HOUSE OF ASSEMBLY

Tuesday 22 July 2008

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

LEGAL PROFESSION BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:00): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

STANDING ORDERS SUSPENSION

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:02): I move:

That standing orders be so far suspended as to enable the introduction forthwith and passage of a bill through all stages without delay.

The SPEAKER: An absolute majority not being present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

CORRECTIONAL SERVICES (APPLICATION OF TRUTH IN SENTENCING) AMENDMENT BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:04): Obtained leave and introduced a bill for an act to amend the Correctional Services Act. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:04): I move:

That this bill be now read a second time.

On 19 November 1991, Shane Andrews was convicted of the murder of Mr Brian Lyden. Andrews was found by a jury to have shot Mr Lyden (who had formed a relationship with Andrews' estranged wife) with a rifle outside the Aberfoyle Park Primary School. Justice Cox sentenced Andrews to life imprisonment with a nonparole period of 23 years. When the Statutes Amendment (Truth in Sentencing) Act 1994 was proclaimed, that nonparole period was recalculated, in accordance with the act, to 14 years, 11 months and 20 days.

So, what happened was that the truth in sentencing legislation of the Liberal government, with which the Labor opposition agreed in 1994, was passed, with disagreement about only one clause, and that was the Liberal government's proposal to give all existing prisoners all the remissions they could have expected to have earned in the course of their term of imprisonment up front and, therefore, their nonparole periods were recalculated and reduced. Labor opposed that aspect of the bill.

On 13 February 2006, the recalculated nonparole period expired. Andrews has applied for parole three times and has been refused each time. Andrews has taken legal action against the state of South Australia. He argues that he is entitled to parole under the act as it stood at the date on which he was sentenced.

When Andrews was first sentenced in 1991, the Correctional Services Act 1982 provided for automatic release on parole at the expiry of a prisoner's nonparole period. The Parole Board had a discretion to impose conditions on release and, for prisoners serving a life sentence, was required to make a recommendation to the Governor about how long the parole period should extend for: a period between three and 10 years. Assuming that the conditions of parole were agreed by the prisoner, neither the Parole Board nor the Governor had a discretion to refuse release on parole.

This regime occasioned controversy. In the early 1990s, there was a concerted move to amend the law to provide for truth in sentencing across Australia. In 1994, as part of the truth in

sentencing reforms, the Correctional Services Act was amended by the Statutes Amendment (Truth in Sentencing) Act 1994.

One major change brought in by that amending act was abolition of automatic parole for sentences above five years. So, at the expiry of a nonparole period, a prisoner became entitled to apply to the Parole Board for release. In the case of prisoners serving life sentences, the board could only recommend release to the Governor.

Andrews has sued the state of South Australia. He argues that section 16 of the Acts Interpretation Act 1915, which effectively enacts the common law presumption against retrospective operation, applies to the truth in sentencing act so that, in accordance with the law as it stood in 1991, the Parole Board now has no discretionary power to refuse his release. Section 16(1)(d) of the Acts Interpretation Act provides:

> Unless the contrary intention appears,...[an] amendment...does not affect any...penalty...or punishment...imposed, prior to the...amendment.

The Andrews case was heard by the Full Court of the Supreme Court, comprising Justices Duggan, Anderson and David, on 15 July 2008. The decision has been reserved.

In 1991 section 66(1) of the Correctional Services Act 1982 stated that the Parole Board was obliged to order the release of any prisoner whose nonparole period had expired before 30 days had elapsed after that expiry so long as the prisoner had agreed to the conditions, if any, proposed to him or her for parole. Any detention after that 30-day period was unlawful and could base an action for false imprisonment.

On 1 August 1994 the Statutes Amendment (Truth in Sentencing) Act 1994 came into force. It amended the Correctional Services Act 1982. Section 11 of the amending act repealed sections 66 and 67 of the act and replaced them with new sections. The effect of the amendments was that the system of automatic parole was left for sentences of less than five years, calculated according to the amending act, but that for prisoners serving life sentences or any other sentence of more than five years, that expectation was abolished. The act now provided (by section 67(5)) that a prisoner serving a sentence of life imprisonment would apply for parole not more than six months before the nonparole period expired, if there were one, that the board had a discretion whether to recommend parole and, if it did recommend parole for a lifer, release was subject to the overriding discretion of the Governor.

This was a law proposed by the parliamentary Liberal Party. It was moved in this place, as I recall, by the then correctional services minister, the Hon. Wayne Matthew, and in another place by the Attorney-General of blessed memory, the Hon. K.T. Griffin. The central purpose of the amending act was to abolish the system of automatic remissions. As a member in the house at the time who handled the bill for the opposition, I can corroborate that that was the understanding of all of us. The idea was that individual prisoners already in prison were not harmed. The act had a transitional provision that said:

> A sentence of imprisonment imposed before the commencement of this act and a nonparole period imposed before the commencement of this act are, on the commencement of this act, reduced by the number of days of remission credited to the prisoner (section 20(a)).

This provision made it clear that the parliament intended that, but for the reduction of nonparole periods by remission credits, prisoners seeking parole after the commencement of the amendments were to be dealt with in accordance with the new scheme provided for by the act. Indeed, as already noted, Andrews' nonparole period was recalculated and reduced in accordance with the act that he now claims did not apply to him.

I recall moving an amendment against this provision, but I was not successful. On party lines the Liberal government prevailed and automatic remissions remain to be credited to existing prisoners and Andrews, as an existing prisoner, took the benefit of that Liberal Party initiative. Otherwise, he would not yet have served his nonparole period as imposed by the trial judge. The intentions of the government and the parliament are equally apparent from *Hansard*. The second reading explanation of minister Matthews says:

> All prisoners will no longer be automatically released by the Parole Board at the end of their nonparole periods...Prisoners serving a sentence of five years or more will have to apply to the Parole Board for release at the expiration of their nonparole period.

And, he said:

The government believes that it would be undesirable for there to be two groups of prisoners: pre-amendment prisoners who continue to be eligible for remissions; and, post-amendment prisoners not being eligible for remissions.

He continued:

The retention of the two systems would be particularly confusing if a prisoner was serving a sentence under both the old and the new system. A dual system would have to be maintained until the prisoner with the longest remaining nonparole period is discharged on parole.

The question of the rights of pre-amendment prisoners was examined by Justice Lander in the case of Summers v Frances Nelson QC and Others on 23 December 1994. Summers made the same argument that Andrews is now making. It was rejected. One of the most telling reasons was that at the time the amending act was passed the prisoner had accrued no right to release at all, merely an expectation that there would be a right once the nonparole period had expired—which it had not. The decision was not appealed nor has it been challenged before now. The government has relied in good faith on the decision of Justice Lander ever since.

The government is of the opinion that Andrews is wrong in law, wrong in policy and wrong as a matter of principle. There are substantial reasons for that position which I have set out above. The bill is not an admission that the government's legal position is wrong or even weak—and that applies to the Brown Government as much as it applies to the Rann government.

The current assessment is that the government's legal position is strong. The bill is being introduced as insurance in case the worst happens. Furthermore, the government is in a strong moral position. It has relied in good faith upon a decision of the Supreme Court that has gone unchallenged for 14 years. It is entitled to do so.

The consequences of losing the argument will be dramatic. Currently, there are 20 prisoners who were sentenced before 1994 whose nonparole period has expired. If Andrews' argument is correct then these prisoners would be entitled to automatic release. Given that all these prisoners are serving sentences of at least 14 years all their crimes are very serious.

In addition, these prisoners, and many others who were not granted immediate parole after the commencement of the amending act in 1994, may be entitled to compensation for unlawful imprisonment. Further consideration is being given to a rough quantum of potential damage. On a very preliminary basis it appears that this may run into many millions of dollars. These consequences are not tolerable for the public or the government.

It should be noted that if Andrews gets his judgment before the bill comes into operation that judgment will stand, but the effect of the bill is to forestall any pending judgment or order. The bill will also prevent any further applications or claims when it comes into operation. The bill will come into force upon assent. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

3—Insertion of Schedule 1

This clause inserts new Schedule 1.

Schedule 1—Application of Truth in Sentencing Act amendments

Clause 1 sets out definitions for the purposes of the measure.

Clause 2(1) provides that the amendments to the *Correctional Services Act 1982* provided for by the *Statutes Amendment (Truth in Sentencing) Act 1994* apply, and have always applied, in respect of all prisoners serving sentences of imprisonment immediately before the commencement of those amendments regardless of when the prisoners were sentenced.

Clause 2(2) provides that it follows that anything done or omitted to have been done in relation to such prisoners before the commencement of this clause on the basis referred to in subclause (1) has been, and has always been, validly done or omitted to have been done.

Clause 2(3) provides that this clause affects rights and liabilities arising between parties to proceedings initiated before the commencement of this clause to the extent to which those rights and liabilities arise from, or are affected by, an act or omission referred to in subclause (2); but does not affect any such rights or liabilities arising between parties to proceedings heard and finally determined before the commencement of this clause.

Clause 2(4) provides that nothing in this clause affects the operation of a subsequent amending Act which will have effect according to its terms.

Mrs REDMOND (Heysen) (11:18): I will be the lead speaker for the opposition in relation to this bill. The opposition will be supporting the bill. I have read *Hansard* in relation to debate on the 1994 bill, and I was interested in the comments that the Attorney-General made at that time as the opposition spokesperson. They were not entirely favourable to the bill, as it happens. Nevertheless, we do recognise the need and, indeed, the urgency attaching to the legislation which the government has introduced this morning. I thank the Attorney-General and officers of the Attorney-General's Department and the Attorney-General's own office for their briefings on the matter.

It should not be necessary to have this legislation because, when one reads the *Hansard* in relation to the original truth in sentencing bill that was passed and became the act in 1994, it is obvious that the parliament was expressing a clear intention in relation to two particular things which were outlined by the then attorney-general in his speech. The predominant thing was to meet the community's expectation that, when a judge sentences someone to a term of imprisonment and sets a nonparole period, that person will, indeed, serve that nonparole period in prison.

Until this legislation was passed in the early 1990s, many people were released from prison a significant amount of time before the expiry of the nonparole period. Indeed, I think that Lorraine Rosenberg in her contribution on the matter referred to a case that had been dealt with recently where someone was sentenced to a term of imprisonment with a nonparole period of a number of years (I think five years, or something like that), and they were out in eight months. Mrs Rosenberg, the then member for Kaurna, said in her speech:

> There is a clear...expectation that a five-year sentence will mean just that. If a person is given a sentence of five years, the community expects that person to be behind bars paying a price to society for five years and not to be out in eight months, as in a recent case.

I can only presume from her comments that, in fact, she was leaving out that intermediate step of a five-year sentence and a certain nonparole period, because I really doubt that, unless a nonparole period was set as low as that, someone sentenced to five years would have been out in eight months unless there was, say, a 1½ or a two-year nonparole period. That was the primary intention of this legislation when it was originally passed; that when a judge sentenced someone to a term of imprisonment and then determined what the nonparole period should be, the community expectation that the person would then serve their nonparole period would be met.

I am still a little puzzled as to why, with respect to that aspect, we then went through the process of dealing with the prisoners who were then in prison and said, 'We are now going to adjust your sentence and your nonparole period.' To me, it would have made more sense to leave that aspect alone and not have a transitional provision for that aspect. Nevertheless, that was what the parliament of the day did: it put in place this review of all the prisoners who had already been sentenced and were serving their term.

I think the Attorney in his contribution referred to it as being prospective remissions that the powers that be went through for each of the prisoners who were already in there to say, 'Had we not passed this legislation, you would have had an expectation that you would be given remissions amounting to this, so we will now give you those remissions.' Therefore, in the case of Mr Andrews, his sentence was reduced from some 23 years to 14 years and 11 months, I think it was. It surprises me that they went through that process, but that was what they did.

I also agree with another aspect of the comments made by the Attorney in his contribution on the earlier occasion. In my view, it would have made more sense to have a system all along that said, 'Yes, you can earn remissions but you have to earn those remissions; they are not just going to be granted automatically.' To some extent, they were simply granted automatically under our previous system. As I said, I will come back to what the Attorney said on this bill, but that was the first aspect of the original legislation.

The other aspect was the idea of people being entitled to automatic release when they had served their nonparole period, with or without remissions. Even if they behaved really badly and did not have any remissions, if they were sentenced to 15 years, for example, with a 10-year nonparole period, once they reached that 10 years they had an automatic entitlement to release. The only

function of the Parole Board was to determine what the conditions of that release might be, but it had no power to prevent the person from being released.

I would suggest that they were two significant shortcomings in our corrections and sentencing system. I note that both sides did support the changes when they were brought in and the Attorney, as usual, took considerable delight in criticising the Democrats in the other place at the time of his contribution because he assumed that, on law and order issues in this state, largely, it was Liberal and Labor versus the Democrats at that time.

The change brought about in relation to the issue of the nonparole period was to say, 'From now on, you will serve your nonparole period. You will not be entitled to automatic release at the time of your reaching the end of that nonparole period, but you will have to apply to the Parole Board and satisfy them that you should be released on whatever conditions.' Their role expanded from simply setting the conditions of an automatic release to making the determination or, indeed, the recommendation as to whether someone should be granted parole.

I think that is a critical thing to understand in relation to the case of Mr Andrews, because he has now put the argument to say that part was not retrospective. He seems to want to have his cake and eat it too. He wants the benefit of the reduced remissions that the first part of the legislation provided so that his sentence went, as I said, from about 23 years to 14 (or thereabouts), but he does not want the retrospectivity in respect of that aspect; that is, Mr Andrews says, 'Once I have reached the end of my nonparole period, I now want to argue that I am entitled to automatic release, subject to conditions that might be imposed.'

Indeed, he wants to argue that, since February 2006, he has been entitled to release. The argument that he is putting, as I understand it and as the Attorney said, is based on the Acts Interpretation Act, which basically presumes, in the absence of a clear statement to the contrary, non-retrospectivity. He is arguing that the retrospective aspect, so far as it related to his remissions is fine, but retrospective operations so far as it relates to his non-release under the new regime is not fine. Unfortunately, we are now faced with the prospect of not just Mr Andrews but potentially any number of other people who would be in the same situation, if he is successful, then also arguing that they are also entitled to release.

I do understand the urgency of the situation, given that the matter has now been heard, and I also fully support the intention because, in my view, this legislation simply clarifies and confirms the original position of the parliament and, indeed, the then Liberal government when the legislation was originally introduced. About a week ago in *The Advertiser*, people may have seen an article headed 'Freedom hinges on appeal by killer'. The information is already out there that Mr Andrews has put his case and that we are awaiting the decision.

I refer to some of the things the Attorney said in his contribution on the original legislation. At the outset, he says that the opposition (which he then represented) will be supporting this bill but will be making some criticisms of it in committee. He then goes to on to put the argument and says, 'I am not an uncritical admirer of the bill.' He puts the argument that the government, instead of doing what it is doing, should be following a different report and moving towards home detention and so on. In fact, he seems to be implicitly criticising the fact that the government of the day was putting more people in prison, which I find an interesting criticism, given that every chance the Attorney gets now, he bleats about how many more people he has put in prison.

I do find it interesting to read what he said, although to be fair to the minister, he did say 'My sympathies are with the minister.' In his second reading explanation, the now Attorney-General stated:

> So, as of the proclamation of this bill, all prisoners in South Australian gaols will receive full remission on the rest of their sentence—prospective remission—and they will get it without any of the good behaviour or discipline that would have been required of them to earn those remissions in the future.

It is interesting that he does not then seem to go on to support the idea that I did think would be reasonable, and that is that, if remissions were available, they should be available as the result of positive earning rather than simply behaving. Indeed, in the second reading explanation he went on to say that the remissions are:

> ... an important tool for maintaining good behaviour in our prisons. I am not saying that it is as effective as it might be ...

He then went on to say that the system of remissions can take some credit for the fact that there had not been any riots, and so on. He further stated:

With remissions abolished, how do we give prisoners an incentive to behave in an orderly way in prisons?...I confidently predict that we will have an upsurge in disorder in prisons as a consequence of this bill.

The Hon. M.J. Atkinson: How wrong could I be?

Mrs REDMOND: I do suggest that the Attorney was indeed—and he is sitting here now—admitting that he was terribly wrong about that suggestion: that we were going to suddenly have riots on our hands because people were no longer going to receive automatic remissions. At the end of his speech, the Attorney said:

I support the Statutes Amendment (Truth in Sentencing) Bill because the Liberal Party has a mandate for it, and however misguided its provisions the minister's heart is in the right place.

I put those comments of the Attorney on the record, but that said, putting aside whatever misgivings he might have had and whatever suggestion he might have had that we were suddenly going to have riots in our prisons because we were not granting automatic remissions, the fact remains that we do have a very serious issue before us today. The issue is one which the Liberal Party has considered carefully and reached the conclusion that, indeed, the intention of the government is to clarify something that everyone had understood had been clarified (at least since the decision of Lander J some 10 years ago), that the intention was that the two provisions of the bill—that is the removal of automatic remissions and the removal of the automatic right to parole once one had reached the end of a nonparole period—were both to apply to all the sentencing which occurred after the bill came into operation, but also to apply to the people who were already serving their sentences when the bill came into operation.

I make one minor correction to my comments, and that is that I neglected to say that, when we changed that provision about the automatic entitlement to parole, we did not remove it for those serving sentences of up to five years. That is as the situation remains at the moment. We left that in place so that those with a sentence of less than five years who have a nonparole period will automatically be entitled to their parole, subject to the conditions that the Parole Board imposes. But in the case of all other prisoners, and it is really the very serious prisoners—and those are the ones that we are concerned about today—those people are now subject to only being able to apply for parole and will not necessarily be granted it.

I think that there is a community expectation that the government will ensure that the Parole Board, if it makes a recommendation that someone should not be released from prison once they have reached their nonparole period, will not be recommending their release and that people will not be released into the community unless the Parole Board considers that it is appropriate for them to be so released. With those few comments I indicate, once again, the intention of the opposition to support this bill and to assist, so far as it can, in its speedy passage through the house.

Mr HANNA (Mitchell) (11:34): I am speaking in relation to the government's proposal to amend the Correctional Services Act in respect of parole for long-term prisoners. The legislation arises because one particular prisoner, Mr Shane Andrews, has taken a case before the Supreme Court in relation to his parole. He says that the truth in sentencing legislation of 1994 should not be retrospective and, if that was the case, he should have been released automatically. That relates to the law as it was before the 1994 legislation came into effect. The Attorney-General draws on the emotional argument that, if the legislation were not to proceed and the Supreme Court were to decide against the State of South Australia, there would be a number of prisoners serving long sentences who would be released and perhaps entitled to damages for unlawful imprisonment as well.

What is most regrettable in the debate is the disregard for the principle that we should be reluctant to interfere with court decisions while the court is itself considering judgment in the matter. This is a case where Mr Andrews has taken his case to the court, the arguments have been put by him and on behalf of the State of South Australia and, while judgment is being considered, the Attorney-General would have the parliament cut the ground from under the court's feet with this legislation.

The principle is a significant one, and this parliament should be extremely reluctant to intervene in court decisions, particularly once the arguments of both sides have closed. If there was a time for this legislation, it was as soon as Mr Andrews came forward with his claim that the 1994 legislation did not apply to him. Then, at least, it would have been more principled for the government to come along and say that it is not a matter for the courts: it is a matter of clarifying the intention of parliament.

The second matter I want to address is what I consider the most significant principle in relation to truth in sentencing, and that is the maintenance of the ability of our senior politicians to decide whether or not people should be in gaol. I think the time for politicians to decide on people's liberty is overdue for abolition. It is a relic of colonial days when governors had the power to decide whether people should go to the gallows or be reprieved. As I understand it, it has been a right of the executive, through the Governor (abolished in other states), and I believe that the Correctional Services Act as it relates to the parole provisions should be amended so that decisions of the Parole Board stand.

The Parole Board has to make decisions based on such matters as the gravity of the offence committed by the offender, the behaviour of the prisoner while in prison, or the behaviour of the prisoner during previous time spent on parole. The Parole Board also receives, almost as a matter of course, reports on the psychological and medical background of the prisoner. In all, the board gathers as much information as it can to determine whether the prisoner is going to be a useful, or at least responsible, member of society upon release. The Parole Board then makes a reasonable decision.

In the case of those serving sentences of life imprisonment, the board may only recommend to the Governor release of a prisoner, and it is this power that I find archaic. I find that the board, being a responsible creation of the parliament with the very purpose of making reasonable decisions about people's liberty, ought to be the final arbiter of that question. I do not think it should be left to senior politicians as to whether or not we spend time in gaol. So, if we want real truth in sentencing, that refers to all questions of liberty being based on reason and reasonable decisions based on all the available facts. In relation to parole, that means the Parole Board making the final decision, not our senior politicians. Frankly, I do not trust Mr Rann or Mr Atkinson to decide whether or not I spend another day in prison. In relation to the legislation before us—

The Hon. M.J. ATKINSON: I rise on a point of order, Mr Speaker. The member for Mitchell is referring to the Premier and me by our surnames and not by our title in the house.

The SPEAKER: I uphold the point of order. The member for Mitchell.

Mr HANNA: The Attorney-General has won the day with his point of order, so I conclude my remarks.

Mr GRIFFITHS (Goyder) (11:41): I wish to talk only briefly about this bill. It is an important bill, and I recognise that it is an example of where the parliament is reacting quite quickly to an issue that is important to society. I commend all involved. I particularly thank the shadow minister for providing a very detailed and fair briefing paper on this bill. It was discussed only quite recently within the opposition and, I think it is fair to say, there was unanimous support that the bill should be supported. I do not profess to understand all pieces of legislation that come before parliament; I do rely upon others to inform me of those issues.

However, in this case I think my understanding of the issues involved come from the expectations of people in the community with whom I talk, and those people quite clearly want to ensure that, when a crime is committed and charges are laid, the matter is prosecuted successfully before a magistrate or a judge and a sentence is imposed, that sentence is fulfilled. I respect the fact that there are several levels of crime, and some are more serious than others. However, as I understand it, the issue we are talking about here relates to the more serious end of crime, and it is important that a sentence should be implemented. There should not be an expectation that a non-parole period will automatically be granted.

As other speakers have noted, I think it is important that, when someone is convicted and found guilty of a crime, part of a person's sentence include rehabilitation so that they can come back out into the community at a time the Parole Board deems suitable. I put my complete trust in the Parole Board as being the adjudicator in these matters, because the members of the Parole Board are the people most aware of all the issues involved. I think it is important that the Parole Board does have flexibility. In this case it still means that an application can be lodged, as I understand it, before the Parole Board but that, if in the judgment of the Parole Board the person is not deemed fit to be released into the wider community, that person should remain in custody and continue with their sentence, and I support that.

People in the communities which I represent have a great frustration with the fact that they see crimes of all levels committed, and they do not think the sentence necessarily reflects the crime that was committed. Society needs to know that we put laws in place to protect people; and, clearly, we do that. Governments of all persuasions and colours need to ensure that the laws that

are implemented and the basis upon which the laws are framed reflects the needs of society to live in a safe environment whereby if you do the right thing you run no risk, but if you do the wrong thing and if you are charged and found guilty you must respect the fact that, as a result, there will be consequences.

I have told my children ever since they were young that there is either a positive or a negative reaction depending on whatever action they take. This matter is another example of that. As I understand it, in this case, presumably in a fit of rage, a chap murdered the lover of his estranged wife. We are using that case as the basis for this discussion, but I have no doubt from the information provided by the shadow minister that potentially there are another 19 prisoners who could equally seek some form of exemption and automatic release from the gaol system. I do not support that. I think it is important that the legislation is there, so that when a sentence is imposed (unless a person found guilty of a crime can prove that, upon release, they will become a productive member of society) a guilty person should fulfil their full sentence.

I think this is a positive step, and I commend the Attorney for introducing the legislation. I commend the shadow attorney-general for her presentation to the shadow cabinet and, indeed, to our party room about the importance of this legislation. Importantly, I think this legislation also reflects society's expectations. We know there are completely unscrupulous people out there who commit horrible crimes, and we need to ensure that legislation is in place to make certain that those people serve their full sentence, and that is what the people we represent expect. I do not very often talk about serious matters such as this because I do not necessarily feel qualified to do so. However, people in the communities I serve talk to me about the fact that they want to ensure that they are safe, and they see that the message this sort of legislation sends is an important aspect to ensuring their safety because it means that people will have to serve out their full sentence. I commend the legislation, and I trust that it has a swift passage through the house.

Mr PENGILLY (Finniss) (11:46): Along with my colleagues in the Liberal Party, I support the bill. This is sensible legislation, which seeks to fix an error in the current act. Like the member for Goyder, I am no expert in these matters, but decisions have been made by others who do have the knowledge about the justice system's ability to put people in prison. The fact is that there are people amongst us who commit these horrendous crimes, and they deserve to be sent to prison and to stay there for a long time. If we have to fix up legislation in this place to ensure that those prisoners stay there for a reasonable time, I have no problem in supporting it.

As I understand it, the intent and the automatic remissions are the areas where amendments are required, and I agree with those who have stated that the Parole Board has the information, the skills and the necessary judgment to make good decisions about what may or may not happen in relation to the individual cases that come before it, and I have confidence in the Parole Board to do that.

I also thank my colleague the member for Heysen for the very informative and useful briefing she gave us on this matter. It is no secret that we had a good discussion about the matter, and the fact that the Liberal Party has chosen to support this legislation introduced by the government as it stands is largely due to the excellent presentation put to us by the shadow attorney-general.

The other change introduced in the truth and sentencing legislation was that all prisoners who reached the end of their nonparole period were automatically entitled to parole. The 1994 act changed that so that automatic parole was available only to prisoners sentenced to five years or less; in other cases, the prisoner had to apply for parole and may or may not have been successful. Mr Andrews, the person in question at the moment, is challenging this, and I understand that the judges are making their decision and will announce that decision in due course. I understand also that this legislation must pass through this parliament this week to ensure that, if Mr Andrew is somehow or other granted release from the South Australian prison system, that does not happen, and I support that. If the state loses, Mr Andrews will be out the door, and he would be entitled to apply for compensation dating back to February 2006. He is a villain who has committed an extremely serious offence, and I see no reason he should be walking the streets of South Australia or Australia, or anywhere else for that matter, and he should stay where he is for a substantial period of time. I also understand that another 20 prisoners are waiting on Mr Andrews' case and, in the event that he wins his case and is released, they would immediately go through the process—

An honourable member: They will be waiting a long time.

Mr PENGILLY: Well, they may well do. The fact is that they would be released, and we cannot have that happen. I do not think anyone in this place would support von Einem being able to walk out the door. In fact, it is my desire, quite frankly, that he rots in the place. I have no hesitation in supporting the bill, and I thank the house for the opportunity to speak on it. Like the member for Goyder, we have always raised our children to know right from wrong. All of us have to continue to do that. I know, Mr Speaker, that you have an increasing number of people to whom you will have to teach the difference between right and wrong, and you will be very busy for a long time. I thank members once again, and I support the bill.

Mr PISONI (Unley) (11:50): I will make some brief comments in support of the bill. I think any fair-minded person would realise that this bill is simply implementing the intent of the original bill. I would also like to take a moment to thank the member for Heysen. I certainly look forward to the day when she becomes the chief lawmaker in this state, when we again put back some credibility into that position in South Australia, with someone who has actually practised law and also run a business. It would be great to have someone in that position making decisions about our future.

I stand here in support of the bill. Just remember, this is all about individual responsibility. This is a man who was convicted of a heinous crime for which he was found guilty. I believe he was standing at the victim's place of abode with the gun ready to commit the act. It was contemplated and well thought out. It is also obvious that he had some people who thought about ways to find loopholes in this legislation.

Traditionally, I am not in favour of anything that is retrospective, but this simply clears up the original intent of a bill which was introduced some 15 years ago. I am very happy as a libertarian and someone who stands for individual responsibility to stand here and support the bill this morning.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:52): I thank members for their cooperation in the dispatch of this business. I want to make the point again that the government does not say it is correcting an error—we disagree with the member for Finniss to that extent. We say there is no error but we are acting out—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen took the words out of my mouth. Thank you for completing my sentences; you so often do.

Bill read a second time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:53): I move:

That this bill be now read a third time.

Mrs REDMOND (Heysen) (11:53): I would like to make one very brief comment that I neglected to traverse in my earlier comments on the second reading; that is, it is apparent to me that Mr Andrews reached his nonparole period in February 2006, which was cut down with remissions to 14 years and 11 months, or whatever. Whilst I have not investigated his case in particular, I would have no doubt that, having reached his nonparole period at that point, he has applied for parole unsuccessfully. If the parole board thinks that he is not fit to be released into the community at this stage, that indicates to me why we would not like to have him just automatically released if nothing was done. I just wanted to add that to my earlier comments.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (DRUG DETECTION POWERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 June 2008. Page 3747.)

Mrs REDMOND (Heysen) (11:55): I was not expecting to get to this before lunch so I do not have my notes, but I think I know this matter well enough to proceed without them. The bill concerns three wonderful little pooches by the names of Molly, Hooch and Jay. Those are the dogs that, some considerable time ago, the government trained to undertake drug detection work—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney says, 'Don't worry; they've been gainfully employed.' Well, I do have a question as to whether that is indeed the case because an assertion was made, in the other place, that they were sometimes employed on what was, basically, federal work at the airport, doing their passive drug detection alert manoeuvres.

When I read the debate that has already occurred in the other place in relation to this bill, I was interested to see that the Hon. Rob Lucas raised with the minister the fact that, since at least the middle of 2006, the opposition has been alerting the government to the fact that it would be necessary to amend its legislation to enable the dogs to be used for the purpose for which they have been trained. Of course, there are not only the three dogs; if you have three dogs you also have three handlers for the dogs and, just as the dogs have to be trained, the handlers also have to be trained.

I have not had the pleasure of meeting Molly, Hooch and Jay but I did have the pleasure of seeing the Defence Force dogs when I went on Operation Executive Stretch around five years ago in 2003 and spent a weekend with the Defence Reserves at the facility north of Salisbury. It was fascinating and I had a fantastic time, and I commend to the council the benefits of the Defence Reserves—and, indeed, the benefits of employing reservists who, through their involvement, learn to think laterally and do all sorts of things. Part of what they wanted to teach us about the Defence Reserves that weekend was that people who are in the Reserves are not simply there because they are gung ho, gun-mad people who want to go out and play 'bang bang, shoot 'em up' on the weekends: they actually learn a whole lot of things.

We did do some shooting—and my secretary has been very compliant ever since I got 10 bullseyes and she barely hit the target when we got to fire a standard assault rifle—and it was great fun. We also did the commando course, which was fantastic; we did abseiling, which was a bit unnerving but also fantastic; and we also tried scuba diving, which is something I had always wanted to do. However, we also saw these dogs, and it is simply amazing to see them in action.

The dogs are trained to do all sorts of specialist tasks and, in the case of these dogs, are trained as passive alert dogs to be involved in drug detection. The idea is that they will be able to walk along the queues of people lining up to go into a nightclub, for instance, and quietly sit down beside someone on whom they detect the presence of an odour that gives rise to the suspicion that there may be an illicit substance present. That would then give the relevant officers reasonable cause to search the person to determine whether there was something present.

I believe we raised, in the upper house, issues relating to just how we deal with some of the situations that might arise with this legislation, because it specifically allows these dogs to sniff in and around vehicles. We began then to think about how it would work in practical terms. For instance, with a B-double, much as I think these dogs are terrific, I suspect that the dog is likely to be unable to sense a scent—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mrs REDMOND: —from the ground up to the cabin or, indeed, to the back of the cabin. I think that the Hon. David Ridgway in the other place raised some questions about using the sorts of wands that are sometimes used. We are all accustomed to having wands passed over us at the airport, and some can apparently detect drugs and so on in some circumstances. So, it seemed to us that there may be the potential to combine the use of a wand with the dogs, because getting a dog up into the cabin of a B-double, or having a dog clambering around within a vehicle, might make their use reasonably difficult in those sorts of situations.

Nevertheless, the primary use of these dogs will be in situations where they might wander through Rundle Mall or to various licensed premises of an evening where young people are queuing to get in. I have never queued up to get into premises, but maybe I am just—

The Hon. M.J. Atkinson: Never?

Mrs REDMOND: Not drinking premises because, as the Attorney knows, I am a teetotaller, so I do not spend very much time going into nightclubs. The use of these dogs in circumstances such as queues outside nightclubs promises to be a useful tool for the detection of illicit drugs. It surprises me, however, that the government has taken until now to decide that this legislation is urgent. I was told that its highest priority this week was to get this legislation passed. I suspect that the priority of all these bills I have to deal with today is largely because, as I read in *The Australian*, the Attorney is off to SCAG in Wellington—

The Hon. M.J. Atkinson: In Christchurch.

Mrs REDMOND: —in Christchurch—and therefore he wants all his business off the *Notice Paper* so that he can get away; hence, the reason for the urgency has little to do with actual urgency, given, as I said, that this government has known for at least two years that it needed to amend the legislation to enable these dogs to do their work.

When the Attorney replies to this contribution, I will be interested to hear exactly how these dogs have been used. I would like to know (and perhaps I will put in an FOI) the cost of the continual training of the dogs and their handlers, because you cannot just train dogs and then leave them for a couple of years: you have to keep up their work so that they keep abreast of what they are supposed to do. What has been the cost of the delay in introducing this legislation which, as I said, has been at least two years in the making?

By October 2006, the Hon. Rob Lucas was asking the minister about when the government would be introducing legislation. As I said, it surprises me that it is suddenly on the urgent list for this week. However, I welcome the legislation because it is only appropriate that, having trained these three pooches to do this work, and having also had their handlers trained to do the work with them, we actually put the facility in place, through the legislation, to enable them to do it.

As I said, I welcome the legislation. I wish the Attorney-General bon voyage as he leaves our almost sunny but quite chilly shores for somewhere even colder. I can assure the Attorney that, having been to New Zealand myself in July last year, it is at times a chilly place in the middle of winter. However if, like me, he is working very hard for the whole time he is over there, then the Attorney will not care what the climate might throw at him over there, and I have no doubt that he and his fellow attorneys in Christchurch will cover important matters in their deliberations over there.

I wish him bon voyage, and I am pleased that we are, at last, attending to a matter that the Liberal opposition has been asking to be attended to for some two years now. This piece of legislation has already been through the Legislative Council, and I hope that if it passes here this week, we will in fact have the appropriate legislation to enable these drug detection passive alert sniffer dogs to undertake the work for which they have been trained.

Mr GOLDSWORTHY (Kavel) (12:06): I, too, am pleased to speak in support of the legislation. As the member for Heysen has quite accurately outlined in her contribution to the house, this bill has been a long time coming. It is my understanding that the South Australia Police (SAPOL) has trained three passive alert drug detection (PADD) dogs. These dogs are specifically trained to detect odours from drugs such as heroin, amphetamines, cannabis and cocaine.

We all know the continual war—the continual battle—that the whole community has against illicit drugs. It is the scourge of modern society, and we certainly support any measures that seek to bring those people who are involved in criminal activity concerning illicit drugs to justice. In relation to training these dogs, SAPOL has requested that appropriate amendments be made to the Controlled Substances Act to facilitate the use of these dogs as part of their strategy to deal with drug-related crime.

The Controlled Substances Act 1984 presents some ambiguity as to the extent to which police can carry out people-screening operations using the PADD dogs. This has necessitated a change to the act in order that the dogs may be used for general drug detection without constituting a search, which is already legislated for in the Controlled Substances Act and the Summary Offences Act.

As you can see, this piece of legislation, as do many bills that we debate in this house, has relevance to other legislation as well. This bill also proposes specific powers to tackle incidents of illegal drugs being transported interstate and along major transit routes. Again, we are certainly aware of the ever-increasing trafficking of drugs into the country. We see media reports on a fairly regular basis of Customs, the Australian Federal Police and local state police in the drug hauls that they confiscate. As I said earlier, it is extremely important that we provide our police force and those other law enforcement agencies with all the powers that they can use to stem this scourge on our society.

The bill aims to erase any ambiguity about the use of PADD dogs. At present, it is necessary to have reasonable suspicion regarding an individual or place before a search can be authorised, but this bill aims to ensure a sound legal basis for use of these dogs through the establishment of general and special drug detection powers. PADD dogs will be able to be used in

two types of areas: the first is in the general drug detection area, where the search would be carried out in licensed premises with the exception of restaurants. PADD dogs would inspect and carry out patrols inside and where patrons attempt to enter or leave the premises—for example, walking along a queue of people waiting to enter a nightclub. In addition, they may be used to inspect car parks which are in direct conjunction with a licensed premises. The second area where the dogs are able to be used is in the area of general drug detection where dogs would be used on public transport and in public places such as the Fringe Festival, sporting, and other community and public events.

I am not sure how much time I have to speak on this. I might look to eclipse the member for Davenport's contribution when he spoke on the natural resources management bill. I think he spoke for over seven hours in making his outstanding contribution. We have 15 minutes to go but I do not intend to take all that time. As the member for Heysen, the shadow attorney-general, pointed out this is an issue that was raised back in October 2006 by the Hon. Rob Lucas in the other place. He made quite an extensive contribution to that place in April this year, as upper house members are able to do.

The Hon. Rob Lucas pointed this out almost two years ago, yet we are here this morning basically rushing this legislation through. Why are we rushing it through? Because at the end of this sitting week we go on our winter recess and, as the Attorney-General himself has pointed out, he is going on vacation to the snowfields in New Zealand to enjoy himself, so that seems to be the reason we are rushing it through this morning and this week. He might send a postcard from the snowfields in New Zealand to his electorate just as I understand he orchestrated in the 1997 election where he and his cronies sent a postcard out to the then member for Wright, from memory.

The Hon. M.J. Atkinson: No, the member for Florey.

Mr GOLDSWORTHY: The member for Florey—I beg your pardon. It is very good that we have the Attorney-General to give some accuracy in the arguably devious machinations of the politicking that the Attorney-General undertakes. I understand that the previous member for Florey has gone on to live a full, pleasurable and healthy life on the Eyre Peninsula.

Mrs Redmond interjecting:

Mr GOLDSWORTHY: On the outside, as the member for Heysen accurately describes. I could go on at some length in relation to the legislation, but it is a good move. Once again, it highlights the tardiness of this government in bringing these important matters to the house. We have to be thankful for small mercies; that they do eventually get around to these issues. I wish the Attorney-General the very best on his skiing holiday.

The DEPUTY SPEAKER: The member for Davenport.

The Hon. I.F. EVANS (Davenport) (12:15): Thank you, Madam Deputy Speaker.

The Hon. M.J. Atkinson: My commiserations. It was a very good second.

The Hon. I.F. EVANS: It was a very good second; thank you, Attorney. I wish to make some comments in relation to one question relating to this bill. What is the government's explanation for delaying for two years the implementation of this matter? For two years the opposition, through Rob Lucas in another place, has been raising the issue that the dogs are trained but cannot operate legally without legislation—and the government in another place accepted that argument. So for two years the government has spent these resources on training these dogs and the officers concerned have been, essentially, sitting idle and not being used to full capacity because of the government's inaction.

This is not a complicated bill. It is not a hard bill: it is a very simple bill. It simply gives legal framework to the use of sniffer dogs in certain circumstances, as eloquently outlined by the member for Kavel. So, why the delay of two years? In my view, it is just a matter of ministerial laziness.

The Hon. M.J. Atkinson: We wanted to introduce the dogs to Troy Buswell.

The Hon. I.F. EVANS: You wanted to introduce the dogs—well, there you go. It just seems to me that the ministry has been more focused on playing games (as illustrated by the Attorney's interjection) rather than actually dealing with the issue. These days in this place, we go home at 4.30, 5.30 or 6 o'clock. The reality is that this bill could have been dealt with on any day in the past two years. It has not been.

Society's safety has been undermined as a result of the inaction of the Attorney and the ministry. I seek an explanation from the Attorney as to why there has been such a lack of focus on this bill, given that it was publicly debated and brought to the attention of the parliament by the Hon. Rob Lucas in another place.

Another example of the government's lack of interest in the whole law and order area is that the power to ban legislation will not be debated this week. That legislation will not be dealt with for another six weeks. This is another example of the government talking tough on law and order and not acting very quickly at all. I seek an explanation for the delay.

Mr PEDERICK (Hammond) (12:18): I, too, rise to make a contribution to this bill. I wish Molly, Jay and Hooch all the best in their endeavours. It could not be more timely when we have anecdotal evidence of the scourge of drugs throughout the state, throughout our urban areas and farther out into the countryside.

An acquaintance of mine has messed up his life over the use of drugs. It is a good lesson for anyone (a young child going to school or anyone) who thinks that it is fine to dabble in substance abuse to see what it can do to a person.

I am not a medical practitioner but I do not think all the medical studies have been done that may need to be done as to the things that can potentially happen to people. I do know that a lot of studies have been organised over time. I believe that drugs have ruined lives and have the potential to ruin many more lives. I call upon the community to make wise decisions. The pace of life seems to become faster every day and people are looking for different ways to find relaxation or a so-called buzz, but they really need to be aware of the consequences.

I note that dogs and electronic detection agents can be used in all sorts of places, including licensed premises, passenger vehicles and public carriers, and there could be an issue when using detection dogs in sleeper cabins of trucks, etc. We would like to see what the reality of the situation will be there and whether only electronic devices will be used. Obviously, they will be a bit like random breath testing stations, as this bill gives the right for drug detection stations to be set up. When used in the transport industry, which in effect does carry this country, I hope that inspections are done in a timely manner, because freight companies and drivers are always under pressure to get to the other end of the trip.

Another concern I have is to see if these dogs can be used in country areas where some of the marijuana is grown. Dare I say that the sands of the Mallee are very good marijuana-growing country—so I am told.

The Hon. M.J. Atkinson: You don't see too much on the Yorke Peninsula.

Mr PEDERICK: No. The Yorke Peninsula, I believe, is land that is too good; it is the barley growing capital of the world. I do not think they would have too many spare acres to grow any marijuana over there. However, I digress. I do know people who have had several drug crops found on their properties. You can always pick it up when an SA Water pipeline is accessed or a farmer's pipeline. Some people have very intricate watering facility set-ups.

Sometimes I wish the police were perhaps a bit smarter on the job and cornered some of these people when they have had notice. Marijuana growers are very keen to protect their crops because they could be worth several million dollars. These matters should be actioned immediately once someone is aware of what is going on. I know that the police do a lot of great work in staking out some of these patches but I think more could be done. With those few words, I commend the use of the three detector dogs and support the bill.

Mr VENNING (Schubert) (12:23): I rise to support this bill. I ask the question that the member for Davenport has just asked: why has it taken so long for us to address this matter? We all support the fantastic service these drug detection dogs provide. We also have great respect and admiration for the handlers who husband and train these PADD dogs. I was not aware of the anomaly which required legislation such as this to allow them to operate legally. If, by not legislating, that has impeded the job that these dogs do, I think it is a disgrace.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Everyone (including MPs) sees these dogs when they are travelling. I think the general public enjoys seeing them, as long as the dogs do not stand by one's luggage for too long! The bill does contain stronger powers to intervene in the trafficking of drugs, and I certainly welcome that. I have been on this bandwagon for 10 years. I had a long discussion with the Hon.

Michael Elliott in another place where he alluded to a visit to the Scandinavian countries and he was all enthused about how you can live with these drugs, and I was very upset. I have been proven to be correct and he, and in particular the Democrats, has certainly been caught out in this matter of allowing the legal cultivation of cannabis. I have always been opposed to it.

So, here we are, and we have the drug detection dogs doing a fantastic job. The dogs are mainly beagles and, as I said, they are very popular with the travelling public, unless they spend a long time alongside your luggage. It is reassuring to us to see that these very intelligent animals are using their acute powers of smell to detect what we see as a cancer in our society.

Again, I ask the question: why has this taken two years? I hope it was not deliberate—I presume it was not—because, if it was, it was a bit sloppy, because we had time to address this. The government would know that the opposition is not going to cause a problem with this. I hope that the government has not allowed anybody to get away with anything purely because it did not have the power or the legalese to allow it to happen, and I hope it is not for the same reason that the government would not agree to my anti drug driving bill—I hope not, but I do say: why the lack of focus?

As I move around the state, I note the use of these dogs not only at the airports and the carousels but in other areas where drugs can enter our state, particularly shipping terminals (both passenger and freight), railway stations and trucking stations. The dogs can move in and around loads on trucks very well. They sneak through little holes that you would not believe they could get in, and they can ferret the stuff out, particularly if they know it is there. I take my hat off to these dogs and I also pay credit to the trainers, because it must take thousands of hours.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Yes; I do. I have a lot of respect for the animals that support us, and not just our pets but also the animals of toil that work for us.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: We will not deliberate on that. When one is falsely charged one does wear a hat, I can assure the minister of that. I take my hat off to these dogs. They do a wonderful job. The training is just fantastic, and thousands of hours go into it. It is obviously a big investment by the government in the training of them. I understand that we have three dogs. I think we probably have to have three or four more in training to maintain that level of activity. We support this bill. The question is: why did we not deal with this two years ago? We have to support these people. It is a tough enough job without us dragging the chain.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (12:28): I am assured by SAPOL that these dogs have been fully employed on drug warrant work, amongst other things.

Bill read a second time and taken through its remaining stages.

CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June 2008. Page 3508.)

Mrs REDMOND (Heysen) (12:29): I indicate that I am not the lead speaker on this bill, but I am happy to start the debate on behalf of the opposition. It is an issue we support. When the lead speaker gets here he will explain that we want to make it even broader than it is currently. In my life I have been involved for many years in quite a large range of different voluntary work. Included in those things has been on occasions working in op shops and such like where people receive charitable donations, which are then distributed either at no cost or at very limited cost to those in the community who may be in need.

One of the early things I became involved in for most of my teenage years was what we used to call the food drive in Sydney. Through all my teenage years I belonged to a fellowship and we used to go door to door in my home town collecting non-perishable food items for the Smith Family. The Smith Family has been in South Australia for only a few years. It is a non-denominational philanthropic organisation and concentrates most of its efforts these days on trying to provide mentors to young people who might be in need of a little bit of assistance along the way. This year I am sponsoring a primary school child through the Smith Family, and I do that instead of sending out Christmas cards. Some of my parliamentary colleagues on both sides of the house

spend a lot of money sending out Christmas cards to numerous people, but in fact I send very few Christmas cards—I still send some overseas and interstate—but for the most part I simply put an ad in the paper advising people that instead of sending out Christmas cards I will be making a donation out of my own pocket, and this year I have sponsored a child with the Smith Family.

The reason I have an attraction to that particular organisation is that I spent so many years working, generally towards the end of the school year or just before school finished, and we would go out in pairs door to door and it was quite a logistical exercise collecting this food. We did this collection as teenagers, with no adults. There were enough of us who could drive that we were able to organise people to collect the food from us as we went around the various streets in my home town. I am quite proud of the fact that, by the time we finished our food drives as teenagers, we had collected in my home town over 100,000 items of food to be taken into a central depot and distributed to the needy people throughout Sydney and New South Wales. Particularly they started out getting a Christmas hamper, but eventually enough food was being collected that they could provide packages to help people in dire straits during the year.

For a long time I have had this very personal involvement with the collection and distribution of foodstuffs to those in the community who might find themselves in need. It is not just as a result of that, but clearly in part as a result of that, that I am enthusiastic about the government's bill which essentially is necessary now because people perceive some risk of personal liability if they make a donation of foodstuffs to those who might be in need.

The reason they are concerned, I think, is simply that we have a perception in our community that you can be sued over almost anything. I am not aware of anyone at this stage in this state having been sued over a gift of food but, nevertheless, the potential, clearly, is that if someone were to receive food which was given to them in a charitable way and they became ill as a result of the consumption of that food they might take action against the provider of the food.

Essentially, the bill says that, provided the person giving the food is not reckless—they do not recklessly give food that may or may not be contaminated and, certainly, do not deliberately give food that is contaminated—they will not be liable if the person should suffer as a result of the consumption of that food.

Recently, I read about the development in the US of a group of people who call themselves freegans. Vegans are people who have only non-animal products in their diet. Indeed, my second son became a vegan. There are no animal products whatsoever—no milk, no eggs, no cheese—in their diet. The new group of freegans are people who find food in dumpsters and bins and, as much as they can, provide their sustenance from food and other things which have been thrown out and which are still considered to be good.

I am sure that many people are aware that, because of the requirement to have a use-by date on virtually every product, there are many occasions when perfectly good food has to be disposed of by a supermarket because the use-by date that has been printed on the can or the packet has expired. Indeed, we all would be familiar with bins in supermarkets where they sell off at a much reduced price the food stuffs for which the use-by date is approaching. They know that if they do not sell it at a reduced price between when it is placed in the bin and when the use-by date is reached they cannot sell it at all.

The shame of it is that it is often perfectly good food but we are not allowed to do anything with it. They are not allowed to give it away. They are not allowed to give it to a charity that, in turn, could pass it onto people who are desperate for food. It is quite ridiculous that under the current regimes which operate around this country we have a situation where we are so wealthy that we force businesses to throw away perfectly good food rather than give it to people who could use it and who would be grateful to receive it.

I welcome the government's introducing this legislation. The lead speaker on this matter will no doubt expand on why the opposition has taken the view that if it is good for food it should be good in a number of other instances. It makes sense to me that we would do everything we could as a parliament to facilitate what most people would say is just common sense. If there are perfectly good foodstuffs that a business would otherwise have to throw out, as long as they do not recklessly pass on potential problems to someone, in terms of the food going off or something like that, there is every reason to say that it is a good thing for our society to allow an organisation to pass on foodstuffs to a charity or an individual without facing the prospect of litigation because of their having made that gift.

With those few words, I indicate my wholehearted support for the principles espoused by this bill.

Mr O'BRIEN (Napier) (12:40): I would like to congratulate the parliament with respect to this legislation. As a business operator, it is a predicament (if I could express it that way) that I have had to deal with for a number of years. As the opposition is aware, I have held a number of Bakers Delight franchises and I currently have one at Westfield Marion. Some four years ago, Bakers Delight in its wisdom realised there was an issue related to the donation of large amounts of food every day to charities around Australia. All Bakers Delight franchises are instructed by Bakers Delight to pass the food on to a worthy charity rather than dump it.

In my own case, I have done a calculation, and I think that through just one Bakers Delight franchise I must distribute in excess of $200,000 (at retail value) worth of food a year. That is a large amount. It goes largely to church groups in the Marion area (and, when I had the Bakers Delight at Blackwood, in the Blackwood area) and is farmed out through church organisations to the underprivileged in the community. I know that it is a boon to the strugglers in our community, in that they know that at least once a week they will receive, on occasions, a considerable amount of food that may sustain them for the full week.

As I said, Bakers Delight was concerned some three or four years ago that its franchisees were exposed on this issue, because even though the franchise operates on the basis of producing fresh food daily and disposing of all food at day's end, we had no assurance that the charities collecting the food from our stores would disperse it within a period of 24 hours. Bakers Delight was concerned that some charities may hold the food for a matter of days, if not longer, and when being passed to individuals in the community the product may have deteriorated to the point of causing an adverse health consequence.

As a result of that, as I said, some three or four years ago Bakers Delight instituted the policy of having all charities sign for the food on a daily basis and, in signing for the food, acknowledging the fact that Bakers Delight accepted no liability for the transfer of that particular product. It also excluded any product that contained either meat or cheese, so we were basically just in the position of disposing of bread, rather than some of the more nutritional products that are produced.

The problem with this approach was that sales staff occasionally would forget, or the charity would be disinclined to sign the waiver, just on the basis that these were humble church folk who had absolutely no understanding of the document that they were being asked to sign. What the government is proposing today takes the onus off sales staff to ensure that the waiver is signed and also removes what I would consider a level of distress for a number of humble church folk in being compelled to sign a legal document about which they have absolutely no understanding nor, I would claim, direction, if you like, from the church hierarchy to sign that document.

The initiative is long overdue and I believe it will probably assist a large number of other food producers within South Australia who currently do not dispose of their food to charitable organisations to avail themselves of this opportunity. I commend both the proposer of the proposition and the government for this piece of legislation.

The Hon. I.F. EVANS (Davenport) (12:46): I indicate that I am the lead speaker on this bill for the opposition. I indicate that the opposition will be supporting this bill. The questions I raise should not be interpreted by anyone as the opposition trying to be difficult or opposing the bill, but I think some interesting questions need to be asked and put on the record so that we are crystal clear about what we are doing. As the Attorney knows, I come from a volunteer background. As the member for Napier has just put on the record, I strongly support the concept of the business community making voluntary donations of all types to the community, and I strongly support this legislation.

The house might recall that I was the first minister for volunteers who brought in volunteer protection legislation and advocated good samaritan legislation, which the government, in its wisdom, picked up. I have a philosophy of this style of legislation and certainly support it. The point is that this legislation does not go far enough. I raised this informally with the Attorney over a cup of tea after the estimates committee. I put to the house that this legislation does not go far enough. I ask: why just food? I say to the house: why is it that the food industry gets special dispensation for donation? Why just food?

I used to run a hardware store and I used to donate power tools and all sorts of things to community organisations. Under the government's proposal and policy, that business remains

liable, but a food donor escapes liability, if they are not reckless. I can say to the Attorney and other members of the house that a range of voluntary organisations will not accept donations of electrical goods, for example, because of the liability. The member for Torrens nods, as does the member for Heysen. Why are we denying any donation of an object or, indeed, a service—and I will come to that in a minute?

Let us talk about objects. This bill says that, if one particular industry donates an object—'food'—then they will escape liability unless they are reckless. I agree 100 per cent. It seems common sense to me that, if Fielders wants to donate roof sheeting, a hardware store wants to donate a power tool, a clothing shop wants to donate clothing, or a car manufacturer wants to donate a car, as long as they make the donation on the same basis, that is, they are not reckless and it is not for sale—the same conditions that are in the Attorney's piece of legislation—and it seems to me a restriction on the charitable sector.

Why do we want to say to Holden, the hardware store, or to any other business that seeks to donate, 'I am sorry, if you donate to charity, you are liable', but if you are a restaurant, then somehow you get special dispensation. I understand that food is consumed and other objects are not designed for consumption but used for other purpose. I understand the difference, but I think there is a principle here. The principle is that we want the community, whether that be the business community or individuals, to offer hands of assistance to other members of the community who are less fortunate. No-one is going to argue against that, but why restrict this just to food? It makes no sense to me and it makes no sense to the Liberal Party. The Liberal Party took a position this morning and I congratulate it on doing so; I think it is a good position.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: One out of two is not bad, Tom! The Liberal Party took the position—and I have placed amendments on file, Madam Deputy Speaker—that if a donation of any object is made on the same terms and conditions as the government's bill, then the donor should be liability free. I think that is a good thing and it makes no sense to oppose it, because the principle is right. The reason I support the Attorney's bill is that the principle is right. I put to the member for Napier that surely it makes no sense, if he were running a hardware store, that it should involve a civil liability different from that involved in running a Baker's Delight franchise.

I appreciate that the government has not thought outside the square on this issue and formally sought advice on it, but when you think it through logically, there is simply no reason why any donor should be treated any differently from someone involved in the food industry, and to this end we have amendments on file. That is the issue concerning donations of objects. I now raise a different form of donation and that is the donation of service.

Mrs Redmond: Such as legal advice.

The Hon. I.F. EVANS: Such as legal advice, auditors or Rotary, Lions and Apex clubs that go out and do gardening or re-roof people's homes for no charge. Under this legislation why are they treated differently from the commercial operator of a restaurant that is donating food and service? They do not charge for the chef, or for the preparation or delivery of the food, in all of which there is a labour component.

What we are designing in this bill is a two-tiered civil liability system for donations, and I say that is wrong. I say that in principle the government is right, but it has not gone far enough. Let me walk you through the argument on services, and let us look at the government's bill. The bill says that if you donate food and you are not reckless, then you are free of civil liability—you cannot be sued for death or illness, if someone dies from eating it. Fine, we accept that; we think that is a good thing. As a component within that donation, the for-profit company that is making the donation has paid the chef, the waiter, the food preparer and the delivery driver. There is a wage component in all of that. It is not just the food that they are donating: they are donating all of the wage component.

Then going to the not-for-profit sector; why is it that when the Rotary Club wants to re-roof or paint someone's house, or do someone's garden for no charge, their labour component still carries civil liability? They do not get exemption; their labour component still carries the civil liability, and that is the point I make.

Mrs Redmond interjecting:

The Hon. I.F. EVANS: No, the individuals are protected. The member for Heysen, by way of interjection, raises the Volunteer Protection Act, to which I will refer now for the information of the

house. That legislation, which I drafted with the assistance of parliamentary counsel, protects the individual. Under the volunteer protection legislation, if you are a volunteer of an incorporated association and you are not reckless, then if something untoward occurs the liability does not go to the individual: it goes to the organisation. Here is my point to the government: if it is a food business, the organisation is exempt, but if it is a voluntary organisation, the organisation inherits the liability. It comes from the individual volunteer under the Volunteer Protection Act, and goes to the Lions Club, the Rotary Club, the football club or the hospital board, whatever voluntary organisation you wish.

I say most sincerely to the government: do not underestimate my sincerity in this argument, because I passionately believe that the legislation does not go far enough and you have developed an inconsistency so that the not-for-profit sector ends up with a liability—not at the individual level but at the organisational level—for its donations of service. A restaurant may go to a charity and say, 'I tell you what I will do. I will cook up a meal for you for 200 people.' It does not have to be excess food under your legislation: it can be a deliberate effort. 'I will cook up food for 200 people and give it to the Hutt Street centre.' All that labour component is free from civil liability, and all I am arguing is for the government's principle to be expanded so that the not-for-profit sector is treated in exactly the same way as the for-profit sector. Why is food special? People die from all sorts of things that are donated.

The Hon. M.J. Atkinson: Because it is perishable.

The Hon. I.F. EVANS: It is perishable, but so what? You can give someone a power saw that has a fault in it and the blade could cut off your arm. You can be putting a roof on and a piece of timber can fall and kill someone. There are risks in all forms of donation. Let us not kid ourselves that food is the only form of donation that has a risk. Of course it is not.

The Hon. M.J. Atkinson: Because the donor made it.

The Hon. I.F. EVANS: That is not true. The donor might have mixed it. In the Baker's Delight case I accept they make it, but restaurants simply buy in beef and cook it. They do not make it. And they can give that away. So what? It is no different from someone buying a power saw and giving it away. It just comes from another agent. It is exactly the same process. There is absolutely nothing special about food if you look at the principle. We have amendments on file to this effect, and I see no reason that all donations of service and objects should not be treated the same. There is absolutely no reason, in my view.

The reason I passionately argue this is that when I was national president of Apex the insurance costs were horrendous. From memory, it was something like $300,000 to $400,000 per year for public liability insurance, just so we could serve. So we would put our hands in our pockets and write out a cheque for whatever it was—$70 or $80 a member—just to cover the insurance. That is clearly madness. If you look at all those community groups—Lions, Rotary, Apex, Soroptimist, Zonta, Rural Youth and Jaycees—they are struggling for membership. Why are they struggling for membership? Part of the reason is cost structure.

I can speak about Apex, because I know a lot about it. Apex is predominantly a country organisation and, essentially, country communities are saying, 'Twenty members at $80 each is $2,000 out of the community, just on insurance. Why do that, when you can just pay the $2,000 to the footy club or the hospital board and be done with it? Why send it to a Sydney-based insurer?' I say that is a fair argument.

Parliament has an opportunity here to say, 'Hold the bus and let's just stop and think about this for a minute.' I say to parliament that, unless you can put to me a case why they should not be covered, we should cover them. Their voluntary contribution of two hours of gardening at a little old lady's house, or doing the re-roofing or painting, or (in Lions' case) the save sight program, or (in Rotary's case) the polio eradication program, is working for the community good; and we should be saying as a parliament, 'We support you.'

Mrs Redmond interjecting:

The Hon. I.F. EVANS: I agree with the member for Heysen: we should be doing everything we can to help them. I say to the parliament: look at Rotary. Rotary has eradicated polio from the world.

Mrs Redmond: Almost.

The Hon. I.F. EVANS: There are four countries left. World governments cannot do that. The United Nations has not done that. It is the weekly meetings of business men and women in Rotary throughout the world who have committed to a six to eight-year program who have done that.

Debate adjourned.

[Sitting suspended from 13:00 to 14:00]

WORKCOVER CORPORATION (GOVERNANCE REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

WORKERS REHABILITATION AND COMPENSATION (SCHEME REVIEW) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ADELAIDE FESTIVAL CENTRE TRUST (FINANCIAL RESTRUCTURE) AMENDMENT BILL

His Excellency the Governor assented to the bill.

NATIONAL GAS (SOUTH AUSTRALIA) BILL

His Excellency the Governor assented to the bill.

PAY-ROLL TAX (HARMONISATION PROJECT) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PREVENTION OF CRUELTY TO ANIMALS (ANIMAL WELFARE) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ROAD TRAFFIC (HEAVY VEHICLE DRIVER FATIGUE) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STAMP DUTIES (TRUSTS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT AND REPEAL (INSTITUTE OF MEDICAL AND VETERINARY SCIENCE) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (POLICE SUPERANNUATION) BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

His Excellency the Governor assented to the bill.

SUPPLY BILL 2008

His Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (DOUBLE JEOPARDY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

LOCAL GOVERNMENT (SUPERANNUATION SCHEME) AMENDMENT BILL

His Excellency the Governor assented to the bill.

TRAINING AND SKILLS DEVELOPMENT BILL

His Excellency the Governor assented to the bill.

LIQUOR LICENSING HOURS

Dr MCFETRIDGE (Morphett): Presented a petition signed by 78 residents of South Australia requesting the house to urge the government to require licensed premises located in Glenelg to close no later than midnight.

ROAD SAFETY

Mr BIGNELL (Mawson): Presented a petition signed by 62 residents of South Australia requesting the house to urge the government to improve safety at the intersection of Victor Harbor Road and Main Road, McLaren Vale.

COUNTRY HEALTH CARE PLAN

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade): Presented a petition signed by 2,822 residents of South Australia requesting the house to urge the government to withdraw the Country Health Care Plan.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

PORT AUGUSTA GANGS

In reply to the **Hon. G.M. GUNN (Stuart)** (5 June 2008).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Minister for Police has provided the following information:

Early on Sunday morning 1 June 2008, police were advised by the South Australia Ambulance Service (SAAS) of two men having been assaulted.

Port Augusta police commenced a comprehensive investigation. With the support of the entire Port Augusta community and local media outlets police investigations over the following five days led to the arrest of four individuals whose ages ranged from 14 to 23 years.

Whilst police investigations have revealed that the two victims were not known to the offenders, police intelligence holdings do not support the presence of youth gangs in Port Augusta. This assault appears to have been a random act and the charges laid by police will be subject to the normal range of court processes.

Crime in the Port Augusta area traditionally follows seasonal trends and peaks over the summer months. Victim reported crime, assaults in public areas and offences against public order in the Port Augusta area have all shown a downward trend over the period June 2006 to May 2008.

ATTORNEY-GENERAL'S DEPARTMENT

In reply to **Mrs REDMOND (Heysen)** (6 May 2008).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I am advised that in October 2006 there was a changeover of Finance staff in the Attorney-General's Department, which led to the department's operating deposit account being overdrawn. The oversight was subsequently identified by the Systems Financial Consultant and the issue rectified.

To avoid this happening in the future procedures have been implemented that require the Senior Finance Officer to review the balance of the operating account daily. The Senior Finance Officer will now sign a register as evidence of this daily review of the account balance. This will then be independently checked and signed by the Systems Financial Consultant.

E-LEARNING PROGRAM

53 Mr GRIFFITHS (Goyder) (10 July 2007). What are the details of South Australia's 'e-learning' program to train and up-skill the workforce, including the costs of developing, implementing and maintaining the program and how many South Australians have benefited from this since its inception in 2006-07?

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling): It must be clarified that there is no overarching, badged 'e-learning program. An e-learning strategy for the Vocational Education and Training (VET) sector in South Australia was developed by the Department of Further Education, Employment, Science and Technology (DFEEST) in consultation with public and private VET providers, and industry, and launched on

25 May 2007. This strategy aims to promote e-learning as a key contributor to innovation and flexibility in teaching and learning, and draws together experience, case studies and advice from within the wider SA VET sector.

Various strategy and policy initiatives are being undertaken by DFEEST to increase the level of uptake of e-learning. The main initiatives are:

- TAFE SA E-Learning Strategy implementation group (comprising cross-departmental representation, and led by Executive Director TAFE SA North); and
- Policy development and advice from the Information Economy Directorate.

E-learning development in the state is the result of investments made by:

- TAFE SA (at both the State and institute level);
- Private RTOs investing in various e-learning technologies to meet demands from their markets;
- DFEEST (which provides e-learning platforms for TAFE SA);
- DFEEST through a recent pilot program to assist non-public RTO e-learning development (an initiative of the Information Economy Directorate); and
- The Australian Flexible Learning Framework.

Much e-learning activity is carried out by individual RTOs—TAFE institutes and private providers—from their regular delivery budgets. It is not necessarily identified as a distinct program, except where there is a large capital investment.

Insofar as these investments are identified separately to other inputs to the SA VET sector, e-learning expenditure is not currently measured. The quanta of funds for South Australian development of e-learning through the Australian Flexible Learning Framework is relatively easy to summarise as (a) and (b) (from attachment 1).

DFEEST currently has no way of estimating amounts invested by private and enterprise RTO's, but I refer you to the findings of the Australian Learning Framework's E-Learning Benchmarking 2006, available at www.flexiblelearning.net.au.

STATE DEBT

226 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). In relation to 2007-08 Budget Paper 3:

(a) which agencies and departments are administering the $3.36 billion state debt;

(b) is this debt placed directly in the market by each agency or via SAFA;

(c) from whom is the money borrowed from; and

(d) what are the terms of the borrowings, including the value, interest rates and terms of maturity?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): On the assumption that:

- the $3.36 billion State Debt the member is referring to is the estimate for the non-financial public sector net debt at 30 June 2011 (table 5.8);
- the term 'administers' means responsibility for meeting interest costs on the net debt;

I am advised that the net debt of the non-financial public sector is administered by a number of agencies. As net debt is represented by gross debt less financial assets, it is not feasible to produce a list by agency. However the majority of the net debt is administered by the Treasurer and SA Water.

The debt is placed directly in the market by SAFA, which in turn lends the money either directly to agencies or via the Treasurer to the relevant agency.

While SAFA has a retail bond program this comprises only a very small component of SAFA's overall funding program. The greater majority of the funds are borrowed from wholesale investors both in Australia and offshore.

Such borrowings are undertaken through SAFA's domestic Select Line (fixed interest) and commercial paper programs and if required, through SAFA's global debt instrument program. Due to its modest borrowing requirements and very good funding levels achieved through its domestic funding program, SAFA has not needed to utilise its offshore funding program for a number of years.

The amount, weighted average interest rates and maturities of the funds raised by SAFA as at 30 June 2007 are detailed in Notes to the Financial Statements for the year ended 30 June 2007 in SAFA's 2006-07 Annual Report, in particular Note 22.2 Interest Rate Risk and Note 22.3 Maturity Analysis of Financial Instruments.'

GOODS AND SERVICES TAX

229 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). How much GST is collected on each 1 cent per litre increase in the price of fuel?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I am advised that information on GST revenue categorised by product is not available. However, if the question is taken literally, the answer is for each 1 cent increase in the price of fuel 0.0909 cents of GST is remitted to the Australian Taxation Office, ie $1/11^{th}$. Note that the extent to which GST collections are affected by increases in petrol prices, collections are also dependent on the price sensitivity of petroleum consumption and the extent to which any increases in spending on petrol is offset by lower expenditure on other goods and services that are subject to GST.

PUBLIC SECTOR EMPLOYMENT

233 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). What are the Department's current estimates for the General Government Sector Employment levels?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): At the time of the 2007-08 Mid Year Budget Review the FTE cap for June 2008 was 75,741.

TREASURY AND FINANCE DEPARTMENT

243 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). With respect to the Department of Treasury and Finance's short and long term borrowings of some $235 million, as detailed in the 2007-08 Budget Papers:

(a) what do they relate to;

(b) what are the terms of the borrowings, including the interest rate and the maturity date; and

(c) whom are the borrowings with?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):

(a) I am advised that the borrowings are for the purchase of motor vehicles by Fleet SA for the government's passenger and light commercial motor vehicle fleet.

(b) As at 1 July 2007, the weighted average interest rate for these borrowings was 6.17 per cent with maturity dates ranging from 6 July 2007 to 7 June 2010.

(c) The borrowings are with the South Australian Government Financing Authority (SAFA).

REVIEW OF PRIORITIES

253 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). With respect to 2007-08 Budget Paper 4 Volume 1—page 3.10, what was implemented under the review of priorities as mentioned in sub-program 1.1?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): Greg Smith provided a menu of savings in the Review of Priorities that was a key element of the 2006-07 Budget. The majority of

the savings were allocated to portfolios in the 2006-07 Budget and some savings were held centrally.

FINANCIAL DATA COLLECTION

256 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). With respect to 2007-08 Budget Paper 4 Volume 1—page 3.10:

(a) what issues are still existing in the timeliness and accuracy of financial data collection and reporting as mentioned in sub program 1.1; and

(b) which agencies are continuing to experience issues and why?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):

(a) The Department of Treasury and Finance (DTF) made significant process improvements targeted at reducing the preparation time of South Australia's annual consolidated financial reports.

Both the 2006-07 Final Budget Outcome and the 2006-07 Consolidated Financial Report were published in December 2007.

DTF's targeted efforts helped to ensure that the data submitted to DTF for the 2006-07 reports was of a far better quality than that submitted in previous years.

(b) There are no significant ongoing financial reporting issues in agencies that impact on the consolidated financial statements produced by DTF. DTF supports financial management and reporting in agencies by providing information forums, training seminars and site visits. These support mechanisms will continue into the future. DTF continues to focus on assuring the quality of financial information provided by agencies by reviewing data collection processes and applying robust integrity checks to agency financials.

SAICORP

268 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). With respect Budget Paper 4 Volume 1—page 3.38:

(a) what was the policy reason for making the $69.36 million indemnity payment to the SAICORP Fund No 2; and

(b) is this fund part of the SAFA financial statements or is it consolidated into the statements?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):

(a) From 1 July 2006, the function of acting as captive insurer of the South Australian Crown has been carried out by the South Australian Government Financing Authority (SAFA) through a separate Insurance Division.

I am advised that the insurance function of SAFA is operated through two funds specifically established in SAFA's accounts to quarantine the insurance activities from SAFA's finance activities.

SAICORP Fund No. 1 reflects the normal commercial insurance activities of SAICORP and is funded by premiums collected from agencies. It relates to risks effective from 1 July 1994 that were classified as insurable risks.

Claim payments in respect of incidents that occurred prior to 1 July 1994, claim payments in respect of uninsurable risks and any other payments made under the insurance program that fall outside of the insurance cover provided under SAICORP Fund No. 1 are met from SAICORP Fund No. 2.

As from 1 July 2006, the Treasurer has indemnified SAFA for the financial outcomes of SAICORP Fund No. 2.

On an annual basis, payments will be made under the Treasurer's indemnity to ensure that SAICORP Fund No. 2 is maintained on a break-even basis in SAFA's accounts as at 30 June each year.

At the time of amalgamation of SAFA and SAICORP on 1 July 2006, SAICORP Insurance Fund No. 2 had an unfunded liability position of $69.36 million. This figure represented the net of all claims managed through the fund since 1994 less annual cash payments received via appropriations from the Treasurer and interest earnings.

The unfunded liability position of $69.36 million was shown as a receivable from the Treasurer and a decision was subsequently made for the Treasurer to transfer cash to SAFA to extinguish the liability.

(b) SAFA's financial statements are a consolidation of its Finance and Insurance activities, including the activities of Insurance Fund No. 2.

MOTOR ACCIDENT COMMISSION

273 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (23 October 2007). What percentage of claims which are caused by rear end collisions are currently managed by the Motor Accident Commission?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): Approximately forty per cent of all current claims managed by MAC are a result of a rear end collision.

BRIDGE STRUCTURES

284 Dr McFETRIDGE (Morphett) (23 October 2007).

1. How many Higher Mass Limited bridges on National Highways have been identified as deficient?

2. How many bridge structures on state roads have been identified as deficient, how many are proposed for load testing and how many will be upgraded or replaced?

3. From the database of deficient local government bridge structures, how many are on freight routes and how many are used for residential purposes and in each case, where are they located and what are the deficiencies?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

1. There are no deficient Higher Mass Limited bridges on National Highways.

2. There are 31 identified Higher Mass Limited deficient bridges on State roads of which none are on a higher mass limit routes. A bridge may be high mass limit deficient but still suitable for everyday use. None of these bridges are proposed to be load tested.

3. Local government bridges come under the care, control and management of the relevant council. Therefore, this question should be referred to the relevant local council for consideration.

DEFENCE SA

359 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (18 February 2008). What savings will be realised with the establishment of the Defence SA given that this 'will subsume the Defence Unit investment facilitation and marketing activities of the Department and the existing operations of the Port Adelaide Maritime Corporation'?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change): I have been advised of the following information:

Defence SA was established on 1 September 2007 and is responsible for facilitating the development and growth of Defence and sustainable defence industries in South Australia.

Defence SA combines a more focussed effort on delivery of projects related to key initiatives already won—notably the Air Warfare Destroyer project centred at Techport which is now under construction. Techport Australia and relocation of a new mechanised battalion to Edinburgh—and a stronger approach to winning and delivering additional projects in the future, in accordance with *South Australia's Strategic Plan* targets.

Defence SA subsumed the operations of the former Port Adelaide Maritime Corporation and Defence Unit within the Department of Trade and Economic Development.

The establishment of Defence SA and absorption of the Defence Unit of Department of Trade and Economic Development and the activities of the Port Adelaide Maritime Corporation was approved on the basis that it would be budget neutral.

$0.270 million in savings has been identified as a result of the disbanding of the Defence Industry Advisory Board and the PAMC Board and the establishment of one combined Defence SA Advisory Board.

LEAN EDUCATION AND APPLICATION NETWORK PROGRAMS

377 Dr McFETRIDGE (Morphett) (18 February 2008).

1. How have the 'Lean Education' and 'Application Network' programs benefited business?

2. What is the cost of implementing these programs and how have taxpayers benefited from their implementation?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Department of Trade and Economic Development (DTED) has advised the following:

Since the announcement of the LEANetwork by David Simmons in March 2007 and subsequent launch in June 2007, a number of programs and initiatives have been delivered within South Australia that have provided significant benefits to the organisations and individuals involved. The purpose of the LEANetwork is to contribute to the improved viability of South Australian business and industry through the adoption of lean principles.

The Network itself is a formal grouping of both local and International entities, consisting of:

- The South Australian Department of Trade and Economic Development (through the SA Centre for Innovation)
- University of South Australia
- University of Adelaide
- Cardiff University (Lean Enterprise Research Centre).
- The Fraunhoffer Institute (Stuttgart)

Specific benefits derived from the LEANetwork to date are:

Attraction and delivery of the globally recognised Lean Thinking Course to South Australia with over 40 participants already progressing through the program. This program is delivered by Cardiff University and includes delivery from world leading experts such as Professor Peter Hines and John Bicheno. This program has also been delivered to a number of departments within the South Australian public sector.

A suite of Toolbox courses have been developed and delivered to over 170 participants within various industry sectors. These courses provide resource and cost effective mechanisms for industry to learn the basic Lean skills from. The toolbox sessions cover five major topics to date and are delivered ‘on demand'.

Over eight case studies have been developed in conjunction with South Australian organisations, all showing genuine benefits to the operational sustainability of those businesses. The case studies cover a number of different industry sectors (from food, viticulture, tourism through to general manufacturing and furniture making). The case studies are further utilised via Awareness sessions where the projects are presented to local industry as examples of how to implement Lean and the results that can be achieved.

A series of lean starter programs are currently under way to engage South Australian SME’s in the Lean processes and outline the advantages they can gain from this approach. These programs will be run both in Adelaide and the regions and will include between 5 and 7 companies per group.

Fraunhoffer Institute’s Innovation Audit program has been piloted within South Australia and the LEANetwork is currently looking towards developing further Fraunhoffer input.

A Lean Supply Chain program has been developed and delivered on two occasions, involving 11 local companies. The program has provided participating organisations with detailed insights into their manufacturing efficiencies through the experiences of other companies.

Cost of the LEANetwork to date is approximately $80,000 net. This amount includes a significant amount allocated to set up costs for a number of the aforementioned programs. A number of the programs offered are delivered on a full cost recovery basis and this is included in the above amount.

Benefits to Taxpayers include:

- Increased viability of South Australian manufacturers leading to both sustained employment and an increase in employees in a number of companies that have worked with the Network.
- Improved sales and profits within companies that have directly worked with the Network.
- Development of Lean champions in South Australia, which will filter through the State's manufacturing industry to provide increased capabilities at the management level.
- Increased general awareness of the techniques that directly improve the performance of businesses.
- Attraction to South Australia of world leading institutes and practitioners who have already begun to raise the profile of the state in the field of Business Excellence.

ECONOMIC DEVELOPMENT BOARD

378 Dr McFETRIDGE (Morphett) (18 February 2008). What planning and infrastructure projects are currently before the Economic Development Board's Independent Development Assessment Panel and what are the details of each project?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Economic Development Board does not have an independent Development Assessment Panel. It does not have a development assessment function, or any other statutory decision-making role.

RESEARCH AND DEVELOPMENT EXPENDITURE

388 Dr McFETRIDGE (Morphett) (18 February 2008). What is the business expenditure on research and development in this State (as a percentage of GSP) in 2005-06 and 2006-07 and if less than .89 per cent, what is the explanation for such a low percentage?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Department of Trade and Economic Development has provided the following information:

In 2005-06, South Australian Business Expenditure on Research and Development (BERD) represented 1.04 per cent of GSP, the same proportion as New South Wales. South Australia outperformed Queensland (0.70 per cent) and Tasmania (0.42 per cent). 2006-07 BERD data is not expected to be released by the ABS until later this year.

PLANT AND EQUIPMENT DISPOSAL

389 Dr McFETRIDGE (Morphett) (18 February 2008). What plant and equipment was disposed of by the department in 2006-07 that resulted in a $9.13 million net book value loss?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I am advised that the $9.130 million was the book value of plant and equipment disposed of by the Department of Trade and Economic Development in 2006-07. The proceeds from disposal were $9.009 million, which means the *net book value loss* was only $0.121 million.

I refer the member to *Hansard* of 26 February 2008, where I provided an explanation of this figure in response to a similar question.

MARJORIE JACKSON-NELSON HOSPITAL

427 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16 April 2008). How many persons have been appointed to the Major Projects Office to supervise the Marjorie Jackson-Nelson Hospital PPP Project and what budget has been allocated to them?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts): I am advised that:

The Major Project Office team for the Marjorie Jackson Nelson Hospital is currently comprised of 14 staff with a budget of $1.7 million.'

TRAMLINE EXTENSION

430 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16 April 2008). Has any funding been approved in 2008-09 for the planning and development of a tram line from the City to Norwood along the Norwood Parade and if so, has any provision been made to identify the impact on the existing traffic hazard at the Britannia Roundabout?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): No.

KANPI COMMUNITY

446 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract PCMU08015 for the upgrade of two houses at the Kanpi Community:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to contract PCMU08015 for the upgrade of two houses at the Kanpi Community, the project has been completed and was delivered within the programmed time-frame and within the approved budget. The contractor was CRA Building Services Pty Ltd. The completed project was signed off by the Department for Families and Communities.

RAUKKAN COMMUNITY

447 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract PCMU08017 for an upgrade of a property at the Raukkan Community:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to contract PCMU08017 for the upgrade of a property at the Raukkan Community, the project has been completed and was delivered within the programmed time-frame and within the approved budget. The contractor was CRA Building Services Pty Ltd. The completed project was signed off by the Department for Families and Communities.

PIPALYATJARA COMMUNITY

448 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract PCMU080 16 for the upgrade of two properties at the Pipalyatjara Community:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to the contract PCMU08016 for the upgrade of two properties at the Pipalyatjara Community, the project has been completed and was delivered within the programmed time-frame and within the approved budget. The contractor was CRA Building Services PTY LTD. The completed project was signed off by the Department for Families and Communities.

SCOTDESCO COMMUNITY

449 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract PCMU08018 for the upgrade of properties at the Scotdesco Community:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to the contract PCMU08018 for the upgrade of properties at the Scotdesco Community, this project has not yet been completed.

KOONIBBA COMMUNITY

453 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract HAS015152 for upgrades to Koonibba Community housing:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to contract HAS015152 for the upgrades to Koonibba Community Housing, this project has not yet been completed.

ERNABELLA COMMUNITY

454 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract HAS015545-(CHP04300E) for the fencing of eleven properties in the Ernabella Aboriginal Community:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to contract HAS015545-(CHP04300E) for the fencing of eleven

properties at the Ernabella Aboriginal Community, as at 16 June 2008 the project has not yet been completed.

YALATA COMMUNITY

455 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract HAS015601 for the upgrade of seven properties in the Yalata Community:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to contract HAS015601 for the upgrade of seven properties at the Yalata Community, this project has not yet been completed.

KOONIBBA COMMUNITY

456 Dr McFETRIDGE (Morphett) (9 June 2008). With respect to the contract PCM08213 for the upgrade of two houses in the Koonibba Aboriginal Community:

(a) has this project been completed and if so;

(b) was it completed on time;

(c) was it completed within budget;

(d) who was the successful contractor; and

(e) who 'signed off' on the completed project?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management): With respect to contract PCM08213 for the upgrade of two houses in the Koonibba Aboriginal Community, as at 16 June 2008 the project has not yet been completed.

STATE STRATEGIC PLAN

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: This evening will see the official launch of the second report of the Independent Expert Audit Committee, which tracks the state's progress against the ambitious targets of South Australia's Strategic Plan. This plan is for all South Australians, not just government, and South Australians from all over the state have embraced the plan. They have wanted to have their say on how the plan could be improved, and their support and efforts have been vital in achieving the plan's many successes. This is a plan for and by South Australians. When the plan was first released in 2004—

An honourable member interjecting:

The Hon. M.D. RANN: I'll tell you what: a lot more South Australians know about the plan than know about you. Okay. I still predict—I've seen what is going on—that you will be moving up a bit along the front row. When the plan was first released in 2004, I pledged that every two years South Australia's performance would be measured objectively by an independent group of experts and that their findings would be released publicly for all to see.

This evening we will deliver on that promise for the second time. I can inform the house that South Australia is tracking well against the 98 targets of the plan, with the latest report card showing 68 targets as either 'achieved', 'on track' or 'within reach'. More than 50 per cent are

showing positive progress, and a further 20 per cent are maintaining our position with a steady performance. I point out that 'steady performance' can actually mean excellent performance, such as the fact that the state has maintained the highest possible AAA credit rating, for which this Treasurer will never apologise: he went out there, got the credit rating back and then kept it. Adelaide has remained the most cost competitive place in Australia in which to set up and do business. I am delighted to say that these results show an improvement in the state's position and performance compared with the first report released in 2006.

The independent Audit Committee's first two-yearly report showed that after just two years South Australia had achieved or was on track to achieve over 50 per cent of the targets. That was a fantastic result, but we did not rest on our laurels. Instead, we revised the plan, increasing the number of targets from 84 in the first version of South Australia's Strategic Plan to 98 in the present plan, introducing new targets, replacing others and sharpening the focus of some others. The plan was also updated because in some areas the state had already achieved the original target, and we needed to go on to address new and greater challenges.

Yesterday, the opposition was again talking down the state economy, even though we have the best economy in decades and even though since 2002—wait for it; this is about what is really serious for the people of this state—breaking news: we have been creating jobs at more than twice the rate under the previous Liberal government, and the latest figures show we have been creating full-time jobs more than 20 times faster than when you were in office.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: So, Mr Speaker, they have just admitted that they did not do it. We are creating full-time jobs 20 times faster than under the Liberals. Here are some of the highlights of the new results as they relate to the economy. South Australia has smashed its mineral targets. Do you remember when we announced in the Strategic Plan that we were going to triple the rate of exploration that people said we were dreaming? People said that we did not have a chance. Well, mineral exploration is more than three times our annual target of $100 million. Mineral production is also on track to meet the targeted $3 billion per annum by 2014, having already reached $2.5 billion in the 2006-07 year.

The state has already exceeded its minerals processing target, reaching $1.15 billion in the 2006-07 year—six years ahead of schedule. When we set these mining targets critics said they were unachievable. There has been a tenfold increase in mining exploration in this state. Just look at the difference a change in government made six years ago. South Australia is also on track to exceed Australia's ratio of business investment as a percentage of the economy by 2014. South Australia is on track to better Australia's employment growth rate by 2014. Our defence sector is booming, with increased employment of 10.5 per cent in 2007, and the state is on track to reach our new target of 28,000 defence jobs by 2013, up from 16,000.

Ms Chapman interjecting:

The Hon. M.D. RANN: She says the defence jobs are moving to Queensland. Well, figures do not stack up in terms of what the Liberals are saying. We are on track to reach 28,000 defence jobs by 2013, up from 16,000.

Members interjecting:

The Hon. M.D. RANN: I have as long as you want. If you want to keep interjecting I can go on into infinity. Our population is moving in a positive direction and tracking well above the rate of growth required to reach our target of two million South Australians by 2050. The target—again, people thought it was unrealistic—was two million South Australians by 2050. I believe we will reach that target 20 years ahead of schedule.

But the plan is not just about patting ourselves on the back; it is a goad to action, a rod to our back, a guide to where we need to do better. South Australia still has challenges in meeting our goals in a range of areas, including interstate migration and achieving healthy weight for our population. I want to congratulate the Minister for Transport on that score, and also the Treasurer. South Australia still has challenges in meeting its goals in a range of areas, including interstate migration, achieving healthy weight for our population and managing chronic disease, while meeting our extremely ambitious export target, which is predominantly a challenge for our private sector.

Incidentally, a household survey was conducted of more than 6,000 South Australian adults to provide an information base for parts of the plan. I am delighted to say that the survey found that 86 per cent were found to be 'satisfied' or 'very satisfied' with the government services they received. I was also pleased with other results from the survey, including that nearly 90 per cent of those surveyed believed cultural diversity has a positive influence in the community and that 72 per cent of people undertake formal or informal volunteer work in their communities.

The proof of the progress is clear: from crime reduction to reducing the incidence of smoking amongst young people, to helping to save the River Murray, to improving life expectancy and Aboriginal healthy life expectancy and improving public transport usage, to name a few. We are backing our public transport targets by spending $2 billion on infrastructure in that area. The proof is also that having a plan for the longer term, instead of just the latest media grabs from the opposition, is what delivers real results for South Australia. I want to thank the independent Audit Committee chaired by Bill Cossey for its outstanding and objective work, as well as the excellent community consultation work led by Peter Blacker and the Community Engagement Board.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

- Public Sector Management Act—Report on the Appointments to the Minister's Personal Staff
- Regulations under the following Act—
  - Public Sector Management—Exemptions

By the Deputy Premier (Hon. K.O. Foley)—

- Regulations under the following Act—
  - Police—Illness or Injury to Prisoners

By the Treasurer (Hon. K. O. Foley)—

- Regulations under the following Acts—
  - Emergency Services Funding Act 1998—Remissions—Land
  - Public Corporations—Fire Equipment Services South Australia—Dissolution and Revocation
  - Southern State Superannuation—
    - Transition to Retirement
    - Incorporated Hospitals
    - Police Superannuation
  - Stamp Duties—Recognised Financial Markets
  - Superannuation—Transition to Retirement

By the Minister for Transport (Hon. P.F. Conlon)—

- Proposal to remove one significant tree at Parkside Primary School—Report
- Regulations under the following Acts—
  - Development—
    - Heated Water Services
    - Open Space Contribution Scheme
    - Schedule 10
  - Harbors and Navigation—Restrictions and General
  - Motor Vehicles—
    - Disqualification Fees
    - Conditional Registration
  - Road Traffic—
    - Miscellaneous—Declaration of Hospitals
    - Road Rules—Ancillary and Miscellaneous—Emergency Workers
    - Road Rules—Vehicles Standards—Variation
- District Council of Mount Barker—Significant Trees—Development Plan Amendment by the Council

By the Minister for Energy (Hon. P.F. Conlon)—

Regulations under the following Acts—
Australian Energy Market Commission Establishment—Grant Allocations

By the Attorney-General (Hon. M.J. Atkinson)—

Regulations under the following Acts—
Criminal Law Consolidation—Medical Termination of Pregnancy
Electoral—Prescribed Authorities
Victims of Crime—Imposition of Levy
Rules of Court—
Supreme Court—Corporations—Amendment 4

By the Minister for Health (Hon. J.D. Hill)—

Regulations under the following Acts—
Environment Protection—Environmental Authorisations
Health Care—General
South Australian Health Commission—Recognised Hospital—Medicare Patients Fees
Natural Resources Management—Baroota Prescribed Water Resources Area

By the Minister for Industrial Relations (Hon. M J Wright)—

Regulations under the following Acts—
Workers Rehabilitation and Compensation—
Variation—General
Claims and Registration—Variation
Scales of Medical and other Charges—Schedules
Scales of Charges—Medical Practitioners

By the Minister for Education and Children's Services (Hon. J D Lomax-Smith)—

Regulations under the following Acts—
Senior Secondary Assessment Board of South Australia—Variation

By the Minister for Agriculture, Food and Fisheries (Hon. R J McEwen)—

Regulations under the following Acts—
Fisheries Management—
Abalone Fisheries—Licences and Catch Quotas
Aquatic Reserves—New Regulations and revocation
Lakes and Coorong Fishery—Pipi Quotas
Marine Scalefish Fisheries—Pipi Quotas
Miscellaneous Fishery—Aquatic Resources
Prawn Fisheries—Gulf St. Vincent
Rock Lobster—Northern Zone
Fishing Activities
Primary Industry Funding Schemes—Rock Lobster Fishing Industry Fund
Primary Produce (Food Safety Schemes)—
Seafood—Fees
Codes
Food Standards

By the Minister for the River Murray (Hon. K. A. Maywald)—

Murray-Darling Basin Agreement 1992—Schedule F: Cap on Divisions

By the Minister for Water Security (Hon. K. A. Maywald)—

Regulations under the following Act—
Waterworks—Variation

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

Local Government Grants Commission South Australia 2006-2007—Report

Local Council By-Laws—
City of Playford—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Dogs
No. 5—Cats
City of Mitcham
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 7—Waste Management
Corporation of the Town of Walkerville
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs

By the Minister for Consumer Affairs (Hon. J.M. Rankine)—

Regulations under the following Acts—
Conveyancers—Establishment and Determination of Claims
Land Agents—Real Estate Industry Reform
Land and Business (Sale and Conveyancing)—Real Estate Industry Reform
Liquor Licensing—
Ceduna and Thevenard—Area 2
Port Vincent

WATER BILLING

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:15): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: On 5 December last year the Rann government announced a comprehensive suite of water projects to secure the future of Adelaide's water supply. These projects include a 50 gigalitre desalination plant, a pipeline to interconnect—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am happy to table it, sir, if people do not want to listen. It is the opposition's call: do you want to hear it or will I just table it? It is your call.

Members interjecting:

The Hon. K.O. FOLEY: I do not want to—

Ms Chapman: Table it!

The Hon. K.O. FOLEY: I will just table it without reading it, is that what you want? These projects include a 50-gigalitre desalination—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: 'What a wimp,' did you say?

Members interjecting:

The Hon. K.O. FOLEY: Sir, do you intend to—

The SPEAKER: Order!

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! The Leader of the Opposition will come to order.

The Hon. K.O. FOLEY: Thank you, sir. These projects—

An honourable member interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I just like to annoy you, Vickie. These projects include a 50-gigalitre desalination plant, a pipeline to interconnect our metropolitan reservoirs, and a doubling of water storage capacity in the Adelaide Hills. To pay for these projects the government also announced a new three-tier water pricing structure and a significant increase in water prices, beginning with—

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley will come to order.

The Hon. K.O. FOLEY: —a 12.7 per cent increase in real terms in 2008-09. The government made it clear that additional net revenue from increased water prices will be hypothecated specifically to fund—

Mr Pengilly interjecting:

The SPEAKER: Order! The member for Finniss is warned.

The Hon. K.O. FOLEY: Sir, I table the ministerial statement without reading it.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood) (14:21): I bring up the 298th report of the committee on the Moorook Country Lands Water Quality Improvement Project.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 299th report of the committee on the EPA Adelaide Office Accommodation Fit-out.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 300th report of the committee on the Adelaide Zoo Redevelopment.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 301st of the committee on the Glenelg to Adelaide Parklands Recycled Water Project.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield) (14:24): I bring up the 18th report of the committee on the South-East Natural Resources Management Board Levy Proposal 2008-09.

Report received and ordered to be published.

Mr RAU: I bring up the 19th report of the committee entitled Eyre Peninsula Natural Resources Management Board Levy Proposal 2008-09.

Report received and ordered to be published.

Mr RAU: I bring up the 20th report of the committee entitled South Australian Murray-Darling Basin Natural Resources Management Board Levy Proposal 2008-09.

Report received and ordered to be published.

Mr RAU: I bring up the 21st report of the committee entitled Northern and Yorke Natural Resources Management Board Levy Proposal 2008-09.

Report received and ordered to be published.

Mr RAU: I bring up the 22nd report of the committee entitled Adelaide and Mount Lofty Ranges Natural Resource Management Board Levy Proposal 2008-09.

Report received and ordered to be published.

VISITORS

The SPEAKER: I draw to the attention of honourable members the presence in the gallery today of students from Karkoo Primary School, who are guests of the member for Flinders.

QUESTION TIME

WATER BILLING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:26): My question is to the Minister for Agriculture, Food and Fisheries. Did the minister ring the Treasurer on Friday last week to advise him of developments relating to water billing or did the Treasurer ring him, and what time did the conversation occur?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:27): Sir—

Mr HAMILTON-SMITH: Sir, I rise on a point of order. The question was directed to the Minister for Agriculture, Food and Fisheries. Only he can answer it.

The SPEAKER: Order! As I have previously ruled, with respect to any question to any minister, it is up to the government of the day to decide which minister is best in place to answer a question. If the Treasurer wishes to take the question, that is entirely a matter for the government. That has always been my ruling and the ruling of speakers before me. The Treasurer.

The Hon. K.O. FOLEY: It was a two-way conversation. The leader wants to know whether I rang him or he rang me.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The minister rang me. I cannot recall whether I took a message and called him back, but my recollection is that the first contact was initiated by the minister and I either took the call or rang him back.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: I did not say a definitive answer.

An honourable member: What time?

The SPEAKER: Order!

The Hon. K.O. FOLEY: Late in the afternoon. What is the big deal about it? I have said publicly that there is no huge conspiracy issue. Keep asking me questions and I will refer you to my ministerial statement that you did not want me to read out. It is as simple as that.

WATER BILLING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:29): Sir, I have a supplementary question. Will the Treasurer provide to the ho use his phone records and those of the Minister for Agriculture, Food and Fisheries to substantiate his answer?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:29): No, I will not. I do not know who would have facilitated the phone call—whether it was the minister's office, or whatever—but I am not lying. I took a phone call from Rory McEwen late on Friday afternoon. I either took the call or he left a message and I called him back—I cannot recall—and we had a conversation. What is the big deal? It happened.

COUNCIL OF AUSTRALIAN GOVERNMENTS

Mr O'BRIEN (Napier) (14:30): Will the Premier advise the house on any of the outcomes of the recent meeting of COAG?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate

Change) (14:30): On 3 July 2008, the Prime Minister, premiers, chief ministers and treasurers—this is a new innovation having the treasurers there—

The Hon. K.O. Foley: Great innovation!

The Hon. M.D. RANN: —which I must say I did not support—but, anyway, all the Australian jurisdictions met in Sydney for the Council of Australian Governments. It was the third such meeting since the election of a federal Labor government in November 2007. Since that time, an enormous amount of work has been undertaken under the leadership of the Prime Minister and in the spirit, I believe, of cooperative federalism.

There have been significant outcomes from these efforts that will advance the national interest and South Australia's interest. The advances include developing a seamless national economy by reforming Australia's business regulation and tackling overlapping and inconsistent regulation. This is an area of reform long overdue. It does not make any sense—never has made any sense—that people doing a trade in one state cannot work in another state, but can in a third state: a total shambles that has existed for years. We need to get behind business and work towards a seamless economy, and I am very pleased that is very strongly the view of the Prime Minister.

An agreement was reached at the meeting to end the fragmented approach to workers' occupational health and safety. Practical measures will be adopted to harmonise the multitude of occupational health and safety regimes across the country.

COAG has also agreed to establish a new national business names registration system that will lead to savings for business operators. A new model for state-federal financial arrangements has been agreed to modernise payments for specific purposes and the development of national partnership payments by the commonwealth. The COAG working parties are continuing their work in the areas of health and ageing, productivity, indigenous reform, climate change and water, and business regulation and competition.

The proposed October meeting of COAG in Perth should see much more of that work brought to a conclusion, with tangible proposals for reform. Significantly, COAG committed to a sustained long-term engagement to achieve the Closing the Gap targets for indigenous Australians and, in a major first step, COAG agreed in principle to a national partnership with joint federal-state funding of about $547 million over six years to address the priority indigenous children in their early years. I hope that all members of this parliament would support this priority being given to indigenous children.

Based on South Australia's representations at COAG, it was agreed that work be undertaken urgently to determine how to improve sharing of information between government and non-government organisations about families and children at risk. COAG will receive advice on this matter at the proposed October meeting—better flowing of information not just between the states but also with the federal government, given that it does Centrelink payments, so that, as best as possible, we can know when families at risk are crossing from one border to another.

I would also like to focus for a moment on COAG's major achievement in dealing with the long-term issues facing the Murray-Darling Basin. At the Sydney meeting, a binding inter-governmental agreement between the Murray-Darling Basin states and the commonwealth was signed to give effect to the memorandum of understanding reached in Adelaide in late March. This binding agreement will ensure that, for the first time in a century, the Murray-Darling Basin will be managed by an independent expert authority free from parochial interest and in the best interest of the health of the system.

The independent authority will develop a basin plan that will properly balance the environmental needs of the system with the needs of sustainable industry and safeguard the water needs of communities. The independent authority and its basin plan will be able to set a cap for the first time on the amount of water that can be extracted from the Murray-Darling system. That cap will translate into a state cap, which must be managed by the state authorities. The basin plan will also include controls, very importantly, over ground water resources. The independent authority will set the caps under the basin plan on the basis of scientific knowledge and objective conditions. As I have previously said, the Murray-Darling Basin is a national asset and it must be managed in the national interest. The river knows no borders. The Murray-Darling Basin states and the ACT will be bound to live with the basin plan.

In conjunction with the signing of the IGA, the federal government announced the provision of $3.7 billion of water infrastructure projects to improve the efficiency of water use and capture the water savings. South Australia succeeded in obtaining $610 million for its Murray Futures bid. Murray Futures is a most comprehensive and ambitious proposal to get it right for the River Murray from the border to the mouth. At the top of the list will be a project worth in excess of $100 million to completely re-engineer the water infrastructure within the townships, communities and irrigators that draw water from the Lower Lakes. The Lower Lakes are in a dire condition. The current drought, the worst on record, means that it is failing those communities that rely on it for drinking water and irrigation of crops and stock.

The proposal under the Murray Futures plan would end the use of water from the Lower Lakes by those communities and vastly improve their water security and water quality. Instead, they will be connected to high quality water drawn from the River Murray at around Tailem Bend via a new integrated network of pipelines around the Lower Lakes communities and farms that would link to the existing pipeline.

An honourable member interjecting:

The Hon. M.D. RANN: If you don't support this then go and tell your local people you don't support it, because the plan came from them. Irrigation pipelines—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —will be built to supply Currency Creek and Langhorne Creek—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: What a total phoney you are with your local residents! Irrigation pipelines will be built to supply Currency Creek and Langhorne Creek, and potable water pipes will go to the Narrung and Poltalloch peninsulas and the Raukkan Aboriginal Community. Aspects of this project can start almost immediately, and the entire project could be finished within two years.

In addition, about $200 million will be allocated to undertake medium to long-term projects around the Lower Lakes and Coorong to help save and protect the future of this valuable Ramsar site. This will include investigating consulting the community on a range of new infrastructure works that would enable the better environmental management of the Lower Lakes, especially in terms of diluting hyper-saline water from the southern lagoon of the Coorong and regulating the flow of water between the lakes.

Another major priority project would be to allocate more than $150 million to reinvigorate our Riverland irrigation industries. The overhaul of the way in which the Riverland irrigators manage their farms and the wider industry would be a voluntary process developed in partnership with the irrigation industry and, if taken up as an option by enough irrigators, it could transform the economy and environment in that area. This project involves a suite of options that includes modernising irrigation technology, adopting new production systems including new crop sites that use less water, opening up new areas that are more environmentally sustainable, and moving production from areas suffering from high salinity. Depending on how many people take up these options, it is estimated the project could save up to 100 gigalitres, of which 50 gigalitres would be made available for industry renewal.

The Murray Futures proposal includes a project which would cost in excess of $80 million and which involves removing pumps from backwaters and wetlands to the main stem of the river for hundreds of irrigators to improve their security of supply and quality of water. By changing where those users access water we could save about 50 gigalitres of River Murray water, because we could cut evaporation losses and allow these wetlands to be managed more sustainably so that they could fill and dry up when necessary. It will position South Australia to respond to the longer term challenges facing the River Murray, particularly in the future of reduced water availability and climate change. Of course, the billions of dollars invested in water efficiency projects upstream of South Australia will deliver increased water flows to this state. This will have an enormously positive effect on the quantity of environmental flows here and on improved water quality.

In relation to water, COAG also committed to lift the current 4 per cent limit on water trade out of districts in the southern Murray-Darling Basin. The Murray-Darling Basin jurisdictions have agreed to work to achieve a 6 per cent target by the end of 2009 and remove the limit on trade

across the basin by 2014. I am very aware of the immediate needs of all the communities along the Murray and Lower Lakes for additional water. The exceptionally low inflows in the river system are continuing. The prospects for short-term relief are not high, because even average or above average rainfall will not produce large run-off due to the dryness of the catchment area.

Together with the Prime Minister and minister Wong I visited the Lower Lakes on 5 July where we heard directly from the local community about their plight. Unfortunately, the record drought has meant that, without substantial rainfall, our short-term options are very limited. The government will continue to consult and work with these communities through my special adviser, the former premier of South Australia, the Hon. Dean Brown. I want to commend him for his outstanding job.

Responding now to COAG: I will be attending the next COAG meeting to conclude a number of arrangements we have been working on with the commonwealth and other jurisdictions. I am very confident that the process will deliver significant benefit to South Australia and the nation. In conclusion, I must say, however, that I was bemused about some of the comments made by the Leader of the Opposition. Do members recall the day when I was told, 'Just go over there and put the Victorian Premier in a headlock'? That was going to convince him to give up their constitutional rights. It was somewhat bizarre. He said that he would only complain that I had not, according to him, taken up the challenge to make a comment at the press conference at the conclusion of the COAG meeting. Apparently, I did not speak at the press conference.

Maybe he did not watch the press conference or maybe he left after the first five minutes of the news conference, because, when you looked at the television news that night, he got a bit of a run from people who didn't check—apparently I didn't speak. But, anyway, we then heard that he was going to broker the deal. I suggest that he get a transcript of the press conference, including my contribution, which can be found on the Prime Minister's website. Perhaps the Leader of the Opposition would be better off spending his time working on his Liberal colleagues interstate to avoid the nasty rebuff they delivered him. Remember, I had to go over and put someone in a headbutt, because that is what a Premier apparently does.

The Hon. K.O. Foley: Headlock.

The Hon. M.D. RANN: Headlock, okay, but he ended up with a headbutt! On ABC Radio 891 on 7 July, the Leader of the Opposition said that he was going to Sydney to meet state and territory Liberal leaders of the opposition. He said:

> What I'm trying to broker is an agreed position right across the country from the Liberal oppositions.

He told 891 listeners that he would be raising with the Liberal leaders a proposal to back an agreement to release water from the Menindee Lakes. Later that day, news reports heralded that the state opposition leader was unable to get his New South Wales counterpart to agree that water should be released from the Menindee Lakes to replenish the Lower Lakes in South Australia. The report said that the New South Wales opposition leader, Barry O'Farrell, did not support the proposal. Apparently, the headlock didn't work! When asked by Matthew Abraham whether he failed to get the New South Wales opposition leader to lock in behind the SA opposition leader's proposal, he responded, 'Yeah, that's absolutely right.'

Of course, as much as we would like to see more water for the Lower Lakes, it was an irresponsible proposal from the Leader of the Opposition and rightly rejected. The limited water held in the Menindee Lakes underpins critical human needs during these drought conditions for South Australian and interstate communities. To release the water would have been a grossly irresponsible act that even his Liberal colleagues interstate recognised; they saved him from himself. I guess that my message to the Leader of the Opposition is that going on radio and putting people in headlocks sounds good, but the reality is far different.

WATER BILLING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:43): Well, it is quarter to three and we have had one question.

The SPEAKER: Order!

Mr HAMILTON-SMITH: My question is to the—

Members interjecting:

Mr HAMILTON-SMITH: I notice how accountable the government is, Mr Speaker.

The SPEAKER: Order! The Leader of the Opposition will get to his question.

Mr HAMILTON-SMITH: Very well, sir. My question is to the Minister for Water Security. Why did the—

An honourable member interjecting:

Mr HAMILTON-SMITH: I hope she will answer it and not the Treasurer, but we will see. Why did the minister tell radio listeners on Friday 30 November 2007 (the last day of November) that, 'We're reviewing the pricing structure at the moment. We're looking at a pricing review. We'll be looking at finishing that review very soon,' when the government had already decided the matter? The government's transparency statement on water prices (signed off by the Treasurer) required by COAG reveals that 'In November 2007 the government, through cabinet, approved the 2008-09 metropolitan and regional water and wastewater charges,' confirming that the deal had already been done.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade) (14:45): Under the usual cabinet process, we go through a whole range of decision making through cabinet. We pull together all the elements of that decision making, and then we make an announcement to the public. As members would recall, there was a gazetted notice on 6 December, which introduced what the new pricing would be, and I responded on radio a number of times in relation to that particular gazettal. I want to quote from some comments I made on 17 December, when I said, 'pricing of water is going up substantially from the 1st of July'. I then went on to say, in response to some other questions:

...substantial increase in water pricing come [into effect on] the 1st of July next year...12.7% increase in real terms will take place from the 1st of July.

That was the belief I had, that is, the process that we had been undertaken in relation to reviewing prices would come into effect from 1 July.

The government has made it quite clear that we were wrong, that the legislation meant that it would be backdated to December, and that we did not have full comprehension of that fact. We have already admitted that, and we have apologised to the public. We are providing refunds to the public, and we sincerely apologise if this has inconvenienced any SA Water customers.

SOUTH AUSTRALIA WORKS IN THE REGIONS

Mr PICCOLO (Light) (14:47): Can the Minister for Employment, Training and Further Education advise the house what the government is doing to help link South Australians to skills and jobs within their local regions?

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling) (14:47): I thank the member for Light for his question. I am sure he would be fully aware (as would other members in the house) of South Australia Works in the Regions and that it is a remarkably successful state government employment initiative.

Since 2004, South Australia Works in the Regions has been bringing together education, training and employment services to ensure that all South Australians have the opportunity to develop work skills and gain employment. It is estimated that to date more than 33,300 people have participated in learning and work programs through South Australia Works in the Regions, with around 13,700 gaining employment.

In addition to the employment outcomes, all the participants who have been involved with these programs have enhanced their job skills and self-confidence, improved their level of literacy and numeracy, and have often moved on to pursue further education and training opportunities.

In 2007, the South Australia Works in the Regions program won the inaugural Premier's Award for Building Communities in recognition of the significant contribution it makes to local communities and the innovative nature of its delivery of employment programs, which are flexibly managed to suit local needs.

I am very pleased to inform members that $14.6 million will be invested, through South Australia Works in the Regions, to link thousands of South Australians with skills and jobs that match regional industry needs. This total includes a $7.7 million contribution from the state government, with an additional $6.9 million being leveraged through industry, community

organisations and the commonwealth government. The program operates through 17 local employment and skills formation networks right across the state. These networks consist of people from the local community, business, regional economic bodies and commonwealth, state and local governments.

Recently, I was very fortunate to be able to speak with some of the participants of the SA Works in the Regions programs in the eastern Adelaide, northern Adelaide and Barossa and Light regions—and I acknowledge many of my colleagues in this house who attended those particular events. The range of assistance provided to participants through these programs is vast—assistance such as accredited and non-accredited training, mentoring, life skills and even work experience in various industries. Many participants have gained employment in industry areas such as aged care, health and community services, engineering, multitrades, manufacturing, hospitality, retail, warehousing and customer service.

We have set targets for 2008-09 to assist over 6,400 people to participate in work, training and learning programs, which we believe will result in more than 3,400 job outcomes. In addition, a further 5,000 people will participate in a range of career information and pathways activities.

I would just like to inform members of a couple of skills programs planned for the 2008-09 year, including the Riverland Region Drought Response Program, which will look at four key strategies, including one which targets under employment due to the financial downturn as a result of the drought. Also, the highly successful Goal 100 model, developed in Whyalla through South Australia Works in the Regions and OneSteel, will be applied across a range of regions, including Northern Adelaide, Eyre, Flinders Ranges and Outback, to assist industry to identify suitably skilled local labour for their requirements.

The South Australia Works in the Regions is only one of many target areas under the South Australia Works umbrella, which this year is expected to direct over $32 million to eight priority areas, including young people, Aboriginal people, mature aged South Australians, the public sector, industry, regions, communities, and skills recognition. It is a range of programs about which this parliament should be suitably proud.

WATER BILLING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:51): On what date did the Premier personally become aware that the government's new three-tiered water pricing system, gazetted for commencement on 1 July 2008, would apply to water used in the previous financial year, and how was he advised?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:51): I was advised by technology. As members know, I went to New South Wales for the welcoming mass for His Holiness Pope Benedict XVI. The following day I was at a series of business meetings with people from organisations such as OneSteel and AGL, and later in the afternoon I met with the Premier of New South Wales, Morris Iemma. In the late afternoon or early evening I received a message from my office, and my response was, 'Fix it', and as a result we have apologised. We will refund money. We will change the 1932 Waterworks Act to simplify water billing, and we will ensure quarterly billing so that South Australians can better monitor consumption. That is exactly what happened. I guess we can compare that approach to—

Members interjecting:

The Hon. M.D. RANN: When did you know? You were part of a cabinet. We saw what happened with Lucas and what he said. We heard, of course, the statements made on Leon Byner's show (I think it was) by Mark Brindal, an exalted former water minister from the other side, who said that he did not regard himself as a dope but that he was in the dark as well. When I found out on Friday afternoon we moved to fix it, and we will refund. I guess the question is: when did you know and why did you not act when you were in government?

WATER BILLING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:53): I have a supplementary question.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: In light of the Premier's response that he did not know about this matter before last Friday, how does he explain his government's transparency statement on water prices, which states on page 9 that the Minister for Water Security took a submission through cabinet (he chairs cabinet) in November 2007 which provided full details of the methodology for setting 2008-09 water and wastewater prices. The document prepared on behalf of the Treasurer and himself states:

> The Department of Premier and Cabinet were consulted during the preparation of the 2008-09 transparency statement.

It goes on:

> SA Water was consulted on the factual accuracy and completeness of information contained therein.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:54): First, I have the transparency statement. The leader, as he did on public radio this morning, misinterprets and misleads in what he says. I have reviewed the submission that the minister brought into cabinet, and there are two fleeting remarks relating to the—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: There are two comments in the cabinet submission that make references to the start date of 1 July 2008. From my reading and from my memory of that submission after I checked it, it was not explicit as to the four water years that are contained within the calendar year. There are four separate water years in a calendar year and, from my reading of that cabinet submission (and I stand to be corrected), I saw two references to the start-up date that were oblique in terms of explaining it. In fact (as she did with me yesterday in a meeting), Anne Howe, the head of the department has, I believe, been on public airwaves or has put out a statement saying that SA Water should have been more upfront and explanatory in advising us that we had four water years, and that some people would start getting bills backdated from 1 January.

Ms Chapman: So it's their fault?

The SPEAKER: Order!

The Hon. K.O. FOLEY: No, I have accepted responsibility.

Ms Chapman interjecting:

The SPEAKER: Order! If the Deputy Leader of the Opposition has a question I am more than happy to give her the call.

The Hon. K.O. FOLEY: Look at her raise her eyebrows! She is one odd person. I have accepted responsibility on behalf of the government, I have accepted responsibility for my failure. We should have known, and no-one has made any secret of that. SA Water assumed we knew and it was wrong to do so. It has accepted that it should have explained to us in far more detail so that we were aware of it, because had we been aware of it we would have had two choices: one would have been to restructure the billing year there and then; and the other would have been to put out a press release saying that these prices would start to apply to customers on a rolling basis from 1 January. There was nothing in it for us not to be honest, and, obviously, when we found out that an error had been made we moved very quickly.

However, as the Premier often says, there is some breaking news. If you were to believe the Leader of the Opposition—certainly from his statements on Friday—you would think that the government was somehow deceptive, that it had set about a secret plot to rip off money from households, that it had designed that. Now, we do a little digging in government, and we had a look at some files. I have a document here that I am quite happy to table. It is titled, 'Water Pricing in South Australia: A discussion paper,' and is dated December 1999.

The Hon. M.J. Atkinson interjecting:

The Hon. K.O. FOLEY: The Attorney-General asks, 'What's in it?' On page 9, paragraph 4.1.5—Consumption year and the billing cycle, it states:

Meter reading and billing arrangements have a significant impact on the timing of bills for customers and even the timing of price increases as they apply to individual customers. Current practices for most customers include the following:

- meters are read twice a year on a rolling basis, with some customers having their meters read as much as six months later than others;
- customers are billed four times a year but only two of those bills include water usage charges, each for the previous six months consumption;
- timing of bills with the consumption charges follows the timing of the rolling meter-reading program.

It goes on to say—and just listen to this, sir; this is the Liberal Party's discussion paper:

- announced water prices apply for the financial year and any change in the water usage charges for the coming financial year must be announced no later than the preceding December.

The implications of this system are that:

- timing of bills with the consumption charges following the timing of the rolling meter reading program;
- 'low priced' water comprises a bigger proportion (and sometimes all) of customers water use charges in the bill following the first meter reading, while 'high price' water tends to be billed in the bill following the second meter reading;
- some customers begin to use water which is billed at the price for the following financial year from as early as December, shortly after prices are announced;
- timing of when other customers start to use water at the price for the following financial year is subject to the rolling meter reading program, but can be up to six months later.

That is the abbreviated version. It then says that the billing cycle is explained in greater detail in attachment B. Well, that is about as clear as mud to me. That is a policy document, and perhaps the member for Davenport may have been the minister at the time.

An honourable member interjecting:

The Hon. K.O. FOLEY: He was the minister at the time, so the member for Davenport—

Mr Hamilton-Smith: We used to tell people.

The Hon. K.O. FOLEY: He said, 'We used to tell people.' Thank you very much. A press release of 6 December 2001—listen to this—

The Hon. M.D. Rann: He was in the cabinet then.

The Hon. K.O. FOLEY: He was a cabinet minister. Listen to this. A press release of Rob Lucas, then minister for government enterprises, states:

Average residential customers will pay about 22¢ a week more for water from July next year under prices announced today [December 2001] for the 2002-03 financial year.

Nowhere in there does Mr Lucas say that some customers will start getting charged from December or January—backdated. They had their document and they had no idea. The leader just said, 'At least we told people.' You did not tell people. You made the same mistake and you were in cabinet.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The Leader of the Opposition has had every possible position on this matter, except an honest one. He has been shifting and changing and telling untruths in the public domain to try to get a political hit. As we can see, not only were they the architects of this very confusing scheme but they also made the same mistake.

Ms Chapman interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The house will come to order.

The Hon. K.O. FOLEY: As I have highlighted, the fact is that even a Liberal treasurer, when the Leader of the Opposition was in cabinet, made the same mistake.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Listen to her. The document states that 'average residential customers will pay 22¢ a week more for water from July next year under prices announced today for the 2002-03 financial year.'

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: There is nothing in the document that says, 'By the way, you will start getting charged backdated to December.' You as a cabinet minister made the same mistake. You sat around the cabinet. The leader would not have had a clue. It has been a confusing system. The difference between the opposition and the government is that when we found out about it we apologised. The transparency statement the leader talks about is quite upfront. It was released in February.

Ms Chapman interjecting:

The SPEAKER: Order, the Deputy Leader of the Opposition!

The Hon. K.O. FOLEY: Forgot to read it? I signed it into cabinet.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: What is the issue?

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Know what? It does not talk about the billing cycle. It is about a pricing structure.

The Hon. M.D. Rann: It's not talking about the billing cycle.

The Hon. K.O. FOLEY: It is about a pricing structure.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I intend to continue to battle through this screaming, ill-disciplined opposition to get the point across. The leader said that I should look at page 9. He makes us believe that this was a decision on the billing cycle. I do not know whether the billing cycle is mentioned elsewhere in the document, but I do not recall seeing it; I stand to be corrected. What I will say is that the bit to which the leader is referring is 'Price setting processes 2008-09'. It refers to price setting, not billing cycles. It states:

> In November 2007 the government through cabinet approved the 2008-09 metropolitan and regional water and wastewater charges. For planning purposes a longer term in principle revenue direction to 2012-13 has been based on water and wastewater price increases of similar magnitude as that in 2008-09.

Yes, in November; and we gazetted in the first week of December. That was an orderly process. What is the big deal? What is the big surprise? That is exactly what occurred. What is your point?

Mr Williams: You have been promising everybody it was going to happen from 1 July.

The Hon. K.O. FOLEY: That is right. The member is right. Hello; the light has just turned on! The member for MacKillop has come to my rescue. He is right: we were saying that it would be 1 July. We made a mistake. We were wrong. I apologise. I cannot apologise any more.

Mr Williams: You keep apologising. Why are you wrong so often?

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: Why am I wrong so often? Yes, I do such a bad job. I will let others be the judge of that, but I am prepared to admit that we got it wrong. Despite the pathetic attempts of the Leader of the Opposition—he as a cabinet minister made the same mistake—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: The Leader of the Opposition was sitting around a cabinet table when his treasurer released a statement that made exactly the same mistake. I am not beating up on him: we did too. It just so happens that we now to have to explain it; they got away with it. You might be right: we were not that good in opposition. I always said that to the Premier: we were a

lousy opposition. We only got rid of about two premiers and four ministers and we got into government.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I have been able to demonstrate beyond any argument that you made the same mistake in a system that you invented. We fell foul of that as well. I apologise. Will you?

WATER BILLING

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (15:06): My question is to the Treasurer. Does he stand by claims he has made publicly in recent days that cabinet was unaware of the flawed SA Water charging plans, that the government has only this week decided to change SA Water billing systems and that the details of the now abandoned billing system were not advised to him or cabinet before the opposition raised this issue on Thursday 17 July last week?

The Treasurer signed off on the document 'Transparency Statement: Water and Wastewater Prices in Metropolitan and Regional SA in 2008-09'. The document was released in February this year, and it states: 'The government is intending to introduce quarterly rather than biannual meter readings and further improvements to billing information.' Financial detail in the document reveals a $47 million increase in revenue as a result of these changes. In the same document, the Treasurer stated: 'It is proposed that SA Water move from biannual to quarterly meter readings from 1 July 2008.' You did not decide it last week: you decided it months ago—and you know it and you are not telling people.

The SPEAKER: Order!

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:08): He is a very excitable chappie, isn't he? I talked about this on radio. The transparency statement, which follows on from a procedure put in place by Malcolm Turnbull, from memory, in the last government (or certainly the last government), was about encouraging state governments—are you listening or are you not interested in the answer?

Mr Hamilton-Smith: We are hanging off every word, Kevin.

The Hon. K.O. FOLEY: Good on you. It is good.

Mr Pengilly: Come on; go for it, Kev.

The Hon. K.O. FOLEY: Oh, Mr Bean—the great factional ally of the deputy leader, who was going to poach the member for Newland into their party, and the great factional ally who was going to get the farmer up in Mayo last week.

The SPEAKER: Order!

The Hon. K.O. FOLEY: How did the farmer go in the vote, Iain?

An honourable member: Third.

The Hon. K.O. FOLEY: The farmer came third. Why did you want to get stuck into Iain? Haven't you done enough damage to his—

The SPEAKER: Order! Members on my left will—

Ms Chapman interjecting:

The SPEAKER: Order! Members on my left will cease interjecting. The Deputy Premier will get to the substance of the question.

The Hon. K.O. FOLEY: Thank you, sir. But I say: hasn't the Leader of the Opposition done enough damage to the member for Davenport's career without trying to knock him off? As I said, the transparency statement, amongst many things, when referring to customer impacts on water says:

> In order to further improve the pricing signal to customers, the government is intending to introduce quarterly, rather than biannual meter reading, and further improvements to billing information. The minor adjustment to the volume of water consumption between the first and second tiers would facilitate future quarterly metering.

This document released in February to this point has not been acted on by SA Water or the government, but it is—and was up until yesterday—an intention. The quarterly process does come with a degree of complexity that has to be worked through, and SA Water had not reached a point where it was yet ready to recommend to government that it implement that system.

What happens with quarterly billing—and a further move even from what the transparency statement indicates—is a point at which we cannot have backdating of readings in our water billing. That is a very complex proposal, but we are working through that. This was and had been for some time an intention, but had not been acted on. When we met yesterday, one of the first things we talked about was how we get a different system. SA Water made it clear that one option is a quarterly billing system, but it had not yet moved to that point.

The minister and I made it very clear that we wanted them to move to that point. Some of the senior public servants from SA Water did acknowledge some concerns and difficulties in it, but the CEO and the senior people, despite the logistics of that exercise, believe it can be done and are now working on that. It was an intention—and the bureaucracy does not move at rapid pace, let us be honest about it—and I can tell you that, between February (when this was released) and now, they had not in any way significantly advanced the issue as it related to government making a decision on quarterly billing. The minister and I made it very clear yesterday that we want it done.

WATER BILLING

Mr WILLIAMS (MacKillop) (15:12): My question is for the Minister for Water Security. Minister, on what date did you personally become aware that the government's new three-tiered watering pricing system gazetted for commencement on 1 July 2008 would apply to water used in the previous financial year and how were you advised?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade) (15:12): I was advised by telephone on Saturday 19 July, according to my telephone records, at 5.05pm by the acting minister for water security. From the advice in my office, I was under the belief that they were coming into effect on 1 July. My media statements reflect that. I honestly believed they were coming in on 1 July; the government believed they were coming into effect on 1 July. When we found out that that was not the case, we have acted. We are changing the legislation and we are also issuing refunds; and we have also issued an apology to those SA Water customers who have been affected by this mix-up.

WATER BILLING

Mr WILLIAMS (MacKillop) (15:13): My question now is to the Treasurer. Treasurer, will you table the documents and advice you received from SA Water CEO, Anne Howe, which led you to change your view as to who was at fault over the SA Water billing confusion? On Saturday 19 July the Treasurer said:

> SA Water knew exactly what the government's intentions were and in a classic case of Yes Minister, we have been wrong-footed...SA Water will know exactly how I feel when I meet with them on Monday morning.

Yet, on radio this morning, the Treasurer shifted the blame to the Minister for Water Security and said: 'Karlene did not sufficiently explain to cabinet about the billing cycle.'

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:14): The minister has just said that. It actually is—

Ms Chapman interjecting:

The SPEAKER: Order! The deputy leader.

The Hon. K.O. FOLEY: Anne Howe will sue me.

Ms Chapman: She can sue you.

The Hon. K.O. FOLEY: Can she really? On what grounds?

Mr Williams: Will you table the document?

The Hon. K.O. FOLEY: Sorry, on what grounds can Anne Howe sue me?

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I was very happy—

Ms Chapman: Your incompetence and now you're going to blame her. How pathetic.

The SPEAKER: Order!

The Hon. K.O. FOLEY: She can just keep getting away with that, can she, sir?

The SPEAKER: Order! The Deputy Leader of the Opposition will come to order. The Treasurer has the call.

The Hon. K.O. FOLEY: Thank you, sir. I was glad to see Kate Lennon go. She deserved to be dealt with. As it relates to Anne Howe, I do not resile from anything I said.

Ms Chapman interjecting:

The SPEAKER: Order! I warn the deputy leader! If she interjects again, I will name her.

The Hon. K.O. FOLEY: Sir, I stand by everything I said in *The Advertiser*. It was well reported, properly reported. I said that blind Freddy could have seen what would happen once this was known publicly, that SA Water did know what the government's understanding was, because my memory was that the Premier's press release was checked. We assume it was checked by SA Water, and again I stand to be corrected. But the point is—and I said that this is a good case of *Yes Minister*—when I met with the SA Water officials yesterday, I made that very clear to them and they accepted that.

Anne Howe has said publicly that in hindsight two things should have happened, and this is what she said to us in the morning. One is that they should have put a far greater explanation in the cabinet submission as to the water billing cycle and the timing impacts, and they acknowledged that did not occur in the submission; and, secondly (by Anne's own admission), they should have put something in the bill itself, that there should have been a note of explanation to consumers. Anne quite rightly accepted my argument that cabinet was not properly informed by SA Water. However, what I have also accepted from—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Sorry?

Ms Chapman: You used kindergarten language, did you?

The SPEAKER: Order! I do not know whether that was an interjection or an aside to a colleague, but any interference, anything which is in any way disrupting the Deputy Premier, I have to treat in the same way. I am loath to name the deputy leader on what I presume was just an aside to a colleague, which obviously the Deputy Premier picked up. I will not, but I do implore the deputy leader not to interrupt the Deputy Premier. The Deputy Premier would also make my life a lot easier if he simply ignored interjections and proceeded with his comments and did not allow himself to be so easily disrupted. The deputy leader is on her absolute final warning. The Deputy Premier.

The Hon. K.O. FOLEY: I will do what I can, sir, not to be so easily interrupted by the barrage of screaming and yelling coming from the other side. Of course I was annoyed that this happened, and I am a fair bloke: I stand by my criticisms of SA Water in this. I do not even for one second resile from that but, in fairness to Anne Howe and her people, they operated lawfully and within the law. They incorrectly assumed that the cabinet fully understood the billing cycle.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is warned.

The Hon. K.O. FOLEY: As I have evidenced to the house already, when in government even the Liberal Party's ministers were ignorant of the billing process because Rob Lucas did exactly the same thing, and when Martin Hamilton-Smith, the leader, was a cabinet minister around that table. But I acknowledge that SA Water could have assumed—and I can understand that they did—that we knew what the billing cycle was.

When boiled down, it was not a deliberate act of SA Water, it was not, as the Leader of the Opposition was reported on Friday as saying, that this was some Machiavellian way of ripping off taxpayers, a sneaky trick and whatever other language to that effect he used. It was not. It was an honest error, where a government department assumed that cabinet knew the full details of the billing cycle. The cabinet did not, and the cabinet is quite right, through me as Treasurer, to have made it clear to the senior people of SA Water that that is not good enough. It is a good signal to all of the bureaucracy that we need to ensure that there is a very upfront process in terms of informing cabinet of complicated matters.

Having said that, I respect the work of SA Water, and I respect the fact that they were following the letter of the law. It did nothing wrong. It was a serious breakdown in communication. On balance, when I took all of that into account, I put up my hand and I took responsibility as Deputy Premier and Treasurer. Ultimately, we are the elected government. We are responsible for the actions of government, and, in this case, when I analysed it, the greater fault lay with the government than it did with the bureaucracy. When I looked at the matter, greater fault lay with the elected government than it did with the bureaucracy, and I have apologised for that. I cannot do any more than that.

We have not made anything up. It is not in our interest to make anything up. As soon as we realised the error, we moved to correct it and to apologise for it; and we did it in a decent way and in good faith. We have not been about apportioning blame other than to accept the fact that, if anyone is to blame, the majority of blame sits with the government.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:21): My question is to the Premier. Will the government establish a royal commission or a judicial inquiry with the powers of a royal commission into the Tom Easling matter and, if not, why not? Tom Easling was arrested in a dawn raid by the police. The media were tipped off and in attendance at that dawn raid. His arrest was already on the front page of *The Advertiser* for that day. There are allegations that inducements were offered to witnesses for testimony. There are allegations that the investigators acted without authority. There are allegations that documents making up evidence were lost or shredded. There are allegations that only selected parts of interviews of witnesses were recorded. Easling was acquitted of all charges. It cost him $1.9 million.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:22): I watched the segment last night. I am aware of the open letter distributed by Mr Easling to media outlets. The Premier has raised the matter with me and referred it to me for further examination. I have written to the Director of Public Prosecutions for a second and fuller report on the matter and, in particular, on the allegations that the member for Davenport raises.

WATER BILLING

Mr WILLIAMS (MacKillop) (15:22): My question is to the Treasurer. On what basis did the Treasurer or his department accept SA Water's estimated 2008-09 revenue increase of $47 million, and were officers in Treasury aware that it included revenue based on retrospective billing of SA Water for charges applying from 1 July onwards? Through the budget bilateral process, ministers are required to justify their revenue and expenses plans to the Treasury. The Treasurer's transparency statement released in February 2008 projects the increased revenues from $496 million in 2007-08 to $543 million in 2008-09, an increase of some $47 million.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:23): First, SA Water is not part of the budget process in terms of formal bilaterals, because it is a commercial organisation working outside the budget sector. It provides a dividend and tax equivalents to government. That increase in revenue in 2008-09 was factored into the budget. I assumed, incorrectly, that—well, I will not say 'incorrectly', because the revenue is actually coming in in 2008-09. I assumed it was all billed from 1 July onwards, but, obviously, it was not. When we met with Treasury, a couple of my Treasury officers were present, and one of my Treasury officers (one of my senior people) fully understood the system. He has been around a long time, but, I tell you what, the Under Treasurer said, 'This is a confusing system.' Even he was not aware of the actual structure of the billing system.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Sorry?

The SPEAKER: Order!

The Hon. K.O. FOLEY: I will ignore it, sir. For the sake of harmony and because I am in an apologising mood, I will apologise on behalf of the deputy leader. Like me, the Under Treasurer did not fully appreciate the actual structure of the billing cycle. That is not unremarkable, because we have a public enterprise—

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: Has the member for Davenport some renewed vigour in this place? I hope so; I hope his talents are not wasted. Good bloke, Iain. I would have backed you in preselection, mate. I would have been there with you. I would not be like these fair weather friends. I would not be a fair weather friend like the member for—

An honourable member: Finniss?

The Hon. K.O. FOLEY: No, the member for Bragg.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I don't live in your electorate.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Now, be careful, Vickie. I'm trying to get you through two more minutes without your making a fool of yourself and getting chucked out. It is confusing; trust me. I think I have made that very, very clear. But the revenue, I assumed, would be from 1 July.

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, a budget is full of assumptions—that's why it is called a budget—and at the end of the year it's called an actual budget outcome. So, it is a budget estimate—that's why we call them estimates committees: they are estimates.

An honourable member interjecting:

The Hon. K.O. FOLEY: He's a genius, isn't he? I apologise, error made and—

An honourable member: Mea culpa.

The Hon. K.O. FOLEY: Mea culpa. I can't do much more, short of your whipping me.

WATER BILLING

Mr WILLIAMS (MacKillop) (15:27): I have a whole heap more questions here, Kevin; I wish you would be bloody quicker. Again, my question is to the Treasurer. How will the government now refund SA Water bill payers who have been overcharged, and will the refunds create a revenue black hole requiring reduced dividends to government or cutbacks to investment in infrastructure, maintenance or other SA Water services?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:28): Well, as part of my penance, I will be borrowing my younger son's bike, and I will be personally pedalling around the suburbs of Adelaide, rolling up with a cheque and apologising in person.

Members interjecting:

The Hon. K.O. FOLEY: All right; I've made the offer. If you don't want it, I withdraw that offer.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Vickie, hold on; you can still be chucked out. SA Water, which has assured me that it has an advanced billing system, painfully—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —will dutifully work through a process of reimbursement and, shortly, SA Water will advise the government how that is to be done, whether it will be done by way of an ex gratia cheque or by way of an ex gratia adjustment to the bill. I guess it will be an ex gratia cheque. Remember, the bills were applied and sent out lawfully, and people are required to pay those bills. We will, though, in as quick and as short a time frame as is technologically possible—as soon as the computers can do it and the post office can do it, or whatever—it will be done. How's that?

WATER BILLING

Mr WILLIAMS (MacKillop) (15:30): Premier, why did you state on radio this morning that the refunds and reimbursements for the water bills will take six months, yet the Treasurer stated on radio this morning that it would take a month or two? Does anyone know what is happening?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:30): I think if you examine the record you will see that we said that we need to change the legislation. I also said that we need to change the computerised billing system. People are going to get the refund. I guess the point that I hope has come through is that the Leader of the Opposition sat around a cabinet table and made exactly the same mistake.

Mr Koutsantonis: There's one difference.

The Hon. M.D. RANN: The one difference is that we correcting it, we are apologising and we are refunding, and therein lies the difference.

WATER BILLING

Mr WILLIAMS (MacKillop) (15:30): As the cabinet minister responsible for water why did the Minister for Water Security not understand the water billing system? On ABC Radio this morning the Treasurer stated:

> No one in cabinet understood the water billing system, including the water security minister.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade) (15:31): I am very pleased answer this question. Last year, when we were dealing with these issues, we were also dealing with a number of major infrastructure projects. Part of the process was to have a number of ministers and different agencies working on different parts of the project. SA Water and Treasury were actually working on water pricing. The water infrastructure component was the part that I as minister was putting forward in that cabinet submission. We were working out and collating between all of the different components what we needed to invest in relation to water security and securing water supplies for South Australia in the longer term.

On the other hand, we also needed to know what it was going to cost us to do that. In that process, there was a misunderstanding. The agencies that were dealing with pricing assumed that cabinet would understand that the billing cycle meant the charges for water would apply from the gazettal in December/early January for bills sent out after 1 July. They assumed that incorrectly. We did not understand; I did not understand. I was of the belief that those charges would occur from 1 July. I have apologised to this house, I have apologised to the SA Water customers who have been affected by this, and I again reiterate our sincere apologies. The fact is that this government is prepared to fix the wrong, get on with it, and make sure that this does not occur again, unlike members opposite, who were part of cabinet, who allowed this to continue to be a confusing process and a confusing billing and pricing system. We are fixing it once and for all so that future governments will not be faced with this issue again.

POLICE RESOURCES

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:33): I table a copy of a ministerial statement relating to police resources made earlier today in another place by my colleague the Minister for Police.

GRIEVANCE DEBATE

WATER BILLING

Mr WILLIAMS (MacKillop) (15:33): Well, sir, the old political adage has been shown to be alive and well today: always deny and never resign. That is what everybody in this government has been doing here today throughout question time and over the last few days. The government has been caught out, and every minister from the Premier and Deputy Premier down is in denial about what they have done. The government has been caught by its own incompetence and by the fact that it is more a government about ripping off the public of South Australia—ripping off every dollar it can get from the hard-working citizens of the state and putting their money into the Treasury coffers—than it is about governing properly or sensibly. In a ministerial statement to the house today, amongst other things the Treasurer said:

> The government made it clear that additional net revenue from increased water prices will be hypothecated specifically to fund new water security capital works.

I suggest to the house that, if the Treasurer really meant that, he would have had some understanding of how much money was going to be raised. If he had any understanding of how much money was going to be raised, he might have had some understanding of when he would be raising it and when it would be appearing in his coffers before he knew how much to set the fee at. Late last year, as demonstrated today to the house, the government made decisions. It went through cabinet, and every cabinet minister was aware that the government was increasing water prices.

A few weeks ago the Minister for Water Security, in answer to questions in the estimates committees, first made out that she did not have the numbers to hand regarding how much money would be raised through these new charges. Then she admitted to the committee that, supposedly, the government worked out how much money it needed to raise and worked backwards from there. That is what she said, in answer to a question from the member for Mitchell, in fact: 'We work out how much money we need to raise and we work backwards from there.' Well, they are very good calculations, because how could you do that and not know when you would start to raise the money? If that was the case, it appears that the $25 million that is being inadvertently—according to the government (the ministers, the Treasurer, the Premier)—ripped off of the hard-working South Australians who pay accounts to SA Water had to be accounted for somewhere.

Obviously, SA Water understood its own billing system; it knew about it, but it is beyond belief that no-one in the government understood or knew about it. It seems a coincidence that the extra amount of money that will be raised over the next year—$47 million—is the same amount of money that SA Water is spending to fit out its new building down in Victoria Square.

Ever since those new water price increases were announced back in December I have called on the government to establish a hypothecated fund for that money to be put into, so that there could be some accountability. Over the last few days we have seen that there is no accountability; no-one is willing to take responsibility. In the good old days ministers who made an absolute stuff-up, as we have seen here, would resign; they would take responsibility and resign. However, what do we have today? We have minister after minister after minister stand up and say, 'Oh, we've made an honest mistake', 'Oh, I apologise', 'Oh, it's all better, it's all fixed.' That is not the way the Westminster system has worked previously, and it is not the way it should work. Ministers should take responsibility.

Something else revealed today was that the Minister for Water Security told the house that she was quite happy to mislead the public of South Australia when she is on radio; she was quite happy to make a statement on radio knowing that it was wrong because, in her words, 'The decision had not yet been gazetted.' I believe it is against the ministerial code of conduct—

The DEPUTY SPEAKER: Order! The member's time has expired. I apologise to the member for Bright; we are being very unusual here and I am going to the member for Unley.

IKARIA, ANNIVERSARY OF LIBERATION

Mr PISONI (Unley) (15:38): Thank you, Madam Deputy Speaker, for your patience, and I also thank the member for Bright, in allowing me to speak very quickly on this issue. On Sunday 20 July 2008 I was honoured to be invited to attend the memorial of the 96th anniversary of Ikaria's liberation from the Ottoman Empire at Ikaros Hall in my electorate of Unley. The memorial speech was presented by Mr John Lesses, acting president of the Pan-Ikarian Brotherhood of Australia, on behalf of the president, Mr Leon Kalamboyias, and the administrative council.

The memorial marked the occasion of the 96th anniversary of Ikaria's liberation from the Ottoman Turks on 12 July 1912. The event also coincided with the Pan-Ikarian Association's golden jubilee celebrations (1958 to 2008), a celebration of 50 years' of contribution to the South Australian community.

Ikaria is a small, mountainous Greek island in the Aegean Sea which endured 400 years of occupation by the Ottoman Empire. Throughout this struggle the Ikarian people retained their long and proud Hellenic identity and culture. Given the absence of exploitable natural resources and natural ports to harbour trading ships, people of the island suffered economic hardship under Turkish rule.

The struggle for modern Greece's independence from the Ottoman Turks commenced on 25 March 1821. Throughout the 19th century the struggle extended from the Peloponnese to the island of Crete and to the mainland of Attica through to the northern most province of the present Macedonia and Thrace.

The major European powers of England, France and Italy gave covert support and fermented revolt in their own ambitions to dismember the Ottoman Empire. In particular, Italy intended to annex 12 islands of the Dodecanese, as well as Samos, Ikaria and the Corsair Islands. However, the Ikarians are renowned for their non-conformity and took care to choose a path best for Ikaria.

It was during the Northern Campaign of early 1912 when Greece was preoccupied in liberating northern Greece and Macedonia that Ikarians resolved to launch their own liberation struggle. The Greeks did not want to annex Ikaria because of the agreed carve up between the three great powers, in particular Italy.

The Ikarians expelled the Turks and initially demanded inclusion in the Greek state. When Greece refused, the Ikarians declared their own Independent Free State of Ikaria. With only a population of 8,500 on a island one-third the size of Kangaroo Island, they maintain their own monetary system and issue postage stamps. This well illustrates the independent and determined Ikarian spirit.

Noting the swift annexation of the Dodecanese Islands by Italy, they entered into negotiations with the Italians to forestall the likelihood of the Ottoman military forces returning, while Ikarian emissaries in Athens awaited the conclusion of hostilities on the Macedonian front to proceed with negotiating the island's annexation by Greece.

The single casualty of the revolt was George Spanos—who happens to be the grandfather-in-law of John Lesses. As part of the leadership group, George Spanos was going from village to village to summon the Ikarians to support the revolt, planned to occur on St Marina's Feast Day (17 July 1912). George Spanos's death serves to remind us all of the sacrifices made not only in the struggle for independence but also in defending the everyday freedoms we take for granted.

In November 1912 Greece finally annexed Ikaria. The 96th anniversary of Ikaria's liberation reminds us of the past sacrifices of many who have chosen to come to South Australia and become part of our multicultural family. From the early 1900s onwards, many young Ikarian men escaped the island's isolation and poverty by migrating to America, Africa, Germany and Australia. In fact, Adelaide has over 300 families who are descended from the Ikarians.

The Ikarian community in South Australia continues to be supported and encouraged to celebrate their cultural roots by grants from Multicultural SA and Unley council in my electorate. The Ikarian Association proudly carries the responsibility of maintaining its cultural identity for future descendants of Ikarian people and the wider community in South Australia.

PENGUIN CLUB OF AUSTRALIA

Ms FOX (Bright) (15:43): I rise to speak today about the Penguin Club of Australia, a group previously unknown to me. Last night I was fortunate enough to be invited to a local meeting of the Penguin Club of Glenelg. The Penguin Club is a non-political, non-sectarian women's organisation which seeks to encourage and develop among its members the art of public speaking and competence in chairmanship and meeting procedure, and to foster a love for and correct usage of the English language.

The club was formed in Sydney in 1937, at a time when very few women were active in public life. The club's co-founder Melicent Jean Ellis realised that if women were ever to attain their potential they had to be trained to be confident, concise and convincing speakers, and competent in chairmanship and meeting procedure. The concept of a non-political club for women speakers is, I believe, as important today as it was at the time of the club's inception.

Notable club members include Mary Tenison Woods, the first woman to graduate in law in South Australia and to be admitted to the bar in 1917, the famous soprano Gertrude Johnson and the prominent Australian Margaret Whitlam.

The club was established in South Australia in 1947 and has since helped thousands of women to attain confidence and communication skills. As a result, many have been able to join or, importantly, return to the workforce and serve in all fields of government and professional organisations as well as areas of community interest. The Penguin Club also organises the annual national oratory competition, the Plain English Speaking Award.

I was struck by the diverse range of women present at last night's meeting in Glenelg. Many were retired, some were working and others were not. For some women, attending the Penguin Club is a way to use their considerable public speaking skills in challenging situations and,

for others, it is a valuable learning tool. For some, it is the continued friendship and support of the group that brings them back time after time.

Some might ask why in this day and age anyone requires a group encouraging better communication skills. I think that, especially in this place, we know that good communication skills not only make our professional and personal lives easier to manage but also lead to increased self-confidence and personal development. At the Penguin Club women meet in a friendly environment and participate in small groups throughout the metropolitan and country areas, regularly practising through speaking assignments and leading meetings. They receive constructive feedback from qualified evaluators. They participate in workshops and, most importantly, they enjoy support and encouragement from other members.

I would urge members of the house who have not visited the Penguin Club before to do so. If anyone knows a young woman—or, indeed, an older woman—who might consider joining the club, there are 13 clubs in South Australia, and I am sure they would be delighted to meet any prospective new members. I would like to thank members of the Glenelg group for inviting me to their meeting at Partridge House last night. It was most interesting, it was eye opening, and I was very impressed by what they were doing.

CALISTHENICS

Ms BEDFORD (Florey) (15:46): Following the very successful 19th national championships held in Adelaide in 2007, the Australian Calisthenics Federation's 20th nationals have just finished in Perth. Held between 17 and 20 July at Burswood, where we shared star billing with the South African Springboks—

The Hon. S.W. KEY: Madam Deputy Speaker, I draw to the attention of the house the fact that no-one from the opposition is present. I am wondering why that would be the case.

The DEPUTY SPEAKER: There is no point of order.

Ms BEDFORD: 'Do we care?' is the question. We are in charge; we are from the government. We are here to help. Ivan's back. Staged by the Calisthenics Association of Western Australia, it was my pleasure, honour and privilege to attend in my role as the state patron of the Calisthenics Association of South Australia and also as co-Australian Calisthenics Federation national patron along with Mr Bill Scott, who is also from South Australia.

At the outset, I would like to congratulate the President of the Calisthenics Association of Western Australia, Kerry Fullarton, and her national organising committee, convened by Carolyn Selby, for the successful staging of what has been overwhelming hailed as a wonderful event. There were some 35 people on the committee assisted by many others, all acting in a voluntary capacity, to ensure the smooth running of the competition, and we thank them all.

The opening ceremony involved 125 calisthenics performers and was truly spectacular. Competitors from all over Australia—South Australia, the ACT, the Northern Territory, Western Australia and, after an absence of some 12 years, a team from New South Wales—were welcomed by the Western Australian sports and recreation minister, the Hon. John Kobelke.

The ACF is one of the most professionally run sporting bodies I have ever been aware of. It is vigorously led by Lynne Hayward and her committee along with delegates from all states and territories, who meet regularly to look at all facets of the sport and work tirelessly towards bringing all states (especially New South Wales and Tasmania, where we have a bit of work to do yet) into a strong federation promoting this women's sport. Calisthenics is truly a wonderful sport and, while it is dangerous to mention only a few names in such a vibrant organisation, I would like to particularly acknowledge the Director of Competitions, Liz Kratzel, and ACF EO Carmel Bates, for their work over the weekend and in guiding the sport. Calisthenics has a proud heritage and tradition, which is witnessed by the now 12 life members, who are also an important part of the sport's future.

Where and how does calisthenics fit into Australia's sporting life? When one considers the participation of 12,000 people (mostly girls, in our case) in any national sport, one will begin to appreciate the benefits. Healthy lifestyles are encouraged and every person is valued. It is a sport where participation is the consideration and not concentration on body image or type. Discipline, physical wellbeing, deportment and confidence are all results of being a calisthenics girl, and lifelong friendships are forged.

Through the nationals, competitors have the opportunity to compete at an elite level and ideas are both shared and born. In looking for ways for the sport to grow, it has been interesting to

see how other sports became part of both the Olympic Games and the Commonwealth Games and the difficulties minor sports face in obtaining a share of media recognition and the funding that is today so necessary to prosper.

Getting back to the weekend's competition, I am happy to provide some of the results to the house. The senior Graceful Girl solo was won by Chloe Templeman of South Australia, coached by Barbara Prizrenac. Chloe is the first calisthenics competitor to win solos at junior, intermediate and senior levels, which is a fine reward for a lifetime commitment. South Australia's Melissa Ianunzio, coached by Cassie Turner, won the senior calisthenics solo competition, and congratulations go to her and other South Australian entrants placed in both the solo and duo sections.

Teams compete in four sections: sub-juniors, juniors, intermediates and seniors. South Australia's sub-junior team swept to an emphatic win, coached by Nikki Ianunzio and assisted by Melissa Maeder. These outstanding 20 young competitors won all five sections against teams from Victoria and Western Australia. In juniors, Victoria won, with South Australia a deserving second, their best result for some years. South Australia's 21-strong intermediate team was coached by Tracey Emes and assisted by Lorinda Brooking, Rebecca Williams and Merrin Holst, as well. Intermediates were second overall to Western Australia, with Victoria and the ACT in a close fought competition. Kate Loveridge, assisted by Megan Dubieniecki, did a magnificent job in another close contest.

Seniors is arguably the most anticipated section, with wonderful routines in all six disciplines. Western Australia, Victoria, South Australia and New South Wales competed, with South Australia narrowly edged out by Victoria. Our coach, Cassie Turner (soon to be delivered of the third generation of calisthenic girls in her family) was ably assisted by her mother Kay Smith, who was responsible for the spectacular opening ceremony here in 2007. Our team of 20 girls was right in the competition until the final section.

These nationals were a wonderfully even event, although South Australia won all the marches. This bodes well for the 21st nationals to be held on the Gold Coast in 2009. Queensland (as host state) will then be part of the competition, no doubt in record numbers. The logistics required for calisthenics is awesome and awe-inspiring. I would particularly like to thank CASA State President, Darren Emes; ACF and CASA life member, David Hooper; and administrators extraordinaire, CASA EO, Beverley Daysh and Jan Tinker-Casson for their acceptance and support of me as I learn and work with them, particularly on the restoration of the Royalty Theatre.

NORWOOD SWIMMING CLUB

Ms CICCARELLO (Norwood) (15:52): With less than three weeks to go before the commencement of the 2008 Beijing Olympics and Paralympics, it is fitting that I talk about the Norwood Swimming Club in my electorate which is sending Olympians to both. The Norwood Swimming club was founded in 1972 and was known as the Norwood Amateur Swimming Club until the name was changed in 1993. The club is based at the State Swim Norwood Pool in Beulah Park and its philosophy is simple: to enable young people to enjoy swimming not only as a competitive sport but as a lifetime means of keeping fit. In this way, it not only promotes the concepts of self-improvement and empowerment but also strives to stem the rising tendency of young people to assume more sedentary lifestyles.

The areas of focus of the club have remained unchanged for many years now. They are: competitions and incentive programs; education of coaches, officials, volunteers and swimmers; disabled support in promoting involvement and achievement; development programs in improving facilities and services; and community responsibility in promoting a healthy, active lifestyle to schools and the wider community. The club's aims and philosophies have been deservedly reflected by the fact that it can now boast a membership of over 120 swimmers and a staggering amount of success.

Last year, the Norwood Swimming Club notched up its best 12 months ever and cemented its position as the most successful swimming club in South Australia, winning the South Australian short course, long course and teams state championships. The awards do not end on the local stage. At the 2008 Australian age swimming championships, the Norwood Swimming Club ranked third out of 190 swimming clubs—the best result ever achieved by a swimming club in this state. At the all important Olympic trials, Norwood ranked second out of 120 swimming clubs and managed to secure spots for three Olympians.

After scoring his own personal best and the 14th fastest time in history in the 100 metres backstroke, Hayden Stoeckel is off to Beijing to represent Australia in the 100 metres and 200 metres backstroke. The legendary Paralympian, Matt Cowdrey, grabbed his usual swag of world records and is on the plane to add to his already impressive gold medal tally; and he will be joined by his fellow competitor, Shelley Rogers.

Despite these high profile results, it is also fantastic to note that there were many finalists and semi-finalists at the trials represented by the Norwood Swimming Club and that huge personal best times were registered across the entire pool. All fantastic results and I look forward immensely to watching Hayden, Matthew and Shelley compete. I have enjoyed a long association with the Norwood Swimming Club and have visited it on many occasions.

Just a few weeks ago I went down there at night to present them with a cheque from the Active Club Grant program to the tune of $8,000. The club has been a frequent recipient of sporting grants from the Rann government and I am delighted that we continue to recognise the importance of investing in active and healthy lifestyles. After the cheque presentation I stayed around to watch the top squad swimmers train. As always, I was impressed by their talent and the professionalism of the staff.

To this end, I must give credit and thanks to Peter Bishop, the Norwood head swimming coach, for his dedication and commitment to the Norwood squad as well as being the wind beneath Matt Cowdrey's wings. Well done. To the president of the club, Neville Ash, and the secretary, Mark Brewerton, and to all the members congratulations on your success. A special acknowledgement goes to all those parents who selflessly accompany their children to swimming pools at 4 or 5am when most of us are still comfortably ensconced in our warm beds, for without their dedication and sacrifice the aspirations of their children would never be realised.

PUBLIC TRANSPORT

Dr MCFETRIDGE (Morphett) (15:56): The coughs and colds on the other side are something that I am trying to avoid catching—but today I want to talk about catching a bus, or trying to catch a bus. The government in its budget has allocated funding for the leasing of 20 buses this financial year and the purchase of 20 buses for the next three financial years; so 80 extra buses in total. For a number of years now I have been saying that we are getting some new buses, but they are new buses to replace the old buses. This year at least there is a glimmer of hope about getting some extra buses, because that is what we have been saying for years now that we need.

In fact, I was a little puzzled at the support the government was getting from the bus industry about the measured increase in the provision of extra buses, because not long ago I had one of the senior bus industry people sitting in my office saying that we needed 50 extra buses today. That was six months ago. But what are we seeing in this budget? We are seeing 20 second-hand buses. I understand that some of them are 25 to 30 years old. They certainly will not be Disability Discrimination Act (DDA) compliant, or if they are I will be very surprised about that. We are seeing 20 old buses coming back in. They are going to have to be reinsured, re-serviced and rechecked to ensure that they are even roadworthy. Certainly we will be watching very carefully the way the government goes about bringing these buses on line.

It is a good thing that we are getting extra buses. It is well overdue, as I have said, and certainly it will not be enough to cope with the increasing demand on public transport that we are seeing because of the increase in fuel prices. We have a marginal dip in fuel prices at the moment, but we have heard what the experts are saying. I will be very surprised if we reach the $8 mark as quickly as some pundits are saying, and I hope we don't, but certainly the $3 per litre mark within a couple of years is a scary thought. However, with the increasing interest rates and the increasing fuel prices we are already seeing an increase in the number of people wanting to use buses. They want to use the buses. Some of them cannot get on the buses because the buses do not go near them or the services are not at the times when they would like them to be available. The other problem that we have is that the buses just do not have the carrying capacity.

The bus services in South Australia need to be linked in with train and tram services. I spoke to a lady a few weeks ago who had a meeting in Adelaide at 4 o'clock in the afternoon. She left her Aldinga home at 1 o'clock in the afternoon. By the time she had caught the bus to Noarlunga, the train from Noarlunga to Adelaide, went to the meeting, caught the train back to Noarlunga, then the bus back to Aldinga, she got home at 10 to 10 that night. That is totally unacceptable. Obviously that is a growing suburb down south. We look forward to the government

making announcements about what it is going to do down there. It needs to ensure that bus services are not provided in a limited capacity to people who have no alternative to public transport. In the metropolitan area it is something that is an absolute urgent issue, and 20 extra buses is not enough.

I am not saying that we need to put more and more buses on just for the sake of it. It is just not enough and that is what the industry experts are telling me; 50 buses six months ago. Some of these second-hand buses will be going onto the O-Bahn. I will be interested to note the life of those buses on the O-Bahn and what will happen to increase the carrying capacity on the O-Bahn, because you cannot keep running more and more services. It is a bit like the second-hand trams that we are going to get to improve the carrying capacity on the tramline. The problem is that those trams cannot carry any more passengers per tram. You cannot couple those trams together so that you have individual units travelling on that tramline. We will have increased numbers of trams travelling as individual units in the same way that smaller buses have to run more frequently.

So, what happens? With buses you will get congestion of the roads and with increased trams you will get increased closure times of the tram crossings. Every tram crossing from Brighton Road through to Adelaide will be closed for that extra time because extra trams will be running. We need extra carrying capacity, not just extra trams. If the government had bought the right trams in the first place we would not have this problem. With respect to the buses, we need to make sure these buses will not simply be a stopgap. There needs to be a real plan for increased carrying capacity, because the issue of more people wanting to use public transport will not go away.

Let us make sure that we can get people onto public transport, not just because of a decreased ability to stretch their budgets further but because that is the way we want to go—getting cars off our roads. The greenhouse effect is something we need to be taking note of when planning public transport. Public transport planning needs to be integrated. We need to ensure that the facilities we put in place will achieve the outcomes we want, and that is a clean, green future for South Australia with a very good carrying capacity on modern public transport. What we are getting at the moment are secondhand buses and secondhand trams.

CIVIL LIABILITY (FOOD DONORS AND DISTRIBUTORS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3847.)

The Hon. I.F. EVANS (Davenport) (16:01): Prior to the luncheon adjournment, I was making my contribution as lead speaker in relation to this bill. In fairness to the house, I have made the point that, although we support it, I think the government's bill does not go far enough. I do not intend to argue that again in this section of the debate. I have had a quick word to the Attorney about this matter. There is only one clause in the bill, so I intend to raise a range of issues as part of my second reading contribution. The Attorney's officers may wish to take note because there are some issues in relation to the way in which this bill will work to which I require answers, particularly how it will interact with the Food Act 2001.

With the indulgence of the house, I will walk through some of the issues, and I will try to go slowly so that the officers can make notes. Common sense to me says that 'food' as part of this bill would take the same definition as 'food' in the Food Act. I think the courts would read that down. That is how I am interpreting the act would work. Could the Attorney confirm for me whether cigarettes in the Food Act are food given that they are consumed? I am interested to know whether cigarettes are classified as food. In his second reading explanation, the Attorney raised the matter of food businesses. In this bill there is no definition of what is a food business. The Food Act 2001 includes a definition of what is a food business. Do 'food businesses' in the context in which the Attorney is using it in this bill come within the same definition as 'food businesses' in the Food Act 2001?

In his second reading explanation, the Attorney raised the concept of unsafe food. The Food Act includes a definition of what is unsafe food. When the Attorney says 'unsafe food' in his second reading explanation, is that to be interpreted as the 'unsafe food' as per the Food Act? Could his officers confirm that for me? I am not wishing to be difficult, I am just trying to get on the record exactly how the government intends this to work. The opposition will certainly support the bill, but we just want to get on the record exactly how it will work.

The other question I have for the Attorney-General is this: is it only authorised donations by the business? That may sound unusual, but there is the opportunity for a staff member or an agent

of the business to make a donation without the management of the business knowing. My reading of the bill is that even unauthorised donations are covered. However, for the sake of clarity and for the benefit of the house, will the Attorney-General clarify that?

I thank the officers for their briefing. It is a very simple bill, but I asked some interesting questions of them. The Attorney got back to me only today just before question time on one point on which I sought clarification. I thank the Attorney for getting back to me. I sought clarification in relation to who is protected by this legislation. Italian Restaurant Pty Ltd makes a donation. Does that mean that the chef, the waiter, the delivery driver, all the staff and everyone associated with that business who had something to do with that donation, the making of the food, the preparation of the food and the delivery of the food are all exempt from liability? The Attorney-General has written to me saying that the bill needs amendment to make sure that that is the case, and I acknowledge that the government is now going to amend the bill as a result of my question.

I thank the Attorney for taking that on board and we certainly will be supporting that amendment. That point, at least, has been clarified by way of the officers' briefing and a letter following. Also, I wish to raise with the Attorney for clarification the fact that, when the bill refers to a charitable or benevolent purpose, there is no definition in the bill of what is a charitable or benevolent purpose.

So, I expect that the fair assumption, and the way in which the bill is meant to work, is that you would go to other bills that have that definition, and for 'charitable purpose' you would go to the Collections for Charitable Purposes Act. That act does define a charitable purpose, but in that there is a restriction as to what you can make the donation for. If you are donating food for any of the following purposes, you are covered: the affording of relief to diseased, disabled, sick, infirm, incurable, poor, destitute, helpless or unemployed persons, or to the dependents of such persons; to relieve distress occasioned by war; affording of relief, assistance or support to persons who are or have been members of the armed forces; and the provision of welfare to animals.

The reason I raise the issue of 'charitable purpose' is that I do not think (and I will ask the officers to clarify this) the bill necessarily covers the simple donation of neighbour to neighbour. If they are diseased, disabled, sick, infirm, incurable, poor, destitute, helpless or unemployed, they are covered. But if you are an employed person in reasonably good health and your neighbour wants to give you something, you are not protected. If that is the case (and that is certainly my reading of it), I think the bill is at fault. I see absolutely no reason why a good neighbourly action should not attract the same protection as any other charitable act. Again, it is an example where the bill does not go far enough, that is, if it is a donation for charitable purposes, and 'charitable' is not defined in this act.

So, what is a benevolent purpose? Well, I have tried to find a piece of South Australian legislation that has 'benevolent' in it, and I could not find one. The Acts Interpretation Act and the Collection for Charitable Purposes Act do not include a definition of 'benevolent', so maybe the Attorney can clarify for me how broad the benevolent purpose goes, and maybe that covers the neighbour to neighbour straight donation.

The other issue is the matter of payment. This bill provides that the donor incurs no civil liability if the intention of the donor is that the consumer of the food will not have to pay for the food. What happens if they do? What happens if the Italian Restaurant Pty Ltd donates the food to the Red Cross with the intention that no-one has to pay, and then Red Cross, for whatever reason, decides that it will charge three bucks for a three-course meal? Does that then invalidate the civil liability provision, or the exemption of the civil liability provision? My reading of it is that it probably does not, because it goes to the donor's intention, but I want to get on the record the government's intent, because I can see circumstances where charities may seek a gold coin donation as a contribution just to offset some costs, even though the donor intended that there be no charge. I think a lot of donations are going to occur on the basis of, 'Look, here's the food. We don't care what you do with it,' and if they want to charge five bucks for a three-course meal, so be it. I just want to check what actually is the intent.

Also, in his second reading explanation the minister talked about this aspect of whether the donation was made with no cost or other consideration. For example, Italian Restaurant Pty Ltd donates 200 meals to the Hutt Street Centre on the basis that it gets an advertisement in the Hutt Street Centre's annual report, or it gets a banner put up at the Hutt Street Centre. Is it consideration? Is consideration 'any benefit'? I am not a lawyer—I am just a humble builder—but I want it clarified so that it is crystal clear what is the risk to a business. I suspect that, if you are donating on the basis that you may get a free advert, the courts may interpret that as a

consideration, or a benefit. If that is the case, the bill needs to allow that to happen, because I think for donations not to happen because you might get an advert or something is ridiculous. I personally do not have a problem with businesses donating and being recognised publicly for their donation. In my view, that should not invoke a revocation of the civil liability exemption. Maybe the Attorney can clarify that for us.

There is another issue, and I know the Attorney will not accept this today; this is for another day. I will put it to the Attorney this way: as part of his two-year review, can the Attorney have some officers do some work? I am happy to help him on this if he wishes. I think there is a role to play for donation by discount. For example, in small country towns where businesses by their very nature tend to be smaller and donations by their very nature are similar in size, I think there is a role to play for businesses to say, 'Look, I can't give it to you for nothing but I can give it to you at my cost.' So the business makes no profit and the community group benefits by reduced cost. A restaurant might say to the hospital, 'I'll put on a fundraising dinner for you, or I'll make a donation to you of food, but I can't afford to give it to you for nothing. Instead of charging you $50 a head, I'll charge you $10,' Under this bill, they are still liable, because there is a charge.

For other products, which you and I might have a different view on, any donation by discount is not covered by the bill. It has to be 100 per cent for nothing or not at all. Why? I think the officers can do some work to see if there is some opportunity to put in a framework whereby if you make a donation by way of discount it attracts a similar exemption. I think that would help a lot of small country communities and businesses to support their local communities. I do not expect an answer on that today, but I do think some work can be done.

I suspect I am reading it wrongly, and, if so, the Attorney can clarify this so that it is clear for the record, but, in relation to staff, your new amendment in this section, which has similar wording to the bill, provides that a reference to the food donor or distributor is a reference to a person acting without expectation of payment. So, I am the chef at a restaurant. I am getting paid, and I do expect to get paid, but if I am preparing the food and giving it away on behalf of the restaurant am I captured, because I do have an expectation of payment? I know what the bill is meant to state. The bill is meant to state that the person making the donation is not going to get paid for the donation. I want to make it absolutely crystal clear that, even if staff are paid to prepare the food, they are still covered by the exemption. I am sure they are, but I just want it clarified.

In the way the Food Act is written, preparing the food is part of the sale of food. At the point of preparing, making and cooking the food, the intention is that you will get paid for it. It is only at the point of donation that the intention suddenly switches to, 'If I donate the food at the end of the day is the organisation not going to get paid for it?' I just want to make sure that the fact that they prepare the food at the start of the day with the intention of being paid for it does not somehow trigger them out of the legislation. I suspect it does not, but for the sake of clarity we can get that on the record.

The officers might want to get out the Food Act for the advice of the minister. I note that there are a number of clauses in relation to the Food Act. I am sorry, Madam Deputy Speaker, to talk about the Food Act but it relates directly to the donation of food, and I will clarify why. Under the definitions in the Food Act:

> Sell includes:
>
> (m) give away for the purpose of advertisement or in furtherance of trade or business;

So, if giving away food for the purpose of advertisement is technically selling food—so I give it away on the basis of a given advert—according to the Food Act, is it then a donation and covered by the bill? That is unclear to me. My personal view is that the bill should override the Food Act, and if you do give it away for nothing on the basis of advertisement the bill should then override the act. The Attorney may need to look at that between houses; I accept that.

In relation to subparagraph (k) 'dispose of by way of raffle' is not charging for the food. So, Charlesworth Nuts gives away a basket of goods to the local charity; it does not expect to get paid. At that point, Charlesworth is covered by the bill. But the charity will sell raffle tickets for people to win the prize. There are two points: first, I suggest the bill provides that they are not paying for the nuts and therefore they are covered by the bill. I think that is a fair reading of it. However, the Food Act provides that by donating to a raffle you are selling food. Again, there is a conflict between the two acts. If you give away food for a raffle, under the Food Act it is being sold and under this act is being given away. Which one applies? I am not sure.

Again, in relation to the definition of sell, the bill provides:

(o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions;

If you are giving food to a charity that will then pass it on to public institutions, even if you give it away for no consideration, à la a donation, it is sold under the Food Act. The reason I have gone to the Food Act is that there are three examples of 'sell' in the definitions of that act that are covered by this bill, and there is a confusion between the two. From my point of view, that needs to be clarified.

The other issue I raise with the Attorney is this: what process will be in place for product recall? Food is one of the main areas subject to product recall, so what network will be put in place through this donation channel to recall faulty product if an ingredient is recalled? I understand the restaurant has to make sure it is safe; but what if it donates it to a charity and suddenly finds out that the cinnamon powder (or whatever) that it has used is subject to a product recall? I am simply asking: what is the process?

The other issue is that of food labelling. Do donations of food have to be subject to food labelling? All those little church group cake stalls out there now have to have nutmeg, flavourings, bananas, peanuts—all of that—listed, so we have to be crystal clear in what we are saying to businesses. Is the food being donated subject to food labelling laws or is it exempt? The process for that is unclear in the bill.

The other issue relates to the Food Act. There are penalties within that act regarding the selling of unsafe food—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: Attorney, this is over a good bottle of red one night; I am only a humble builder! The issue is that there are penalties in the Food Act for selling unsafe food, but I can see no penalty for donating unsafe food. I am not sure there should be, but I raise the question for consideration by the house. If someone sells unsafe food there is a $500,000 penalty and if someone sells unsafe food that they should have known was unsafe there is a $375,000 penalty. However, if someone donates unsafe food or donates food that they should have known was unsafe technically, because it is a donation, it is not caught by the 'sale' clause. They are open to the civil liability provision because it is reckless, but there is actually no penalty in the Food Act for the donation of unsafe food. Should there be? I do not know, but I raise it as a question: what penalty regime is there for donations of unsafe food?

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: No; I like asking questions so that businesses can read the *Hansard* and say—

The Hon. M.J. Atkinson: As they do.

The Hon. I.F. EVANS: Well, I will be distributing it to my restaurants so that they are crystal clear as to the intent of parliament. I have consulted with the Restaurant and Catering Association, with the Law Society and with SACOSS, and, like the Liberal Party, they all support the bill. I will be voting for the bill but, for the sake of clarity, I have raised some issues that I am sure the officers and the Attorney have thought about; they have had a lot longer to think about it than I have. So with that contribution, I conclude and I look forward to the Attorney's response. When we get to the appropriate clauses, the Liberal Party will move amendments.

Mr PEDERICK (Hammond) (16:27): I rise to endorse the comments made by the member for Davenport and congratulate him on the extensive work he has done regarding amendments to this bill. I believe it does need to go forward in regard to dealing not just with donated food. Several volunteer groups have come to me recently, worried about what protection they have under the law. Obviously, if they are working under the umbrella of an organisation, they are protected but, as has been mentioned earlier, a problem arises where the organisation needs insurance. As mentioned by the member for Davenport, a club (whether that be Apex, Rotary, etc.) may need a couple of thousand dollars just to cover the insurance, yet this money would be far better going to a local community agency, to someone in need, to the local church or the footy club, etc.

I also agree with the comments made about why people cannot do a building alteration, or construct a shed or a fence for someone, without being held liable. It is absolutely common sense,

so I concur with the comments made by the member for Davenport and believe that wider protections are needed.

In terms of donating goods or giving them in good faith, the way my young boys go through bikes I do not know if they would be any good to donate afterwards but, if they were, I would be happy to donate them to a needy cause. However, I would hate to have the problem of putting up with a legal suit because someone fell over the handlebars—and we had that terrible tragedy interstate recently, where a lad died on a bike track.

Because we live in a litigious society, I think people do need protection with any goods they donate. I guess we live in an, at times, overregulated world—in fact, the comment was made to me early in the piece that the more often we sit the more freedoms we take from people, and I believe that to be the case. If we go back to food handling, gone are the days when you could go to a public event with a barbeque where people served food with bare hands and tongs. Now everyone has to get the rubber gloves out. I guess that is the way of the world, and we have to comply with regulations and legislation.

I wonder how many dolphin or fish deaths will result from rubber gloves being tossed into the sea. There is a further issue with clubs. Running in tandem with this bill and something which may have to be dealt with down the track is the issue of volunteers working with local community groups and on local hall committees. This issue is relevant in the country. People have written to me and I am awaiting an answer from the minister about liability issues in relation to maintaining a local hall. For example, one group raises $1,000 a year just to pay insurance on a local hall, which might be used once a year. It is maintained so that local community members can hold family functions, whether it be a 21st birthday or some other celebration.

The Cooke Plains Hall Committee has made a decision in relation to a war memorial hall. It has made the decision that once they sort out the constitution they will sell the hall—and it will be gone from the community. I hope they are able to keep the treasured mementos, and I think they are making arrangements with other organisations to display them elsewhere. They have some excellent photos and honour boards, honouring people who have served overseas.

I do commend the amendments that will be moved by the member for Davenport. I think this bill needs enlarging, and I commend my comments to the house.

Mr VENNING (Schubert) (16:32): This is a most interesting exercise today, because—

The Hon. M.J. Atkinson: You did win Mannum; I'm sorry.

Mr VENNING: Of course I did. I lost only two booths, so I knew that I won Mannum booth. The people of Mannum have been very supportive of me, and I thank them for that. I thank the Attorney-General for his apology.

This is an interesting exercise. The member for Davenport has done his work on this bill. It appears to be a basic bill (which we would support), but there is a lot more in it than meets the eye. I commend the member for Davenport. He has had a rough couple of days, but he has bounced back and he is back in here with some thought-provoking stuff.

The Hon. M.J. Atkinson: Make him leader again, Ivan!

Mr VENNING: Well, hang on. He is only a young man and he will have every opportunity in the world.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Mr Speaker, I ask for your protection, because I am being provoked in the house.

The SPEAKER: Order, the Attorney-General!

Mr VENNING: I give the member for Davenport a great deal of credit for this bill. He has out-thought us all on this matter.

The Hon. M.J. Atkinson: He is outstanding.

Mr VENNING: He is outstanding, absolutely. He is a very astute politician. Everyone would agree with that. I would hope no-one would disagree. We wished him well in his quest in Mayo, and I think the people of Mayo would have been well served by him. There is no problem at all with me.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Mr Speaker, I am trying to get on with the subject here. The member for Davenport is a man of great experience. As a result of looking at the bill, he has brought up some information he garnered from his time as a minister. We in the Liberal Party are supporting him and the bill generally. I agree that it ought to be expanded to look at other areas. I am amazed that we did pass laws originally to ban the provision of food.

The Hon. M.J. Atkinson: We did not ban the provision of food.

The SPEAKER: Order! The Attorney-General will have an opportunity to speak.

Mr VENNING: We made it law that people were liable if they gave away food that was past its use-by date. I think the bill is commendable. We know use-by dates are put on parcels of food to show an average time until the food becomes perishable.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: We will be become active and we will spread out these things. We will become more interested in what we are doing in this place. As whip, I have to be a good example. Right? Enough said.

I will be interested to see what happens to the amendments of the member for Davenport in relation to this bill. I note that the member for Davenport speaks with experience, particularly as a former national president of Apex. I know they do a lot of public work and they have to carry their own public policies. If they are doing public work for charity, why can they not be carried under the same liability exemption as this?

The Hon. M.J. Atkinson interjecting:

Mr VENNING: That is right. The Attorney-General would say, 'Is that a valid argument?'

The Hon. M.J. Atkinson: No.

Mr VENNING: Why not?

The Hon. M.J. Atkinson: I will tell you when you sit down.

Mr VENNING: I think it is a valid argument. I think it is extremely valid.

The Hon. M.J. Atkinson: You are easily led, Ivan.

Mr VENNING: This bill is about food. I can understand the dangers of that, because people eat it and get sick and there is a liability, particularly if one is not sure how the food has been prepared or whether or not it has been refrigerated. What about the other issues the member for Davenport raised? He talked about giving away clothes.

The Hon. M.J. Atkinson: You are not my size, Ivan.

Mr VENNING: I could be! He also talked about toys and electrical goods. A lot of people buy electrical goods and sometimes they never use them. They take them home and leave them in the box. They buy all this stuff, the batteries go flat and that is it, but by law you are not allowed to give away electrical goods.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney!

Mr VENNING: I do not know how I am supposed to keep my thoughts with this prattle going on. I can understand that a product could be unsafe, but I think it is a vast overreaction, because many an electrical product still in the box could be handed free to a more deserving person who would need it.

The Hon. M.J. Atkinson: It can be now.

Mr VENNING: I am told that it cannot; because it is second-hand it cannot be given away.

The Hon. M.J. Atkinson: No, that is not right.

Mr VENNING: The Attorney can tell me about that in a few moments. In relation to companies, as the member has said, people are very generous here in South Australia—more generous than probably anywhere else in Australia—particularly corporate companies and the community—

The Hon. M.J. Atkinson: Most companies are corporate.

Mr VENNING: No, not all of them. The Attorney says some crazy things. They are not. I have a private company and I do not call myself a corporate. I am a company; I am not a corporate.

The Hon. M.J. Atkinson: You are not a corporate?

Mr VENNING: No.

The Hon. M.J. Atkinson: So, your company is not incorporated?

The SPEAKER: Order!

Mr VENNING: It is, actually. But I do not call it a corporate. I think that these liability-free donations would provide a greater incentive to donate more goods to people and would help to give and receive equally. I think the member for Davenport has certainly widened this out, and I am interested to hear what the response will be. The member for Davenport is going to pursue with his amendments, if the government does not pick them up—

The Hon. M.J. Atkinson: He is on the way back.

Mr VENNING: He was never on his way out.

The Hon. M.J. Atkinson: How did he drift back there? How did that happen? How did he get there?

Mr VENNING: Because that is where he wants to be. He is resting. Irrespective of that, the member for Davenport will move his amendments and I will be supporting them. It will be interesting to see what the house does with them. If we do not address these issues today I think we will revisit this matter, because I think the member has raised some very valid points. I am interested to hear the Attorney-General's comments in response to the amendments of the member for Davenport, because we on this side think he has a lot of merit. He is a valuable member of this team and it is proof—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Right here; exactly right.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:39): I will try to answer the member for Davenport's questions in the order in which they were asked. It is likely that 'food' has the same meaning under the bill as it does in the Food Act, because the definition of 'unsafe food' is important. It is unlikely that cigarettes are a food, as the member for Davenport argues, within the meaning of the Food Act, otherwise all cigarette sales would be illegal.

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: It is amazing how some members can hate tobacco but love cannabis. They do not understand it. But I will not respond any further to that interjection.

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: There is no definition of a food business in the bill because the expression is not used.

The Hon. I.F. Evans: In the second reading speech it is.

The Hon. M.J. ATKINSON: 'Unsafe food' as used in the bill and the second reading speech refers to the Food Act definition. An unauthorised donation might or might not be covered: it depends on the authority of the person who gave it. If the person was stealing from the employer it is likely the immunity would not apply, because that person would be acting outside the course of his employment. However, it is also likely that the business would not be liable, as the theft may be serious and wilful misconduct.

The member for Davenport then asked about a charitable or benevolent purpose. The member said that he could not find another example of the use of this phrase but, in fact, it is used in his own Volunteers Protection Act. So, the meaning must be reasonably clear to him.

The Hon. I.F. Evans: Touché!

The Hon. M.J. ATKINSON: Touché, indeed. The intention at the time of donation is the relevant intent. What happens to the food after that does not alter this. The member for Davenport

referred to 'other consideration'. If there is a deal between the donor and the charity that the food is in exchange for advertising, it is not a donation covered by the bill. However, nothing prevents a donor from thanking or publicly naming its benefactor. The chef who prepares the food does not donate it, because it is not his to give away. The fact that he is being paid is not a problem. It is the business that donates the food. Under our amendment, the business and its employees are protected.

There is no conflict between this bill and the Food Act. The latter imposes criminal sanctions on the unsafe handling of food for sale and the sale of unsafe food. This bill is only about civil liability. The Food Act does not put criminal sanctions on donations. Labelling obligations arise under the Food Act and not under this bill. This bill does not change or impinge on the labelling requirements of that act and it does not add any new labelling obligations. I thank the member for Davenport for his thorough attention to this proposed law and I hope that has satisfied his curiosity, if not, we shall return to the questions he raises after the parliament prorogues.

Bill read a second time.

In committee.

Clause 1.

The Hon. I.F. EVANS: I move:

Page 2, line 3—Delete 'Food Donors and Distributors' and substitute: Charitable Donations

I draw to the attention of the committee that all my amendments are consequential, so that when I win this one, I will continue on and win all the others and, if I lose this one, I suspect I will not be moving the others. As I indicated in my second reading contribution, this set of amendments seeks to broaden the legislation to include donations of any object and donation of a service on the same conditions as the government's bill. That is, without the expectation of payment or other consideration and for a charitable or benevolent purpose—for the Attorney's interest, if members look at the Volunteer Protection Act, they will see the word 'benevolent' purpose is used but not defined—and in good faith and without recklessness, and with the intention that the consumer of the goods—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: That was the bit parliamentary counsel did—or services would not have to pay for them. They are exactly the same conditions as the Attorney is putting before the committee. My amendments say that, any donation of goods or services (on those conditions) should attract exactly the same immunity that the government is providing simply for the food donations. I spoke at length on this matter prior to the luncheon adjournment. I do not intend to hold up the committee. I believe that it is a sensible amendment. I cannot see an argument against it, other than the government did not think of it.

The Hon. M.J. Atkinson: We would never use that.

The Hon. I.F. EVANS: I bet you that you do. You will probably say that you will consider it in between houses or over the two-year review.

The Hon. M.J. Atkinson: Yes, probably.

The Hon. I.F. EVANS: That is what you wrote to me and said that you were going to say. I will not hold up the committee much further. I will be taking this matter up in the upper house if I lose it here, because I think the principle is right and I do not think there is a logical argument against it at all. I seek the committee's support for our amendment.

The Hon. M.J. ATKINSON: Wouldn't it be nice to be as certain as the member for Davenport? These amendments would delete the government's proposed protection of food donors. In its place, the amendments would substitute an entirely different provision that seeks to protect anyone who provides goods or services to another without payment for a charitable purpose in good faith and without recklessness, as long as the person intends that the consumer should not have to pay for the goods or services.

The member for Davenport's proposed protection would extend to property damage, as well as injury or death. As far as the government knows there is no similar legislation anywhere else in the world.

Mr Hanna: You could not possibly do it then: you would not want to be first.

The Hon. I.F. Evans: Someone had to be first with food donations.

The Hon. M.J. ATKINSON: Yes; and someone was: it was Victoria. The member for Davenport's proposal is far reaching: it includes the provision of any goods, motor vehicles, power tools, furniture, building supplies—anything at all—and also any services. It would cover, for example, a health clinic that provides a free service to homeless people. It would cover a car manufacturer which donates a vehicle to an aged-care provider.

Mr Hanna: Good.

The Hon. M.J. ATKINSON: 'Good,' says the member for Mitchell. I know that he has been giving it profound thought during the course of the day. It would cover free legal advice given by a major law firm to a charity. It would seem to cover all the services that are provided to the public by large welfare organisations such as Centacare, Anglicare or UnitingCare Wesley. The proposal is that, in these cases, the provider of the goods or services should only be liable for recklessness, not for negligence. This is a vast enlargement of the scope of the government's bill and the government is concerned that it has not been thought through—

Mrs Redmond: By the Attorney.

The Hon. M.J. ATKINSON: Yes, by the Attorney, or by the member for Davenport in the traumatic aftermath of the preselection at Morphettville Racecourse.

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: We reasonably expect food donor legislation to work because Victoria has had similar laws for six years and there is evidence that donation of safe food to charity has substantially increased and there is no evidence that anyone has come to harm.

I take up the member for Mitchell's interjection. I do not like to be first with these things. I know he is very much a year zero kind of a person who wants to be out there experimenting on members of society, but I like to see how a proposal goes in another jurisdiction before applying it to South Australians. Unlike the member for Mitchell, I do not treat South Australians as laboratory mice.

It is probably this history of good experience that has encouraged the South Australian Council of Social Service to accept a measure about which it was initially hesitant. I say to the member for Mitchell that, if SACOSS were not opposing this, it would have happened two years ago. The member for Davenport has not told us what consultation has occurred with the charitable sector about his much more extensive proposal. I acknowledge that he first raised it with me in estimates three weeks ago, but it seems to the government to be the sort of thing that requires more extensive consultation than with the member for Mitchell and the few who are here at this committee today. It requires consultation so that those affected can give informed consent.

A criticism that is easily levelled at this sort of legislation is that it creates one law for the rich and another for the poor. The food donors proposal does mean that the legal protection of consumers of donated food is less than that of consumers who pay for food. We have thought long before doing this. What determined us to do it was that we have reason to think that quantities of safe food are being wasted in South Australia because potential donors fear legal liability. We looked at the interstate experience and the substantial increase in the donation of safe food that has resulted there because of similar laws.

We believe that, on balance, it is worth adjusting the standard of care in this field because, since most donors will be businesses that are experienced in handling food, the risk of harm appears low, even if the standard of care is reduced. The detriment of this adjustment will be outweighed by the expected large increase in donations—so we believe. The bill, however, proposes a two-year review to see whether we are right about that. We know that SACOSS will monitor the results of the bill closely. The government would be concerned at the entrenchment of a lower standard of care towards the poor right across the board without at least some public consultation. Frankly, I think this amendment runs contrary to most of what the member for Mitchell has stood for during his public life, and I am surprised at the way he has jumped on board just to ingratiate himself with the opposition.

Mr HANNA: I rise on a point of order. It is against the standing orders to impute an improper motive to another parliamentarian.

The Hon. M.J. ATKINSON: I certainly withdraw. I shall rephrase that to say that the member for Mitchell, to my surprise, is supporting this proposal.

The provision of some goods and services can carry a high level of risk. Think of the electrician who rewires a house. Why should his level of care be lower when he is doing the job free of charge for a women's shelter than when he works on your home or mine? Why should the lawyer, for example, not have to take the same care with the case of a refugee who seeks asylum as with the case of a businessman who claims he has been defamed? What about the mechanic who repairs faulty brakes on a delivery van? Why should he not be expected to use the same skill and care for all vans, since the risk is identical?

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen interjects, 'Because he's not being paid.'

The Hon. I.F. Evans: The qualification is he cannot be reckless, but he has to use the same standard, just as the chef has to use the same standard. A chef does not cook to a lesser standard because they are giving it away. What a nonsense argument!

The Hon. M.J. ATKINSON: Madam Chair, the member for Davenport and the member for Heysen, in their enthusiasm, fail to recognise the difference in civil liability standard between recklessness and negligence.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: We could, but I am giving you the reasons why we are not, on this Tuesday, deciding off the cuff to extend it to the entire economy, as the member for Davenport proposes. We need a strong justification for accepting this amendment and a proper understanding of the risks. I venture to say that the member for Heysen has not thought through all the risks. In fact, I rather doubt that the member for Heysen addressed her mind to this until she came into the chamber a few short minutes ago.

Mrs REDMOND: I rise on a point of order, Madam Chair. The Attorney suggests that I was not in the chamber, when the Attorney knows full well that we are all always in the chamber.

The CHAIR: I am sure that the Attorney does know that we are all always in the chamber and will correct the record.

The Hon. M.J. ATKINSON: I apologise and withdraw. We are always in the chamber or, in the case of the member for Heysen, her ears are glued to the intercom following the debate. Possible justifications might be to avoid criminal wastage of these services or to overcome a serious problem of availability of these services to the poor. Where is that evidence, Madam Chair? We would also need to be satisfied that the risk is low enough to be acceptable. How do we know that?

There is the problem of what is meant by providing goods or services in good faith. How does a shop give away a bicycle or a plumber unblock a drain in good faith?

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: There is no such requirement in the government's bill (I hope that answers the member for Heysen's question), and to add to it will probably vitiate the protection that the government was trying to give food donors. Rarely are the member for Heysen's interjections answered so quickly! At the same time, the amendment takes out the safeguard for food donation that is incorporated into the government's bill by the mention of the definition of 'unsafe food' derived from the Food Act. All food businesses know what it means. They must apply that standard in their daily work. All that the government's bill requires them to do is to refrain from donating food that they know or should know is unsafe.

The amendment proposes instead a more general examination of whether the donor has acted in good faith and without recklessness. Plainly, the proposed amendments have the potential to generate extensive litigation. The government is concerned that this proposal, although likely to be superficially attractive, contains hidden risks to the very persons it intends to benefit. There ought to be much public consultation if the proposal is to go further. The proposal has, however, been put forward in such a way to prevent that, and the government cannot at this time support it.

Mr HANNA: I am speaking in relation to an amendment to a government bill, that is, the Civil Liability (Food Donors and Distributors) Amendment Bill. The government has sought to protect those who wish to donate food to people with a charitable purpose; in other words, to poor people or, perhaps, organisations which care for poorer people. The government legislation—

The CHAIR: Member for Mitchell, can I clarify something? Are you seeking information from the Attorney at the moment or speaking to the amendment?

Mr HANNA: I am speaking to the amendment.

The CHAIR: Thank you; I was not quite clear.

Mr HANNA: That is all right. I will start again. The government legislation does require that the donation of food is done without recklessness; so, it would not afford protection if the donor had an idea that the food was unsafe. The member for Davenport has come forward with a series of amendments which extends that sort of protection to goods and services more generally. With a couple of exceptions, the protection applies to a range of goods and services in the same sort of context which is relevant to the government legislation and the donation of food.

We are talking about a situation where a person might be donating items of furniture, a professional person might be providing services or a tradesperson might be fixing something—these sorts of situations. The principle is: why should they have any less protection for their charitable act than a supplier of food who donates food? The idea behind the government legislation is a good one. If it promotes the donation of food for charitable purposes, that is a very good thing; and the Attorney-General has pointed out that the interstate experience is that this legislation does work to that extent. It would also work, then, if those who are donating their time or any sort of goods for charitable purposes were protected in the same way.

The example which comes to my mind most readily is in relation to the auditing of books for non-profit associations. A number of the associations with which I have been involved over the years find it very difficult to get an accountant to review the books and sign them off as audited at the end of the financial year. Very often it is a simple job; there might be only a handful of ledger items each month through the whole year. However, the accountant in that situation knows that there is always the risk of being sued or being embroiled in some controversy, and it seems to me that this sort of amendment might make professionals in that situation more likely to offer their services to non-profit associations.

I think there is merit in it. It would be beneficial to society if there were more charitable donations of goods and services in that way, and I am glad to support the amendments.

The Hon. I.F. EVANS: I will not delay the committee long, because I intend to pursue this in the other place. So, the Attorney can start consulting. Let me make this point to the Attorney: the argument he has just put to the committee is drivel, and I will explain to him why. The Attorney is saying to us—shock, horror—that my amendment would apply to a donation of a car and that there is a risk. Well, there is a greater risk from donation of food. Hundreds of people can get food poisoning through donation of food. There is a greater risk through donation of food. In the town of Hahndorf in the last month people died through salmonella poisoning.

The greater risk to the community is through food donation, but the Attorney has protected them. He has said, 'Unless they do it recklessly, that they are recklessly indifferent, they are protected,' and we say, 'Good.' But it is a nonsense to say that there is a greater risk with the donation of a car, a roof, clothing or a power saw. Yes, there is a risk, but put the same qualification on it. You cannot donate and be recklessly indifferent. If a plumber is clearing a drain and he is recklessly indifferent, guess what? He is not covered. But the risk to the community is negligible compared to a food donation.

Why are restaurants not making food donations? Because they are concerned they will get sued. For the people who are not donating the Attorney is making it easier, and for the organisations that are already donating and paying huge insurance as a result of their donations he is saying that he will not help them at all. You have it the wrong way about: you should be saying that you are going to help both categories. Your philosophy is that, because the food companies will not donate, we will give them exemption, but for all you other people out there who are donating and paying inflated insurance costs, bad luck, you can just wear it because you are prepared to wear the risk.

I think it is a damned nonsense, and I am going to pursue this in the upper house, because I think the principle you espouse, Attorney, and your government has put forward to us is absolutely right. If someone wants to donate clothes, a car, timber or roof iron, or anything else to make someone else's life a little easier, why would we not accept that and accept the fact that there is a risk? I could get hit by a bus walking across the road tonight. So be it; there is a risk to life. But there is no great risk in those donations. The greater risk is in the donation of food because

it can affect hundreds of people and can quickly cause very serious illness or death, such as the donation of water.

I put to the Attorney that I totally disagree with his view. I accept the fact that he might want to undertake further consultation. We have a six-week break coming up. This bill will be in the upper house when we come back, and I look forward to the debate up there. Certainly, the Liberal Party will be pursuing this as a matter of course. If we get the numbers up there, we will go into a deadlock conference, and then the Attorney and I will be sitting there trying to work it out. So, let us try to sort it out over the break. I think, Attorney, that you are correct and, at the same time, you are wrong: you are correct in your principle, but you are wrong in the way in which you are applying it.

Amendment negatived; clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. M.J. ATKINSON: I move:

Page 2, lines 15 to 19 [inserted section 74A(1)]—Delete subsection (1) and substitute:

(1) In this section, a reference to a *food donor or distributor* is a reference to a person who, acting without expectation of payment or other consideration and for a charitable or benevolent purpose, donates or distributes food with the intention that the consumer of the food would not have to pay for the food and to the agents or employees of such a person.

The amendment slightly alters the definition of food donor or distributor to make clear that it includes the agents and employees of that person. We were responding to a point made, and made well, by the member for Davenport, who I am pleased to join in any legislative endeavour. I recall us working harmoniously on the Electoral Act at one stage but, unfortunately, that still is not through.

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: But I have always remembered what we need to do. Obviously, if the donor or distributor is a body corporate, it can carry out the act of donation only through human agents, and these would be covered by the protection. Perhaps doubt might arise, however, about the situation of a person employed in a food business who was involved in preparing the food but does not take part in its donation. This amendment makes quite clear that that person is covered by the protection.

The Hon. I.F. EVANS: As this was the opposition's idea, we are delighted to support it.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:12): I move:

That this bill be now read a third time.

Mrs REDMOND (Heysen) (17:12): I want to put a couple of comments on the record in the third reading of this bill. In response to the comments made by the Attorney-General during the committee stage, not only did he erroneously assert that I was not here but, more importantly, he asserted that I had not thought through the implications of the amendments proposed by the member for Davenport during the committee stage. I want to put on the record that not only did I consider those amendments but, in fact, in our party we go through a process whereby any bill and any amendments to the bill will be seen, first of all, by the Legal Affairs Backbench Portfolio Committee, which I chair. The amendments were considered by that committee, under my chairmanship yesterday, and they were considered by the party in full before they came in here. So, they were two formal occasions, but prior to that I had had extensive discussions with the member for Davenport about what we should do about this bill.

Indeed, from the moment this bill was introduced by the Attorney (and, of course, having been introduced by the Attorney, one would normally expect that I might be the lead speaker), we decided that it was appropriate in this case for the member for Davenport to be the lead speaker because of his extensive involvement and his desire to really take the matter further. I have to put on the record that I absolutely agree with what the member for Davenport is putting. That is, where

someone wants to make a donation for a charitable or benevolent purpose, no matter what the nature of that donation—whether it be goods or services, whether those goods be food or other than food—it is entirely appropriate to have a principle that we apply in this state saying that, so long as you are not reckless about the way in which you do that, we will protect you from liability. I absolutely endorse the comments made by the member for Davenport.

If the Attorney reads back through his final contribution prior to the vote on the amendments, he will find that, in fact, every comment he made about food applies equally to anything else in terms of the whole rationale for this debate.

I am hopeful that, when the Attorney takes it back to the party room for further consideration, there may be some scope for us to come to a rational landing. Instead of being division, as the Attorney asserted, between the rich and the poor and a differential standard, I believe that the differential should simply be that when you pay for goods you will have a certain level of expectation. However, if you are prepared to accept goods by way of benevolence from another party—the giver of the goods or the service—it is quite reasonable as a matter of principle to say that, as long as the giver of those goods or services is not recklessly indifferent to the consequences of the state of the goods or services given, it should not then expose the giver to personal or legal liability. That seems to me to be a perfectly reasonable proposition.

I just want to put on the record that, far from being something that I have not considered, this is something that I considered even before I came into this place. It is something in which I have engaged with the member for Davenport in considerable discussions over the weeks since the Attorney introduced the bill, and it is something which I have specifically considered both through committee and joint party before coming into this place. I absolutely endorse the position espoused on our behalf by the member for Davenport.

Bill read a third time and passed.

SUMMARY OFFENCES (INDECENT FILMING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March 2008. Page 2411.)

Mrs REDMOND (Heysen) (17:17): I indicate that I am the lead speaker for the opposition in relation to this bill. In spite of the fact that this means I do not have a time limit, I promise I will not keep the house very long. The bill seeks to address some problems which have arisen because of the development of technology. It has long been my view that parliaments and the law struggle at the moment to keep up with the progress (if that is what one would call it) of technology. I do not think it is necessarily progress, but the nature of technology is changing so quickly that as soon as we have dealt with one problem created by the so-called advances in technology there is another problem upon us.

The particular problem that this bill seeks to address is primarily directed at the problem created by mobile phones with cameras. Well do I remember that I was fairly new in this parliament when the member for West Torrens came in with a brand new mobile phone with a camera in it, and, indeed, he was using it. I seem to remember that Speaker Lewis had some reaction to the idea that anyone might take photographs within the chamber, be they a member or someone else. I am certainly no lover of mobile phones. I do have a phone with the camera facility, but that is only because I could not buy one that did not have a camera. I can see the member for Morphett's beautiful granddaughter on his phone's screensaver.

The Attorney-General will be really happy to know what I have on my camera. I have not taken photos with my phone, but other people have taken photos with the camera on my phone. Last year in July, like the Attorney this July, I went to New Zealand, because I had to give a paper at the Legislative Review Conference. The committee here decided that I was the one and, believe me, going to Wellington in July is not everybody's cup of tea. We had the conference dinner, which was held at the wonderful museum in Wellington, the Te Papa Tongarewa. It was a wonderful dinner, and there were about 80 or 90 politicians present.

For some reason, they sat me at the official table, which had only about eight guests, beside the Rt Hon. Sir Geoffrey Palmer, a former Labour prime minister of New Zealand. We had a very pleasant evening; we got on very well. On my camera I still have a photo of the Rt Hon. Sir Geoffrey Palmer and me arm in arm at the dinner. I do not have many photos on my camera, but I do have a photo of myself with the Rt Hon. Sir Geoffrey Palmer. Apart from a couple of other photos that people have sent to me—one from a girlfriend when she was in Europe, and so on—I

do not have many photos on my camera, and nor do I want to. I have no interest in most of my camera's facilities. Nevertheless, the fact is that a lot of people use their mobile phone camera facility frequently, and, indeed, they use other very small cameras frequently.

The problem that we now have has been given the special name of 'upskirting', because there are devious sorts of people—men, mostly—who go around with cameras, which they use to take photos directed up ladies' skirts. I suppose they might do that to a Scotsman in a kilt, or something like that, for the benefit of our parliamentary officer, Gerry, from Scotland. I challenge him to one day wear a kilt in here as part of his uniform. The point is that this new technology has enabled this sort of thing to start happening. Cameras can be very small, they can be hidden and they can be used in inappropriate ways. This bill creates two new offences: the first, of actually taking the film, is an offence of indecent filming—and that can be film as in a video or a static single frame shot.

Indecent filming is taking pictures by any means—so, whether by mobile phone or miniature camera or whatever—when the person is undressed or engaging in a private act, or pictures taken under a person's outer clothing of the person's genital region. However, indecent filming only occurs in circumstances where a reasonable person would expect privacy or, in the case of upskirting, would not expect such pictures to be taken. Of course, 'upskirting' is new terminology that has come into our language—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney says 'down-blousing' is the corollary to 'upskirting'. The names are quite descriptive of the offence that could be involved—and I say 'could', because theoretically someone could engage in upskirting with the knowledge and permission of the person being photographed—although, obviously, most of the time that would be unlikely. That is the first offence; the test is whether a reasonable person would expect privacy in given situations, and the court will have to decide that on the facts of the case.

It will not always occur when people are travelling up escalators or going up stairs, or walking along with someone close to them. Earlier this year, for instance, my daughter was working in a video store that had a change facility so that employees could travel to work in ordinary clothing and change into their uniform in that facility before commencing duties in the store. After she had been working there for some weeks my daughter was quite surprised to find that there was, in fact, a camera on them while they were getting changed. I would say that is a situation which would be caught by this legislation, because the person changing for work in a work change-room would reasonably expect to have privacy. The court would have to decide on the facts whether that were the case, but in essence that is the first part of the offences.

The second offence is that of distribution, and it is a separate offence. So, it is an offence in and of itself to take the photo, but modern technology allows people to send the photo not only to one other person but to hundreds of people if they have a list in their telephone—even hundreds of thousands of people, theoretically. Most commonly there is a fairly limited number, but nevertheless it is more than one person. Just like in a defamation action, you only need to publish to any third party. The distribution is a separate offence and it relates to a picture that has been created as an indecent film. 'Distribute' is defined to include:

(a) communicate, exhibit, send, supply or transmit; and

(b) make available for access by another; and

(c) enter into an agreement or arrangement to do something contemplated by paragraphs (a) and (b); and

(d) attempt to distribute;

That will capture virtually everything I can think of (although I am not a technological expert). It will certainly capture not just the person taking the original picture—who will be captured by both the indecent filming and the distribution, if they send it on—but if the person receiving it then sends it on to someone else, they too will be guilty of that separate offence of distribution.

There are a couple of exceptions within the legislation. First, there are specific exemptions for law enforcement personnel acting in the course of law enforcement or legal proceedings. It is also a defence if the indecent filming was undertaken by a licensed investigation agent—that is, someone who has been licensed under the Security and Investigation Agents Act. That raises an interesting question, and I hope—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: If the Attorney takes a photo of me whilst I am speaking it will not be indecent filming, since it will involve neither upskirting nor down-blousing, nor any other inappropriate—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney indicates that he is so technologically competent that, in trying to take a photo of me during my contribution, he has taken a photo of his own knee.

The DEPUTY SPEAKER: Order! I believe there should not be any mention of taking photos of anyone, as it is entirely against standing orders. There may be accidents.

Mrs REDMOND: I am pleased to report, Madam Deputy Speaker, that the Attorney was unsuccessful in his attempt to take photos—at least when I started this sentence. As I said, regarding the second part of the offence, we have law enforcement personnel in the course of their duties. Obviously, if it were not appropriate conduct in the course of their duties they would be caught; however, if it is law enforcement personnel in the course of their duties then they will have the protection of the exemption. A licensed investigation agent can have the exemption if they are undertaking indecent filming.

That leads me to an interesting question, to which I hope the Attorney will pay enough attention so that he can attempt to answer it when he makes his response to the second reading contributions. I want to know: if a registered licensed investigation agent is able to get the exemption under the act and has that defence, where does the line begin and end for that person? It seems to me that, almost inevitably, it will not be very long before a licensed investigation agent is engaged to ascertain whether someone is participating in an affair and, clearly, that could lead to a licensed investigation agent taking photos which would otherwise contravene this legislation and which would be classified as indecent filming. That is, moving or still pictures of a person taken by any means when that person is undressed or engaging in a private act, or pictures taken under a person's outer clothing of the person's genital region but which occurs only if taken in circumstances where a reasonable person would expect privacy.

People engaging in—let us use the quaint term—an adulterous affair would expect privacy. I do not know a lot about these things, but in my experience they are not generally engaging in these acts in public and, therefore, they expect privacy. They are engaging in a private act. They expect privacy. Let us suppose they are in a state of undress—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: As the Attorney-General says, they might be having dinner together, but let us suppose things in this adulterous affair have gone a little further and that they are in a state of undress and engaging in what everyone would agree is a private act. Therefore, it would come within the definition of indecent filming. Indeed, when the investigator shows the film to their client, the investigator would come within the definition of distribution. The fact is that the bill appears to say that it is a defence if it was undertaken by a licensed investigation agent. Therefore, it would seem to me that prima facie those people will be allowed to take quite intimate pictures of people engaging in adulterous affairs and distribute them, at least in so far as showing those pictures to the person who has engaged them.

The Attorney-General says that none of this is necessary because of the Family Law Act. I must say that the first time I studied family law it was under the old matrimonial causes act—and I failed it. I had to do it again and, happily for me, that great Labor stalwart Lionel Murphy—and the Attorney-General makes a rude gesture with his fingers in his mouth—in 1975 changed the law, and the new Family Law Act made a lot more sense to me than what I had studied under the old matrimonial causes act. When I got to bestiality and the defence of consent and acquiescence, and so on, it really just was too much for my poor little brain to take, and I suspect I failed it for good reason. I was very happy to pass it under the new legislation.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney-General suggests that because that law has been in place for more than 30 years we do not need evidence for divorce, but let me assure the Attorney-General that there are lots of private investigators whose living is made almost entirely from getting instructions from suspicious spouses to trail their erstwhile better half.

In conclusion, I want to raise a matter the member for Morphett was going to raise, had he time. He has a commitment in another part of the building. On 24 March 2004, when the member for Morphett and I were biding our time on the back bench, he put out a press release headed, 'Peeping Tom photography on the rise'. So 4¼ years ago, the member for Morphett called on the state government to closely examine the use of mobile phone cameras after questioning a peeping Tom with a mobile phone camera in front of his electorate office at Glenelg.

He indicated then that mobile cameras were becoming a menace on the street. He confronted this chap who was using his mobile phone to take photos of young women without their permission, possibly to put on the internet; so there are two of the elements. Admittedly, there is no indication in his statement that there was anything indecent about the photographs but, nevertheless, he was alerting the government way back then to the problem of this particular development—and I think it is a development, not an advance—in technology.

I welcome the legislation and the opposition supports it. I think this type of legislation has been needed for some time and I am pleased to see the government addressing it. With no disrespect to the government—and I have no doubt it will be our problem when we come into government—technology continues to move much quicker than we are able to keep up with it as legislators, and this will not be the end of problems created for us as legislators as a result of developments in technology.

Mr GOLDSWORTHY (Kavel) (17:36): I rise to speak briefly in support of the bill. I do not need to speak at length: I think the member for Heysen (the shadow attorney-general) has covered the subject matter quite comprehensively, as is the norm for her. I listened with interest at times in my office to the exchange between the Attorney and the member for Heysen. He rarely, if ever, wins the banter in the interjections across the chamber. Although he may think that he has a superior level of intellect, unfortunately, that is not the truth of the matter. I will now come back to the specific issue in relation to this bill.

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: That is right. I know that the Attorney-General has not really got his mind here in the parliament at the moment. He is looking forward to his trip and getting on the aeroplane in the morning—is it—and flying off to—

An honourable member interjecting:

Mr GOLDSWORTHY: Oh, the minute we finish the bill? Goodness me. I think we could perhaps look to sit past dinner if we need to. This bill comes about as the law struggles, in some ways, to keep up with the so-called advances in technology—and perhaps 'developments' would be a better term. The bill seeks to address the problem created by mobile telephones which incorporate cameras.

I do not think one can buy a mobile phone these days without an in-built camera. I upgraded my telephone six or so months ago. I had had my previous telephone since I was first elected to this place in 2002. So, the first phone I had when I came to this place had served me very well. It did not have a camera in it. I did not really need a camera in my phone but, as I said, it was difficult to buy a telephone without a camera. I have a perfectly good digital camera that we use to take all sorts of photographs around the electorate, and so on, with respect to community involvement. As I said, one cannot really buy a telephone without a camera in it.

The problem that this bill seeks to address arises from individuals using these cameras inappropriately—and, indeed, quite seriously inappropriately. Many instances have been reported where people have taken photographs inappropriately—as the member for Heysen referred to, upskirting, where people who have extremely questionable motives take photographs up women's skirts. The only motive that I can think of is that it gives them some sort of perverse pleasure. The further technological developments that allow photographs, once taken, to be circulated to others and displayed on the internet are also addressed.

The new offence created under this bill is the indecent filming or the indecent taking of photographs and the distribution of those photographs. We all know how the internet has been an enormously positive technological advance, but it has also brought about a whole range of criminal activity. From time to time we hear about the police arresting these cretins in our society for horrendous crimes such as distributing child pornography and quite shocking material such as that. A constituent contacted me some years ago about a particular internet site. I do not know whether

they just came across it or it came up on their computer without their consciously accessing it. It did not involve children but it was —

Mrs Redmond interjecting:

Mr GOLDSWORTHY: —extremely graphic; the member for Heysen is quite correct in that description. I wrote to the federal minister for communications at the time, seeking some direction about how this material could be removed from the cyberspace arena. The response I received was that it was up to individual people to report it and then they would look to try to erase it. However, it is extremely difficult if it comes from overseas, and so on. You have to track back and request that those jurisdictions delete the material, and we know that the laws of other countries are not as stringent as ours in a whole range of areas.

The definition of 'indecent filming', as I understand it, includes 'moving or still pictures of a person taken by any means when that person is undressed or engaging in a private act, or pictures taken under a person's outer clothing of the person's private regions', as one may describe them. It only occurs when taken in circumstances where a reasonable person would expect privacy, or in the case of upskirting (as the term suggests), would not expect such pictures to be taken. This is to avoid the problem of the legitimate use of CCTV cameras and the like. The issue of whether a reasonable person would expect privacy in given situations will be left to the court to assess.

It is my understanding that the definition of 'distribution' will be a separate offence from the creation of the indecent film. 'Distribution' is defined to include: communicate, exhibit, send, supply or transmit and make available for access by another, or enter into an agreement or arrangements to do something contemplated by the first two points, and to attempt to distribute. As members can see, there are specific exemptions for law enforcement personnel acting in the course of law enforcement or legal proceedings. I understand it is also a defence if the indecent filming was undertaken by a licensed investigation agent within the meaning of the Security and Investigation Agents Act 1995.

Obviously, it is the state Liberal's position that we will support this bill. As has been discussed earlier, this really comes about as a result of the advancement in technology. From the way in which technology continues to advance, it is to the point where, when you buy technological equipment, it is almost out of date because the companies continue to develop that technology further. One wonders where will it finish and to where it will all lead?

I know that 16 or 17 year old teenagers like the latest and the greatest gadgets. The other day my daughter came home with the supposed newest and flashest mobile phone which she was very pleased to be able to acquire. She talked her mother into purchasing it for her, even though she has some financial responsibility for it. The things that this phone cannot do are not worth talking about. It is a pretty flash piece of equipment.

I am a relatively simple person in my needs. All I want to do with my mobile phone is receive and make telephone calls and receive and send messages, and without necessarily having a camera. As I said, those options are not available these days because, when you buy a mobile phone, you have to have all the other accessories that go with it. In conclusion, I am supporting the opposition's position.

Mr HANNA (Mitchell) (17:48): It is 2008: the government has introduced legislation to outlaw indecent filming of people. I think I can do no better than to read from my media release of 20 April 2005, as follows:

> The law had failed to keep pace with the technology now available that allows techno-perverts to invade our privacy. Mobile phones with cameras are now everywhere, yet we have no laws in South Australia to protect our privacy against strangers taking photos of us or, more disturbingly, our children. We must remember that these images can be emailed instantly to anywhere in the world for the gratification of men with sick minds.
>
> I introduced amendments back in December 2003 to the Listening and Surveillance Devices Act to strengthen the law against surveillance devices, but the government had failed to act on my recommendations. At the moment, the penalty for anyone spying on someone with a listening device is $10,000 or two years in prison. My amendment extended these penalties to a person found spying on someone with a camera. In December 2003, Labor and the Liberals referred the issue to the Legislative Review Committee where it has languished.

That was in 2005. I am pleased to see that, nearly five years after I originally proposed this sort of measure, the government has come forward with legislation to cover this topic.

The government's move, which I fully support, will make it illegal to film someone undressing. It will make it illegal to film someone engaging in sex or going to the toilet. It will make

it illegal to film someone's genital or anal region whether covered by underwear or bare. There are sensible exceptions for the purpose of investigating crimes or civil actions, and there is a defence that it would not be an offence if, indeed, there was consent to the said filming. It is well overdue, but I am glad to see that this legislation has been brought forward. I think it will add a sensible measure of protection for our citizens.

Mr PEDERICK (Hammond) (17:51): I, too, rise to support this bill. What we have seen today is what has happened when legislation has not kept up with technology, and I am a perfect example of not keeping up with technology. Before I entered this place, the only computer I ever switched on was my spray computer.

Mr Pengilly: I wouldn't admit too much.

Mr PEDERICK: That is all right. No, I admit that I did struggle a bit with electronic technology. I did manage computers before I came into this place on the campaign trail, but it was a steep learning curve.

Mrs Redmond: Or a slippery slope.

Mr PEDERICK: Or a slippery slope—one of the two. As mentioned earlier by the member for Kavel, part of the issue is that you cannot just buy a simple mobile phone any more. You just want a phone that you can—

Mrs Redmond: Sadly.

Mr PEDERICK: Yes, 'sadly' is the interjection from the member for Heysen. When you do just want to use it for phone calls and you look at texting as an optional extra that you could have lived without, but it is the way of the world. They seem to jam that much technology into a phone now that you can take photos, videos and then send them, I guess, right across the world, if need be.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr PEDERICK: I hope that does not come under the legislation. Thank you, Mr Speaker, for your protection. You might have to get him to delete that from across the way. Be that as it may, everyone in the populace seems to have a mobile phone now, so basically everyone is walking around with a camera. People who think they are having a bit of fun and games, whether they be young people or older people with deviant minds, think they can have a bit of fun by upskirting. I think that that is disgraceful behaviour, so I am glad to see this legislation has come forward and also the second part of the bill, where it is obviously illegal to distribute those pictures on the internet or anywhere else, for that matter. Obviously with YouTube and other ways of putting films and pictures on the net, access is only limited by your imagination.

The worldwide web is a great thing, but it can be used to terrible disadvantage. In saying that, if people are sick enough to do things such as that, they will be caught and I am glad that, finally, legislation will be put in place that will catch up with people who do these acts. I think it is well beyond time and could not come in soon enough. With those few remarks, I commend the bill.

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

[Sitting extended beyond 18:00 on motion of Hon M.J. Atkinson]

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:58): I move:

That this bill be now read a second time.

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

Leave granted.

The Bill will strengthen the container deposit legislation (CDL) in the *Environment Protection Act 1993* to further improve on this successful environmental tool that provides an important driver for recycling, reduces litter and decreases the number of beverage containers that go to landfill.

The Bill will address a number of systemic issues within the current beverage container refund system to improve its functioning.

CDL was introduced by former Premier, the Hon Don Dunstan, in the *Beverage Container Act 1975* to control litter. The system has worked well, changing community behaviour, promoting recycling, recovering valuable recyclables, as well as supporting resource recovery infrastructure. South Australia has the highest container return rate of all Australian states, with industry sources reporting that as many as 85% of certain types of containers in the CDL scheme are returned for recycling. Beverage container litter in South Australia is by far the lowest in Australia.

In 2006 the scheme was added to the list of Bank SA Heritage Icons.

The main purpose of the Bill is to improve this successful system by promoting the equitable regulation of all relevant stakeholders and to address concerns that refunds are being sought on a large scale for containers that have not been sold in South Australia.

A series of minor administrative amendments to the operation of the Environment Protection Act are also proposed to streamline the governance and operational workings of the Authority.

Equitable regulation of relevant stakeholders

The industry has a series of 'super collectors' not regulated by the CDL system. 'Super collector' is a term applied to the industry sector that was established primarily to act as agents for beverage manufacturers and product distributors. Super collectors coordinate the collection and aggregation of containers from depots, reimburse depots for refunds paid to consumers, pay handling fees to depots and coordinate end recycling markets for collected containers.

The Government is proposing to regulate these super collectors to remove any inequity with the collection depots, which are already required to be regulated.

Thus the Bill proposes that a person must hold an approval to operate as a super collector, as is currently the practice for collection depots.

The regulation of both collection depots and super collectors will help establish effective processes for resolving disputes between the parties.

Interstate refunds

Another objective of the Bill is to stop the movement of empty refund-labelled containers from other States into South Australia, thereby limiting the potential liability for collection depots, super collectors and manufacturers to pay refunds on products not sold in this State, and on which no deposit has been paid.

I have been told by the Environment Protection Authority, which administers the scheme, that containers are being brought into SA from interstate for refunds at our collection depots.

The Bill provides our collection depots with the authority to refuse to accept containers for refund if they believe that the containers have been purchased interstate. Depots will be able to request that a person verify that their containers were purchased in this State or a corresponding jurisdiction and must request a person to complete this declaration if the person presents 3 000 or more containers for a refund within a 48 hour period.

Additionally, there is an offence for a person to present for refund a container not purchased in this State or a corresponding jurisdiction. The maximum penalty proposed for this offence is $30 000.

In summary, the other main features of the Bill are:

- Inserts an outline of the Beverage Container Division of the *Environment Protection Act 1993* which recognises that although the beverage container refund system was originally introduced to manage beverage container litter, the system has demonstrated dual benefits for both litter and recycling, and has evolved in the context of increasing awareness of environmental sustainability.
- Amends definitions used in the Beverage Containers Division of the *Environment Protection Act 1993* to clarify existing terms and provide for new terms to support amendments.
- Removes references to 'collection areas', as collection areas for individual depots have not been used and the term is now redundant.
- Improves the approval system for 'classes of containers' so that multiple containers can be approved by linking the approval to the manufacturer or distributor and not require a case by case assessment where each container forms its own class.
- Strengthens the system of collection depot approvals by providing greater power to the Environment Protection Authority and increased protection for approval holders, similar to the approval of an environmental authorisation.
- Proposes amendments to various penalties in the beverage container provisions of the *Environment Protection Act 1993* to create consistency of penalties for similar contraventions.
- Replaces the requirement that the Board meet at least 12 times per year with a provision that the Board meet at least 11 times per year.

- Introduces a new provision to allow for the approval of onsite works or process changes that occur during the term of an environmental authorisation. This will clarify some legislative ambiguity by providing an explicit headpower for the existing regulation under the Environment Protection (Fees and Levy) Regulations.
- Provides the Board with the ability to sub-delegate its powers and functions.
- Allows administering agencies to have the power to register a clean-up order on land, take action on non-compliance with a clean-up order or recover reasonable costs of doing so.
- Removes the Ozone provisions under Part 8 of the Act, as they have been overridden by Commonwealth legislation and are now obsolete.

I commend the Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Environment Protection Act 1993*

4—Amendment of section 16—Proceedings of Board

This clause reduces the requirement for the Board to meet from at least 12 to at least 11 times each calendar year.

5—Insertion of section 50B

This clause inserts new section 50B.

50B—Special conditions not exhaustive

Proposed new section 50B clarifies that the special conditions of environmental authorisations that may be imposed under Part 6 Division 5 do not constitute an exhaustive list.

6—Insertion of section 54C

This clause inserts new section 54C.

54C—Conditions requiring approval of certain works and processes

Proposed new section 54C clarifies the Authority's power to require holders of environmental authorisations to seek the Authority's prior approval in relation to certain building work or certain processes relating to an activity undertaken under an existing environmental authorisation.

7—Insertion of section 64E

This clause inserts new section 64E.

64E—Outline of Division

Proposed new section 64E gives an outline of Part 8 Division 2 as an aid to understanding the provisions making up the legislative scheme for the management of used beverage containers. The section is self-explanatory and for the large part summarises the legislative scheme that has been in place for several years, however a significant change made by this Bill and reflected in the outline is that the operators of collection depots and persons carrying on business as super collectors will now need to be approved.

8—Amendment of section 65—Interpretation

This clause adds and amends definitions of terms to be used in Part 8 Division 2.

9—Amendment of section 66—Division not to apply to certain containers

This amendment, and the proposed new definitions of "*wine*" and "*spiritous liquor*" effected by clause 8, are proposed in order to simplify section 66.

10—Substitution of sections 68 and 69

This clause substitutes sections 68 and 69 and with clauses 68, 69, 69A, 69B, 69C and 69D.

68—Approval of classes of containers as category A or category B containers

This section recasts the former approval system for classes of containers as category A or category B containers. It is envisaged that persons seeking approval under this section will be manufacturers or distributors of beverage containers.

If an approval is granted, it must be granted subject to the conditions that—

- containers of that class bear an approved refund marking; and
- the approval holder have in place an effective and appropriate waste management arrangement (this term is defined in section 65); and
- if the approval relates to category B containers—the waste management arrangement require the approval holder to provide the super collector with a declaration of sale of approved containers after each sale.

This last condition is intended to allow super collectors to keep a track of sales of the approved containers under the waste management arrangement with the approval holder, in order to avoid interstate rorting that sees super collectors collecting apparently approved containers from interstate that have nothing to do with the approval holder and for which the super collector is not reimbursed.

Subclause (4) sets out some of the grounds on which the Authority may refuse an application for approval, namely—

- if the container material is unsuitable for recycling, reuse or other disposal considered appropriate by the Authority; or
- if the manner of application of the labelling or refund marking proposed for the containers is inappropriate for recycling, reuse or other disposal; or
- if there is no ongoing, effective and appropriate waste management arrangement in place in relation to the class of containers.

Further provisions in this section include standard natural justice provisions protecting a person should the Authority seek to refuse an application for approval, vary an approval or vary or revoke a condition or impose a further condition.

Subclause (9) requires a notice of approval under the section to specify the class of containers to which it relates by reference to the manufacturer or distributor and the product name, container contents when full, container capacity, container material or any other factor considered relevant by the Authority. This should address any doubt about the meaning of "class of containers".

69—Approval of collection depots and super collectors

Section 69 prohibits a person from operating a collection depot or carrying on a business as a super collector without the approval of the Authority. The Authority may, in determining beverage container approvals, consider factors including whether the applicant has in place suitable collection and recycling arrangements, and whether the parties to those arrangements have in place effective dispute resolution processes.

Further provisions in this section include standard natural justice provisions protecting a person should the Authority seek to refuse an application for approval, vary an approval or vary or revoke a condition or impose a further condition.

69A—Annual fees and returns for collection depots and super collectors

Section 69A sets out the requirements for lodgement of annual returns and payment of annual fees by holders of approvals to operate collection depots or to carry on business as super collectors.

69B—Sale and supply of beverages in containers

Under section 69B it will be unlawful—

- for a retailer to sell a beverage in a container unless it is an approved category A or B container bearing the approved refund marking;
- for any person—
  - to supply a beverage in a container to a retailer; or
  - to sell a beverage in a container for consumption,

  unless it is an approved category A or B container bearing the approved refund marking;
- for any person—
  - to supply a beverage in a container bearing a refund marking to a distributor or retailer; or
  - to sell a beverage for consumption in a container bearing a refund marking,

  knowing that there is no waste management arrangement in place in relation to the container.

69C—Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction

Section 69C(1) makes it an offence for a person who presents for refund, containers that the person knows or has reason to believe were not purchased in this State or another State or Territory having in force a corresponding law.

Section 69C(2) enables persons to whom containers are presented for refund to request any person presenting such containers to complete a declaration stating that he or she has no reason to believe that the containers were not purchased in this State or another State or Territory having in force a corresponding law.

However, if 3 000 or more containers are presented for refund by the same person, the person to whom the containers are presented must request such a declaration.

Subsection (4) requires persons who have requested declarations to keep all such declarations for a period of 3 years and to have them readily available for inspection during that time by an authorised officer.

69D—Offence to contravene condition of beverage container approval

This section makes it an offence to contravene a condition of a beverage container approval (that is, any approval under Part 8 Division 2 of the Act).

11—Amendment of section 70—Retailers to pay refund amounts for empty category A containers

This clause amends section 70(1) by making a consequential drafting change to section 70(1)(a) and increasing the penalty and expiation fee for contravention of section 70(1).

Section 70(2) is expanded from its current form to enable a person to refuse to accept for refund, a container if—

- it is unclean; or
- the person reasonably believes the container was not purchased in this State or in a State or Territory having a corresponding law in force; or
- the person's request for a declaration under section 69C(2) or (3) has been refused.

12—Substitution of section 71

This clause deletes current section 71 and substitutes the following sections:

71—Collection depots to pay refund amounts for certain empty category B containers

This section expands the scope of current section 71 in a similar way as the amendments to section 70(2), albeit with application to operators of approved collection depots.

71A—Manner of payment of refund amounts

This new section requires persons to pay refund amounts, in the case of a reverse vending machine—in cash, by credit note redeemable for cash or in a manner prescribed by regulation, or, in any other case—in cash.

13—Amendment of section 72—Certain containers prohibited

This clause amends section 72 by increasing the maximum penalties for contravention of subsections (3) and (4).

14—Repeal of Part 8, Division 3

This clause repeals Division 3 of Part 8 of the principal Act (Division 3 deals with Ozone Protection and is now considered to be sufficiently covered by Commonwealth legislation).

15—Amendment of section 94—Registration of environment protection orders in relation to land

Section 94 of the principal Act already extends the power to register environment protection orders to administering agencies. This amendment requires an administering agency that has registered an environment protection order to notify owners and occupiers of the land of the registration and of their obligations under section 94(4).

16—Amendment of section 101—Registration of clean-up orders or clean-up authorisations in relation to land

This clause amends section 101 to include references to administering agencies. The amendment enables administering agencies to register clean-up orders.

17—Amendment of section 102—Action on non-compliance with clean-up order

Section 102 is amended to include references to administering agencies. This amendment gives administering agencies the power to take action for non-compliance with a clean-up order.

18—Amendment of section 103—Recovery of costs and expenses

Section 103 is amended to include references to administering agencies and to make provision for the recovery of costs and expenses by administering agencies in respect of registration or cancellation of registration of a clean-up order or authorisation.

19—Amendment of section 106—Appeals to Court

This clause amends section 106 by including a right of appeal—

- for an applicant for a beverage container against a decision by the Authority to refuse the application or to impose a condition of approval; and
- for the holder of a beverage container approval against a decision by the Authority varying the approval or varying or imposing a condition of the approval or revoking the approval.

20—Substitution of section 115

This clause deletes and substitutes section 115.

115—Delegations

Proposed section 115 expands the delegation power by enabling a power or function delegated by the Authority to be further delegated.

21—Amendment of section 118—Service

This consequential amendment broadens the scope of section 118 to cover service of notices under Part 8 Division 2.

22—Amendment of Schedule 1—Prescribed activities of environmental significance

This clause amends Schedule 1 of the Act to exempt from the requirement to have a licence under the Act the holder of an approval to operate a collection depot and the holder of an approval to carry on business as a super collector.

Schedule 1—Transitional provisions

1—Interpretation

This clause provides that the definition of *principal Act*, for Schedule 1 transitional provisions, is the *Environment Protection Act 1993*.

2—Classes of containers approved under repealed provisions

This clause continues approvals of category A and category B containers in force under the current system as approvals under the proposed system subject to the provisions of the Bill.

3—Refund markings approved under repealed provisions

This clause continues an approval of a refund marking in force under the current system as if it were a marking specified by the Authority as a condition of approval under proposed section 68 subject to the provisions of the Bill.

4—Continuation of collection depot approvals

This clause continues approvals of collection depots in force under the current system as approvals under the proposed system subject to the provisions of the Bill.

5—Super collectors

This clause entitles persons who were, immediately before the commencement of the provisions in this Bill, carrying on business as a super collector, on application and payment to the Authority of the prescribed fee, to the grant of approval under section 69 of the principal Act as amended by this Bill to carry on business as a super collector subject to conditions determined by the Authority.

Debate adjourned on motion of Mr Pengilly.

CONTROLLED SUBSTANCES (CONTROLLED DRUGS, PRECURSORS AND CANNABIS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

CORRECTIONAL SERVICES (APPLICATION OF TRUTH IN SENTENCING) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 18:08 the house adjourned until Wednesday 23 July 2008 at 14:00.