, I am advised, the world's most prestigious universities, industry, media, communities and entrepreneurs, all pushing the boundaries to develop alternatives to conventional motor vehicles and advance solar technology. It is very exciting to have new teams come from South Australia to participate in this challenge. I understand now that Adelaide and Flinders universities and TAFE SA will be participating in the next challenge, and I am certain that they will play a very important role in the future of our sustainable energy industries.

I also thank Bridgestone and all the other sponsors for the solar challenge. Bridgestone will, once again, take on the role as a name sponsor for the event. I take this opportunity to congratulate all the volunteers involved in Sunday's World Environment Day events right around the state, volunteers who were involved in the planting efforts in which Adrian Pederick, the member for Hammond, and I participated on Sunday, all the residents, groups and businesses that have dedicated their time and energy over the years. These are just two examples of the great work that has been happening around our state. They are two examples of events that were on on Sunday—I am sure other honourable members in the chamber participated in some more locally. I thank everyone involved for making a very real difference.

SA WATER

The Hon. R.L. BROKENSHIRE (15:11): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about SA water prices.

Leave granted.

The Hon. R.L. BROKENSHIRE: It has been reported this week that South Australian households and businesses will finally get a break, albeit a small one, with the state government taking the advice of the Essential Services Commission and dropping the price of water. The government has been out in the media promoting the many benefits it believes will come from this saving, which the Treasurer has said will average $87 a year or, to put it in layman's terms, the equivalent of about one tank of fuel each year for someone living in a rural area.

I must say to the house that I have never seen so much spin and back twisting as I saw with the minister with responsibility for SA Water on television the other night. Spin, spin—he is a great dancer, it is unbelievable the spin. My questions are:

1. Can the minister explain how saving 12¢ per kilolitre will boost the economy of South Australia, as the Treasurer claims?

2. The minister told 891 ABC that the reduction in water bills would affect the government's budget bottom line. Now, considering the government's record, which usually means that, when they put down the price of one thing, the price of something else inevitably goes up, or a new levy is sprung on the community, can the minister tell this house how the budget shortfall will be handled, how they will manage the shortfall of $60-odd million (or whatever is the figure)?

I ask for your guidance and support on this, Mr President: just for once could I please have three answers to three questions, rather than another chapter from the written notes of the adviser?

3. If the government doesn't need to fix this bottom line, will the minister agree that the higher prices South Australians have been paying for water have been over inflated, and therefore over several years have been nothing but a cash grab on water and sewerage users of South Australia by his government?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:13): Again, I thank the honourable member for his most cogent question, praising the government for what we are doing to drive down pressure on South Australian families in terms of cost of living, driving down the prices of SA Water, unlike the Liberals, who privatise utilities and drive up the costs to the community, but that is a story for another day.

This state government is committed, as I said earlier, to easing the cost-of-living pressures on families and helping to reduce households bills. Our policies have seen another reduction for families and businesses. Starting on 1 July 2016, metropolitan residential customers can expect to save around $87 on average water and sewerage bills in 2016-17. This is on top of the $44 average reduction when this government first appointed the Essential Services Commission of South Australia to independently regulate water services. This government provides a comparatively high level of revenue towards community service obligations when compared with other utilities.

In 2016-17, this government will provide $122.43 million, I'm advised, in community service obligations. These CSOs allow SA Water to provide concessions to approximately 120,000 property owners statewide, and it can be up to about 30 per cent of the annual water bill. As part of the state government's tax reform package, the Save the River Murray levy was abolished on 1 July 2015. This provided annual savings in 2015-16 water bills of $40 to most households and $182, I am advised, for businesses. I thought that was $181, but I will check that. This equates to a total saving of almost $109 million over four years. This government continues to ensure that South Australians have access to reliable and quality water at an affordable price.

Let me put on the record a couple of things whilst I have the opportunity that the Hon. Mr Brokenshire's questions afford me. He asks about business and the impact on business. Let me just read to him a few quotes and then he can guess where they come from. This one will give it away straightaway; I will start at the beginning:

> Business SA welcomes the Essential Services Commission of SA's determination on SA Water as it will lower the costs for both businesses and consumers, Business SA Senior Policy Adviser, Andrew McKenna said today…While Business SA supports ESCOSA's stance on SA Water's costs, including keeping wage rises capped at CPI, we recognise the need for SA Water to maintain its focus on mains replacement which ESCOSA has enhanced with an approximate 20 per cent increase in the mains replacement category of SA Water's capital expenditure allowance.
>
> Water has been a fast rising cost of doing business in South Australia for several years, particularly impacting key export orientated sectors such as food and beverage manufacturing. Today's decision providing relief on water prices is vital to supporting the State's economy.

An honourable member: We love your questions, Brokey. You should ask them every question time.

The PRESIDENT: Order!

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire is absolutely at the tip of the commentary today. He, along with Business SA, wants to commend the government for the work that they're doing proactively in driving down cost to businesses but also families. Business SA also says:

> It is also good news for business that the average household bill will fall by $87 per annum putting more disposable income in the pockets of South Australians to spend locally.

A great success story for ESCOSA, a great success story for South Australian businesses and families, and a great success story for this government's regulation of SA Water.

The PRESIDENT: Supplementary, the Hon. Mr Brokenshire.

SA WATER

The Hon. R.L. BROKENSHIRE (15:17): The minister has confirmed that it was ESCOSA, and not the government, that drove down these prices and that it is ESCOSA that is punishing the government for ripping people off. My question based on the minister's answer is: will the minister now apologise to the families of South Australia and the businesses of South Australia for an outrageous situation over the last several years where he has ripped and overcharged these poor people of South Australia when it comes to water charges and sewerage charges? Will he apologise and admit he has ripped them off?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17): I apologise to people every day for the Hon. Mr Brokenshire's antics and his commentary in the media because it is usually wrong. Let me take him through several examples in recent times where he has been completely wrong. The Hon. Mr Brokenshire and others, of course—he is not the only one—have made comments recently, including, I think, the Leader of the Opposition in the other place, that South Australians are charged the most for water in this country. This is factually incorrect.

The National Performance Report reports quite differently. The National Performance Report benchmarks the pricing and service quality of Australian water utilities. This is a report that is jointly prepared by the Bureau of Meteorology, state and territory governments and the Water Services Association of Australia. The NPR shows SA Water's combined water and wastewater bill for residential customers with an average usage of 200 kilolitres per annum was the fourth highest out of 13 major water utilities in Australia—those with more than 100,000 connections. I seek leave to table some tables contained on pages 41 and 80 of the NPR that contains this information.

Leave granted.

The Hon. I.K. HUNTER: Furthermore, based on typical residential bills and average residential water use reported by each utility, SA Water has the fifth highest combined water and wastewater bill out of 13 utilities. I seek leave to table tables found on pages 39 and 78 that demonstrate SA Water's ranking compared to other utilities.

Leave granted.

The Hon. R.L. Brokenshire: More facts!

The Hon. I.K. HUNTER: Yes, you can hardly have enough of them, can you? These tables demonstrate that in fact SA Water's pricing is mid range when viewed side by side with comparable utilities. What those opposite and the Hon. Mr Brokenshire will not tell you, Mr President, and you do need to know this, is that South Australians pay the least in the nation for wastewater services. The NPR shows that SA Water's wastewater bill for residential customers with an average usage of 200 kilolitres per annum was the lowest out of 13 major water utilities in Australia, those with more than 100,000 connections.

Based on the typical residential wastewater bill, SA Water had the second lowest wastewater bill out of the 13 utilities. Only City West Water had lower typical wastewater bills. Adelaide, SA Water, had the second lowest typical wastewater bill out of the major urban centres, and I need to note, for transparency purposes, that Hobart did not report in that report.

The fact is that the Hon. Mr Brokenshire in his latest commentary will be happy to try to find any negative in a story. Rather than celebrating the effectiveness of independent regulation on water prices, they start a narrative that is indicative of government taking, somehow, prices out of the system. What the facts say is that SA Water's regulatory rate of return, when compared to other utilities, compares very favourably.

A lower regulatory return means lower prices for customers. SA Water has a regulatory rate of return of 4.2 per cent forecast for the second regulatory period 2016-22. This is compared to 7.06 per cent from SA Power Networks for their first regulatory period, driven down to 5.12 per cent in the second regulatory period, and I seek leave to table a copy found in SA Water's regulatory business proposals 2016-20 that demonstrates the comparative regulatory return rates.

Leave granted.

The Hon. I.K. HUNTER: SA Water provides a high level, as I mentioned earlier, of revenue for community service obligations. For water, CSOs mean that there can be reductions on bills to certain disadvantaged customer groups. For example, pensioners, and CSOs provide common tariffs across all geographical regions, despite cost differences, at so-called postage stamp pricing policy. For 2016-17, SA Water provides $122.43 million, I am advised, in community service obligation. This equals around $42 million a year in concessions to around 120,000 property owners statewide. This can be up to, as I said earlier, 30 per cent concession on annual water bills for some people. Mr President, I seek leave to table a table found in the NPR that demonstrates SA Water's high rate of revenue from CSOs.

Leave granted.

The Hon. R.L. Brokenshire: I'm still not convinced.

The Hon. I.K. HUNTER: Well, you might be convinced, Hon. Mr Brokenshire, when you read the factual information before you, instead of making it up or looking at nursery rhymes. I have to say, and I am very, very grateful to the Hon. Mr Brokenshire for raising these issues today, because it allows me to put on the record, once again, the facts of the matter. It is incumbent on honourable members when they go out into the media that they do not go around saying untruths to the community—

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

The Hon. I.K. HUNTER: —untruths about the facts, which they could readily find themselves by reading these reports. In fact, there are some people who have been making these claims on the radio—and I am trying to update my language for the Hon. Mr Dawkins.

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

The Hon. I.K. HUNTER: Mr Dawkins is trying to educate me about the age of radio that is now upon us. But, if you do do that, if you do go on the radio to talk to the community, you need to have the facts before you. I have written to the Leader of the Opposition in the past and provided him with that information, which shows him, quite clearly, that we do not have the highest water prices in the country, and yet he persists in his delusion. That is all he has to offer South Australia, delusions.

COUNTRY FIRE SERVICE

The Hon. A.L. McLACHLAN (15:23): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question.

Leave granted.

The Hon. A.L. McLACHLAN: The minister announced on 24 May a series of program and equipment upgrades that will include the acceleration of the government's fire truck replacement program and the retrofitting of safety systems to the existing trucks to provide burn-over technology. My questions to the minister are:

1. How many CFS trucks will be replaced under the program?

2. Within what time frame will the replacements and retrofitting commence under the accelerated program?

3. Within what time frame will these programs be completed?

4. Will the work be tendered to South Australian businesses?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:24): I thank the Hon. Mr McLachlan for his important question. Yes, the honourable member is right to point out the fact that the government recently announced an increased investment as a result of money raised through the emergency services levy to ensure that our emergency first responders on the front line, including those people who work so hard as volunteers in the Country Fire Service, are equipped with the best technology that the government can reasonably provide them to ensure their safety going forward.

Recent bushfires that have occurred in the state of South Australia, the two most dramatic being the Sampson Flat bushfire and the Pinery bushfire, have demonstrated that fires of this nature present a very real threat to the safety and wellbeing of those people who put themselves in harm's way.

One of the ways that volunteer firefighters in those environments can seek refuge, where it is appropriate to do so, can be within the cab of a firefighting truck and, of course, their likelihood of remaining safe is dramatically increased if that truck has burn-over protection. The Hon. Mr McLachlan rightly refers to the fact that through the money raised from the ESL the government has committed to the acceleration of the installation of burn-over technology in those CFS trucks that are not currently fitted with it.

I am advised that the replacement of CFS single-cab trucks with dual-cab trucks will result in three additional CFS trucks being introduced into the CFS fleet in 2016-17. The retrofitting of safety systems to existing fire trucks to provide burn-over technology, including in-cab breathing apparatus and water spray deluge systems, will be to 30 CFS trucks that will be retrofitted with the safety systems, four MFS trucks will be retrofitted, 17 DEWNR trucks will be retrofitted, and two bulk water pods provided to the MFS will also be used to assist in carrying water to the CFS in bushfires.

With an increase in large-scale bushfires in recent years, as I referred to, firefighters face the real risk of death or serious burns from burn-overs. The accelerated truck replacement and retrofit of existing trucks will significantly improve the protection of fire crews exposed to burn-overs during bushfires.

It is an important program and can only be done through the additional funds that are raised through the ESL. It remains something that this government is committed to. We have to make sure, if we are asking people, particularly volunteers, to put themselves in harm's way to protect their communities, that we are doing everything we reasonably can to ensure their safety, and burn-over protection in fire trucks is one way that we can do that.

COUNTRY FIRE SERVICE

The Hon. A.L. McLACHLAN (15:28): I have a supplementary question. I asked the minister about whether the work would be tendered to South Australian businesses. Could he respond to that question, given that obviously South Australians are paying the ESL levy?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:28): I am happy to take that question on notice. I am aware and I am advised that our emergency services often do use South Australian businesses when it comes to engineering systems and equipment that is being designed for South Australian emergency vehicles—that happens on a regular basis. I will have to take the question on notice specifically in respect to the burn-over protection that I referred to, but I am more than happy to get that information to the Hon. Mr McLachlan as quickly as I can.

COUNTRY FIRE SERVICE

The Hon. J.A. DARLEY (15:28): As a general rule, can you tell us how frequently CFS fire trucks are replaced?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:29): I will have to take that

question on notice. There is an ongoing replacement program regarding government vehicles, particularly emergency services trucks. Of course, we remain committed to making sure that we can put in place the best available modern technology to our fire crews, as I previously mentioned.

I am happy to get the exact details of the replacement program. There is one in place and there are plans to make sure that we continually renew the stock that is available for our emergency services. I understand that the question goes specifically to CFS trucks and I will have to get some information from the agency and bring that back to the Hon. Mr Darley.

METROPOLITAN FIRE SERVICE

The Hon. J.M. GAZZOLA (15:29): My question is to the Minister for Emergency Services. Can the minister update the council about the latest recruit course for the Metropolitan Fire Service?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:30): I can and will answer the Hon. Mr Gazzola's very important question. Last Wednesday, I had the great pleasure to be able to speak at the MFS graduation ceremony for 18 of South Australia's newest firefighters. It was a marvellous event and a fantastic ceremony, with broad representation and attendance from across our emergency services sector and community, as well as family, friends and loved ones of the graduates.

As I am sure members are aware, it takes a special kind of individual to become a firefighter for the MFS. Not just anyone can make the cut. We have all heard stories of the sheer determination and hardened resolve many have experienced on their journey to becoming a firefighter. It was at this event that I truly came to appreciate what this really means for those who reach graduation and the next stage of their career as a firefighter.

These graduates faced an extremely competitive field of almost 1,300 applicants for approximately 18 spots to make it to last Wednesday's ceremony; 18 people out of 1,300 is an extraordinary achievement for those individuals. They faced a gruelling 14-week training program, which included more than 700 hours of exhausting and emotionally demanding physical training. They also had to hit the books, working their way through in excess of 100 lectures on subject matter critical to their new roles.

I was pleased to learn of the diverse ages, backgrounds and life stories of the graduates, including a lifeguard, plumber, fitness coach, Army reservist, police officer, as well as a mechanic, forester, chef, barber and a school teacher—a diverse range of backgrounds. As Minister for Emergency Services, I have nothing but the utmost respect, appreciation and admiration for those who dedicate themselves to our emergency services sector. For the graduates, the ceremony was more than just marking the beginning of a new job, it certainly embodied more than the word 'career' could even mean.

As our newest firefighters go on shift for the first time, they will be in the business of protecting everyday South Australian lives—families rescued from the brink of tragedy. They will protect the roofs over our heads, our homes, they will protect businesses, industry, infrastructure and our economy alike. They will respond to road crashes, house fires, gas leaks, chemical spills and perform rescues. They will be there to help our community when people are at their most vulnerable and distressed.

Through service above self, they will play a critical role in strengthening and maintaining the emotional, social and economic bonds which hold our great state together as one. As I spoke to the graduates during the ceremony, I let them know they are becoming part of something larger than themselves as part of a fire service which has a rich and proud history, with over 150 years of service to the community. Members may be aware that the MFS is one of the oldest known legislated professional fire services in the world—a significant achievement. I reminded them that to be afforded the opportunity to work with and for your community is an absolute privilege.

This government is proud of the state's newest firefighters and, without a doubt, this pride extends to each and every South Australian who has called upon, and will call upon, the MFS in their time of need. To the 18 graduates, I once again extend a hearty congratulations for all they have achieved to date and will achieve in the future in what will no doubt be a vital and rewarding career.

METROPOLITAN FIRE SERVICE

The Hon. R.L. BROKENSHIRE (15:34): A supplementary: of the 18 firefighters who graduated, can the minister advise the house how many were women?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:34): I thank the honourable member for his question. From recollection, I understand that all 18 graduates were men. That is something that did not go by unnoticed by the Chief of the Metropolitan Fire Service or me.

I have spoken to Chief Crossman on more than one occasion about the commitment of the MFS to diversity within their workforce and I understand that the chief of the MFS is committed to ensuring that there is female representation within the Metropolitan Fire Service. I understand that the chief is undertaking efforts at the moment to ensure that, going forward, the Metropolitan Fire Service does contain a diversity of background and a diversity of gender.

We know that when it comes to serving our community, the South Australian public is always better served when they have emergency services that reflect the community they are serving. There is a great example of that being undertaken at the moment within the South Australian police force. As a government, we are wholeheartedly behind the police commissioner, Grant Stevens, and his effort to increase the level of female representation within the South Australian police force.

When you look around the globe and you see examples of where communities are becoming dissatisfied and have a lack of confidence in their emergency services, often it is because those services don't reflect the communities they are serving. We want to be a government that stands behind our chiefs, whether they be the police commissioner or the chiefs of our emergency services, to ensure that they have the policies in place to ensure that there is diversity, not just within gender but also within multicultural backgrounds and the like, within our emergency services. I am confident that the MFS is committed to achieving this and to putting in place efforts to ensure that this can occur into the future.

I have to say that the ceremony last week was a significant event. There were a lot of people there and, indeed, a lot of families. You could see how proud those families were of the achievements of their sons. I say this as the father of a 13-month-old daughter: we want to make sure that, whether you are male or female, you have an equal opportunity to be able to get into a career like the MFS, which is an utterly outstanding place to work. They serve our community well and we want to make sure that they continue to do that by having a diversity of backgrounds within their workforce.

Bills

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 May 2016.)

The Hon. A.L. McLACHLAN (15:37): I rise to speak to the Statutes Amendment (Attorney-General's Portfolio) Bill 2016. I speak on behalf of my Liberal colleagues and I indicate that the opposition is supporting the passage of the bill at the second reading and will be seeking to amend the same at the committee stage.

The bill makes a number of technical amendments to various acts falling within the Attorney-General's portfolio, such as the Criminal Law (Forensic Procedures) Act, the Criminal Law Consolidation Act, the Summary Procedure Act, the Child Sex Offenders Registration Act, the Criminal Law (Sentencing) Act, the Summary Offences Act and the Civil Liability Act. I do not intend to set out in detail all of the amendments contained in the bill, as many of them are minor and of a technical nature. I will refer to specific amendments that are of significance and of interest to the opposition.

The bill makes several amendments to the Criminal Law (Forensic Procedures) Act 2007 to enable the police to efficiently collect evidential samples by way of oral rinsing and removing the delays associated in collecting gunshot residue from a suspect. This amendment is supported by the

Liberal Party. The bill amends the Criminal Law (Forensic Procedures) Act 2007 to clarify and simplify the method by which the police take DNA samples from deceased persons. This amendment is supported by the Liberal Party.

The bill amends the Criminal Law (Forensics Procedures) (Blood Testing for Diseases) Amendment Bill to expand recent protections provided to emergency services workers to also apply to correctional services staff. This amendment will require offenders who bite or spit at prison officers to undertake blood tests to ascertain whether there has been a passing of infectious disease. This amendment is strongly supported by the Liberal Party. Honourable members of this chamber will recall that the Liberal Party moved amendments in this chamber to protect other emergency workers in a similar fashion, which this government ultimately, after much passing of time, acceded to. I again thank honourable members for their support in relation to those amendments.

This bill amends the Civil Liability Act to give full legal protection, in any civil proceedings, to apologies made by any party. This will mean that an apology cannot be used as a factor when determining fault or liability in a civil case. The Liberal Party supports this amendment. The bill amends the Juries Act to remove the maximum age for jurors, which is currently set at 70 years. This will allow people who are over the age of 70 to serve on jury duty, but allows anyone over 70 to opt out if they so wish. This amendment is supported by the Liberal Party.

Certain amendments have been filed by the Liberal opposition. The same amendments were moved in the other place, but were not supported by the government. We seek a more favourable consideration of these amendments by the honourable members of this chamber. The first amendment, which the opposition will put forward in committee, concerns the prosecution of children for child pornography offences.

This amendment will prevent the prosecution of a person under the age of 18 for child pornography offences without first having obtained written consent of the Attorney-General. This amendment follows from a recommendation of the Law Society of South Australia in contemplation of the Summary Offences (Filming and Sexting Offences) Amendment Bill, which will be considered by this chamber and is currently in our orders of business.

This bill introduces specific offences that target revenge pornography and lower-level sexting offences. Revenge pornography refers to the publication of explicit material depicting someone who has not consented to that publication and with the intent of causing them humiliation and embarrassment. The government asserts that instances of revenge porn are becoming more common in our society and often arise when a relationship breaks up and the injured party decides to send or publish intimate images to enact revenge.

The filming and sexting offences bill also legislates to ensure that young people who have sent intimate photos of themselves to their boyfriends or girlfriends are not charged with child pornography offences. In a submission on the filming and sexting offences bill, the Law Society suggested that an amendment to the Criminal Law Consolidation Act would help ensure that consensual, non-exploitative sexting between young people does not result in child pornography charges, a criminal record or being placed on the sex offenders register.

The society indicated in its submission that it was aware of cases in which young people who have sent intimate photographs of themselves to their partner have led to child pornography charges being laid against them. Information relating to these charges was then released by police in criminal history checks to potential employers. Although the proposed revisions contained in the Summary Offences (Filming and Sexting Offences) Bill will provide for a suitable prosecutorial avenue for these situations, it does not prohibit the police from charging a young person with a child pornography offence.

Given that the Criminal Law Consolidation Act 1935 is currently under consideration in the bill before us, the opposition believes that it is appropriate and fortuitous to move this amendment at this present time. It is argued in the circumstances where a sexting offence would be appropriate to protect children who have engaged in sexting from the significant and longstanding impact of being convicted of a child pornography offence and being placed on the sex offenders register. Of course, we acknowledge that there may be circumstances in which it may still be appropriate to proceed with more serious charges. The opposition is not seeking to remove that discretion, but rather that the

Attorney-General should act as a gatekeeper to provide an additional safeguard to ensure that children are prosecuted at an appropriate level.

The second amendment, which the opposition will be pursuing in committee, is in relation to fixed term intervention orders. Intervention orders are commonly used for dealing with and preventing domestic violence. The Liberal opposition has moved an amendment to provide for fixed-term intervention orders. The genesis for this amendment was an annual report prepared by the Courts Administration Authority which recommended a time frame for intervention orders to be adopted.

The consequence of having indeterminate orders is that a large number have accumulated and clogged up the system. Many of these orders have become obsolete as the protected person may have moved or the person who is subject to the order may have moved interstate. Circumstances often change. There is often not any action by either the victim or the offender to go and seek relief from it, but it still sits in the system and becomes ineffective.

The opposition's amendment seeks to provide a time period for a fixed period of five years. Pursuant to our amendment, the parties to the order would still be entitled to make an application to have the order revoked before the five-year period has ended. In moving this amendment, the opposition seeks to ensure that our system of dealing with domestic violence remains both practical and effective.

The third tranche of amendments is deleting part 7, part 12 and part 17 of the government's amendments which will apply to the accessibility to court records. The opposition amendment seeks to remove the sections of the bill that seek to restrict access to court records and documents. The opposition is of the opinion that the current system of dealing with access to court records and materials is satisfactory and does not require amendment. The opposition draws attention to the fact that the existing South Australian act draws a distinction between material in the court file that is of a public nature and material in the court file that has not entered the public domain and, indeed, may never do so.

The current act recognises the need to protect more sensitive information by preventing this information from even being inspected by a member of the public unless permission has been sought and granted from the court. The opposition submits that the government's attempts to add further complexities to this application process would place a substantial administrative burden on an already under-resourced court system. I do not doubt for one moment that the new process will substantially delay access to information in a timely manner.

We note and have had regard to the submission of Free TV who say that these barriers, as set out in the government's amending bill, serve to hamper access to court documents by the media and in turn frustrate public interest reporting, undermine the principles of open justice and infringe upon the South Australian community's right to know.

We have an open and transparent justice system with numerous processes and practices in place to protect sensitive information where it is desirable to do so in the interest of justice. The opposition acknowledges it is a delicate balance between the transparency of the criminal justice system and ensuring fairness to the accused. The judicial power to suppress certain information from a publication or hold closed court hearings, for example, are important tools commonly used in our justice system. It is the view of the opposition that it currently works effectively.

Our amendment seeks to simply keep in place a system that has worked efficiently and effectively for some time. The opposition trusts that the judiciary is capable of continuing to exercise its discretion on these issues in an appropriate manner without the need for the approach the government is trying to implement in the current bill. The opposition's amendment simply seeks to maintain the current provisions that provide a suitable and appropriate balance between openness and transparency on the one hand and, where appropriate, restrict information where it has an impact on the fairness of the trial. With those words, I indicate the opposition's support for the second reading of the bill.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:49): I thank all honourable members for their contributions thus far and I look forward to the further passage of the bill.

Bill read a second time.

REAL PROPERTY (ELECTRONIC CONVEYANCING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 May 2016.)

The Hon. J.A. DARLEY (15:50): I rise to speak on the Real Property (Electronic Conveyancing) Amendment Bill 2016. This bill is the second instalment in terms of changes required for our participation in the national electronic conveyancing scheme. According to the government, the bill's purpose is to align the requirements for paper conveyancing with the new provisions for electronic transactions to facilitate a smooth transition between the lodgement mediums and to avoid the complexity and costs of dealing with two separate systems.

The bill removes the requirement for the Registrar-General to issue, and for registered proprietors to produce, duplicate certificates of title and tenants' copies of crown leases. References to duplicate certificates of title and tenants' copies of crown leases will also be removed from all state legislation. Instead, parties to a conveyancing transaction will undergo additional requirements aimed at verifying their identity and their right to deal with the land in question.

During the debate on the Real Property (Priority Notices and Other Measures) Amendment Bill 2015, I indicated that I would not be supporting these measures. As we know, currently the original titles remain with the Lands Titles Office and duplicate titles remain with the bank or financial institution that holds the mortgage over a property or the owner themselves where the property is freeholded. Under the proposed changes, if an owner of a property wishes to have details of the title in their possession or access details for any reason, they will be required to pay a search fee to the Lands Titles Office. I would appreciate any information the minister can provide in relation to this cost.

I had initial reservations about the proposal to remove duplicate certificates of title and had drafted amendments to this provision. However, having consulted with the government I have been given assurances that there are appropriate safeguards that address my concerns. Whilst I am still somewhat sceptical, I will not be proceeding with my amendments.

The Hon. T.T. NGO (15:52): I rise to support the Real Property (Electronic Conveyancing) Amendment Bill 2016. I am sure members are aware that electronic conveyancing is an important reform that will dramatically improve the complex processes involved when South Australians buy or sell a home. The current paper system of processing land transactions is antiquated and inefficient. In South Australia, the benefit to our businesses and industries involved in moving to national electronic conveyancing is estimated to be $10 million per year.

The bill implements the final reforms necessary to begin electronic conveyancing in South Australia, following the passing of the Electronic Conveyancing National Law (South Australia) Act 2013 and the Real Property (Priority Notices and Other Measures) Amendment Bill 2015, which I spoke on last year. Industry and government are eagerly awaiting the introduction of the reforms.

This bill introduces safeguards that require verification of identity to ensure that the integrity of the electronic conveyancing system is maintained; a system of client authorisations so that practitioners can execute instruments on behalf of their clients; modernisation of the certificate of title system as we move to electronic conveyancing, and a host of other smaller changes that strengthen the conveyancing system.

I am sure everyone in the chamber is aware of the time-consuming and sometimes costly processes that are involved in land transactions. Electronic conveyancing will significantly improve the system, saving South Australians both time and money. I support this bill and look forward to the savings and reduction in red tape that will result from its passing. I commend the bill to the chamber.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:55): I thank all members for their contribution during the second reading stage and I look forward to this bill progressing into committee.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: I have a short couple of matters to raise, and I do not seek a response from the government, so it is clearly a statement. The opposition will not seek any amendments, but it does draw the attention of the chamber to the fact that there has been a number of utterances and indications that the Lands Titles Office might be privatised, which is consistent with the government's approach in many of our longstanding government services. The opposition has grave reservations in relation to this approach, which has been indicated by the shadow attorney, the member for Bragg in the other place, and I wish to echo her concerns that this bill, whilst the opposition supports it, does have concerns that it may lead the way to privatisation or selling of what has been a longstanding and excellent government service to the people of South Australia.

Clause passed.

Remaining clauses (2 to 90), schedules and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MAGISTRATES COURT (MONETARY LIMITS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 May 2016.)

The Hon. A.L. McLACHLAN (15:59): I rise to speak to the Magistrates Court (Monetary Limits) Amendment Bill 2016. This bill seeks to amend the Magistrates Court Act to reduce the upper monetary limit for minor statutory proceedings, small claims in the Magistrates Court from $25,000 to $12,000. With the successful passage of this bill, in smaller minor claims under $12,000, the parties will have the matter dealt with by a magistrate without having to be represented by a lawyer and incurring legal costs, which can, in certain circumstances, be a considerable expense. In effect, it reduces the class of matters that can be dealt with in this manner.

The government asserts that the rationale for introducing this bill is to reduce court delays and the complexity of small claims in the Magistrates Court. It follows from the government's previous Statutes Amendment (Courts Efficiency Reforms) Bill which was passed in 2012. The 2012 bill sought to increase the threshold for small claims proceedings from $6,000 to $12,000. The stated purpose at that time was to keep South Australia in line with interstate jurisdictions and to improve access to justice by expanding the range of claims that could be made without incurring substantial legal costs.

The amendments to the Magistrates Court small claims and minor statutory threshold commenced on 1 July 2013. Section 28(1) of the courts efficiency act of 2012 required the Attorney-General to conduct a review of the operation and impact of these amendments as soon as practical after the first anniversary of the commencement. Pursuant to this requirement, the Office of Crime Statistics and Research, better known as OSCAR, conducted a review between July 2014 and February 2015.

The results and recommendations of this review were published in a report tabled in the parliament by the Attorney. The genesis of this bill follows from these recommendations. The report states that the review used both quantitative and qualitative forms of data collection and analysis.

The qualitative aspect involved the collation and analysis of feedback from parties directly involved in the implementation and operation of the newly implemented changes, such as the judiciary, legal practitioners and representatives from the Courts Administration Authority.

The quantitative aspect involved the analysis of administrative data collected by the Courts Administrative Authority. The report found an increase in the number and complexity of small claim lodgements in 2013-14 is up 7.9 per cent, some indication of an increase in accessibility to the civil justice system, and an increase in the number of days from lodgement to finalisation for small claims since the commencement of the act.

There were also indications that the number of complex claims where parties were unrepresented had increased, requiring the registrar or magistrate to determine relevant issues. Legal practitioners who responded to an online survey considered that the new limit was too high and that changes, such as reducing the limit, excluding specified types of claims and providing more access to simple legal advice, were necessary to ensure a balance between accessibility and efficiency.

The Joint Rules Advisory Committee (JRAC) made a submission. The JRAC was established by the Chief Justice of the Supreme Court and the Chief Judge of the District Court. Its membership consists of nominated judges and masters, representatives of the legal profession, two members of the academic community and a magistrate. The JRAC monitors, reviews and recommends improvements and changes to courts' procedural rules governing proceedings in those courts.

In its submission to the OSCAR review, it recommended that consideration be given to reducing the upper limits in the definition of a small claim to $12,000. In recommending this course, the JRAC stated that small claims in which the amount in dispute exceeds $12,000 frequently raise factual and legal issues of a complexity equal to the claims in the ordinary jurisdiction of the Magistrates Court involving claims of more than $25,000. The time devoted by magistrates to hearing small claims involving more than $12,000 is greatly increased by the fact that the parties do not have legal representation.

I note that the JRAC recommended in the alternative that consideration be given to magistrates having a general unfettered discretion to direct that a monetary claim for more than $12,000 but less than $25,000 not be treated as a minor civil action, in which event party/party costs could be awarded in accordance with the existing scale of costs for non-minor civil actions.

The Law Society undertook consultation with its committees and also its membership. The comments it received overwhelmingly were in support of the proposed reduction in the limit for minor civil matters. The feedback it received indicated that there were very few claimants who would consider $25,000 to be a minor amount of money and that disputes involving sums of this kind were often complex. The Australian Lawyers Alliance also supported the bill.

The opposition did receive submissions from the Motor Trade Association which opposed the lowering of the monetary limit for minor civil disputes on the basis that it would cause a denial of justice particularly for small businesses. In light of the recommendations contained in the OSCAR review, coupled with wide-ranging support for lowering the threshold that has been expressed by the JRAC, the Law Society and the legal profession, the opposition will support the second reading of this bill.

The Hon. T.T. NGO (16:06): I rise to speak about the Magistrates Court (Monetary Limits) Amendment Bill. While I support the bill's primary objective of reducing the complexity of minor claims and alleviating delays in the Magistrates Court, I would like to raise some concerns about its impact on the community. My understanding is that the bill proposes a reduction in the upper monetary limit of small claims in the minor civil division of the Magistrates Court from $25,000 to $12,000. For a civil justice system to operate effectively, the courts' caseload needs to be managed as efficiently as possible.

I support the principle of this bill; that is, to relieve the Magistrates Court of the strain caused by complex actions currently heard as minor civil claims. I understand that judicial officers, registrars and legal practitioners have voiced support for a reduction in the $25,000 upper monetary limit.

I have concerns about whether the proposed amendments would have the undue effect of restricting litigants' access to the court. I feel strongly about access to justice for our community. Growing up in the western suburbs, I have witnessed firsthand the difficulties many people encounter with the justice system. Many self-represented litigants struggle to understand the process and to be active participants. There are inherent benefits in the way minor civil proceedings are dealt with. There is less formality and the general rule is that parties are not entitled to legal representation except in special circumstances. This goes towards creating a more level playing field, which is especially important where there is a power imbalance between the parties.

I am mindful that the majority of litigants would not consider sums of up to $25,000 to be a minor amount of money. These sums represent financial security for many people; nevertheless, not all such matters would be categorised as complex. My concern is when the proposed reduction comes into effect people with any claim of greater than $12,000 will be forced to commence general civil proceedings in the Magistrates Court. These proceedings may be handled with more formality and require parties to have legal representation.

I acknowledge there are advantages in bringing legal practitioners into civil litigation where more than $12,000 is being claimed. The involvement of experienced practitioners can fast-track particularly complex matters by helping parties to crystallise the issues and expedite the settlement process before the matter reaches trial. With no guarantee of success in litigation and more at stake in general civil claims, fear of legal costs may prevent disadvantaged people, including vulnerable, elderly or working class members of our community, from putting forward a genuine civil claim.

Community support structures such as the Legal Services Commission assist people who otherwise would not have any access to legal support. The commission provides free legal advice with minor civil matters through the telephone helpline and in person appointments. Even so, the commission does not have unlimited resources. The unfortunate reality is that grants of legal aid for representation are generally not available in civil matters.

I am told when a claim is likely to exceed the small claims jurisdiction, advisers will usually recommend that advice is sought from a private legal practitioner. However, we should recognise that many people simply cannot afford the services of a private lawyer. I am told solicitors can charge hourly rates that are greater than a client's daily wage. You can see why cost is a key consideration in general civil matters.

An entrenched principle in our justice system is that all people, regardless of their status, are equal before the law. Access to justice is, therefore, an essential element of this principle. A person's ability to participate in the civil justice system should not depend on their ability to afford legal representation. Justice Steven Rares once said:

> If the common law right of access to justice is to have meaning, it cannot be turned into a privilege, based on financial or other selective criteria.

We do not want to create a situation where disadvantaged people surrender their legal rights for fear that they cannot meet the costs of bringing their claim to court. I hope my concerns will be taken into consideration. In saying this, I commend the bill to the council.

The Hon. K.L. VINCENT (16:13): I will speak briefly.

The Hon. S.G. Wade interjecting:

The Hon. K.L. VINCENT: Much to the Hon. Mr Wade's disappointment, I will be brief on this occasion. I know he likes to listen very intently, but to keep them keen you have to treat them mean and you have to keep it a rarity to keep the entertainment factor there, so I will only speak briefly today to the second reading of the Magistrates Court (Monetary Limits) Amendment Bill to indicate that Dignity for Disability supports the second reading.

We appreciate the briefing that the Attorney-General's staff provided to my staff. We also certainly agree, for reasons that have been outlined by a previous speaker, that the claims limit is currently too high at $25,000 and could result in claims which are deemed too complex being left without adequate legal representation and advice. We believe that everyone should have the right to adequate legal representation, so we strongly support the small claims limit being brought back down to $12,000 as proposed under the bill. For that reason, we support the second reading of the bill.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Ms Vincent has concluded her presentation, I gather. It is a bit difficult for me to know, because there is a conversation right behind you.

The Hon. K.L. VINCENT: I promised brevity and I have delivered.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:15): I thank all honourable members for their contribution during the second reading stage and look forward to the bill progressing.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: The opposition indicates that it will not be seeking any amendments to this bill.

The Hon. R.I. LUCAS: Can the minister indicate what, if any, opposition to the bill has been expressed to the government by any industry group or association.

The Hon. P. MALINAUSKAS: I have been advised that the Small Business Commissioner indicated they do not support the bill.

The Hon. R.I. Lucas: Did not?

The Hon. P. MALINAUSKAS: That is correct, as I understand it. I also understand that the Law Society did indicate support for the bill but did propose an amendment. I have just recently been advised that the Motor Trade Association expressed reservations with the bill and do not support it.

The Hon. R.I. LUCAS: I am aware of the relatively recent concerns that the Motor Trade Association has expressed about the bill. Can the minister indicate on what date did the government receive advice from the Motor Trade Association that it had concerns about the bill, and what action, if any, did the government take in relation to allaying any of the concerns of the Motor Trade Association about aspects of the legislation?

The Hon. P. MALINAUSKAS: I am advised that, on 24 May of this year, the Hon. Martin Hamilton-Smith was written to—this is from the Motor Trade Association—and that correspondence was then forwarded to the Attorney-General's Department, presumably. I understand there have not been any meetings that have taken place between the MTA and the government since that date.

The Hon. R.I. LUCAS: As I understand it, minister Hamilton-Smith did not take up the issue with the Motor Trade Association, other than receiving the correspondence and forwarding it, and that subsequent to that Attorney-General Rau did not have any discussion with the Motor Trade Association either about their concerns with the legislation. Is that what the minister has just indicated?

The Hon. P. MALINAUSKAS: Yes.

The Hon. R.I. LUCAS: My question to the minister then is: does the minister think that is a reasonable response from the government to a not inconsiderable inconsequential industry organisation that has raised concerns about a piece of government legislation, writes to minister Hamilton-Smith, he rightly or wrongly forwards that to the minister in charge of the bill, Attorney-General Rau, and then that there is not even a token response by way of discussion with the Motor Trade Association about their concerns with the legislation?

The Hon. P. MALINAUSKAS: I am advised that, upon receipt of the correspondence from the Motor Trade Association that was sent to the Hon. Mr Hamilton-Smith and its being reviewed by the relevant people within the Attorney-General's office, the correspondence did not accurately

reflect the issue that is being looked at in the bill and, as a result, a determination was made that no further action was necessary.

The Hon. R.I. LUCAS: I understand the minister in charge of the bill in this chamber is not one of the two ministers involved, but I have to say that, upon the passage of the bill, I would ask him to have a look at the letter because that is patently not correct, in my view. Having seen a letter, which I assume is the same as the letter that went to minister Hamilton-Smith, it certainly directly relates to the legislation. They give specific examples of their concerns about access to, in essence, the courts and the cost of resolving legal disputes, in particular for small businesses, and they gave an example of the type of equipment that some of their dealers would have to deal with in terms of legal issues.

They were quite specific, so I am not being directly critical of the minister because he is not one of the two ministers, but his advice, in my view, is inaccurate, the complaints or concerns did relate to the bill. It may well be that the government might say, 'Well, too bad, we don't agree with them,' which is entirely the government's prerogative, but I think that to portray the concerns of the Motor Trade Association as, in essence, not relating to the bill is an unfair and inaccurate portrayal of their competence.

Having met with their officers, on a range of other issues I might say, who did raise this issue with me and indicated their concerns about this legislation, they certainly understand the legislation. They are competent officers and they are a competent organisation. They are not some cowboy outfit that does not understand what the government is doing. In the end, the government might just disagree with them and, as I said, that is entirely the government's prerogative, but I think for the government's advisers to say that the Motor Trade's letter did not really relate to the essential nature of the legislation, or whatever words the minister was advised to use, is, as I said, an unfair and inaccurate portrayal, in my view, of the Motor Trade's position.

Can the minister indicate what the nature of the opposition from the Small Business Commissioner was to the legislation and when the government was advised that the Small Business Commissioner—I assume on behalf of small businesses in South Australia—said that he did not believe this was good legislation and was opposing the government's proposal?

The Hon. P. MALINAUSKAS: I am advised that the Attorney-General has met with the Small Business Commissioner recently where the concerns of the Small Business Commissioner were discussed. I understand that the Small Business Commissioner understands the government's intent behind the bill and the fact that the propositions in the bill arise out of the Office of Crime Statistics and Research report.

In regard to the remarks from the Hon. Mr Lucas regarding the government's response to the MTA, I just want to state for the record that this government holds the MTA in high regard and in no way, shape or form should the MTA or anybody else who decides to read *Hansard* in due course think for a second that the government does not wholeheartedly respect the role the MTA plays in advocating for the interests of their members. There certainly has not been any suggestion by anyone, apart from the Hon. Mr Lucas, that someone is questioning the competence of that organisation. It is important to be clear for the record that the government enjoys a good working relationship with the MTA and hopes that continues going forward.

The Hon. R.I. LUCAS: With the greatest respect, the minister was the minister who stood in this house and actually said that the letter from the Motor Trade Association did not address the issues that related to the bill, or words to that effect. The *Hansard* record shows that so I do not think his most recent statement can absolve him of the commentary that he made earlier. He may well want to argue privately to the Motor Trade Association that that was based on advice he was given, but he and no-one else is on the record in relation to the Motor Trade's letter. As I said, if it is similar to the letter that I received a copy of it certainly does relate to the principal issues of this legislation, they do understand the legislation and they disagreed with it, which is entirely their right.

Coming back to the Small Business Commissioner, is the minister indicating that now that the Attorney-General has met with the Small Business Commissioner that the Small Business Commissioner is supporting the legislation?

The Hon. P. MALINAUSKAS: No, I am not indicating that.

The Hon. R.I. LUCAS: If the nature of the discussion with the Attorney is that the Small Business Commissioner understands the government's position but still does not support it, can the minister indicate what the continuing concerns of the Small Business Commissioner are with the government's legislation?

The Hon. P. MALINAUSKAS: I can indicate that the meeting between the Attorney-General and the Small Business Commissioner was cordial. Of course, the Small Business Commissioner and the Attorney may well have a difference of opinion regarding the bill. I understand that despite what was a good meeting between the Attorney-General and the Small Business Commissioner, the Small Business Commissioner was inclined to keep the same view that he did previously, which would be consistent with the correspondence that was sent from the Small Business Commissioner to the Attorney-General, signed 4 May. I am happy to share that with the Hon. Mr Lucas. Just as a little personal birthday gift, I will read this out for him:

Dear Minister

…I write to you in my capacity as the South Australian Small Business Commissioner and to signal to you my concern at the proposed changes to the existing $25,000.00 threshold for (unrepresented) access to the Adelaide Magistrate's Court as a 'Minor Civil Claim'.

As its name implies, this arm of the Court deals with minor civil claims, including the recovery of debts of up to $25,000 and for minor civil proceedings such as neighbourhood disputes, trespass, nuisance, etc. and applications under the *Fences Act 1975*.

Importantly for small businesses, those matters are dealt with in the Court with a minimum of formality, and whilst most parties are not entitled to legal representation, there are special circumstances in which representation will be allowed. Of key importance to small business in South Australia, this Court process is simple and quite informal and has been designed for anyone to utilise without requiring legal help.

My officers advise me (anecdotally) that there are a significant number of enquiries that they receive where the sum being disputed falls between the current $25,000.00 and proposed $12,000.00 thresholds. In my view, the current threshold operates well regarding small business disputes.

I note that the Court can give permission for a lawyer to appear for parties in certain circumstances—for example, if the other party is a lawyer, if both of the parties wish to have a lawyer, or if one party believes they would be unfairly disadvantaged by not having a lawyer. This is a discretion that is, in my view, properly left to the Court (upon application).

Whilst 'party-party' costs are not generally recoverable, the Minor Civil process does provide that it is where a claim is not successful, that Party might have to pay the other party what it cost them to defend the claim, including their costs to file documents, a fee for their attendance at court and fees for any witnesses they bring to court.

I am seeking a meeting with you at an agreeable time to discuss these concerns further. I can be contacted on—

his mobile number or his landline—

or John.Chapman@sa.gov.au. I look forward to discussing this important issue with you in due course.

Yours sincerely,

John Chapman

COMMISSIONER

4 May 2016

The Hon. S.G. WADE: I was wondering if the minister explained why the government chose to get a review of this proposal by the Office of Crime Statistics and Research considering this is a bill related to civil matters?

The Hon. P. MALINAUSKAS: I am advised that it is a branch within the Attorney-General's Department that does have the capacity to be able to access core information, and that puts it well placed to be able to conduct such a report or review.

The Hon. S.G. WADE: I would have thought the Attorney-General could get access to court information and perhaps make it available to a relevant adviser, such as the Small Business Commissioner.

The Hon. P. MALINAUSKAS: Is that a question?

The Hon. S.G. WADE: Access to information is hardly an excuse. The government can arrange for information to be provided to anybody. The Office of Crime Statistics and Research is a body dedicated to the provision of crime stats-related advice. What expertise they would have to do anything other than access information is what I am asking the minister to explain to the house.

The Hon. P. MALINAUSKAS: I have been advised—and I think it is well known—that the Attorney has an outstanding working relationship with the courts and regularly seeks advice, but I understand that the Office of Crime Statistics and Research is an organisation that has the capacity and the functionality to be able to do a report of this nature, to be able to do the statistical analysis that is required to be able to produce the information that is contained within this report.

The Hon. S.G. WADE: I will not pursue this any further, but just put on the record that to me that is not convincing. This is meant to be a review, it is meant to be a policy legislative review. The mere capacity to manipulate statistics in a criminal statistics context I do not believe makes them particularly well suited to this role. But, I will not pursue it: it reflects on the, shall we say, commitment to a full review that the Small Business Commissioner apparently was not even engaged and an apparently irrelevant body was.

The Hon. P. MALINAUSKAS: I will just respond to that by saying that I am not too sure what is the Hon. Mr Wade's beef or problem with the Office of Crime Statistics and Research. There is no suggestion whatsoever being made, apart from the Hon. Mr Wade, about the manipulation of statistics. It is a credible organisation within government that has the functionality and the analytical skills to be able to do the report, and on all accounts has done a good job.

The Hon. R.I. LUCAS: Does the minister agree or not agree with the impassioned views the Hon. Tung Ngo put on the public record on behalf of those South Australians who struggle to pay for legal costs in terms of access to the law? Did the minister agree with the statements and the concerns the Hon. Tung Ngo put on the public record?

The Hon. P. MALINAUSKAS: I thank the Hon. Mr Lucas for his birthday question, and I thank the Hon. Tung Ngo for the contribution he made earlier. The Hon. Tung Ngo is a passionate South Australian who has a genuine interest in his constituents and he advocates his case accordingly, but the government very much looks forward to enjoying the support of the Hon. Tung Ngo as this bill passes through parliament.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:40): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Ministerial Statement

CHILD PROTECTION

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:40): I table a copy of a ministerial statement relating to the deaths of Adeline Yvette Rigney-Wilson, Amber and Kory made earlier today in another place by my colleague the Deputy Premier (Hon. John Rau).

Bills

CONSTITUTION (APPROPRIATION AND SUPPLY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 March 2016.)

The Hon. R.I. LUCAS (16:42): I rise to speak to the Constitution (Appropriation and Supply) Amendment Bill and, in doing so, indicate that, whilst it is not formally a cognate debate, I will certainly be addressing my comments as if it was a cognate debate for the companion bill, as I would refer to it, and that is the Referendum (Appropriation and Supply) Bill (No. 108) which relates to the same issue. So, when it comes to agenda item 9, the referendum bill, I will just speak briefly and refer the avid readers of *Hansard* to the comments on this bill.

This bill is yet another instalment in a long-term plan of attack by the Labor Party in South Australia to abolish or to severely weaken the operation of the Legislative Council. Over many years, we have seen the Labor Party in South Australia up until recent times pledge to a platform and a policy of the abolition of the Legislative Council. For many years that has been frustrated by a combination of not only votes in the state parliament but also, by and large, I suspect, a majority view of the community and the media whenever the issue has come to a head.

That is not to say, however, that over the years, the Labor Party in South Australia has not managed to attract a motley collection of fellow travellers. They are not always the normal suspects and I use the adjective 'motley' advisedly to indicate an unusual combination, as I would see them, of people who at varying times have actually campaigned to either abolish or to severely weaken the operation of the Legislative Council. Clearly the normal fellow travellers—various leftist groups, in particular unions and other senior Labor Party operatives in South Australia and some academics—have been fellow travellers with the Labor Party position of either abolishing or severely weakening the Legislative Council.

In recent years in particular, and by that I mean the last 10 years or so, there has been a number of people who have surprised me by adopting similar positions. A good friend of mine, Mr Rex Jory, is a columnist in the Adelaide *Advertiser.* I often enjoy reading his columns in *The Advertiser*, but not his ongoing passion either to abolish or severely weaken the Legislative Council. On a number of occasions now he has written about the need to abolish or severely weaken the Legislative Council. We have seen former senior advisers to the government and business people like Robert Champion de Crespigny and, in the past, various iterations of Business SA—I am not sure what the current iteration of Business SA has been—have supported the policy of the abolition or the severe weakening of the Legislative Council.

If we go back over the long history of the Legislative Council, there would have been, in most of the early history and up until the last 10 years or so, very few prominent business leaders or business groups that would have supported the notion of the abolition of the Legislative Council. It appears to have been more a latter-day thing. We have seen others like Professor Dean Jaensch, who has written on political and electoral issues for many decades and who has also adopted a position over the years of a radical realignment of our parliamentary institutions in South Australia, incorporating either the abolition or severe weakening of the operation of the Legislative Council.

There was also, sadly, particularly given the long history of the Adelaide *Advertiser* in South Australia, the indignity of seeing it, in the last 10 years, at one stage campaigning for the abolition of the Legislative Council. I recall at the time, in 2010, when the Adelaide *Advertiser* led with a banner headline, 'Rann to call referendum in 2010: abolish the upper house', an exclusive story given to the then political reporter or editor Greg Kelton. The story led with:

> Premier Mike Rann wants Parliament's Upper House abolished and will ask South Australians to bring about the greatest electoral system changes in the state's history…Labor, frustrated by legislative delays and the watering down of new laws in the Legislative Council, will begin moves to get rid of it after the March 18 election that polls suggest it is likely to win.

At that particular time, *The Advertiser* in its editorial titled, 'High time to burn down the house', in the first sentence states: 'The demise of South Australia's Legislative Council cannot come quickly enough.' I am too ashamed of the rest of the editorial to put it on the public record. The title and the first sentence should be enough. I think there are many former owners, operators and editors of *The Advertiser* who would have turned in their grave to have seen the newspaper—the state's now only newspaper—leading, with the Labor premier of the time, a campaign to burn down the Legislative Council in a political and figurative sense and arguing for the demise and abolition of the Legislative Council.

During this period of the last 10 years or so it was not just left-leaning individuals and groups such as unions and the Labor Party to be fair; there was an odd assortment of others, including academics, the occasional business group and the occasional business leader who, for whatever reason, had been persuaded by the Labor Party rhetoric that the Legislative Council should be abolished. I seek leave to have incorporated in *Hansard* without my reading it, a purely statistical table which incorporates just two columns: an analysis of the total number of government bills considered by the Legislative Council for each year since 1993 through to 2014; and a second column of government bills negatived or laid aside in the Legislative Council for each year since 1993 to 2014.

Leave granted.

Statistical summary of bills considered by the Legislative Council, 1975-2014

Year	Total number of Govt. Bills considered by L.C.	Govt. Bills negatived or laid aside in L.C.
2014	*35	1
2012-13	160	7
2010-11	*98	1
2008-09	102	-
2007-08	89	1
2006-07	*109	-
2004-05	110	-
2003-04	84	1
2002-03	96	1
2000-02	*127	1
1999-00	98	1
1998-99	97	1
1997-98	*94	-
1996-97	106	1
1995-96	120	1
1994-95	118	-
1994	59	1
1993	*41	1

*These were periods when an election was held and hence a number of Bills lapsed due to the Prorogation of the Parliament.

The Hon. R.I. LUCAS: I am indebted to the table staff who have calculated these particular columns in the bulletin which is called the Statistical Summary of Bills Considered by the Legislative Council 1975 to 2014. I have just taken a snapshot of the last 20 years from 1993 to 2014. What that shows over that period of 20 years, conveniently, is that 1,743 is the total number of government bills considered by the Legislative Council and of those 19 have been negatived or laid aside in the Legislative Council. That is approximately 1.1 per cent of bills have either been negatived or laid aside in the Legislative Council over a 20-year period. That is approximately one bill per year for each of the last 20 years.

The reason I put that on the public record is that it gives the lie to this long campaign from the Labor Party over the years, and some others who have been seduced by that particular argument, that in some way in South Australia this state has been ground to a standstill, that in some way either key economic decisions or key reforms continue to be significantly opposed, negatived or laid aside. The reality, as we all know, is that just simply is not true and it is not the case.

Whilst, yes, all governments—Labor and Liberal—are frustrated sometimes, I am sure, at the delay of key pieces of legislation through both houses of parliament, and I know the government recently was frustrated at the time taken to debate the planning bill, but that was an extraordinarily complicated piece of legislation. It was one, in my view, which was not filled out in terms of its time

by unnecessary filibusters. I think the only example in recent times I can think of what I might term an unnecessary filibuster was the workers compensation legislation.

However, that has not generally been the practice of the Legislative Council. Proper and thorough review through the committee stage—a role, as it should be, of the house of review, the second house of the parliament, the one where the government does not have the majority—of complicated pieces of legislation like the planning legislation is the job that is required of the house of review. It is the job that is required of the two-thirds of members in this chamber who do not happen to be members of the government party.

It is not as if we are in the period of 1979 to 1982, or soon after that, where government and opposition had approximately equal numbers—10 or 11 members each—and there was one sole Independent. We have a situation now where the people of South Australia have, for a long period of time, voted for a not insignificant number of members from minor parties and Independents in this chamber. Whilst it has not always been as many as the seven or so we have now, and might not be as much in the future, it is still significant over the bulk of the last 20 years in terms of the numbers of people whether it is been three, four, five or up to seven or eight on occasions who have come from the non-government or non-major parties in the Legislative Council.

I think in this debate we often hear from the government to 'look at the facts in relation to it.' Well, we say to the government, 'Let's look at the facts in relation to what actually happens,' and in considering a major piece of legislation like this, before anyone is tempted to go down the particular path that the government asks, let's look at the facts and let's look at the record. So, we have seen over the last 10 years the full frontal attack—that is, the abolition tried on a number of occasions—which has failed. What these bills are proposing to do is to wage guerrilla warfare to weaken the powers of the Legislative Council before ultimately trying to destroy it.

So, having failed to abolish or remove the Legislative Council, the proposal is to try to chip away through various proposals—and we will talk about another one. I will be speaking on the other bills tomorrow on the deadlock provisions which, in my view, is in exactly the same vein. There is no issue, there has been no issue; the government is seeking to use these particular bills to reduce the powers of the Legislative Council as part of a long-term goal to either severely weaken or abolish the Legislative Council.

In addressing this bill, together with its companion bill, I want to look at the history of the appropriation and supply bill powers debate between the houses right from the formation of South Australia and our parliamentary institutions. In doing so, I want to refer to the book *Responsible government in South Australia from the foundations to Playford*, Volume 1, written by Gordon D Combe MC. I quote from the first major references to this issue of resolving the powers over money matters between the House of Assembly and the Legislative Council on appropriation and supply bills on pages 90 and 91 of this history of responsible government in South Australia, as follows:

On first meeting the Council as Premier, Baker declared that the sole policy of his Ministry would be to settle the differences which had arisen between the two Houses as to their respective powers in relation to money bills. The Constitution Act ,1855-56, placed limitations on the power of the Legislative Council to initiate certain financial measures, but no express restrictions were put upon the Council's power to amend them. In the first session of the first Parliament a violent dispute arose between the two Houses on this issue and shook the infant Parliament to its foundations.

The occasion which brought the two Houses into collision was an amendment made by the Council to the Tonnage Duties Repeal Bill, originated in the Assembly. The alteration made affected the principle of the Bill and went so far as to strike out a clause which provided for the repeal of the dues upon shipping.

The House of Assembly's version of the intention of the Constitution was that the Council and the Assembly should, in money matters, stand in the same relation to each other as did the House of Lords and the House of Commons. The Council, on the other hand, vehemently denied this assertion and claimed there was constitutionally no analogy between itself and the House of Lords.

After prolonged discussions in both Houses and a joint conference of representatives from both Houses, a compromise was reached. The Houses evolved a *modus vivendi* known thereafter as the Compact of 1857. The Compact comprised the three following resolutions passed by the Council which the Assembly agreed to adopt 'for the present':—

'That this Council further declares its opinion that all Bills, the object of which shall be to raise money, whether by way of loan or otherwise, or to warrant the expenditure of any portion of the same, shall be held to be Money Bills.

'That it shall be competent for this Council to suggest any alteration in any such Bill (except that portion of the Appropriation Bill that provides for the ordinary annual expenses of the Government); and in case of such suggestions not being agreed to by the House of Assembly, such Bills may be returned by the House of Assembly to this Council for reconsideration—in which case the Bill shall either be assented to or rejected by this Council, as originally passed by the House of Assembly.

'That this Council, while claiming the full right to deal with the monetary affairs of the Province, does not consider it desirable to enforce its right to deal with the details of the ordinary annual expenses of the Government. That, on the Appropriation Bill, in the usual form, being submitted to this Council, this Council shall, if any clause therein appear objectionable, demand a conference with the House of Assembly, to state the objections of this Council, and receive information'.

E.G. Blackmore, an eminent Australian authority on Parliamentary Practice, considered that the compact was to a certain extent a surrender of its position by the Council, but the difference between an amendment and a suggested amendment was not very great in effect, and the Council retained most of the substance of the function which it had claimed.

The Compact of 1857, though at all times dependent for its existence on the will of either House, succeeded in keeping the peace for 56 years, although each Chamber continued always to hold its original view and at intervals took occasion to forcibly express it. The device of the 'suggested' or 'requested' amendment in Money Bills, which our first Parliamentarians evolved so ingeniously, has had paid to it that sincerest form of compliment which is imitation. It was adopted in Western Australia (1899), in the Commonwealth Act (1900), and in Victoria (1903).

As Combe notes in his book, the Compact of 1857, in essence, kept a type of peaceful co-existence on money bills between the House of Assembly and the Legislative Council for a period of just more than half a century. It was not until the period of 1912-13, with the advent of a very early Labor government (the Verran Labor government), that that peaceful co-existence was threatened. Combe refers to that period as follows:

This request to the Asquith Imperial Government was not revealed to the South Australian Parliament until 3 January 1912, after a political crisis had arisen in consequence of the Legislative Council having refused to pass the Appropriation Bill in the form in which it was transmitted to that Chamber and which the Government tried to enforce. The measure included sums intended to enable the Government to set up brickworks (a first instalment of £10,000) and for the purchase of timber and firewood for resale (to the value of £1,000). The Legislative Council expressed their emphatic disapproval of tacking these new proposals on the Appropriation Bill and 'requiring the Council to pass the Bill willy nilly', believing that 'the proper Parliamentary procedure should be resorted to in the establishment of these industries and that they should not be established by a side wind. The Appropriation Bill should have included nothing but amounts for ordinary current expenditure'. The House of Assembly refused to accept the view of the other House and a subsequent conference between managers from the two Houses proved futile. The trouble, of which the laying aside of the Appropriation Bill was the climax, had been brewing all through the session.

On 23 December 1911, acting on the advice of the Government, the Governor transmitted an urgent cablegram to the Secretary of State for the Colonies, pointing out that financial supply was nigh exhausted and asking for guarantee that relief be granted by Imperial legislation in terms of the Council Veto Bill, directing special attention to the Government's November memorandum and appeal. The plea proved fruitless; for on 26 December 1912, the Secretary of State for Colonies replied that he was unable to comply with the Government's request on the ground that 'interference of Imperial Parliament in internal affairs of a self-governing State would not be justified under any circumstances until every constitutional remedy had been exhausted and then only in response to a request of the overwhelmingly majority of the people, and if necessary to enable Government of the country to be carried on'.

The Verran Government immediately decided to submit to the electors the whole question of the relations of the two Houses of Parliament, a Supply Bill was passed to enable the services of the Government to be carried on until after the election and on the 16 January 1912, the House of Assembly was dissolved. Then followed a brief and spirited election campaign, described at the time as the most important and fiercest political battle ever fought in South Australia. It is reported that in all 41,028 names were added to the Assembly list and 13,863 to that of the Council. Never before had a campaign caused such intense interest among all sections of the community.

At the general elections on 10 February 1912, the Verran government suffered unmistakeable defeat, only 16 Government supporters being returned for the Assembly as against 24 successful Liberal candidates.

The peaceful coexistence on money issues that had existed for more than 50 years had descended into bitter dispute in 1912-13 under the Verran government and, at that particular time, with those particular circumstances and those particular provisions that applied at the time, an election was subsequently fought and lost by the then government of the day.

Combe outlines, as a result of all of that, further negotiations that went on between the two houses and proposed legislative changes, and then summarises as follows:

By the same Act, Parliament defined the powers of the two Houses in money matters by an amendment to the Constitution Act. By this means the principles enunciated in the Compact of 1857 and the general practice that had been built up on the foundations of this voluntary agreement over nearly 60 years were given statutory force. Opportunity was taken to define more precisely the terms used, resort being had for this purpose to the language employed in the Imperial Parliament Act, 1911, the Commonwealth of Australia Constitution Act and the South African Act. It was further provided that appropriation would be provided for by two separate Bills whenever the Government desired to authorize expenditure of revenue on any purpose not previously authorized by Parliament. The provision relating to Money Bills enacted in 1913 have been retained intact until this day.

Combe summarises that, as a result of the clash and the conflict of 1912 and 1913, there were then subsequent amendments to the Constitution Act in 1913 which, in Combe's view, have remained intact until this day, which is the legislation that we are now considering.

The next issue that arises in relation to any consideration of the powers of the Legislative Council arises in 1925. In 1925 the Legislative Council, bearing in mind there had been these changes in 1913, suggested amendments to two expenditure lines in the Appropriation Bill. The Legislative Council moved to reduce the Treasury line by £1 for the State Government Insurance Office, and the Electoral Expenditure line by £575, as a protest against keeping of Legislative Council roles by the Commonwealth.

The Hansard of the time of the Legislative Council records the Hon. Sir David Gordon moving in the following terms:

That it be a suggestion to the House of Assembly that on page 2, line 54, clause 2 the line 'The Treasury £11,187', be reduced by £1 to a total of £11,186. This is intended as a formal protest against the government catering for business of an insurance character, but certainly not against their right—which all governments enjoy without legislation—to insure their own employees or their own property. The Gunn government, however, have opened a public insurance office and are catering for outside business. I am not discussing the merits or demerits of that action—whether it should be done or not—but I point out that a bill specifically for that purpose was introduced into parliament last year and rejected. That being the case, while the government have full right to do their own insurance, they had no parliamentary authority to seek outside business.

This is raising the critical issue, which has been discussed at federal and state levels subsequently, which is the issue of tacking, and what had occurred here is that the government had sought to establish its own state government insurance office by way of separate legislation, that had been defeated by the parliament at the time. The government then sought through the back door, through the Appropriation Bill, to put in expenditure to pay for a state government insurance office, even though the parliament had voted against it.

So the Legislative Council at that particular time moved the only power it had, which was to reduce the level of the expenditure by £1 as a symbol of protest against what the government was doing by way of tacking in the Appropriation Bill. On that particular occasion the amendments from the Legislative Council were agreed to by the House of Assembly; that is, the Assembly backed down in the face of the suggestions by the Legislative Council and agreed to the amendments.

In the seminal paper written by Jan Davis, Clerk of the Legislative Council, entitled 'The Legislative Council and Money Matters', presented to the 33rd Conference of Presiding Officers and Clerks in Brisbane 2002, Ms Davis summarises that event in the following terms:

As a result, and as part of a further political settlement between the houses to regularise their relationship, section 63 was inserted in the Constitution. A bill for appropriating revenue or other public money for any purpose other than a previously authorised purpose shall not contain any provision appropriating revenue or other public money for any purpose other than a previously authorised purpose. This provided that appropriations for a previously authorised purpose must not be included in the same bill as appropriations for a purpose not previously authorised.

Now, this was endeavouring, in legalese, to address the issue of tacking, to address the issue of, okay, if there was legal authority for expenditure on a particular function, that was one thing, and if it had been previously approved, the continuation of that was one argument, but when you are actually trying to seek approval, legislative authority and funding expenditure approval, for a completely new purpose, that is, a purpose not previously authorised by the parliament, that ought to be treated in a different fashion. Ms Davis goes on to say:

Modern practice and the more technical detail of the State finances have resulted in the Appropriation Bill and the Budget Papers not providing the intricate details required to assess whether something has been 'previously authorised' or not. All Appropriation Acts have been from Consolidated Accounts since the Budget of 1980-1981 which

introduced a single Appropriation Bill for all appropriations (whether for previous purposes, new purposes, usual Government operations or major capital works).

I refer members to the most recent Appropriation Bill that we received, which was last year's—some 12 months ago. As members will know, the Appropriation Bill 2015 is a bill of some three pages. If members are not familiar with that they can have a look at it. Essentially, the working part of that is schedule 1, which just lists amounts proposed to be expended from the Consolidated Account during the financial year.

The bill then lists the departments, for example, Department of Planning, Transport and Infrastructure, $262 million; administered items for the Department of Planning Transport and Infrastructure, $7.9 million, and that is the aggregate nature of the detail that is provided in the Appropriation Bill. Clearly, determining what is an authorised purpose and what is not a previously authorised purpose when looking at the Appropriation Bill is impossible, given the modern nature of appropriation bills and the modern nature of finances.

Of course, members will be aware that there is a companion bill with the budget on most occasions, although not always, which is generally referred to as the budget measures legislation, which is not the Appropriation Bill, and it is not a supply bill. It is a budget measures bill, which might include money clauses in it. But it is not an appropriation bill nor is it a supply bill, which is the nature of the debate that we are having here in this legislation, that is, the Appropriation Bill and the Supply Bill. In consideration of the legislation, that quite important technical detail needs to be borne in mind.

In terms of tracing the history of the issue, the conflicts or differences of opinion between the houses on money bills, I do want to refer to the example in 1992. Again, this comes from Ms Davis' paper: 'The Legislative Council and Money Matters'. Page 3 of that refers to the circumstances of 1992, which was under the then Arnold Labor government. I refer to this particular speech from the Clerk:

> So I come to the situation in 1992 with the *Arnold* Labor Government's passage of its Appropriation Bill, after being considered by the Estimates Committee of that House. After its passage, it was realised that the new Premier had appointed new Ministries and hence the structures of Government Departments had changed but was not reflected in the Schedule to the Appropriation Bill. Consequently, a Message was sent to the Council for the return of the legislation.

I interpose here. The Appropriation Bill, having been passed by the House of Assembly, the Labor government realised they stuffed up and they actually send a message to the Legislative Council saying, 'Whoops, we've passed the Appropriation Bill. Can you send it back to us?' Ms Davis continues:

> The legislation had been set down on the Council Notice Paper for the adjourned debate on the second reading. The Attorney-General moved that the request contained in the Message from the House of Assembly be agreed to and that the Appropriation Bill be withdrawn forthwith and returned to the House of Assembly. This was agreed to and the Order of the Day discharged.
>
> However, the Government had not counted on the Opposition in the House of Assembly refusing to deal with the legislation again. The Treasurer moved that the third reading be rescinded in order that the Bill be referred again to a Committee of the Whole.
>
> The Treasurer in his summation stated—
>
> 'When I last spoke to the Bill I gave the House a brief indication of the reason and necessity to bring the Bill back before the assembly. Without going through the whole debate again I will recap to refresh the memories of Members. As everyone knows, significant changes made in Ministries and administrative units have meant that the Schedule that accompanied the Bill when it was introduced and allocated funds, for example, to departments and administrative units that no longer exist. Of course, those funds have been transferred to where the program has been moved. This is a sensible and simple procedure that should not have created any great excitement. However, it appears to have done so, although it created no excitement in the Upper House.
>
> I think the procedure we have adopted is a good procedure; it is the preferred procedure, although other procedures were suggested. I think it gives due recognition and courtesy to this House and, for those reasons, I commend the motion to the House.'
>
> The Shadow Treasurer, Mr S.J. Baker earlier maintained—
>
> '…this is the first time in the 152 years of this Parliament of which I am aware, that the House has been asked to change and re-submit the Appropriation Bill because of administrative bungling.'

And there is further animated debate from various members in the assembly. The end result of that in the House of Assembly was that the motion failed to pass with the required absolute majority. The then Speaker stated, and I quote:

'The House finds itself in a very unusual situation with this Bill. It is my intention to send the Bill back to the Legislative Council in its original form.'

Consequently, the Bill was retransmitted to the Upper House. In once again moving the second reading of the legislation, the Leader of the Government in the Upper House tabled several Crown Law and Solicitor-General Opinions relating to how the Legislative Council could suggest amendments to the Appropriation Bill.

I need to interpose again: this was the Labor government of the time saying the Legislative Council could suggest amendments to the Appropriation Bill to get the government out of the problems that it had created for itself through the stuff-up in the Appropriation Bill. The Labor government was urging the Legislative Council to actually amend the Appropriation Bill using the powers that exist for the parliament, and quoting both crown law and Solicitor-General opinions to support that. I continue with Ms Davis's paper:

As previously mentioned, the Constitution Act provides that Appropriation Bills should only contain appropriation of funds 'previously authorised by Parliament'. The Crown Solicitor advised—

'In my opinion, the current Appropriation Bill is not in accord with section 63 of the Constitution Act, whether or not the Schedule is replaced. This is not surprising; all Appropriation Bills since 1980 have been inconsistent with section 63 and many Acts before that date were also inconsistent with it. The effect of any failure to comply with section 63 (and, in my opinion, the only effect) is that the Council can recommend amendments to the Assembly.'

The President, in ruling on the issue, stated [in part]—

'…With the Appropriation Bill in its current form, the Legislative Council in almost all cases, will be able to suggest an amendment, because in almost all cases, it will be possible to find a new purpose in the Budget Papers.'

Ms Davis's paper concludes:

As a consequence, in Committee, a motion was agreed to—That it be a suggestion to the House of Assembly to amend the Bill by leaving out the Schedule and inserting new Schedule A.

Subsequently, the House of Assembly agreed to the suggested amendment and amended the Appropriation Bill accordingly.

I quote the 1992 example as an example of where the Labor government actually quoted crown law and the Solicitor-General in supporting the view that it was appropriate for the Legislative Council to use its powers to amend the Appropriation Bill, and that if it did not have the power to do that, there would have been a significant issue because the government had stuffed up, to use a colloquial expression, the Appropriation Bill by referring to ministers, departments and agencies that no longer existed as a result of a ministerial reshuffle.

That long history of the disputes and differences of opinion that have occurred between the House of Assembly and the Legislative Council since the 1850s, through the period of 1912, then 1925, that brief issue in 1992 and now to the subsequent day, indicates that the issue, in particular in the early years, of the powers of the Legislative Council and the powers of the House of Assembly, has been the matter of strong differences of opinion between, in many cases, the upper house and the lower house, and in most cases, between the Labor Party and the Liberal Party in South Australia.

The Liberal Party has strongly defended the role of the Legislative Council, its importance as a safeguard and as the second chamber, and its importance in terms of its protection of the community from excesses of government. The Liberal Party's long held position remains its strongly held view today, as we consider this.

As we look at the specific nature of this particular bill, I again refer members to the analysis that has been shown, and that is, what is the ill that is being sought to be fixed by the legislation before us? The reality is, as I have said before, that only 1.1 per cent of any bills, let alone money bills, over the last 20 years have either been defeated or laid aside by the Legislative Council—an average of about one a year over that whole period. Not since 1912—and there have been significant constitutional amendments since then, so for more than 100 years—has there been an issue in South Australia of a legislative council defeating an appropriation bill or a supply bill, and that is the essential nature of what we are being asked to consider in this legislation.

So it is not as if there have been recent examples of appropriation bills or supply bills being defeated. There have been, in recent years, vigorous debates about the companion bill, the Budget Measures Bill. The debate about the car park tax is probably the best example in relation to that, where the Legislative Council expressed a view in relation to the Budget Measures Bill but in no way threatened the passage of the Appropriation Bill at that particular time in that particular debate. That is essentially what is being raised in this debate because, if I refer members to the government's argument for the bill, what they say is:

> …these bills will insert a new provision into the Constitution Act, if passed. They will relate to either the annual appropriation or supply bill so, if the Legislative Council fails to pass the bill within a month or rejects the bill or passes the bill with amendments to which the House of Assembly does not agree, the bills will be taken to have passed both houses of parliament and will be presented to the Governor for assent.

Essentially, it is removing that reserve power that the Legislative Council has, in circumstances that have obviously not occurred for more than 100 years, to withdraw a supply bill or defeat an appropriation bill. One can only imagine the sort of circumstances where that might occur, where a government was just so clearly and abjectly utterly corrupt that it had lost the confidence of everyone in the community, where there were marches in the streets or whatever.

It is hard to envisage the circumstances, but one would imagine it would have to be in those sorts of circumstances, given the history of the last 100 years. We have had some pretty bad governments over the 100 years, but in the end the parliament has resolved to allow them to go to their election to fight their case before the court of public opinion at that particular time rather than being forced to an election.

One cannot imagine the circumstances, nevertheless it remains a reserve power and a reserve right to a house of parliament to say that we are virtually equivalent in powers to the House of Assembly. We are an important house of review. We are a safety net and it is important that that reserve power stays. The best that the government can come up with in the second reading speeches is as follows, where the government's argument for the bill is that:

> There is a risk that the Legislative Council could misuse that power and, for example, unacceptably delay the annual Appropriation Bill and, in doing so, disrupt the machinery of Government.

The government cannot even mount a case of the Legislative Council unreasonably delaying, and certainly not of it defeating, the consideration of the Appropriation Bill or indeed the Supply Bill.

So this attempt to reduce the powers of the Legislative Council, to in essence say, 'If you don't pass the bill within a month, too bad, we'll just ignore you and it will be taken to have passed both houses of parliament and can be enacted', is unacceptable completely to the Liberal Party and we believe it also would be unacceptable to the community at large, should it ever go to a referendum.

We in the Liberal Party believe that this is just a diversion. It has not been, to be honest, much of a diversion or distraction because there does not appear to have been a huge amount of media or community interest in it. We suspect that that is because, hopefully, the community is right, that there is likely to be little appetite for minor parties, Independents and the Liberal Party to make such a huge change on the basis of no evidence at all as to the need for such a major change to our constitution and to the operations of the Legislative Council.

For those reasons, I indicate that the Liberal Party will not only strongly oppose this legislation and its companion legislation, the referendum bill, but we will do so by voting against and calling to vote against at the second reading of the bill.

The Hon. J.A. DARLEY (17:31): I rise very briefly to put my opposition to this bill on the record. I will be speaking to this package of bills together, namely, the four bills seeking to reform deadlock provisions and the passage of appropriation and supply bills.

The bills seek to change the manner in which appropriation and supply bills are dealt with to ensure the passage of these bills, the rationale being that, if supply is blocked, South Australian departments and public servants may face a situation where they are not paid. I am advised the Legislative Council has not blocked supply since 1911. The manner in which these bills address this perceived problem is contemptible.

The fundamental underlying problem with these bills is that they completely ignore the whole reason why this chamber exists. The Legislative Council is a house of review. To propose that, no matter what the house of review decides, the government will simply deem the bill to pass anyway is quite simply outrageous and in some cases dangerous.

We have all seen this government ignore matters in relation to a whole range of issues. They ignore recommendations from committees; they ignore recommendations from the Coroner; they ignore recommendations from royal commissions; and, now they want to ignore the entire upper house of parliament. I know that technically the government have responded to some of the aforementioned recommendations and have indicated that they will introduce changes in support of recommendations. However, it takes so long to actually do anything that, for all intents and purposes, they might as well ignore them.

The bills also seek to reform the deadlock procedures by mirroring the commonwealth provision to be able to call for a double dissolution election. For the government to now be saying that existing deadlock provisions are not working and that they require additional ways to resolve these matters is laughable, given that the government has shown that it has not even tried to work with the existing system.

I have had personal experience where the government has treated deadlock conferences with contempt and as a joke. The purpose of deadlock conferences is for both parties to enter into discussions in good faith to try to resolve the issue. However, I have had deadlock conferences that have lasted two minutes because the government representative simply closed their books and left because they did not get their own way.

They did not try to find a compromise because I did not agree to their position. In fact, the entire Legislative Council did not agree to their position. They refused to negotiate any kind of middle ground and simply left. In childish terms, they picked up their ball and went home because they did not get what they wanted.

The current deadlock provisions are workable if they are taken seriously, and it is the government's own fault that they are not effective now. The package of bills is just a way to do away with the transparency, the scrutiny, that the upper house provides.

I know the former premier, the Hon. Mike Rann, made no secret about wanting to abolish the upper house; however, this did not gain widespread support. It is not just a case of Legislative Councils refusing to vote themselves out of a job: it is because the upper house does a very important job of reviewing the actions and intentions of the government. Whilst not suggesting the abolition of the Legislative Council, these bills undermine the role of the upper house, and I will not be supporting them.

Debate adjourned on motion of Hon. J.M. Gazzola.

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The House of Assembly insisted on its amendment to which the Legislative Council had disagreed.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS NO 2) AMENDMENT BILL

Introduction and First Reading

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

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) (QUALIFICATION FOR APPOINTMENT) AMENDMENT BILL

Introduction and First Reading

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

NOTARIES PUBLIC BILL

Introduction and First Reading

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

At 17:37 the council adjourned until Wednesday 8 June 2016 at 14:15.