HOUSE OF ASSEMBLY

Thursday 16 September 2010

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:31 and read prayers.

LOBBYING AND MINISTERIAL ACCOUNTABILITY BILL

The Hon. R.B. SUCH (Fisher) (10:32): Obtained leave and introduced a bill for an act to provide for the disclosure of lobbying of senior public officials, to make unlawful the holding and trading of certain property by serving ministers, to regulate the post-ministerial employment of ministers and ministerial advisers; and for other purposes. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:32): I move:

That this bill be now read a second time.

Members who were in this place in the previous session may recall that I introduced this bill on, I think, 13 November 2008, from memory. I will not take up much time this morning, but I will summarise what this bill seeks to do. This bill establishes a register for lobbyists by an act of parliament. We know that there is a government register, which came into force on 1 December 2009, but it was not established by an act of parliament.

The government register and code of practice do not provide for any penalties for breaches of the code or the register, and my bill does. My bill contains penalties for breaches of the act by those lobbyists who behave inappropriately. I think it is important that, if you are going to be fair dinkum about controlling what lobbyists do, you must have some mechanism for penalties and inappropriate behaviour. This bill prohibits the payment of success fees.

We have heard about what has happened in Queensland, where lobbyists and others have been given special payments when they have been able to, in effect, influence the government in its decision-making. I do not believe that that is appropriate. I think that can lead to corrupt practices. Finally, this bill no longer establishes a code of practice as this is already in place, so there is no need to establish a code.

I think we need this measure. I am not saying that current lobbyists behave inappropriately, but I think it is important to have a mechanism in place with penalties to help ensure that lobbyists do not engage in inappropriate behaviour and that ministers or ministerial advisers do not leave their positions to immediately become part of an organisation or company—or as an individual—and use inside information they gained in their position as minister or ministerial adviser for their financial benefit. I commend the bill to the house and ask members to support it.

Debate adjourned on motion of Mr Sibbons.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (END OF LIFE ARRANGEMENTS) AMENDMENT BILL

The Hon. S.W. KEY (Ashford) (10:36): Obtained leave and introduced a bill for an act to amend the Consent to Medical Treatment and Palliative Care Act 1995. Read a first time.

The Hon. S.W. KEY (Ashford) (10:36): I move:

That this bill be now read a second time.

It is with great pleasure that I rise to introduce the Consent to Medical Treatment and Palliative Care (End of Life Arrangements) Amendment Bill 2010. On my part, the bill is a product of many years of research and study overseas of both law and practice (including two visits to the Netherlands where voluntary euthanasia has been lawful for many years), the advice of leading South Australian doctors, people suffering from terminal and other incurable conditions, ministers of religion, lawyers, many people out there in South Australia who have taken the time to write to me and other members of both this house and the Legislative Council, and emails that I have received more recently supporting the move for an option of voluntary euthanasia.

I have received some letters—very few, I might add—raising concerns about the option of voluntary euthanasia, but, by far, there have been hundreds that have actually supported this move. Another concern in the community is the recognition of a human right not to die a death of needless pain, suffering and indignity.

The bill seeks to give effect to the wishes of more than 80 per cent of South Australians who support the legal regulation of voluntary euthanasia. It is based on the compassionate principle that no person with a terminal illness, or anyone who is suffering from an illness or injury to an extent that it makes life intolerable, should be forced by law to continue that suffering. I say that the bill seeks to regulate voluntary euthanasia, because, as we all know—or should know—many doctors do, with compassion, assist people who are faced with unbearable suffering to terminate their lives in as peaceful and dignified a manner as possible.

Doctors and the patients they seek to assist should have an appropriate legal regime with all possible safeguards, so that doctors (and those who assist them) do not risk their livelihoods and freedom by providing a compassionate medical service. The law should establish procedures to regulate voluntary euthanasia that are open and transparent. It should provide legal protection when voluntary euthanasia is done in accordance with the law and severe penalties when it is done outside of the law. It should also provide carefully thought out comprehensive and practical safeguards. I believe that this bill does achieve the right balance between the right of people not to be forced into needless suffering and the public interest in protecting the rights of vulnerable people.

I would like to make some brief remarks about the provisions. Medical conditions: the first issue is the conditions under which people may make a request to a doctor for voluntary euthanasia. An adult person of sound mind may make either an active or an advance request for voluntary euthanasia to be administered in a very limited range of circumstances and in accordance with a comprehensive series of safeguards. Active requests for voluntary euthanasia may be made by adults of sound mind who are suffering from the terminal stage of a terminal illness or an illness, injury or other medical condition (other than a mental illness) that irreversibly impairs the person's quality of life so that life has become intolerable to that person. The person must consult two doctors, at least one of whom is a specialist in the relevant area of medicine of which the person is suffering. All possible forms of treatment and palliative care must be explained to the person and, if there is any indication that the person is not of sound mind or is acting under the influence of another person, a psychiatrist must be consulted.

In the case of advance requests, an adult person of sound mind may make an advance request for her or his life to be terminated by a doctor in the event that, at some time in the future, they permanently lose consciousness. The person must consult and be examined by two doctors and, if either believes the person is not of sound mind or acting under duress, incentive or undue influence, they must refer the person to a psychiatrist. An advance request cannot lead to voluntary euthanasia being administered until the person permanently loses consciousness.

The second issue is the medical conditions that are excluded. Only one medical condition is expressly excluded. Mental illness will not be grounds for making a request for voluntary euthanasia. Mental illness is increasingly treatable, including in the most serious cases by a range of medications and evolving technologies. Unfortunately mental health is grossly underfunded, so this is an area that we really need to look at. Only a person of sound mind can make a request for voluntary euthanasia in this bill, so it is simply not possible for a mental illness to be a ground under my bill.

There are two other conditions that are excluded but they are not in the bill; these are old age and disability. They are not listed in the bill because, if you read clauses 35 and 36, they are not within the definitions. There is confusion and misunderstanding about voluntary euthanasia, so I want to make it plain: in my bill, neither old age nor disability are the terminal stage of a terminal illness nor are they illnesses or injuries that irreversibly impair a person's quality of life so that life becomes intolerable. They are not within the definitions and, therefore, not grounds for a person to request voluntary euthanasia.

The third main issue is the means by which the doctor may administer voluntary euthanasia. Provided the person meets the stringent eligibility criteria, and all of the safeguards have been complied with, then a doctor may end the person's life by the administration of drugs in quantities likely to end life, prescribing such drugs for the person to self-administer, or by the withdrawal or withholding of medical treatment. If a person does self-administer the drugs, then the doctor must remain in the premises while they are being taken or else retrieve them.

The fourth provision in this bill, which I wish to talk about this morning, is a proposed Voluntary Euthanasia Board of South Australia. The board will comprise seven members, of whom at least three must be medical practitioners and two must be legal practitioners of at least seven

years' standing. The board will employ a registrar, who must receive and place on the register all requests for voluntary euthanasia before they can become valid requests.

The board will have the power to inquire into any requests for voluntary euthanasia on the application of the person who is making the request, of either of the two doctors consulted, the psychiatrist (if relevant), the person's treating doctor, or the doctor proposing to administer VE. The board will also have powers to inquire into a request on its own motion or referred to it by the registrar.

It will have the powers to confirm, deny or vary any request for voluntary euthanasia and refer questions of law to the Supreme Court of South Australia. Appeals against orders or declarations of the board may be made to the Supreme Court of South Australia on the application of the person making the request, the person's treating practitioner to whom the request was made, either of the two doctors who examine the person, the registrar of the voluntary euthanasia board of South Australia, or a nominee of any of the above-named persons.

One of the areas I am keen to make sure is in the bill is penalties for breaches of the law. The most significant of these is up to 20 years' imprisonment for people who make false or misleading statements or engage in other wrongful conduct that leads to the death of a person and, in certain cases, automatic loss of any interest a person might otherwise have in the person's estate.

A number of safeguards are also included in my bill. One in particular that I think it is important to stress is that no person with an interest in a person's estate may be a witness to the request for voluntary euthanasia, nor may any owner, operator, employee or agent of a nursing home or similar institution in which a person is resident.

There is a provision for only reasonable costs to be charged for administering or assisting in the administration of voluntary euthanasia. No for-profit voluntary euthanasia facilities may be established. Insurance companies will be prohibited from offering to fund voluntary euthanasia, unless first asked by the insured person.

There is a residency requirement of 12 months, which will ensure that only South Australian residents are to apply for voluntary euthanasia. Interpreters must be available for any person whose first language is not English, and there is also a provision in my bill for when someone is unable to write or confirm their wish in the normal way. There is an opportunity for a video or filming facility for that person so that there is a record of their decision.

There are protections for doctors, nurses and others who do not wish to be involved in the administration of voluntary euthanasia and protections for those who are prepared to be involved. The bill protects the right of any person to refuse to participate or assist in the administration of voluntary euthanasia. It also protects any medical practitioner or other person who does administer or assist with the administration of voluntary euthanasia.

Some opponents will argue that this bill is the start of a slippery slope; others will fear that, once a person is allowed to make a request, for the doctor to end their life, the next step will be to allow doctors to end the life of people without their consent. My bill does not allow for that. The evidence from jurisdictions where voluntary euthanasia is legal, including the Netherlands, Belgium, Luxembourg and Oregon, is that there is no slippery slope. In fact, one major study shows higher rates of non-voluntary euthanasia in Australia than in the Netherlands. If there is a slippery slope, then parliament would have to vote for it. I will not vote for it, and I do not imagine anyone else in parliament would either. The slippery slope argument is really scaremongering.

I am advised that it might not be possible to reliably estimate the number of Australians who would exercise their right to choose the time of a peaceful, dignified and possible death. However, if we compared South Australia with Belgium—and my bill is closer to the Belgian model than any other model—perhaps a maximum of about 80 people per year would exercise their right to have voluntary euthanasia administered. I think it would give those people suffering in South Australia a choice. I commend the bill to the house, and 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

This clause is formal.

2—Commencement

This measure will commence on the making of a proclamation by the Governor, or, should that not happen within 6 months of assent, it will commence on the 6 month anniversary of assent.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Consent to Medical Treatment and

Palliative Care Act 1995

4—Amendment of long title

This clause amends the long title to reflect the fact that the scope of the Act is broadened by this measure.

5—Amendment of section 1—Short title

The short title of the Act is amended to reflect the changed scope of the Act.

6—Amendment of section 3—Objects

This clause inserts new paragraph (d) into section 3 of the Act, setting out the objects of the Act as amended by this measure.

7—Insertion of Part 2 Division A1

This clause inserts new Part 2 Division A1, consisting of new section 5A, which provides that Part 2 of the Act, dealing with medical treatment, does not apply to, or in relation to, medical treatment consisting of the administration of voluntary euthanasia to a person, and contains relocated section 18 of the current Act.

8—Amendment of section 14—Register

This clause makes a consequential amendment following the insertion of new Part 4 Division 2.

9—Repeal of section 18

This clause repeals section 18, as the provisions of that section are now to be found in new section 5A.

10—Substitution of Part 4

This clause substitutes Part 4 of the current Act (currently only a regulation making power) to insert a new Part 4 dealing with the end of life arrangements of certain people as follows:

Part 4—End of life arrangements

Division 1—Preliminary

18—Interpretation

This section defines key terms used in the Part.

19—Object and principles

This clause sets out the objects and principles of the Part.

20—Approval of interpreters

An interpreter of a particular language, in relation to interpreting and translating services required under the Part (for example, in relation to making a request for voluntary euthanasia), must ordinarily be a person accredited as a translator or interpreter (or both) in that language by the National Accreditation Authority for Translators and Interpreters Ltd. However, if such a person is not reasonably available, then the Minister may approve a person to act as the requisite interpreter in relation to a particular request.

Division 2—End of life arrangements other than voluntary euthanasia

21—Refusal of future medical treatment so as to bring about death

This section allows an adult person of sound mind to give an anticipatory direction that he or she refuses to consent to certain medical treatment, and further that he or she be allowed to die. The direction only enlivens if the person is incapable of making decisions about medical treatment when the question of administering the treatment arises. The section also makes procedural provisions in respect of such a direction.

22—False or misleading statements

It is an offence for a person to make a false or misleading statement in, or in relation to, a direction under new section 21. The maximum penalty for such an offence is, where a person has died as a consequence of the statement, 20 years imprisonment. In any other case, the maximum penalty is 10 years imprisonment.

Division 3—Voluntary euthanasia

Subdivision 1—Administration

23—Establishment of Board

24—Composition of Board

25—Terms and conditions of membership

26—Presiding member

27—Functions of Board

28—Board's procedures

29—Conflict of interest etc

These clauses establish the Voluntary Euthanasia Board of South Australia, and deal with matters related to the establishment etc of the Board. The Board has the function of advising the Minister and is to carry out any other functions assigned to it under the Act or by the Minister. Of particular note is the conferral of powers to conduct inquiries, and make declarations and orders, under section 41. However, the Board is not required to inquire into or approve each request for voluntary euthanasia, rather it only acts in relation to a particular request following an application for a declaration, or following an inquiry (whether the inquiry was a result of an application for a declaration or was conducted on the Board's own motion).

30—Other staff of Board

The Board will have such staff as it thinks necessary, and may make use of the services or staff of an administrative unit of the Public Service under an arrangement with the relevant Minister.

31—Annual report

The Board is required to prepare an annual report into its work in the preceding financial year. This report must be laid before both Houses of Parliament.

Subdivision 2—Register

32—Registrar of Board

This section establishes that there is to be a Registrar of the Board.

33—Register

This section requires the Registrar to keep a register that contains the specified information in relation to each request for voluntary euthanasia.

The section also sets out what must happen should the Registrar become aware of a revocation or purported revocation of a request for voluntary euthanasia.

34—Registrar may require information

This section enables the Registrar (for the purpose of preparing and administering the Register) to require a person to provide the Registrar with such information as the Registrar may require.

Subdivision 3—Voluntary euthanasia

35—Active requests

This section provides for the making of active requests for voluntary euthanasia.

Subsection (1) sets out who can make an active request.

Subsection (3) sets out matters that must be complied with in making a request, including the information that must be given to the person making the request, the medical examinations or consultations that must occur (there must be a minimum of 2 independent examinations, 1 of which must be conducted by a specialist in the relevant area of medicine) and a requirement that the applicant be resident of this State for 12 months prior to making a request or have made a current request under the law of another jurisdiction.

The section sets out a requirement that, if the request practitioner or specialist practitioner suspects that the person is not of sound mind, or their decision making ability is affected by their state of mind, or they are acting under duress, inducement or undue influence, the person must consult a psychiatrist and obtain a certificate as to specified matters prior to making their request.

The section further sets out procedural matters in respect of making a request where the person is not able to write, or is not fluent in English.

The section sets out requirements as to the form that a request must take, and the documents that must accompany it.

An active request has effect from the time that it is entered on the Register (that is to say the Board or the Registrar is not required to approve the request before it takes effect) and remains in force until it is revoked.

36—Advance requests

This section provides for the making of advance requests for voluntary euthanasia to be administered should the person who made the request suffer a permanent deprivation of consciousness.

The requirements in relation to making an advance request are largely the same as for active requests, with the difference being that, because a person need not be suffering an illness etc at the time of making the request, the second doctor is not a specialist, rather their role is to independently consider the person's soundness of mind, whether their decision making ability is affected by their state of mind, or whether they are acting under duress or inducement.

37—Request form etc to be forwarded to Registrar

This section requires the medical practitioner who accepts a request for voluntary euthanasia to forward the specified forms, documents and records to the Registrar. Failure to do so, without reasonable excuse, is an offence.

38—Variation of requests

This section provides that a request for voluntary euthanasia may be varied with the authority of the Board. However, a request cannot be varied if the proposed variation significantly changes the nature of the request.

39—Interaction between requests

A person's request for voluntary euthanasia revokes all earlier requests for voluntary euthanasia made by the person.

40—Revocation of requests

This section sets out how a request for voluntary euthanasia can be revoked. A person's request will be taken to be revoked should the person make any indication whatsoever that he or she wishes to revoke the request, whether or not the person is mentally competent at the time the indication is given.

The clause then sets out the responsibilities of medical practitioners and others to advise the Registrar upon the person becoming aware of a revocation. It is an offence carrying a maximum penalty of up to 20 years imprisonment for a medical practitioner or other person to refuse or fail, without reasonable excuse, to comply with a requirement under this section.

Subdivision 4—Board declarations and orders

41—Board declarations and orders

This section sets out the powers and functions of the Board insofar as they relate to the Board's ability to make declarations and orders.

The Board may, on the application of a person of a kind specified in subsection (1) but not otherwise, make declarations of the following kind under subsection (2):

(a) a declaration that a person who made a request is, or is not, a person to whom section 35 applies;

(b) in the case of an advance request—a declaration that a person who made a request is suffering from a permanent deprivation of consciousness;

(c) a declaration that a condition specified in the request has, or has not, been satisfied;

(d) a declaration that a requirement under this Act in relation to the making of the request has, or has not, been satisfied.

Medical practitioners who may administer voluntary euthanasia to a patient, and other persons specified in subsection (1), can seek a declaration so as to provide certainty in respect of actions they may take in relation to the administration of voluntary euthanasia.

The Board may also make the kinds of orders set out in subsection (7). Unlike the declarations, the Board can make these orders following inquiries undertaken on the Board's own motion, in addition to inquiries arising out of an application for a declaration under the section. Failure to comply with an order under the section is an offence carrying a maximum penalty of up to 20 years imprisonment.

The section does not, however, require the Board to inquire into every request for voluntary euthanasia.

The section further sets out procedural matters in relation to the consideration of applications, including requiring matters to be heard as a matter of urgency, and not be open to the public.

42—Powers of Board in relation to witnesses etc

This section is a standard provision setting out the powers of the Board in relation to witnesses, including the power to require persons to appear before, and documents to be provided to, the Board.

Witnesses before the Board have the same protections as witnesses in proceedings before the Supreme Court.

43—Access to Board records

The persons specified in section 41(1) can inspect records of proceedings of the Board in respect of a declaration under section 41. Other people can only inspect the records if the Supreme Court authorises them to do so.

Subdivision 5—Appeal

44—Right of appeal to Supreme Court

This section sets out appeal rights to the Supreme Court in respect of declarations or orders under section 41. Only the persons specified in section 41(1) can institute such an appeal.

Subdivision 6—Administration of voluntary euthanasia

45—Administration of voluntary euthanasia

This section sets out when and how a medical practitioner may administer voluntary euthanasia. Subsection (1) provides a list of matters that must be satisfied before voluntary euthanasia can be administered to a person.

Subsection (2) sets out the methods by which voluntary euthanasia may be administered.

The provision also sets out procedural matters relating to the administration of voluntary euthanasia, including the handling by medical practitioners of drugs used, or intended for use, in the administration of voluntary euthanasia, and a requirement that the medical practitioner administering voluntary euthanasia examine the person to whom voluntary euthanasia has been administered to ensure the person has died.

46—Report to State Coroner

This section requires a medical practitioner who has administered voluntary euthanasia to a person to submit a report to the State Coroner, and sets out what the report must contain.

The State Coroner must forward a copy of the report to the Board.

Subdivision 7—Offences

47—Undue influence etc

It is an offence for a person to induce another to make a request for voluntary euthanasia by means of dishonesty or undue influence. The maximum penalty is up to 20 years imprisonment (where a person has died as a result of the inducement).

48—False or misleading statements

It is an offence for a person to make a false or misleading statement in relation to a request for voluntary euthanasia. The maximum penalty is up to 20 years imprisonment (where a person has died as a result of the statement).

49—Limitation of fees

This section prevents a medical practitioner or other person from receiving fees in relation to requests for, and administration of, voluntary euthanasia that exceed the reasonable costs they have incurred in relation to their actions.

Should a person be convicted of an offence against the section, a court can require them to account for any fees received in contravention of the section.

Division 4—Miscellaneous

50—Certain persons to forfeit interest in estate

This section provides that a person who commits an offence against new section 47 automatically forfeits any interest they may have in the estate of the person who was induced by them to make a request for voluntary euthanasia.

Similarly, a court has the discretion to order, on the application of the prosecution, that a person who commits an offence against new section 40(4) or 48 forfeit any interest they may have in the estate of the person who made a request for voluntary euthanasia as a result of their conduct.

51—Protection from liability

This clause confers immunity from civil or criminal liability on a person for an act or omission done or made in good faith, without negligence and in accordance with a direction under new section 21.

Similarly, persons involved in, or in relation to, a request for, or the administration of, voluntary euthanasia incur no liability of the kinds, and in the circumstances, set out in subsection (2).

The protections under the section extend to disciplinary or similar proceedings.

52—Imputation of conduct or state of mind of officer etc

This provision imputes the conduct and state of mind of an officer, employee or agent of a body corporate, or an employee or agent of a natural person, to the body corporate or person. This allows the body corporate or natural person to be held accountable for the actions of their employees etc to the extent that they were acting within their usual or ostensible authority.

However, there is a defence available to the body corporate or natural person if they prove that the alleged contravention did not result from any failure on the defendant's part to take all reasonable and practicable measures to prevent the contravention or contraventions of the same or a similar nature.

53—Liability of directors

This section extends the liability of a body corporate, in relation to a particular offence committed by the body corporate, to each of its directors (except where the principal offence did not result from failure on the director's part to take reasonable care to prevent the commission of the offence).

54—Cause of death

Subsection (1) is a restatement of current section 17(3).

This section provides that, where voluntary euthanasia is administered to a person, the cause of death will be taken to be the underlying illness, injury or medical condition, and not suicide or homicide.

55—Insurance

This section prevents an insurer who may be liable to make payment under a life insurance policy following the death of a person from refusing to make the payment simply because treatment was withdrawn etc in accordance with a direction under new section 21, or because voluntary euthanasia was administered to the person.

It is an offence for an insurer to ask a person to disclose whether they have made a request for voluntary euthanasia.

Moreover, an insurer must not, in any way, encourage or promote voluntary euthanasia as alternative to other treatment. A person convicted of an offence against this provision will be liable to up to 5 years imprisonment if they are a natural person, or a fine of $600,000 if they are a body corporate.

Finally, subsection (5) provides that the section applies despite any agreement to the contrary between an insurer and a person.

56—Person may decline to administer or assist the administration of voluntary euthanasia

This section makes it clear that a person who does not wish to take any part in relation to voluntary euthanasia can do so without suffering adverse consequences, whether to their employment or otherwise.

However, certain institutions need to advise prospective patients or residents before they enter the institution that they will refuse permission to administer voluntary euthanasia on the premises (and must give the patient the name of an institution that does permit voluntary euthanasia to be administered), This will assist the patient to choose whether or not to enter the institution.

57—Victimisation

This section is a standard victimisation provision preventing people who take part in a request for, or administration of, voluntary euthanasia in accordance with the Act from being victimised for doing so. What constitutes victimisation or detriment is set out in subsection (4).

58—Review of Part by Minister

This section requires the Minister to cause a review of the operation of new Part 4 to be conducted within 2 years of its commencement, and for the report to be laid before both Houses of Parliament.

Part 5—Miscellaneous

59—Confidentiality

This is a standard confidentiality provisions protecting the privacy of information gathered in the course of the administration of the Act.

60—Service

This section is a standard provision setting out how service of documents etc may be effected.

61—Regulations

This clause provides a regulation-making power for the Act (as amended by this measure) that is consistent with modern drafting practice.

Schedule 1—Active request form

This Schedule sets out requirements in respect of the contents of an active request form.

Schedule 2—Advance request form

This Schedule sets out requirements in respect of the contents of an advance request form.

Debate adjourned on motion of Mr Williams.

MARINE PARKS (PARLIAMENTARY SCRUTINY) AMENDMENT BILL

Ms CHAPMAN (Bragg) (10:50): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: Near to the close of business last night—in fact, a few minutes before 6 o'clock—the house was considering the marine parks bill. In the course of that debate I made a contribution, and in that contribution I indicated that I had forwarded correspondence to the former minister responsible for the then department for environment and heritage, followed by further correspondence since the election to the current minister, the Hon. Paul Caica. The minister requested that I provide copies of that correspondence.

I rise to advise the house that, in fact, that correspondence went to the previous director of the coast and marine conservation branch of the then department for environment and heritage, and subsequently to an officer of the department and not the minister. So I advise the house that the correspondence was sent to the department and not to the minister. I have copies of that correspondence, which I will make available to the Hon. Paul Caica.

SHOP TRADING HOURS (RUNDLE MALL TOURIST PRECINCT) AMENDMENT BILL

Ms SANDERSON (Adelaide) (10:52): Obtained leave and introduced a bill for an act to amend the Shop Trading Hours Act 1977. Read a first time.

Ms SANDERSON (Adelaide) (10:53): I move:

That this bill be now read a second time.

As the member for Adelaide I rise today to speak to a bill that will support our CBD tourism hub and recognise the importance of Rundle Mall to South Australian tourism by designating Rundle Mall as a tourist precinct. In so many ways Rundle Mall already is a tourist precinct. It is visited by 23 million visitors a year; 85 per cent of tourists to the city visit the mall, and about 70 per cent of cruise ship passengers (45,000 in total in the 2009-10 cruise ship season) also visit the mall.

So, given the importance of Rundle Mall as a tourist destination, I am sure that all members here share my embarrassment when they realise that one of those cruise ships docked here and unloaded coaches full of tourists to an empty Rundle Mall. Why was Rundle Mall empty? It was empty because it was the Adelaide Cup public holiday. For many international tourists this was their introduction to, and lasting memory of, Adelaide.

The retail community has been demanding a partial relaxation of shop trading hours on a selection of public holidays for Rundle Mall for some years. At present, smaller shops (known as 'exempt shops') which are less than 200 square metres in the mall and throughout the state are able to open; however, without the larger stores in Rundle Mall also having the ability to open many smaller traders will not consider opening their businesses.

Although it is estimated that 60 per cent of businesses on the mall are small and therefore could open, not many of these are freestanding and most of them are connected to anchor stores such as the Myer Centre. For example, in the Myer Centre, without the Myer store opening the 50 other specialty shops would be unlikely to open, and this is compounded by the fact that there are also several other stores in the Myer Centre that are non-exempt. These include Rebel Sport, Dick Smith, Toyworld and Lincraft, to name a few.

The same could be said of the Adelaide Central Plaza: without David Jones opening it is unlikely that the 40 other specialty stores would open, and it would not be economically viable. This is the case for the City Cross. Without Harvey Norman or Amart opening the smaller specialty stores are also unlikely to open, and it goes on.

Most people when thinking of stores affected by the 200 square metre size limit think only of the major department stores of Myer, David Jones and Harris Scarfe. However, many others in this category are affected—JB Hi-Fi, Harvey Norman, Amart, Just Jeans, Target, Toys 'R' Us, Spotlight, Lincraft, Cheap as Chips, Rebel Sport, Dick Smith, Rivers, Tempt, Toy World, the Reject Shop and others.

Rundle Mall is home to over 700 retail stores, 200 service providers and 15 unique arcades and shopping centres. Without the pulling power of the larger stores, the small stores are less likely to open as it would not be economically viable. The larger stores are the ones that run the television and newspaper ads that inform us of the opening hours, and they have the sales. They send out the catalogues and flyers and, in doing so, promote the whole precinct.

This bill will allow all stores in the mall and surrounding arcades to open, thus creating a vibrant heart of our city that will stimulate spending and tourism to Adelaide. This will link our mall with the North Terrace cultural boulevard in which both the state government and the Adelaide City Council have invested a large amount of capital to improve and encourage people to visit our state icons, such as the South Australian Museum, the Art Gallery of South Australia, the State Library, the Mortlock Library, Ayres House Museum, Adelaide Festival Centre, the Migration Museum and the Botanical Gardens.

Similar legislation was introduced by the Hon. Robert Lawson MLC in the other place in 2000 which recognised Jetty Road, Glenelg, as a tourist precinct under the act. This legislation was passed and afforded Jetty Road, Glenelg, the opportunity to trade with greater flexibility of trading hours, thus realising that, as a tourist area, Jetty Road required flexibility to cater to tourists' needs.

At the time, the Jetty Road bill had the support of both parties, and I hope that this bill relating to Rundle Mall will be afforded the same consideration. The term 'tourist precinct' has no defined meaning, however, for the purposes of the Jetty Road proposal, it was taken to mean a discrete locality frequented by tourists which has substantial accommodation and other tourist facilities, restaurants and shops.

Based on these determinants, Rundle Mall easily surpasses the figures used in determining Jetty Road as a tourist precinct. To give members a few examples, as far as accommodation is concerned: Glenelg, 1,500 rooms; Adelaide, 4,725 rooms. In terms of visitors for events to Glenelg, 400,000; and Adelaide, 2.654 million. The number of businesses in Glenelg, 285; and Rundle Mall, 700 retail specialty stores. Rundle Mall also has 136 restaurants and cafés, delis and take-away food, and far more tourist attractions as already listed.

The mall would still be closed on the religious days, such as Christmas, Good Friday and Easter Sunday, and on the morning of ANZAC Day. However, on public holidays, such as Labor Day on 4 October (coming up), as well as the Glendi Festival in Adelaide on 2 and 3 October, why not keep the tourists who are here—the country and interstate visitors—and have our city open so that they can stay on and shop?

The same could be said on Australia Day when we have over 25,000 people in the city for the procession and the concert in Elder Park. Why not open our city for all these people while they are here? What if it is hot and they need a hat, or they get sore feet and want some thongs, or it rains and they need an umbrella? Why not give them that opportunity to shop? The Adelaide Cup holiday is also at the end of the Adelaide Fringe which runs to 13 March and which has an estimated one million visitors, and WOMADelaide which also finishes on 13 March.

Why not, when we have a public holiday the day after, take advantage of that and have your shops open so that all the visitors who have come to Adelaide from interstate, the country and overseas can stay on and extend their holiday? This bill will allow for a carefully delineated precinct to be created, which is bordered by King William Street to the west, Grenfell Street to the south, North Terrace to the north and Pulteney Street to the east.

By making this a designated tourist precinct, Rundle Mall will develop a stronger connection with our refurbished North Terrace boulevard and our cultural tourist attractions as previously mentioned. As a business owner myself of 16 years, the opportunity to open when there are lots of customers around and increase your turnover is very desirable. Should owners not want

to work on a public holiday, their casual staff may be happy to. Alternatively, they can determine to close or open only on some of the days; this is up to them.

Under my bill, shops cannot be forced to open on a public holiday. However, as a business owner, it is very unwise not to take advantage of such an opportunity. An example of this currently working is the Myer Centre. Currently, it is not compulsory to open on a Sunday. However, on speaking to the centre management, approximately 95 per cent of the stores do choose to open of their own will, and the same opportunity will be given to them on non-religious public holidays.

Tourism figures from December 2009 show we had 715,000 intrastate (country visitors) to Adelaide for the year, along with 1.347 million interstate visitors and 328,000 overseas visitors. By adding seven trading days on premium days that are accessible to full-time workers, interstate, overseas and country visitors, this is potentially worth $24.36 million to the South Australian economy.

I was a casual sales assistant in Myer Rundle Mall for six years while studying. I would have welcomed the extra hours, and I am confident that many of the casual staff would be happy to work weekends and take up the extra days work. Christmas casuals are currently being interviewed, so should this bill be passed, they would be kept on after their Christmas trading to make use of the public holidays. Full-time staff would still only have a 38-hour week. Under my bill they cannot be forced to work on public holidays. Should they choose to work on a public holiday, they can within their 38-hour week or negotiate for overtime.

After consulting with store managers of Myer, David Jones and Harris Scarfe, I feel confident that staff will not be coerced to work. I have been made aware that the current enterprise bargaining agreements negotiated by the Shop, Distributive and Allied Employees' Association with major department stores have two parts. The existing or original EBA for those employed more than two years ago states that full-time staff are not required to work on public holidays. Part 2, for people employed in the last two years, does include the possibility of working public holidays, thus they are already aware of that possibility and their union negotiated on this basis. After speaking with several large employers, several are surveying their staff to see how many would be interested in working and they are discussing it with new casuals who are currently being taken on for the Christmas period.

With a high youth unemployment, more employment opportunities need to be made available for our youth. With a bipartisan approach, this may go a small way in reducing our youth unemployment. The retail industry is particularly suited to youth as their key trading times are outside traditional study hours. It is also fortuitous that the SDA is currently negotiating the enterprise bargaining agreements for the next three years, and therefore, if they want more security to protect existing full-time workers, they have the opportunity to do something about it now.

This bill is all about making Adelaide a vibrant city, a destination that appeals to intrastate, interstate and overseas visitors, a place which we can all be proud of and finally shake off our backwater status. This is not about removing people from their families. This is about choice: the choice to work and earn penalty rates; the choice to do business when the business owner chooses; and the choice to shop out of standard working hours. To protect the integrity of this bill and ensure that staff are not forced to work against their will, I am prepared to offer a sunset clause where we do a full review of the bill to see how it has affected all stakeholders.

As the member for Adelaide, I have been heavily lobbied to have Rundle Mall made a designated tourist zone. I have consulted widely and extensively with all ages both from within and outside my electorate. I have met with small business owners, store managers of large retailers, the Tourism Industry Council, city workers, shoppers and sales assistants. I believe this bill provides a balanced approach for invigorating the heart of our city whilst protecting staff and shop owners. Some of the people I have consulted with include the South Australian Tourism Industry Council, the Adelaide City Council, the Rundle Mall Management Authority, the Storemen and Packers ex-union officer, Myer, David Jones, Harris Scarfe, Business SA, State Retailers Association, Shop, Distributive and Allied Employees' Association. We have thousands of signatures of support for this bill on a petition that will be submitted to parliament shortly.

During debate in this house on Tuesday, the member for Davenport also made the point in regard to the gambling legislation that it is currently okay for hotels and casinos to trade how they like and have their staff work all hours, even though these are known places of harm, yet we restrict shopping which has no harmful effects.

The Adelaide City Council's submission in 2006 'For the review of shop trading hours legislation in South Australia' states:

> Similarly, from a tourist point of view, the city must be an open and lively shopfront to the state that showcases and provides access to all the attractions of the state. The city can no longer afford to remain closed on public holidays or for extended periods depending on those days and where those days fall. More importantly, tourists and consumers should not have to put up with a city that is closed, particularly during periods where they have time to shop at their leisure. In short, the notion that a city remains closed at peak trading and holiday periods no longer seems a sustainable position. It is clearly time to move on.

In closing, this bill seeks to take advantage of the visitors that are here for festivals on public holidays by opening Rundle Mall. It seeks to assist to reduce youth unemployment, to provide greater links between our North Terrace cultural boulevard, and Rundle Mall and, most importantly, this bill is about formally and deservedly recognising Rundle Mall as a tourist asset to Adelaide and South Australia as a whole.

Debate adjourned on motion of Mrs Geraghty.

CIVIL LIABILITY (CHARITABLE DONATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May 2010.)

Mrs VLAHOS (Taylor) (11:07): The Civil Liability Act gives immunity from liability to donors of food to charities so that they cannot be sued if the food causes injury or loss. This bill expands that immunity to donors of all goods and services. The government is not satisfied that this bill is necessary or that the overall benefit is justified, so the bill is to be opposed. I stand before you today to speak on that.

It is important to distinguish this proposal from that which was passed in the last parliament relating to food donations. That amendment was considered reasonably safe because the commercial preparation and the sale of food is so stringently regulated. It is also considered safe because it has a short lifespan. The risk that food prepared by caterers, restaurants and other food businesses will pose a health hazard is therefore small.

The risk with newly-manufactured goods is probably also not large, but it would seem more likely that the goods being donated are likely to be older. Imperishable goods may be used for many years before they are donated. There is no control over their use or safety during these years and the legal regime that gave parliament the confidence to relax the liability of donated food is simply not there for second-hand goods.

For example, a child restraint seat or 'baby seat', as they are commonly known, could potentially be donated to a charity with laudable intent but with serious consequences. How would the charity know if the child restraint has been in a vehicle that has experienced a motor vehicle accident and, therefore, made the item unsafe? The physical absence of damage does not guarantee that the seat is safe for a child to use nor should it be sold on as second-hand goods.

The government consulted widely on this proposal last year, including writing directly to about 30 organisations. There was not widespread support for the idea, certainly not without a lot more work to show that it would produce the positive effects that would outweigh any potential harm. The South Australian Council of Social Service expressed its concern about the falling rate of donations to charities. While the government shares this concern, it does not see that this bill is the right way to go about fixing this problem.

First, people who rely on donated goods and services should expect an appropriate level of protection under the law, taking into account the nature of the goods and services. As SACOSS pointed out, donation of goods that pose minimal risk to the end user would probably be unaffected by the donor being granted immunity from liability. End users should be protected from donations of goods that pose a significant risk to them.

Secondly, there appears to be no evidence advanced by the mover that donations would increase if the bill were passed. This is in contrast to the food donor amendment agreed to in the last parliament, where there was a good reason to believe that a change in the law would produce a positive difference. Similar laws were working in other states. Food businesses are regulated under other laws, and charities thought it would increase donations while still protecting consumers. No other state or territory extends the same immunity to donors of other goods and services.

Thirdly, in relation to the provision of services by professionals and tradespersons, immunity from civil liability would mean that they would face no consequences for malpractice or inadequate work. In its response to the government, the Law Society indicated it was unlikely that immunity would lead to more of its members donating their services because lawyers are still required to be insured and hold professional obligations to their clients whether or not the clients themselves pay for the services.

The Office of Consumer and Business Affairs said that similar considerations apply to tradespersons. The duty of care owed by those carrying out services to do a thorough and safe job cannot simply be waived by virtue of the service being rendered as to a charitable end. Many other people who donate their services are already protected from immunity under the Volunteers Protection Act 2001. The act transfers liability from volunteers and community organisations to the organisation itself. So, the volunteer is protected and so is the person who is injured by his or her actions.

Not only is there no evidence that the donations of goods and services would increase, there is reason to believe that charities would be worse off under the proposal. There is no expectation that the insurance premiums for donors would decrease according to the Insurance Council. Another submission suggested that insurance costs might actually go up. More than one submission expressed concern that more unwanted goods would be foisted and dumped on charities.

This is a bill born out of noble motives, but consultation with charities and other related and interested parties indicate that there is insufficient support for the government to agree to pass it into law. Concerns about the provisions of the bill are such that it is possible that the bill could do more harm than good and, for this reason, I rise to oppose this motion today.

The Hon. R.B. SUCH (Fisher) (11:12): I will just make a brief contribution. I believe the member for Davenport's intentions are well founded, and he is to be commended for that. It may be that the bill needs to be tweaked a bit. However, I think it is important that, if people want to support those less fortunate, they do not have the fear of legal action hanging over their head.

The bill, in its entirety, covers aspects where there is no immunity if someone is knowingly or recklessly indifferent, and so it goes on. There are safeguards built into the bill, so someone cannot be completely indifferent to the welfare of others and reckless in the provision of goods or services. I think the intention is well founded, but it is clear that the government is not going to support it, so it is not going to get up. There could be some adjustments, and, if it is voted down, I would urge the member for Davenport to rework it a little bit and bring it back.

The Hon. I.F. EVANS (Davenport) (11:14): I thank the member for Fisher for his comments and support. I am disappointed that the government is so bloody-minded in its politics that it refuses to engage in any consultation or amendment to this particular bill. Let me walk through the hypocrisy of the government's position. The government's position is that food retailers and restaurants can be immune from liability if they donate food for a charitable purpose on the basis that they are not reckless or knowingly unsafe.

We all know that in South Australia we have had a number of people die through food poisoning, so donating food is actually a risk. However, the government has decided that that risk is so low that people can donate food, as long as they are not reckless or it is in an unsafe manner—that is fine. The opposition supports that proposition because we support the non-profit sector and the charitable sector.

However, this government is so myopic in its view that it says every other form of donation is a higher risk than that—every other donation. Even the donation of a service, such as legal advice or advice, is such a risk that we cannot make the donation liability-free on the same basis, that it is done in a manner that is knowingly unsafe or recklessly indifferent. Well, go and talk to your charitable groups.

An honourable member interjecting:

The Hon. I.F. EVANS: No, go and talk to them. The government said it consulted widely. It sent out 30 letters and got six responses, and most of those were from government agencies. Get in the cars that the public servants and your ministerial advisers have and go out and talk to the charities. They will tell you that they are finding it extraordinarily hard to get volunteers and to get donations. Why is that? Because we have burdened that sector, like all other sectors, with lots

of regulations and people are scared that if they get involved they will be sued—to make a donation, there will be a liability.

The honourable member, unfortunately, I know, has read someone else's speech. It is on the record as hers, but it was done by the minister's office and passed through. It is the same speech that the member for Morialta made in response last time I introduced this bill. So nothing against the member for giving the speech; it is the government's position. However, the reality is that if you are a licensed plumber or builder the court considers that in the question of whether you acted recklessly, indifferently or in an unsafe manner because you have a higher level of qualification.

Go out and talk to the groups: Lions, Rotary, Apex or the Salvation Army. Talk to them about how easy it is to get volunteers and donations, and they will tell you that they are in trouble. If food retailers can donate food and have a restricted liability because they do not do it in an unsafe or a recklessly indifferent manner, why not any other donation? There is no reason at all. Have a look at what your own Minister for Volunteers said about this legislation in that submission to the government's own review. Have a look at what that office said. They actually said there were some positives, as I recall, about this legislation.

The model I have adopted is not Iain Evans's model, it is the government's model. It is the exact wording for any other form of donation as food donation. It simply makes no sense that you can exempt food donors from liability but you cannot exempt the local plumber who is helping the pensioner, or the local Rotary club that is helping someone with accommodation, re-roofing their house, painting their living room, or whatever they are doing. All that great charity work goes on every day of the week, but those groups are saying that they need help. All I am saying to the parliament is that we should put them on the same footing as the government puts food donations; it simply makes no sense.

I know I am going to lose the vote; the government has the numbers. I make the offer to the government: I am happy to meet with them and reintroduce the legislation in an amended form. The offer has been there for a year. The Attorney-General knows my number, and I am happy to meet any time. This is a reform that will help South Australians. I think it is politically stupid of the government once again to snub its nose at the offer to help our charitable and volunteer sectors.

Second reading negatived.

FREEDOM OF INFORMATION (FEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May 2010.)

Mr KENYON (Newland) (11:20): The government opposes the opposition's bill to amend the Freedom of Information Act. The idea of this amendment has been pulled from the recent amendments to the commonwealth's Freedom of Information Act and, while the member for Bragg mentioned the commonwealth's FOI amendments, I can advise that these amendments come from the recommendations of the 1995 joint Australian Law Reform Commission and Administrative Review Council's 'Open government' report.

In this government's first term of office we introduced FOI reform amendments that not only delivered on many of the recommendations in that report but also went much further. South Australia is still the only Australian jurisdiction to have such a generous deal for members of parliament in providing a $1,000 threshold before they incur any fees or charges. While the commonwealth has committed to providing professional journalists with five hours of free FOI processing, this has not been extended to its MPs.

The member for Bragg has failed to convince this government as to why it should now single out another group for special treatment. The argument put forward is that professional journalists are responsible for keeping the public informed. Attention grabbing headlines and bold claims seem to be the important tools of trade rather than providing the public with factual information. The public gets factual information directly through FOI rather than through an intermediary and not a story designed to sell publications.

I also note that the proposed bill does not attempt to define 'professional journalist'. This will present difficulties in determining who is, and who is not, a professional journalist. The member for Bragg, in her speech supporting this amendment, made a number of statements that require correction. While the member for Bragg claims that less information is being released under FOI, I

am advised that the statistics are clear: more information than ever before (not less) is being released. In 2000-01, 6,583 applicants received documents under FOI while in 2008-09 it was 9,805 documents—nearly a 50 per cent increase.

The member for Bragg also makes claims that the Ombudsman's annual report made mention of the over-application of the cabinet exemption. I am advised that nowhere does the Ombudsman make this claim. Last year this government made the bold step of reducing the cabinet exemption from 20 years to 10. South Australia is leading the way. The member for Bragg claims FOI officers are subject to a hugely oppressive list of guidelines. I am advised that there are five. FOI officers welcome the guidelines for the assistance they provide in applying the legislation. You cannot dispense with guidelines, it seems to me, but the member for Bragg may think we should.

The member for Bragg claims that the cost of applying for information under FOI for journalists is onerous. I am advised that in the last financial year the media made 81 applications and paid a total of nearly $2,000 in fees. The average cost per application of less than $25 is hardly onerous. The cost of administering each year in South Australia is conservatively estimated to be $5 million—South Australian taxpayers' money. Since the free processing threshold for MPs was raised to $1,000 in 2005, the number of applications from MPs has increased by 2,000 per cent. Applications from the media have dropped to be less than a third of their 2006 levels, yet information provided to MPs via FOI is regularly reported in South Australian media. It looks to me like the media and their professional journalists are already getting their applications for free via opposition MPs, which is quite enterprising really, isn't it?

Ms Chapman also alluded to the number of reforms in respect of the commonwealth FOI legislation and indicated she would say more about this at another time. I am not quite sure what that will be but, as I mentioned earlier, many of the reforms only just introduced by the commonwealth came into force in South Australia during this government's first term of office. One such reform was to abolish conclusive certificates. This government abolished them in 2005. This government did not wait nearly 30 years to introduce reforms to FOI, as did the commonwealth, so I reject the criticisms of the member for Bragg and point out that South Australia leads the nation in FOI reform, and others are trying to catch up.

This government can see no logical reason why it should agree to this bill, and the member for Bragg has provided no sensible reason why privileged access should be provided to only one interest group.

Mr PEDERICK (Hammond) (11:24): I rise to support the member for Bragg and the Freedom of Information (Fees) Amendment Bill 2010. I think it is a bill that we need so that we can get access, or at least some more access, to information that we should be able to get, even at this stage.

The South Australian access to information held by government is provided under the Freedom of Information Act 1991. This provides a legally enforceable right by members of the public to have access to documents held by government, restricted by public interest exception and a preservation of personal privacy. There is a schedule of exempt documents including cabinet, Executive Council, intergovernmental documents and those affecting law enforcement and public safety.

There are government guidelines that are effective from 1 January 2005, which are on the State Records website, which include notifying the minister of any application which is 'significant and/or sensitive'. You have to question where the independence is with this.

Cabinet submissions and documents, pursuant to the Premier's announcement on 12 August 2009, can now be disclosed after 10 years. This came into effect on 1 October 2009, under schedule 1 of the act. A cabinet document less than 20 years old is an exempt document and, under section 20 of the act, the agency may refuse access solely on that basis. The announcement was a policy change only and there has been no legislative amendment to enforce this change. When the federal parliament amended their legislation to effect the release of cabinet documents between 20 and 30 years of the exempt protection, they did so by legislative amendment.

Almost contemporaneous with the Premier's claim to be in charge of an open and transparent government, and by publication in the gazette on 20 August 2009, minister Gago introduced regulations to exempt agencies in respect of the investigation of the Burnside Council. Under protection of this regulation are the investigator Ken MacPherson, the PIRSA department,

the Minister for State and Local Government Relations and the Department of Planning and Local Government—regardless of whether the information was created and/or received before or after the commencement of the appropriate regulations.

Pursuant to an FOI application to ascertain who made the request for this regulation—as ministers Gago and Weatherill have claimed it was by Ken MacPherson, to protect people who may wish to give evidence to the inquiry but were fearful of retribution—no documents have been produced confirming this. As the inquiry, after approaching nearly $1 million in costs, is apparently closing, I will monitor the lifting of this regulation—according to the member for Bragg—for the broad exemption of these departments and offices.

On 27 May 2010 the member for Bragg introduced this bill to fulfil an election promise from the Liberal Party. The bill provides for the removal of fees for freedom of information applications submitted by journalists, if the application can be dealt with in less than five hours. The debate has been adjourned. Surprise, surprise! We believe the government will remain opposed to this bill.

In relation to the federal government approach to freedom of information, the Rudd Labor opposition claimed it would reform the Freedom of Information Act 1982 (Commonwealth) to promote a pro-disclosure culture and more openness in government. There was a small legislative reform in late 2008, which was more about process than openness. The state legislation was modelled on the commonwealth legislation passed in 1982 and all Australian states and the Australian Capital Territory have adopted similar legislation.

A national consultation was undertaken for the release of a draft Freedom of Information Amendment (Reform) Bill 2009, which was ultimately introduced and passed in the federal parliament. Additionally, a separate bill providing for the Information Commissioner was also passed. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

NATIVE FLORA AND FAUNA

The Hon. R.B. SUCH (Fisher) (11:30): I move:

That this house urges the state government, in partnership with the federal government, local government and non-government agencies, to significantly expand its commitment to the protection of South Australia's unique flora and fauna.

I will start by pointing out that our record in South Australia in regard to the protection of flora and fauna is not good: in fact, it is bad, and I will give some statistics.

Before I do so, I note that there has been a lot of focus recently on climate change, which is important, and carbon tax, carbon offsets and so on. Whilst that is very important—and I am not a climate denier in any way, shape or form—it is like focusing on the roof on your house and not worrying about what is inside. If you are not careful, you might bring about a change in relation to climate but in the process lose the biodiversity underneath that environmental roof.

Looking at the statistics, approximately 97 per cent of pre-European settlement vegetation on the Adelaide Plains has been removed. In the other regions of the state, less than 15 per cent is left in the Mount Lofty Ranges region, much of which is compromised by weeds and other forms of impact. The City of Onkaparinga council area, which is generally regarded as having significant vegetation, has less than 9 per cent left, and the City of Mitcham, one of the council areas that has a significantly higher coverage of native vegetation because of the hills face zone and some of its very sensible policies and attempts to protect the vegetation, has a coverage of about 27 per cent.

Land clearance rates in South Australia show why we have so little left. In the decade between 1980 and 1990, 28,800 hectares a year were cleared, which reduced to 1,370 hectares per year in the period 1991-95. That is a welcome reduction, but by that stage much of the damage had already been done. I acknowledge that governments over time have brought in things such as heritage agreements with farmers and that there has been a change of attitude amongst most of our farming community, who recognise that it is important to protect biodiversity.

What we have now in South Australia is a predicted increase in the number of threatened plant species, as a percentage of all known plant species, from 20 per cent in 1998 rising to 36 per cent in 2006. That is a significant and worrying increase in threatened plant species. Approximately 25 per cent of all native plants and animals recorded in South Australia are considered to be threatened due to historical loss of habitat, and 63 per cent of mammals are considered to be threatened.

I can go on by highlighting some of those statistics, and they are backed up by the details relating to extinct fauna in South Australia. There are 17 examples there, sadly. I will not use their technical name, I will just use their common name. These are just some that are extinct: the eastern bettong, the brush-tailed bettong, the desert rat-kangaroo, the pig-footed bandicoot, the white-footed rabbit-rat, the Kangaroo Island emu, the Rufous hare wallaby, the eastern hare wallaby, the lesser stick-nest rat, the Tammar wallaby (although that, I think, has been brought back to one of our islands), the Toolache wallaby, the lesser bilby, the short-tailed hopping-mouse, the long-tailed hopping-mouse, the crescent nail-tail wallaby, the desert bandicoot, Gould's mouse and the grey groundsel. That is 17, and more are under threat.

Looking at endangered fauna in South Australia—and, again, I will not list them all—there are 23. Their common names are: the Regent honeyeater, the blue whale, the red-tailed black-cockatoo, the glossy black-cockatoo (there are two variations: the Kangaroo Island one and the general South Australian one), the spot-tailed quoll, the northern royal albatross, the Amsterdam albatross, the southern right whale and the swift parrot, and the list goes on. I will not read them all out.

When one looks at endangered flora in South Australia, that list numbers something like 37. It includes: the chalky wattle, jumping-jack wattle, flat-leaved wattle, Spiller's wattle, Whibley wattle, Mount Compass oak-bush, white-beauty spider orchid, pink-lipped spider orchid, and many other orchids, and so on, which are in danger of becoming extinct.

The protection of native flora and fauna in South Australia to some extent has gone off the radar. When people talk about protecting the environment, there are different facets to it, but we all know, if we understand ecology, that all aspects of the environment are interrelated and interdependent. Some people seem to take a long time to understand that when we talk about the web of life we are talking about that interdependence and interrelatedness, and ultimately everyone is connected with the total environment.

When people say 'save the environment', you are going to have an environment of one kind or another, the question is: what is it going to comprise? You can have an environment which is not ideal but you will still have an environment. You never permanently save the environment because it is constantly under challenge from a whole lot of areas and it is always under threat.

The government has a 'no species loss' policy, but that seems to get swept aside when the government is looking at things such as planning legislation and other measures. I stress to the government, and I think there is also a message in here for the Liberal Party, that there are a lot of people in the community who do care about the natural environment. If the Liberal Party wants to win the metropolitan area it must develop its environmental credentials and be seen as being pro-environment.

Over time there have been people in the Liberal Party who have been passionate about the natural environment. Brookman was quite passionate, and we have had many others in recent times, such as David Wotton. I think it is very important that the Liberal Party not just be seen as pro-environment but that it embraces aspects of protecting the natural environment because, if it ever wants to win government and win the metropolitan area, we now have a generation that has been brought up with a greater understanding of the environment (imperfect as it may be) and is looking carefully at what the parties are offering in terms of protecting the environment—and I think the recent federal election highlights that.

The Greens' vote has gone up substantially, and I will predict that it will keep rising. I do not agree with all the policies of the Greens—I think that, in relation to nuclear energy, they are taking a bit of a luddite approach. I think that the major parties kid themselves if they do not understand that the community at large is putting increasing importance on the environment and that, by definition, has to include protecting native fauna and flora.

I have often been on the hobbyhorse about trying to get the Adelaide City Council to do more in terms of promoting our indigenous flora, particularly that which is endemic to the Adelaide Plain. I am not against planting exotics. I think I have exotics in my front yard and backyard—but we have some fantastic native plants which we could be showcasing in the City of Adelaide for tourists and others and because they have a lot of environmental aspects to them. I think the challenge is to get a better balance in the area of the City of Adelaide, much more like what they have done in Perth where they do celebrate using their local kangaroo paw and other flora to highlight the natural resources and attributes of Western Australia.

I am sure we will see it today in the budget. I am sure there will be a cut to the Department for Environment and Heritage, and so they will be less able to manage the reserves and so on they have. It is important to set aside nature reserves in parks of one kind or another, but you have to manage those areas against weeds, undertake cool burns and so on. I have an inkling, from what I have heard, that the budget today will reveal more cuts to the Department for Environment and Heritage. That runs counter to the claim of the government that it is committed to a no species loss.

What we have sometimes is a focus on certain creatures like dolphins. They are nice creatures—I do not know them personally. However, because they supposedly represent human attributes, we take a particular liking to certain creatures—whales and dolphins—because we are told that they are intelligent. We like koalas because, presumably, they look like some people in our community, but other equally important fauna do not get a look-in. Although, I have been heartened to hear in talking to farmers (and I have a lot to do with people in rural areas) that there is a greater understanding now of the importance of a whole range of our native fauna and flora. They understand better than I think ever before the inter-relationship, and that if you destroy habitat, you have destroyed the fauna that could live there.

So, we have what appears to be an unusual approach. We say that you cannot export native fauna because we will deplete the stocks and so on, but, at the same time, we allow the destruction of the habitat which gets rid of them absolutely and totally. We have a long way to go in South Australia. I am heartened by the excellent work done by people in Trees For Life with their bushcare sites, Nature Foundation, Nature Conservation Society—I support both of those groups—and there are other groups as well. We have people like Dr Paton at Adelaide university and Professor Chris Daniels, top people who are really committed to trying to protect what little is left of South Australia's flora and fauna.

People might not think it is a sexy topic, but it is a fundamental one. We are going to be judged harshly in the future if we allow this list of threatened native plants and animals to increase and to add to the animals and plants that are already extinct in South Australia. We have one of the worst environmental records in the world of any nation. We go around talking about how we are committed to the environment, but the record in South Australia is absolutely appalling, and if you look at some areas such as the Mid North and the Yorke Peninsula—and we know it was largely ignorance—there are a lot of absolutely bare areas which have been denuded of the flora and therefore the fauna on a large scale. We can try to revegetate some of that, but you cannot revegetate something which has developed over millions of years.

Planting a tree to replace something that has evolved in an area over millions of years is just fanciful. It does not mean you should not do it, but that is the second-best option. The best option is to protect the remnant vegetation and the remnant fauna in the first place, rather than try to come back with a patch-up job later.

I commend the motion to the house, and I trust that both the major parties and others in here will take on board this very serious situation and ensure that future generations can appreciate and enjoy the fantastic fauna and flora in this state.

Debate adjourned on motion of Mrs Geraghty.

NANOMATERIALS REGULATION

The Hon. R.B. SUCH (Fisher) (11:46): I move:

That this house, whilst acknowledging the possible potential benefits of using nanomaterials, urges the state and federal governments to develop a comprehensive and effective regulating regime to oversee research, implementation and labelling of nanomaterials.

We are talking here about nanomaterials, and they are very small indeed—even smaller than the grey matter that I possess. To give members an idea of what we are talking about, we are talking about dimensions of 10^{-9} which is pretty small. Things do not come much smaller than nanomaterials, which represent a nanometre or one-millionth of a millimetre across. By comparison, a human hair (for those of us who have still a few) has a diameter of 80,000 nanometres.

Mr Venning: Are you reflecting on my head?

The Hon. R.B. SUCH: No, I think the reflection was coming off the wall. When we are talking about nanoparticles, we are talking about things that are very, very small. They occur in nature and, in fact, if you manipulate the molecules, you change the object because, at the end of

the day, it is the arrangement of the molecular structure that determines whether you have got a brick or a piece of wood.

People might ask: why is this significant? It is because nanoparticles are increasingly being used in all sorts of things, such as being put into food and into cosmetics—although I do not use a lot of cosmetics because I was born naturally beautiful. There are about 800 items—

Members interjecting:

The Hon. R.B. SUCH: Did someone move to get that struck from the record? That is very unfair. I do use aftershave balm, and I think you can tell how supple my skin is.

Members interjecting:

The DEPUTY SPEAKER: I do not think we need to talk about the way he smells. Please carry on.

The Hon. R.B. SUCH: These nanoparticles are now in 800 everyday items. Members here might actually be surprised that they are actually consuming these things and the concern, and I will elaborate on this in a moment, is that there is not adequate regulation or even labelling in relation to the use of these things. Where are they? They are in things like building materials, cosmetics, sunscreens and, increasingly, in a whole range of other products. We do not know the long-term consequences of materials that small. Our body's organs are not used to dealing with particles that small.

One of the cosmetic companies, L'Oréal, has some patents in relation to additives to cosmetics. We don't know the long-term consequences, and we do not know even the short-term consequences of people ingesting some of this material. In fact, Dr Maxine McCall from the CSIRO says, 'Researchers do not yet know how to detect and trace nanoparticles in the human body or in the environment.' Yet, people are consuming them, putting them on their skin, and eating them. An ice-cream is being developed—I do not know whether it is on the market at the moment—using a food additive based on nanomaterials which will be low in fat but which will have the same texture and flavour as full fat ice cream. I am not anti nanotechnology and I am not anti the use of nanomaterials. What I am concerned about is that we lack, in my view, an adequate structure and organisations to oversee what is happening.

The Therapeutic Goods Administration, which is responsible for drug oversight in Australia, is the main body looking at nanotechnology and health. Food Standards Australia New Zealand, the Australian Pesticides and Veterinary Medicines Authority and the National Industrial Chemicals Notification Assessment Scheme all have an active interest. Supposedly, these bodies are coordinated through an intergovernmental body known as the Health, Safety and Environment Working Group. From a consumer product point of view, the key regulatory agency is the Australian Competition and Consumer Commission. That all sounds fine, but I do not believe that any of those agencies are currently monitoring, regulating or ensuring labelling of a level which would satisfy the concerns that many experts in the field have indicated.

According to research by Craig Cormick, who is the Manager of Public Awareness and Community Engagement for the federal government's National Enabling Technologies Strategy, the level of public knowledge about nanotechnology is fairly low, even while there is a broad acceptance of the possible benefits.

On the medical side, while most people support nanotechnology uses, there is a split amongst stakeholder groups about regulation. Some patient advocacy groups want a cautious approach, pointing to past cases where a new technology has been introduced without careful examination and has caused serious adverse consequences. Other groups that focus on fatal diseases take the view that the creation of a new regulatory structure would impede the introduction of potentially life-saving therapies.

With any new era in technology you will get people who are for and against. We can see that in relation to nuclear energy, for instance. Looking on the positive side, nanotechnology offers a fantastic range of possibilities. Combining it with some new biotechnology initiatives, it is not implausible to imagine that it will not be long before we will be able to restore people's sight, cure paraplegia, and have little instruments within the body monitoring hormone levels and doing other wonderful things. So, the potential is there.

It is not pie in the sky dreaming. I have met with people such as Professor Stephen Lincoln at Adelaide University and also researchers at Flinders University who are working in areas of

nanotechnology. What is exciting about nanotechnology is that it goes beyond one traditional discipline. It is not exclusive to chemistry, it is not exclusive to physics; it goes beyond those traditional boundaries.

What are some of the other possible benefits? I have been told by researchers who have been developing oils for vehicles, for example, that, with impregnated nanoparticles, the lubricants are so good that if you drained out the lubricant with the nanoparticles—and they usually test them on a BMW engine; I am not sure why, but it is obviously a good product—the engine would run for literally hours, because the particles have impregnated the metal parts (the moving parts), so you do not get the wear and tear. If you drained normal oil out of an engine it would seize up pretty quickly.

There are other things that are being developed, and naturally the military are very interested because of the potential. With nanomaterials you can impregnate, say, shirts so police officers cannot be stabbed because the knife will not be able to penetrate the fabric. I mentioned before the French cosmetics giant L'Oreal. They are using nanoparticles in cosmetics and, increasingly, they are being put into things like sunscreens, but, as I have already indicated, there are some concerns about that.

I am involved with the Australian Melanoma Research Foundation, and one of their members is Professor Brendon Coventry, who is a surgeon as well as an expert in skin cancers, melanomas and the like. The point he keeps emphasising is that whatever you put on your skin goes into your body. So if you are putting a cosmetic or a sunscreen on that has nanomaterials in it, where we do not know the long-term or short-term consequences, the regulatory standards are pretty rubbery and the labelling does not tell people anything about potential risk, those nanoparticles will go through your body and be able to get into any organ of your body, and here we are allowing this to happen without adequate and appropriate monitoring standards.

In fact, some experts have indicated that they regard inappropriate use of nanoparticles as having a similar consequence as asbestos fibres that have given rise to mesothelioma. So we are not talking about minor or trivial issues here; we are talking about very serious matters. I would challenge people in here who have used some of these products: are they aware of what they are taking into their body? I would venture to suggest that most people have no idea that they are eating nanomaterials, or putting them on their skin, and yet we do not have at the federal or state level an adequate handle on the long-term implications and consequences of that sort of usage.

To summarise, the potential for nanotechnology is fantastic. We now have special microscopes that can examine particles at this incredibly small level and we can rearrange those molecules to create different products, but we are still at the early stage in terms of having a proper and adequate regime. I met with Dr Neal Blewett, who is conducting the review of labelling laws for COAG, and pointed out the deficiencies as I see them in terms of labelling related to nanomaterials, and that was something that he was going to take up as part of his investigation and report.

What we have on the one hand is fantastic potential and opportunities for health issues, restoring people's sight through combining with biotech initiatives—all sorts of wonderful things that can happen in the future. What I am saying is let us make sure that all of the 800 everyday items we are already using meet proper standards, that we have a look at the long and the short-term implications, so that we do not find out down the track, as tragically happened to people in the asbestos industry, that these nanoparticles, used inappropriately, have caused ill health and other problems for people. Like any technology, used wisely and correctly, it can have fantastic benefits, but if we do not use it correctly and wisely, if there is no proper regulation and labelling, then I think we are headed for potential trouble down the track.

Debate adjourned on motion of Mrs Geraghty.

HEALTH BUDGET

Ms CHAPMAN (Bragg) (12:00): I move:

That this house—

(a) condemns the Australian Labor Party for committing to cancel Medicare funding for services provided by psychologists and social workers; and

(b) expresses disappointment at Labor's failure to address mental health issues which has resulted in the resignation of Professor John Mendoza from the position of Chair of the National Advisory Council on Mental Health.

Today is budget day. When the Rudd federal government announced its budget—at least on time, because this one is about five months late in South Australia—there were a number of reforms that met with resistance, it is fair to say, in the health area across Australia. Some of the reviews that are undertaken, for which sometimes funding is lost or reduced, are perfectly justified; others are identified and highlighted and governments do a bit of a backflip on them because they realise that they are completely erroneous. At other times they are bizarre and dangerous, and that is the category in which I put this.

It is fair to say that when the federal budget came down on health matters, there was going to be a major change in respect to the recovery of funding for people who have cataract operations, based on the fact that under new medical procedures the professionals involved are able to do them much more quickly. Therefore, I think it was reasonable for the federal government to look at changing the available funding entitlement so as not to prejudice ultimately cataract operation recipients because there are many thousands of them across Australia. There was a bit of worry about that but, in fairness to the federal government, they sat down, considered the submissions that were put and changed their view. I suggest that has been reformed for the benefit of all parties.

Then, of course, we have the obstetrics and fertility issues which have also been in the media. Poor couples, who have no choice in fertility, are having to pay thousands of dollars more for reproductive treatment, and those who choose to have a private obstetrician face high obstetrics costs. These are young people in the main who are wanting to have families—and we are all trying to encourage that—who are facing an uphill battle. It is a very poor policy decision and a very poor aspect of the federal budget. But this one is the mother of all disasters—

The Hon. A. Koutsantonis interjecting:

Ms CHAPMAN: This one, on the federal budget, the mother of all disasters, is proposed to cancel the Medicare funding for services provided by psychologists and social workers. Members may recall that the previous the Howard government, with parliamentary secretary the Hon. Christopher Pyne, had announced a $1.9 billion package of measures to assist Australians with mental illness. That included being able to claim the cost of the services of psychologists and social workers on Medicare so that all Australians could afford to get ongoing help where they need.

You would think this would be something that state health ministers would have rushed to support, but they did not hear a peep out of them. In any event, it was a fantastic initiative; along with that, were the initiatives to establish 20 early psychosis intervention centres in major metropolitan and regional areas, to provide 800 beds for acute and subacute care to support the early psychosis intervention centres, and the funding of an additional 60 Headspace sites providing one-stop shops for young people to gain information and services relating to general health and wellbeing, mental health, and alcohol and drug services.

All members would be aware of the importance of early intervention and the significant impact that can have on avoiding the enormous human and financial cost of recurrent, repeat attendances of young people particularly with mental health problems at emergency departments at our major hospitals, causing an explosion of extra cost in those arenas and often disruption to the service delivery in those facilities. There is also the homelessness cost in these circumstances.

So, the benefits are obvious. The funding was there, the announcement had been made, and it was a very, very significant contribution. Indeed, Professor Pat McGorry had been appointed as the first head of the Youth Mental Health Initiative (known as 'headspace')—some would remember him as the Australian of the Year for 2010—and everything was set to go. Then the Labor government comes in and, under the Hon. Nicola Roxon in her role as Minister for Health in the Rudd government, we have this astonishing announcement that they will cancel the Medicare funding for services provided to psychologists and social workers.

So damaging was this to the bottom line of the provision of acutely needed services in the mental health area that we had an extraordinary event occurring, namely, the resignation of Professor John Mendoza from his position as the chair of the National Advisory Council on Mental Health.

So, we have the appointment to this important role and the work being undertaken. Then on 18 June this year, after the government's budget had been announced, we have the letter of resignation tendered by Professor Mendoza to the Hon. Nicola Roxon. He said, and I paraphrase that letter:

Dear Minister

It is with a deep sense of disappointment that I tender my resignation from the National Advisory Council on Mental Health.

He goes on to say:

As I and other members of Council have repeatedly indicated to you, the Council is seriously compromised in its stated mandate to provide timely independent advice to the Government.

He points out that he has undertaken a number of aspects of the council's work with clear diligence and with the high regard of other members of the council. Then he says:

However, it is now abundantly clear that there is no vision or commitment from the Rudd Government to mental health.

He goes on to say:

The Rudd Government is publicly claiming credit for the increased investment in mental health when almost all of this is a consequence of the work of the Howard Government. As the report released yesterday by the NSW Bureau of Crime Statistics...

and he quotes from the report:

'Australia's prisons are the repositories of the mentally ill, the drug and alcohol-addicted and the under-educated'.

He goes on to say:

The AIHW hospital data released this week also shows that unlike almost every other area of health, the number of hospital beds for mental health are declining by an average of almost 4 per cent a year.

He goes on to canvas the issues of the continued high rates of suicide and the damaging aspects of social exclusion for those who ultimately end up in those statistics and he concludes by saying:

I regarded my appointment as chair of NACMH as the most important public service responsibility of my life. However, I have now formed the view that my efforts to influence the development of improved mental health services and end the shameful neglect of those with mental health disorders will be better served in other roles.

What a sad day for Australia—and particularly for the mental health patients and sufferers in our community and their families and carers, on whose behalf Professor Mendoza had undertaken his responsibility and role—when this resignation was tendered.

This is not just an announcement by government which has implications socially and of which oppositions and other members of parliament make complaints or criticism. Those who are out there at the highest level as independent advocates, who have given a lifetime of service to the importance of these areas, who have commended an important initiative of the previous government and condemned the announcement earlier this year of the Rudd government, to see them resigning and moving away from this important national body, I think is a tragedy.

It is probably no surprise that we did not hear a squeak out of the state Minister for Health or from the minister for mental health at the time. To be fair to new members, I remind the house that at that time the minister for mental health was the Hon. Jane Lomax-Smith, who, of course, is no longer in the house, and the Minister for Health, who had overall responsibility, is the Hon. John Hill. There was not a squeak out of either of them or presentation to their federal colleagues in the Australian Labor Party to say, 'This just can't be done.'

What is interesting about that is that not only did we not hear from them, not only did they not make any public statement saying that that was not right, even when it came to the new agreement being negotiated with the federal government by the state health ministers there was still not a squeak about this issue being dealt with adequately in the new agreement. We still do not know what is in this new agreement or how it will work. We do know that the state government is expected to hand over 30 per cent of its revenue from GST in exchange for a commitment to a 60 per cent contribution on the overall health budget, but there are a whole lot of aspects of health that will move from one jurisdiction to another and for which there will be primary or shared responsibility, the detail of which we still do not know.

We had complaints by the minister for health during the Howard years that there had been a move away from 50:50 funding. Members might recall that we went through all that 'no blame' era for three years under the Rudd administration and then there was this magnificent agreement reached, about which we still do not know. What we do know is that Western Australia has had a good look at it and has said, 'No way; we're not signing up to that. We are much worse off.'

So apart from not resolving the blame game, we now have a funding formula which, hopefully, when we see the budget this afternoon, might indicate some joy. I hope I am wrong, but at this stage I think we will be badly stung. While GST money is raining in people do not seem to care, especially the Treasurer. He is just happy to spend it all. However, times come when things get tighter, when we have high unemployment and higher health needs, and we need financial management and an assurance that these agreements will improve.

In the meantime the state government has persisted in continuing to sell off 42 per cent of the Glenside Hospital site to build film corporations and allow for supermarkets, retail shopping precincts and private housing—all to go onto this land. The state government says we do not need to have this high level of acute beds at this facility anymore because it has put some out in the other general hospitals and because it is putting so much more into general community health.

If, in fact, that had been put in place before they started bulldozing buildings at the Glenside Hospital site we may have had some capacity to accept the government's good intentions in this regard. However, for the government to claim it will do that and then allow its own federal colleagues in Canberra to remove the opportunity for community mental health services to thrive and expand—namely, by allowing people to have a Medicare rebate by going to see their psychologist and social worker to, first, relieve the high level pressure on psychiatrists and other professionals and, secondly, to be able to treat families and patients affordably before they get to need acute care—is a complete mystery to me.

It is a complete mystery as to why we not only have the silence but also a continuation along this line, when the government's colleagues are really just extracting out the very basis we need to have security of and access to affordable health services for mental health patients. It is beyond belief that we have not had a tweak, let alone a tweet, out of the Minister for Health, who now has the total portfolio under this new administration, about this shameful abandonment of people in mental health across Australia. If members of the house are not keen to listen to me on it, they should read the letter that has come from Professor Mendoza, who makes abundantly clear the desperate situation that is out there and the disgraceful treatment by the federal Labor Party and its axing of this important service to assist our mentally unwell.

Mrs VLAHOS (Taylor) (12:15): I rise to oppose the motion. The government wishes to place on the record its response to some of the things that have been said by members on the other side of the house, particularly the member for Bragg.

On 1 November 2006, Medicare rebates were introduced to allow patients diagnosed with mental disorders to receive up to 12 individual and 12 group allied mental health services per calendar year. These items are part of the better access to psychiatrists, psychologists and general practitioners through the Medicare Benefits Schedule, Better Access initiative, which forms part of the Australian government's component of the Council of Australian Government's National Action for Mental Health 2006-11.

Allied mental health services that can be provided under this initiative include psychological therapy services provided by eligible clinical psychologists and Focussed Psychological Strategy services provided by eligible psychologists, social workers and occupational therapists. In the 2010-11 federal budget it was announced that, from 1 July 2010, social workers and occupational therapists would no longer be eligible to provide Medicare-rebated services under the Better Access initiative.

Access to these allied health practitioners will be transferred to another Australian government program under the Access to Allied Psychological Services (ATAPS) initiative, which will deliver new packages of care to people with severe mental illness living in our community.

On 19 May 2010 the federal Minister for Health and Ageing announced that the implementation of the new care package, and the associated changes to the Medicare Benefits Schedule items for occupational therapists and social workers, has subsequently been deferred until 1 April 2011. This was in response to ensure that future Better Access reforms were informed by the evaluation and the detailed design of care packages that can be developed in consultation with the professional groups mentioned. Until then, the current arrangements will stay in place.

Professor John Mendoza resigned from his position as Chair of the National Advisory Council on Mental Health on 18 June 2010. It is understood that Professor Mendoza cited a number of reasons for his resignation, including that the Australian government had no vision or commitment to mental health. The federal Minister for Health and Ageing rejected this assertion.

The federal Minister for Health and Ageing, when announcing the changes to the Better Access government program, stated that the Australian government was committed to reforming Australia's mental health care system so that it provides better integrated care to those most in need in our community.

The government of South Australia is also very committed to reforming mental health services. In response to the Social Inclusion Board's Stepping Up: A Social Inclusion Action Plan for Mental Health Reform 2007-12, the state government has committed an additional $107.9 million to the reforms. This additional funding is to implement the Stepping Up reform program, which takes the total investment to mental health services and infrastructure by the state government to over $300 million.

Significant improvements in mental health services have already been made and others are underway. These important changes will provide many of our vulnerable consumers and their carers with improved services to assist the recovery from mental health issues and illness. The state government has:

- completed a new strategic mental health bed plan to implement the new stepped system of care. Overall the plan will deliver 86 more adult beds and places across a variety of levels of care;
- completed new models of care for the stepped system of care;
- built three 20-bed community recovery centres in the western, northern and southern metropolitan areas;
- provided new funding for $36.8 million over four years to non-government organisations (NGO) to deliver community-based psychosocial services to mental health consumers. New service models have been designed in consultation with the NGO sector and new contracts commenced in April 2009;
- issued tenders for the construction of the first three 15-bed intermediate care facilities to be developed at Glenside, Noarlunga and Queenstown. Construction of the Glenside facility (which the member opposite is very passionate about) will be completed by mid-October 2010 and the Noarlunga facility is expected to be completed by late October 2010. Construction at Queenstown in the western metropolitan area is to be completed around May 2011. A search for a site in the northern metropolitan area is continuing and it is something which I am very passionate about. Intermediate care is a new model of care in the stepped system of care and it is important that we do it correctly;
- completed a review of community mental health and approved some $34 million to develop six community mental health centres across the metropolitan area. The first of the centres is currently under construction at Marion and will be completed in early 2011. The development of a second site in the eastern metropolitan area is anticipated to commence this year and be completed by July 2011. The other four facilities will be progressively completed in the 2012, 2013 calendar years;
- developed a new Youth First Episode Psychosis service to assist mental health staff provide early treatment to young people experiencing mental health for the first time;
- planning is also advanced for the development of the first 18 non-facility based intermediate care places in the country for the 2010-11 calendar year;
- under the Social Inclusion Board reforms, funding was provided for the development of 53 supported accommodation places across the metropolitan area. These will be developed by NGO community housing providers and are scheduled for completion by June 2011. Construction will commence on 20 supported accommodation units on the Glenside site during the 2010-11 calendar year and will be completed around mid-2011. Experienced non-government community mental health organisations have been selected to support these consumers. Once again, this is another new level of stepped care for these consumers;
- the Mental Health Bill was passed by the parliament in 2009 and the new Mental Health Act 2009 implemented on 1 July 2010. The new mental health legislation affirms the rights, dignity and civil liberties of mental health care patients and their carers, and aims to make it easier for patients to access treatment; and

- in April 2008, the government released a master plan for the Glenside campus. The plan outlined the development of a new, world-class 129-bed hospital for mental illness and substance abuse. Construction is expected to be completed by mid-2012.

These are just some of the many initiatives that the South Australian government has committed to improve the wellbeing of our vulnerable mental health consumers and their carers. We remain committed to the development of a modern, best practice mental health system for all South Australians, particularly those who are vulnerable or who have a history of mental health complaints.

Mr GARDNER (Morialta) (12:22): One of the great frustrations of being a new member of the opposition in this place is the difficulties we have in getting anything done when issues of public policy which concern us greatly arise, or, indeed, when matters which we raised during our election campaigns in our electorates come up. Being in opposition, of course, you can write to the minister, you can speak publicly about your concerns and you can raise ideas in this place, but getting anything done can often be like bashing your head against a wall.

I make those comments because the issue of mental health, I think, highlights for me the disappointment of the sort of futility of our position in opposition in many ways more than any other. Today we have a motion moved by the member for Bragg that this house condemns the Australian Labor Party for committing to cancel Medicare funding for services provided by psychologists and social workers; and expresses disappointment at Labor's failure to address mental health issues which has resulted in the resignation of Professor John Mendoza from the position of Chair of the National Advisory Council on Mental Health, and I support that motion.

I wish we could do more than move a motion. I wish we could do more than speak to this motion. It is deeply personally frustrating. I am sure that we will spend a great deal more time talking about what more needs to be done for mental health in this state in the years ahead and in the years that I hope to serve in this chamber, but, most importantly, we need to do more, and I urge those on the other side to do that. In particular, I urge them to speak up when the federal government makes extraordinary decisions such as this year's budget decision to cancel Medicare funding for services provided by psychologists and social workers.

When this decision was made in early 2006 and the Howard government provided support for psychological referrals for someone presenting with potentially the early signs of psychological problems or mental health problems, it was seen as a great step forward and it was found to be a great step forward for many Australians who were able to take advantage of these referrals.

In Australia, members would be aware that one in four Australians suffers from some sort of mental health problem. That means that, in every family, either mum or dad or the daughter or the son, chances are one of them is going to suffer from some sort of mental health difficulty, whether it be depression or anxiety or something more serious like schizophrenia. I would imagine that most members in this place, if not all, have a brother, a sister, a mother or father, a grandparent or a child who suffers from some sort of mental health problem.

The opportunity to access a referral to a psychologist from a GP has been of great assistance to many Australians and the curtailing of this opportunity is a cruel blow to all of us and it is a cruel blow to community wellbeing. As a primary concern, it is bad for Australia in terms of productivity. The loss of productivity in Australian due to people being unable to fulfil their potential as they are overwhelmed by their affliction is of great concern, and, more importantly, of great concern to our families.

I noted in the government member's response that the government seems to think that the new packages for severe mental health problems available under the Better Access program are sufficient to address the need in society and that the current Medicare funding for those referral services is unnecessary.

This was discussed by the National Advisory Council on Mental Health in the lead up to Professor Mendoza's resignation from that council as its chairman. I note that it was reported in *The Canberra Times* on 26 June:

> Most experts on the advisory council believe the program—

that is, the Better Access program—

> is sucking money from where it is needed—in services for growing numbers of mentally unwell young people—and that it is shutting out men, the poor and rural Australians.

It goes on to report:

> Federal Health Minister Nicola Roxon told ABC television this week a 'lot more' still had to be done in relation to mental health. 'But we believe some of the steps we are taking are good ones,' she said.

Well, some of the steps they are taking may be good ones but that does not excuse this extraordinary blight on this year's federal budget and this extraordinary wound that the federal Labor government has delivered to Australians dealing with mental illness and their families and all of those affected.

The resignation of John Mendoza should be a ringing bell to everybody who is concerned in government, whether it be state or federal government, about the shocking decision made by the federal government this year. I would urge those opposite to reconsider their opposition to this motion. This motion is all that we can do from opposition in relation to this matter, and if it can ring that bell for those in government to provide further services to those needing treatment for mental illness—and particularly in the early stages—then I think it is worthwhile. I urge all members to support this motion.

VISITORS

The ACTING SPEAKER (Mr Pengilly): Before calling the member for Bragg, can I advise members of the presence in the gallery today of students from St Joseph Primary School, Tranmere, who are guests of the Hon. Grace Portolesi and the Hon. John Gazzola. So, welcome along.

HEALTH BUDGET

Debate resumed.

Ms CHAPMAN (Bragg) (12:29): I thank the members who have contributed to the debate, and I will respond as follows. As I listened to what the member for Taylor has outlined in her contribution it reminded me of reading press releases from the government minister. I say this to all members of the house: when you receive letters from your constituents, whether they be a parent or a spouse of someone who is suffering from mental health issues, and you are not able to help them find adequate services, and when you read the statistics published annually which tell us that double the number of people die from suicide in this country than on the roads, and when you look at the reports from ministers who tell us all the wonderful things they are going to do, remember this day and this debate.

This is an opportunity for members to say to the government—the federal government in this instance—that it is not good enough to do something that is not only bad for people suffering from mental illness but also undermines the very projects that the government intends to introduce in this state, which the member for Taylor outlined, that is, the capacity to keep people out of acute services.

The reality is that the member for Taylor listed all the things that her government is going to be doing for intermediate care and the like in the mental health area in South Australia and the dates on which they may be completed in the future. Let me tell you the stark truth about the situation. While all those things are promised to be delivered at some future date, this is what is happening right now: Brentwood House at Glenside Hospital has been demolished, trees have been felled, land has been dug up, buildings have been pulled down adjacent to that area to facilitate a new supermarket, an oval has been dug up, so children cannot access it, and we are still years away from providing even the 129-bed hospital that the member for Taylor has told us is on its way.

We are still waiting for all these other things, but patients have only had access to the Glenside campus, part of which has now been bulldozed. The only real work that has been happening on that site for the benefit of anyone is, in fact, the Film Corporation's new plush accommodation in the heritage buildings at the Glenside Hospital site. A patient cannot even go to church in the chapel anymore because that has been quarantined for redevelopment for the Film Corporation. This is the truth of the matter. The truth of the matter is that all the government has done so far is produce some reports, bulldoze the facilities we already have—precious as they are—and promise what we are going to get. Well, that is not good enough.

Members of the house who read those heart-wrenching letters from constituents about their day-to-day struggle with members of their family who have mental health issues, or those who have lost a loved one whom they tried to support, need to be reminded of the truth in this situation.

When the government says that it wants to be able to do something that is open and transparent and to the benefit of South Australians, it should also remember this: they are the ones who stopped us from even seeing the documents and correspondence between the developers of that site and the government. They have been ordered by the Ombudsman to provide that and, in fact, there has been a direction for that to happen.

The government has gone to the District Court to ask for another blanket of security to be put around it so that it does not have to tell us the truth about what is going on. We have been waiting 11 months for that judgment and, in the meantime, it has signed the very contract to perpetuate the commercial benefit to this government with scant regard—in fact, not a scintilla of regard—for people with mental health issues in this state who deserve support. So, shame on those who oppose this motion. Shame on those who are not prepared to stand up for people with mental health issues in this state.

The house divided on the motion:

AYES (18)

Brock, G.G.	Chapman, V.A. (teller)	Evans, I.F.
Gardner, J.A.W.	Goldsworthy, M.R.	Griffiths, S.P.
Hamilton-Smith, M.L.J.	Marshall, S.S.	Pederick, A.S.
Pengilly, M.	Pisoni, D.G.	Sanderson, R.
Such, R.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Venning, I.H.	Whetstone, T.J.	Williams, M.R.

NOES (23)

Bedford, F.E.	Bignell, L.W.	Caica, P.
Conlon, P.F.	Fox, C.C.	Geraghty, R.K.
Hill, J.D.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A. (teller)	O'Brien, M.F.	Odenwalder, L.K.
Piccolo, T.	Portolesi, G.	Rankine, J.M.
Rann, M.D.	Rau, J.R.	Sibbons, A.L.
Snelling, J.J.	Thompson, M.G.	Vlahos, L.A.
Weatherill, J.W.	Wright, M.J.	

Majority of 5 for the noes.

Motion thus negatived.

LIGHT RAIL NETWORK EXPANSION

The Hon. R.B. SUCH (Fisher) (12:40): I move:

That this house calls on the state government to improve public transport by expanding the light rail network in the metropolitan area, and the consideration of other transport options.

This motion is not a criticism of the state government in the sense of what we have; it is more a suggestion that the government needs to engage in a bold vision for improved public transport in South Australia, particularly an expansion of the light rail network. There were many critics when the light rail extension took place initially down to the University of SA campus on North Terrace; I was not one of those. I think it was a fantastic initiative and I think history will show it is one of the best things that the Rann government has done. I welcome the further extension to the Adelaide Entertainment Centre and proposed extensions into the western suburbs area.

All the vibes are that we are going to get a tough budget, but I think we have to look clearly beyond just one budget. What I want to see is the state government release a visionary public transport plan with light rail options going out to the eastern suburbs and even considering the feasibility of running light rail up the freeway to areas like Mount Barker. That should have happened when the tunnels were initially done, but I do not think it is impossible even now to run a light rail service up to areas like Aldgate, Bridgewater and Mount Barker.

If it ever comes to pass that part of Monarto Zoo is developed for housing, as was part of the Dunstan vision—a vision which should have been followed through; sadly it has not—you could run fast light rail to encompass that area as well. Likewise down south, light rail is quite capable of

extending down to areas like Woodcroft, Happy Valley and so on. In respect of the duplication of the Southern Expressway (which is covered in notice of motion No. 6, so I will not get into that) there is an opportunity to consider expansion of the light rail option.

Light rail is fantastic. Despite the critics, we can see how popular the extension of the light rail Glenelg line to the entertainment centre is. People have voted with their feet, and if the network were expanded with more options to Norwood, Prospect and further out people would vote with their feet.

I think overall that what we have in Adelaide, given the spread of population, is a fairly good public transport system, but it certainly could be improved. I know that in my area we want additional services—everyone does—but, being realistic, when you have a scattered population it is hard to justify public transport at a greater level.

I turn now to what I think is one of the innovative things, and I commend the Minister for Planning on this particular aspect. I have been lobbying him to have a look at the laws which restrict or prevent housing development above or within shopping centres. To his credit, he has responded to me by letter indicating that he is having a look at that issue.

If you look around, and look at shopping centres like Mitcham, Marion, Unley and Burnside and Rundle Mall, there is no reason why we could not have thousands of people (maybe young people, it does not really matter) living above those shopping complexes. It makes sense because you have the public transport network right near those centres, by definition. You already have the infrastructure and public transport connections to the shopping centres at Marion, Burnside and so on, and likewise in the western and northern suburbs.

We need to change the planning laws so that we can have a better transport system and the better use of one as our population grows. I am not an advocate for the so-called 'big Australia', but it is inevitable that in Adelaide we will have some growth in population and, rather than building on good-quality horticultural and farming land at Mount Barker and elsewhere, we should be consolidating the population in a smaller area, provided of course you have sufficient open space where people who live in those smaller accommodation units can get out and have a bit of exercise and fresh air.

So, when I talk about expanding the light rail network, I think that what is important is that we look at it in conjunction with improved planning and planning regulations that allow developers to build above shopping centres and similar types of facilities so that we maximise the space that we have in Adelaide without going further and further out and threatening viticulture, horticulture and agriculture.

I conclude by saying that the public transport system we have now in Adelaide is a very expensive system because we have a small population spread over a big area. I think that with genuine consolidation, including building above shopping centres and so on, we need a bold vision from the government of expanded light rail and other transport options. In Wellington, for example, they have trolleybuses and use them very effectively.

There are a whole lot of other things that we could be doing in terms of public transport, but what I want to see from the government is the release of a bold vision for improving public transport, coupled with enlightened planning, which means that Adelaide can have the best of both worlds—good transport and urban consolidation in a sensible way in areas which have already been developed and where you make use of the above-ground space that exists above all our shopping centres. I commend this motion to the house.

Mr PICCOLO (Light) (12:49): I move to amend the motion as follows:

Delete 'calls on the state government' and insert 'commends the state government on its commitment'

I would like to speak to the motion in the context of what the speaker said, and I note that he said that it is not a criticism of our policy, which we have extended. The biggest single investment ever made by state government in Adelaide's public transport is being made by this government. It includes tramline extensions, electrification of the Noarlunga, Outer Harbor and Gawler lines—

Ms CHAPMAN: I rise on a point of order. In this rather unusual process, the member, in moving the amendment (and I have not heard the Speaker call for a seconder at this point), is proceeding on the substantive matter as distinct from the amendment. My point of order is that this is, in fact, a completely different motion; it does not amend the original motion at all.

The Hon. A. Koutsantonis interjecting:

Ms CHAPMAN: Indeed; and that has to be of a high standard, minister, so I am sure you will stand up and support me on this. In fact, it is the direct reverse of this motion. This motion calls on the state government to do something and the amendment, in direct contradiction of that, is to commend the government for what the member is about to tell us it has allegedly done. That is a direct contradiction of the original motion and I ask you, Madam Speaker, not to accept the amendment.

The SPEAKER: I will read the amendment again, because I was actually trying to work out what the amendment was. The member has moved the amendment; is there a seconder?

Mrs Geraghty: Yes.

The SPEAKER: I am advised by the Clerk that the motion is in order; it is not a direct negative. It is in order, and we can vote on it later.

Mr PICCOLO: Thank you, Madam Speaker; I will continue. The biggest investment ever made by a state government in public transport has been made by this government, and it includes the tramline extensions (which have already been mentioned by the member for Fisher), electrification of the Noarlunga, Outer Harbor and Gawler lines, new electric trains, station infrastructure upgrades, scores of additional buses and a modern ticketing system.

An additional $646 million has also been provided by the commonwealth government to fund the O-Bahn extension, accelerate the Gawler rail line modernisation upgrade (which is now in progress) and the Seaford rail extension to complement the state government's public transport initiatives. These initiatives are specifically designed to improve the public transport system to deliver on South Australia's Strategic Plan target 3.6 to 'increase the use of public transport to 10 per cent of metropolitan weekday passenger vehicle kilometres travelled by 2018.'

The program will also provide more frequent and faster services on a network comprising the existing dedicated public transport corridors (rail, tram and O-Bahn) and bus priority routes with greater connectivity facilitated by improved interchanges, improved accessibility through transit-oriented developments, and improved sustainability and amenity.

The network is expanded by the implementation of the tram extension to the Adelaide Entertainment Centre and to other north-western suburbs. As an aside, on the benefit of the expanded line to the Adelaide Entertainment Centre—which I understand is also supported by the member for Fisher, who moved this motion—based on figures from July this year compared to July last year, total patronage on the entire tramline system grew by 55 per cent, and it is estimated that 2,000 people a day board the tram to and from the Adelaide Entertainment Centre. In addition, tram systems make an important contribution to enhancing the sustainability of cities and inner-city areas, and improve their liveability. They also play a positive role in stimulating urban regeneration, which we should all support and which I understand the member for Fisher agrees with.

It is interesting to note that yesterday, in response to some other reports, the opposition talked about supporting inner cities and inner-city growth of population, and programs such as the tram do that. For example, in 1997, Portland, Oregon identified an alignment for a new tramline and, since then, properties along its length have experienced significant changes, as follows:

- $3.5 billion has been invested within two blocks of the tramline alignment;
- 10,212 new housing units and 5.4 million square feet of office, institutional, retail and hotel construction have been developed within two blocks of the alignment; and
- 55 per cent of all CBD development since 1977 has occurred within a block of the new light rail or tram alignment with properties located closer to the line.

What it means is that, when you put this sort of public infrastructure in place, there is development around it. It encourages development. We want to encourage development. Yesterday, members opposite were criticising us for supporting growth in the outer suburbs; now, today, they are criticising us for supporting development in the cities. This is a typical example of no policy and no ideas from the Liberal Party. The community sees this as a positive thing which will deliver good environmental outcomes.

The extended line to the Adelaide Entertainment Centre is now operational and delivering a brand new and free public transport option to thousands of customers, along with the convenience of Adelaide's newest park-and-ride.

Mr PENGILLY: I rise on a point of order, Madam Speaker. I bring to your attention that the clock has been on nine minutes for about the past five minutes.

The SPEAKER: Well, time passes slowly in this place when some people are talking. Back to the future. The member for Light, continue your remarks.

Mr PICCOLO: Thank you, Madam Speaker. The new Citadis trams are now operational, boosting our modern fleet by 50 per cent. In 2009 the Belair line was successfully upgraded through the provision of new concrete, gauge-convertible sleepers. Fifteen kilometres of new track was laid, while a host of level crossings and some stations have been upgraded—again, a commitment by this government to public transport.

Works have now begun on the upgrade of the first stage of Adelaide's longest and highest patronised rail corridor, Gawler (as all members would know), and the extension to the Noarlunga line is continuing. These are the first steps toward electrification of the metropolitan network. I would like also to mention the government's commitment to expanding the bus service to Gawler and also the extension of the dial-a-ride to Angle Vale. These are just two areas of improved public transport in my own electorate.

In preparation, the South Australian government has commenced the process to purchase brand new electric trains that, along with a modern, comfortable service, will provide their own significant environmental benefits. The existing 3,000 class train fleet is currently being refurbished, and a number of those are in operation, and I have used them on a number of occasions.

An extra 20 buses a year have been funded for four years, providing for immediate additional services around peak times. A contract has been awarded for the provision of a brand new smartcard ticketing system to be introduced by 2013. This state government is committed to transforming our public transport network into a vibrant state-of-the-art system, providing faster, cleaner and more efficient services for train, tram and bus commuters. We will have a public transport system which we can be proud of.

Mr PENGILLY (Finniss) (12:59): I move to amend the amendment as follows:

That this house calls on the state government to improve public transport by expanding the light rail network in South Australia and the consideration of other transport options.

The reason I have sought to amend the member for Fisher's motion and the member for Light's amendment is that South Australia is a little bigger than the metropolitan area. The member for Fisher in his earlier speech talked about Mount Barker and a few other places, but it actually goes a fair bit beyond that—even places such as Whyalla, Port Pirie, Port Augusta, Mount Gambier, Port Lincoln.

If I get totally parochial and talk about my own electorate, I have a constant demand for public transport services to be instigated down into the Fleurieu, in that rapidly rising retirement sector. Indeed, in this place I have talked about the need for putting in, perhaps, a light rail connector O-Bahn system from the South Coast/Victor Harbor area through to link up with the train at Noarlunga.

I think that it is far too narrow just to talk about a plan for the metropolitan area, because I am actually over public transport in the metropolitan area and the rest of us missing out. My constituents are over it and I dare say that the constituents of a few other members in this place who are over it, too. It is just not good enough. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

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

VISITORS

The SPEAKER: Before we start proceedings for the afternoon, can I welcome to the chamber a group of students from St Josephs School Tranmere, years 6 and 7, who are the guests of the Hon. Grace Portolesi. I hope you enjoy your time here. I think we also have some people here from the Institute of Public Administration who are guests of the member for Adelaide. Enjoy your time.

PAPERS

The following papers were laid on the table:

By the Minister for Families and Communities (Hon. J.M. Rankine)—

Children and Young People in Care—Charter of Rights
Land and Business (Sale and Conveyancing) Act 1994—Review of Parts 4 and 4A July 2010

PUBLIC WORKS COMMITTEE

Mr PICCOLO (Light) (14:04): I bring up the 380th report of the committee on the Cowell Area School Redevelopment.

Report received and ordered to be published.

Mr PICCOLO: I bring up the 381st report of the committee on the Port Augusta Area School Redevelopment—Stirling Campus.

Report received and ordered to be published.

Mr PICCOLO: I bring up the 382nd report of the committee entitled Birdwood High School Redevelopment Stage 2, Visual and Performing Arts Centre.

Report received and ordered to be published.

Mr PICCOLO: I bring up the 383rd report of the committee entitled New Youth Training Centre.

Report received and ordered to be published.

QUESTION TIME

BUDGET LEAK

Mrs REDMOND (Heysen—Leader of the Opposition) (14:06): My question is to the Premier. What security measures has the government put in place, or will it be putting in place, following the biggest leak in South Australia's history regarding the budget, and how will the Premier—

The Hon. P.F. CONLON: Point of order. I think it is standing order 97: a member cannot use comment or debate in a question. To describe something as 'the greatest leak in the universe', or whatever it was, is plainly comment and debate.

The SPEAKER: I uphold that point of order. Leader of the Opposition, can you finish your question?

Mrs REDMOND: I am just quickly having a look at standing order 97 to make sure that it does state that. Standing order 97 does not say that at all, but notwithstanding that and notwithstanding that it was the biggest budget leak in South Australia's history, I am happy—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The Minister for Transport has another point of order.

The Hon. P.F. CONLON: It's their time; they've got all the questions. I do apologise: it is 'argument or opinion'. Can I say, not only is 'the greatest budget leak in history' an opinion, it is also a false one.

Mrs REDMOND: I'll happily reword my question.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Leader of the Opposition, continue with the question.

Mrs REDMOND: Madam Speaker, I will happily reword it, because, really, I am interested to see whether we get an answer. What security measures is the government putting in place and how will it ensure that such a leak (with no adjectives) will never happen again?

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) (14:08): It's time for reflection on the leaks of the past. It's time that I told nearly the full story of the biggest leaks in the history of this parliament. There was a day back in, I think, the early 1980s when I was working for John Bannon in this very building, as leader of the opposition, and a young man came into the office with the entire—

Mr PISONI: Point of order. Can I ask that the Premier direct his answer to the substance of the question?

The SPEAKER: I understand your point of order, member for Unley, but I think we need to give him a little bit of time, because I am sure he is going to get to the point.

The Hon. M.D. RANN: Of course, if—

An honourable member interjecting:

The Hon. M.D. RANN: No, this is exactly to the point, Madam Speaker, because I was asked a question about the biggest budget leak, and I am going to answer a question about the biggest budget leak, and then she said, 'The biggest leak in history.' I will answer those questions. So, this young man came in—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and I was able to knock on the door of John Bannon's office and say, 'Here's the budget papers.' There was basically a wheelbarrow full, and that caused some degree of excitement. But then, of course, Labor returned to power for some years, and then, of course, there were 8.3 years, I imagine, of Liberal government. What happened is that one day I had a phone call, and that phone call was for me to go to a cafe in North Adelaide called Scuzzi. Scuzzi was the name. I am now revealing it. I was told by a very senior cabinet minister to be dropped off at Scuzzi Cafe in North Adelaide.

The Hon. J.D. Hill: He wasn't that senior.

The Hon. M.D. RANN: No, that one, not the other one. Then I was told—

Mr Marshall: He's laughing about security leaks.

The Hon. M.D. RANN: I am. I am laughing about security leaks.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Then I was asked—

An honourable member interjecting:

The Hon. M.D. RANN: They don't like it. It's okay; no-one has seen your embarrassment. Then I was asked to walk in a zigzag fashion—sort of Inspector Clouseau, maybe Maxwell Smart—through the streets of North Adelaide to this house. I knocked on the door not knowing whose house it was and who would open the door. Suddenly, after knocking on the door, I heard a certain noise, which I won't go into—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and the door opened and I was led down a hallway to a kitchen.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: And there I was given a set of documents that brought down one Liberal minister—bang! Then, as I was leaving, just incidentally, I was given a cabinet bag—a very large cabinet bag, larger than the ones we have these days because we are a bit more concise—and in that cabinet bag were 880 pages of cabinet submissions, including the government's polling, including details of their privatisation plan. So, don't talk to me about the biggest budget leaks or biggest leaks in history. However, there was tighter security, because I was told that as leader of

the opposition, 'Please can you bring it back exactly 24 hours from now so we can put it in the back of the van.' So, what I did is that I took it into work. I read it until three in the morning—it was riveting reading. They actually had the documents—

Mr PISONI: Point of order. Standing order 98 specifically requires that the minister answer the substance of the question. You ruled out of order the description as being comment, yet the Premier is debating the comment that you ruled out of order. I ask that you bring the Premier back to the substance of the question.

The SPEAKER: I do not uphold your point of order because standing order 98 talks about no debate. He is not debating; he is expanding a point, and I am sure that he is going to finish shortly.

The Hon. M.D. RANN: I am going to finish.

The SPEAKER: Leader of the Opposition.

Mrs REDMOND: The question was about security measures and what security measures the government was putting in place to prevent leaks. That is the substance of the question, Madam Speaker.

The SPEAKER: I am very aware of that, Leader of the Opposition, and he is getting to that point very shortly, I am sure. The Premier.

The Hon. M.D. RANN: What happened is that mayhem ensued, but some of the documents—and you should know about this if you are interested in the biggest leak. We had an FOI request in through the courts—

Mr PISONI: Point of order. I ask that you bring the Premier back to the substance of the question.

The Hon. M.D. RANN: I am getting onto the subject.

The SPEAKER: Yes, I am sure you are getting onto the subject very soon. You have been going for seven minutes now.

The Hon. M.D. RANN: The member for Unley knows all about documents. He knows all about the security of those documents.

Mr PENGILLY: Point of order. This trip around *Blue Hills* is fantastic, but I would love to know—he is keeping us in suspense and will not tell us who the minister is. Can he tell us, please?

The SPEAKER: There is no point of order.

The Hon. M.D. RANN: If I told you the names of the two ministers, you would have one from each faction. I reckon you know who they are. Okay? So, anyway, I was in the court, the vibe of the Constitution—of course, a family that has hundreds of years of involvement in criminal law in Great Britain. I was in the court, but I actually got the documents that I was fighting in the courts to secure. So, we made sure the court case was settled, the government paid the costs, and then we released the documents, so it was okay. But the point of the matter is this: there was no security. How can you have security when the Liberals' own cabinet ministers were handing the leader of the opposition documents, when they were ringing up and asking us on the phone—writing, 'Here's a question to ask in question time today.'

Members interjecting:

The Hon. M.D. RANN: That is what you are all about. It is about your jobs, not the jobs of South Australians. The security measures that will be—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Point of order. Deputy Leader of the Opposition.

Mr WILLIAMS: The Premier has now left fairyland and entered debate land.

The SPEAKER: I thought he was finally getting to the point.

The Hon. M.D. RANN: I hope that is not in any way reflecting on my response, because it was not meant to be that way. What I am going to say in conclusion is this: some of you thought a UBD was a directory for roads, but the key thing is that we have—

An honourable member interjecting:

The Hon. M.D. RANN: I know yesterday, by the way, we went from commentary that said this was a disaster for the government to later in the day that this was actually a brilliant move. It was by the same commentator, actually, but we get used to that. I guess my point is this: the security of the budget has been secure because there has not been a leak of the budget. There has been a leak of a draft some time back of recommendations for various cuts and closures. As I said yesterday—and I will repeat—the job of the boffins and the experts is to make recommendations for cuts based on costs. We in government will make decisions on value.

Members interjecting:

The SPEAKER: We have had 10 minutes of question time and one question.

Members interjecting:

The SPEAKER: Order! I think we need to move on.

SUSTAINABLE BUDGET COMMISSION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:16): Again, my question is to the Premier. Has the government received any advice about whether the leaked Sustainable Budget Commission report is a criminal offence and, if it is or might be a criminal offence, why hasn't the government called in the police?

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) (14:17): What happened with their leaks is that people called in the judges and they called in the—what was his name, the judge?

The Hon. P.F. Conlon: Dean Clayton.

The Hon. M.D. RANN: Dean Clayton.

The Hon. P.F. Conlon: Brought the boom down.

The Hon. M.D. RANN: Brought the boom—

Mrs REDMOND: Point of order, Madam Speaker. Nothing the Premier is saying is going anywhere near the topic of the debate.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order, Premier! Your point of order was?

Mrs REDMOND: The relevance of the Premier's answer.

The SPEAKER: He has only just started. Sit down now, Leader of the Opposition. Premier, can you answer the question.

The Hon. M.D. RANN: I could tell that there was tension there yesterday. I don't know what was going on. I understand the whip was spoken to rather harshly. If the government investigators detect criminality, I will give you this assurance—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, minister for industry!

The Hon. M.D. RANN: I will give this assurance: they will call the Yard. They will call the Yard and we will see the Bill arrive, and we will see vigorous and rigorous tracking down and vigorous and rigorous detection of the processes. But, as you know, on cyber matters I am somewhat of an expert. I know how to use Twitter. The budget will be Twittered out very shortly, I can promise you that. The key thing is, if in fact there is a finding that there has been criminality, then I am absolutely confident that the police will be called in and those responsible will be led out in leg irons and will be treated in the way that you would expect them to be treated.

SUSTAINABLE BUDGET COMMISSION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:18): I don't know that there is much point—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —in trying to ask the Premier questions, but my question is again to the Premier. Will any investigation into the leaked Sustainable Budget Commission report involve the investigation of Labor staffers and/or cabinet ministers?

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) (14:19): If the honourable member has any information or evidence—

Members interjecting:

The Hon. M.D. RANN: We know that she was a barrister-at-law; is that right?

The Hon. P.F. Conlon: No; she was a mere solicitor, sir.

The Hon. M.D. RANN: She was what?

The Hon. P.F. Conlon: A mere solicitor.

The Hon. M.D. RANN: Okay. Both the Leader of the Opposition and I have these legal qualifications: I have been a Justice of the Peace for more than a quarter of a century, and I know that the Leader of the Opposition was a brilliant conveyancing solicitor. But the key point is this: if, in fact, there is any criminality by anybody, they should be prosecuted without fear or favour. These are not the old days of your regime.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (14:20): It looks like we are going to get some questions in today; let's hope we get some answers. My question is to the Minister for Health. Can the minister update the house on the investigations into the missing USB which leaked confidential costings and details on the proposed Royal Adelaide Hospital?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:20): I thank the member for a question about a matter which was current about 12 months ago, from memory, and I am pleased he called it a USB—

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley!

The Hon. J.D. HILL: I am pleased he referred to it as a USB and not as a UBD, as somebody close to the government referred to it just the other day—naming no names. The USB stick was investigated absolutely thoroughly. I have reported to the house before: the most likely outcome was that the thing was lost and destroyed.

As I have said before, all of the members of the consortia that are tendering for the Royal Adelaide Hospital project have signed appropriate guarantees in relation to it. There is absolutely no evidence that it has been used in any way which could be detrimental to the cause. It has been thoroughly investigated but, if the honourable member has specific issues that he would still like some clarification on, I would be happy to follow it up for him.

ROYAL ADELAIDE HOSPITAL

Ms CHAPMAN (Bragg) (14:22): I have a supplementary question for the Minister for Health, who indicates that he has reported back to the house. Minister, will you then explain, as you and the Treasurer have both indicated you would, why you and the Treasurer were not told about the missing USB for nine days, at which the Treasurer appeared outraged and about which he told us he would give us an answer?

The Hon. P.F. CONLON: Point of order, Madam Speaker: even though the point is consequential because they have all the questions, it is not a supplementary question.

The SPEAKER: I uphold that point of order. I thought exactly the same. I will consider that a question.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:23): This is an interesting ploy by the opposition. It shows how their minds work: a USB stick was responsible for holding information that was given to *The Advertiser* and the ABC yesterday, there was a USB stick missing a year ago (I cannot remember exactly when), so

somehow there is a connection between USBs. I understand that the two leaked documents that the Premier referred to were both on paper, therefore, maybe paper is a problem. This is just trivialising the issue. I am happy—if the member for Bragg, who is obviously in some competition with the shadow minister for health over who should be the spokesperson on health—to go through the files. I cannot recollect exactly what the details—

Ms Chapman: Read the *Hansard*.

The SPEAKER: Order!

The Hon. J.D. HILL: I am happy to go back and have a look at what was said at the time and, if we have not provided all the information that the former deputy leader has requested, I will happily provide it.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (14:23): My question is again to the Minister for Health. How long has the government had the tender documents for the proposed rail yards hospital and when will the successful tenderers be announced?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:24): I am not aware of what the spokesperson for health means when he refers to the railways hospital. We do not have a railways hospital planned, we do not have a railways hospital in our drawing board. We do have a proposition for a brand new Royal Adelaide Hospital—a world-class facility with 800 single bedrooms to provide the best possible care for the patients of our state, but we do not have a railway hospital. I am not sure what a railway hospital would do. It would presumably have sleepers; other hospitals have sleepers as well.

The Hon. P.F. Conlon interjecting:

The Hon. J.D. HILL: Yes, that is right. Hospitals sometimes have sleepers, but I can tell you people are more likely to sleep when they are in single rooms, so maybe that is what the member means. We have been through a process of evaluating the tenders. The proposition is that we plan to reach a decision some time in October or November about which of the two consortia should be the preferred tenderer and then we would hope to have finalisation in the first quarter of next year.

MINING ROYALTIES

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:25): My question is to the Premier. Given the Treasurer's admission during question time yesterday that an increase in mining royalties has been on the government's agenda for months, why wasn't the government up-front with the public and the mining industry about this, prior to the March 2010 state election? When asked during question time yesterday about mining royalties, the Treasurer stated, and I quote:

> It is no secret that I want to increase royalties: I actually announced it publicly some months ago.

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) (14:25): My memory—and I know it is very acute—is that the Deputy Premier has spoken for some time about the need to bring our royalties into line with the Liberal government in Western Australia. It is exactly the process that he has been talking about for some time, and if you wait until later on this afternoon you will find out what his resolution has been.

MINING INDUSTRY

Mr PISONI (Unley) (14:26): My question is to the Premier. How can the government continue to spruik South Australia's mining credentials when ABS statistics released today show that mining jobs in South Australia are at a six-year low and there are fewer South Australians working in the SA mining industry today than what there were when you entered the parliament 25 years ago? ABS statistics released today show that, in the August quarter, South Australia's mining jobs had fallen to a six-year low—falling 700 in the quarter to 6,200—and more mining jobs existed in 1985 than they do today.

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) (14:27): I will just say that, on the issue of mining, I guess some of us have had to make

the hard decisions over uranium. Upon becoming elected to government, we were approached by Paul Holloway and also by Robert Champion de Crespigny AC, and we were asked and advised to strongly invest in mining exploration.

I remember the words that were put to me that day were that we were about as underexplored as parts of Siberia, because that was the legacy of the former Liberal government. For some reason, the Liberals in this state are anti-mining—'We saw nothing.'

Members interjecting:

The SPEAKER: Order! Point of order, member for Unley.

Mr PISONI: 127: improper motives to members opposite. The Premier is doing that and I ask that you ask him to refrain.

The SPEAKER: No, I do not think that is quite that case. I do not uphold that point of order.

The Hon. M.D. RANN: Anyway, what happened was that we embarked on what is called the plan for accelerated exploration, or PACE. As a result of that, we have found mineral deposits everywhere around this state—from the APY lands to the Adelaide Hills. So, what we have seen is a very, very strong drive on exploration.

At one stage, I think it was about a tenfold increase in mining exploration, because when we announced we wanted a threefold increase in mining exploration the sneers of the snivellers were that that was impossible to achieve. Then we got a tenfold increase and now we have gone from the five mines that were operating in South Australia when the Liberals were in power to opening the 12th just a couple of weeks ago, and, over the next few months, 16 mines with another 30 in various stages of application. So, we will put our mining record up against the Liberals' any day. Just as I can say this: there will be more uranium mines on my watch than there ever was under the Liberals.

STORMWATER HARVESTING

Mr GARDNER (Morialta) (14:29): My question is to the Minister for Water Security. Will the government now consider making up the $6 million shortfall in funding for the federal government's election promise to provide $10 million to fund the Eastern Regional Alliance's plan to harvest stormwater in the eastern suburbs? During the federal election campaign, the federal government committed to providing $10 million towards this project in addition to the $16 million committed by the local councils. However, these commitments have presumed a state government commitment to provide funding of the final $6 million.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:30): I thank the honourable member for the beautiful way in which he asked the question. The answer is no.

The SPEAKER: The Member for Flinders.

TOD RESERVOIR

Mr TRELOAR (Flinders) (14:30): Thank you, Madam Speaker.

Members interjecting:

The SPEAKER: Order! The member for Flinders.

Mr TRELOAR: My question is also to the Minister for Water Security. Why did SA Water not take the opportunity to direct substantial high quality and precious water flows into the Tod Reservoir during the recent heavy rainfalls? The Tod Reservoir has the capacity to provide between 2 and 3 gigalitres of water per year to Eyre Peninsula. Having been taken offline in 2002, SA Water has seemingly been unwilling to rehabilitate the Tod Reservoir, despite having had the opportunity to do so.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:31): I thank the honourable member for his question. I have learnt a very valuable lesson—that we will not speak about these issues the previous day, although in the future I will expect to get a question when I do speak to honourable members about issues that I wish to raise with them.

An honourable member interjecting:

The Hon. P. CAICA: I talk to everyone, don't I? You know that I talk to everyone. We had a discussion yesterday—

Members interjecting:

The Hon. P. CAICA: Oh, shut up, will you?

Members interjecting:

The SPEAKER: Order! There is a point of order.

Mr WILLIAMS: I rise on a point of order, Madam Speaker. I suggest that the minister has just used unparliamentary language, and I think you should direct him to refrain.

The SPEAKER: Sit down. I am not sure about the unparliamentary language, but I was going to point out to the minister that it is not appropriate to tell people on the other side to shut up. However, I am sure he will behave now. We have another point of order.

The Hon. P.F. CONLON: Point of order. I do believe the minister was responding to interjections, which are unparliamentary.

The SPEAKER: He certainly was, and he was frustrated, but you still don't tell people to shut up. Minister, can you get on, but please don't tell anyone to shut up.

The Hon. P. CAICA: Given the chance I will, ma'am. I am very sorry that I offended the member for Norwood, and I am sorry that the date has not arrived yet. It might be because he is on the cusp and things are not working out for him; I don't know. I apologise if I have ruffled his feathers. There are most certainly issues that I intend to investigate with respect to the Todd Reservoir, and the information I have received from SA Water to date—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: In addition to that I had a meeting yesterday morning at the Police Club with the provincial city mayors, and I know that the member for Flinders is aware of that because I advised him of that meeting. Of course the mayor of Port Lincoln was in attendance there, and we spoke for quite a period of time about the Tod River.

There are issues that I wish to further investigate with SA Water. As I understand it, the tap was turned off on or about 31 August with respect to water coming into that, and significant amounts of water are flowing out into the ocean as we speak. I certainly want to investigate further and talk further with SA Water; however, I also want to continue to talk not only with the local community over there but also with the local member about the future viability of the Tod Reservoir in the context of what needs to be the long-term plan for security of water supplies on Eyre Peninsula. I am committed to doing exactly—

Mr Pengilly interjecting:

The Hon. P. CAICA: I won't respond to the rudeness that is being shown by the member for Finniss. That is exactly what I intend to do to secure those water supplies. I do not know the answer, but perhaps the Tod Reservoir and work that might be able to be done with respect to the Tod Reservoir might be a very important component of securing those water supplies.

BAROSSA VALLEY HEALTH FACILITY

Mr VENNING (Schubert) (14:35): Can the Minister for Health advise the house when the business case into a new health facility for the Barossa Valley will be released? An amount of $70,000 was allocated in the 2008-09 budget to undertake a business case investigation into a new health facility for the Barossa. A steering committee was formed and the business case report was completed. The business case was handed to the minister in July 2009.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:35): I am happy to take this question. In fact, I sought advice about this very matter, anticipating that the member for Schubert would ask it, but he should not make claims in his explanation which are untruthful. It has not been handed to me, Ivan, at all. I keep telling you that it has not been handed to me.

Mr Venning interjecting:

The Hon. J.D. HILL: Well, I will answer that part of your question. You should not make claims which are untrue.

Mr Venning interjecting:

The Hon. J.D. HILL: I have told you privately, I am telling you publicly: it has not been handed to me. I asked the other day, 'Where is this report? I want to see it.' They said that they were still working on it. When it is completed, member for Schubert, I will happily brief you and make it available, but I have yet to see it.

I know that the member for Schubert wants to see two hospitals in his electorate closed. It is interesting how we have debates about whether or not hospitals should close. The member for Schubert actually wants to close two hospitals: the Angaston Hospital, which is a very important hospital to me because my wife was born there, and the Tanunda Hospital. Both those hospitals the member for Schubert wants to close down and build a brand new hospital.

They do not want to build a brand-new hospital in Adelaide. They want to keep a pile of rotting buildings in place in Adelaide, but in the country they want to close down two hospitals and build a brand-new hospital in a new location, away from where the existing hospital—

The Hon. M.D. Rann: On a greenfields site?

The Hon. J.D. HILL: On a greenfields site, next to other facilities, but away from the other sites where the current hospitals are and have one hospital rather than two. That is a very sensible thing; I agree with it. I did note the excitement of the honourable member when the Independents formed an alliance with the new federal government and there is a large sum of money for regional infrastructure. He was the first person in Australia to put up his hand, and I thought, 'Good on you', and I hope that there is some there that we can spend wisely in South Australia.

It does make sense, and I agree with him. One of the hospitals, in particular, is pretty run down, and it does make sense to combine the resources and have a more rational approach. It will probably save money in operating overheads and the like and provide a better service for that local community, just as it will in the case of the RAH being closed down and a new hospital being created.

I am happy to see this work produced. I do not have a budget line for it, as the honourable member would understand, but I am sure that at some stage in the future it will go ahead. I am not deliberately holding up the release of the report. I can assure the honourable member and the house that I have not got the report despite what the honourable member keeps saying and believes. It is still within the department, they are still working on it, and, when it is completed, I will do what I have said I will do, which is make it available.

OPERATION RURAL FOCUS 2

Mr GRIFFITHS (Goyder) (14:38): Can the Minister for Police advise the house on the number of expiation notices issued for traffic infringements within the Yorke Peninsula and Mid North areas during Operation Rural Focus 2, and will the minister provide the house with a list of fines issued under the 'other offences' category detailing specific offences?

Traffic police from the city conducted Operation Rural Focus 2 on Yorke Peninsula and in the Mid North from Thursday 19 August to 26 August. It has been reported that some 261 fines were issued, including 106 other offences. Many people have contacted my office concerned that this was purely a revenue-raising exercise.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:39): I thank the member for his question. Operation Rural Focus 2 is an important component of our road safety strategy. As you may be aware, police do this from time to time. A number of issues have been raised. Can I say to the member that each issue that has been raised with me has been raised with the police. We do not have any evidence that has been put to us that would suggest that any of these expiation notices were issued when they should not have been issued, but my invitation to the member—

Mr Williams interjecting:

The Hon. M.J. WRIGHT: There has been a lot of speculation. I have raised these matters with the commissioner and the commissioner has taken them on board. What I am saying to the member who I know has some genuine concerns, as has the member for Frome, is that, if you can provide me with any evidence of any infringements that you think are unfair or unwarranted, of

course I will explore those on your behalf directly with the commissioner. Some of the speculation—I am not accusing you of that—

Mr Griffiths interjecting:

The Hon. M.J. WRIGHT: Some of the speculation that has been raised, I have referred to the police. They have refuted that, but they have also said that if there is any evidence, for example, if you can draw to my attention an expiation notice that says something like 'There were groceries on the back seat and we got fined for that'—police tell me that that has not happened—I will on your behalf, of course, raise that directly with the commissioner. Let's not forget that this is an important part of the police's strategy with regard to road safety. It is an important part of the strategy to keep the road toll down.

Members interjecting:

The Hon. M.J. WRIGHT: As I have said and as I offer, despite the interjections, if the member for Goyder has any evidence that he can bring to my attention, I am happy to pursue that for him. If, on the other hand, it is simply speculation, it will be treated as such.

BUSHFIRE MANAGEMENT COMMITTEES

Mr GOLDSWORTHY (Kavel) (14:42): My question is to the Minister for Emergency Services. Will the minister guarantee the house that the nine bushfire management committees across the state will be appointed by the target date of 30 September 2010, only two weeks from today? The minister will remember that the act was amended last year to establish the bushfire management areas and committees. At that time, during the committee stage of the bill, the minister stated that it would take approximately 10 to 12 weeks to establish these areas and committees.

Mrs Redmond: That's what they said about the Burnside council investigation.

Mr GOLDSWORTHY: That's right. Minister, 10 months has now passed.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:43): I would obviously want to check that first of all with Mr Euan Ferguson but, to the best of my knowledge, it is on course. I know that it is a priority for Mr Ferguson. I know that work has been underway. To the best of my knowledge, I have not had any information put to me in opposition to that. Before I give any guarantees, let me check that. I will certainly get back to the shadow minister quickly and promptly. We should be able to do that fairly quickly. To the best of my knowledge, that work being undertaken by Mr Ferguson is on track.

CARNEGIE MELLON UNIVERSITY

Mr PISONI (Unley) (14:44): I will just interrupt the Premier tweeting to ask him a question. Will the Premier now provide the answers to questions I asked about enrolments and accreditation at Carnegie Mellon University on 1 July this year? On 1 July this year, I asked the Premier if he could confirm that there were fewer than 20 students enrolled at Carnegie Mellon for the 2010 midyear enrolment and why the two degrees offered by Carnegie Mellon's Adelaide campus are not accredited by the Chinese Ministry of Education and Training. The Premier promised to bring back a report to parliament, yet has failed to do so.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Transport!

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) (14:45): My advice is that CMU's Heinz College is historically significant as Australia's first prestigious overseas university and a cornerstone of the state's university precinct, which has grown to include Cranfield University, University College London, and the Torrens Resilience Institute, which is also the Royal Institution of Science.

Members would probably be aware that the global ratings came out last week on universities worldwide. They have changed. I have to say they have changed. For years it has been Harvard No. 1, Cambridge and then Yale; now it is Cambridge, Harvard, Yale, University College London, which—

Mrs REDMOND: Point of order, Madam Speaker. Standing order 97 on relevance—the question was about the number of students enrolled and the accreditation of one specific university that has had millions of dollars of government money poured into it.

The Hon. P.F. CONLON: On a point of order, rule 97 is about how you ask questions, not how you answer them.

The Hon. M.D. RANN: When I was in India last week—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, Minister for Transport! I'm sure the Premier will think very carefully about his answer.

The Hon. M.D. RANN: It was very useful, in telling people and students, to send the message across about us as a destination as a university city, that we can say that we are the only city in Australia which offers Australian, US and British degrees. There is no doubt that Carnegie Mellon and UCL are absolutely critically important in raising our stakes and our status as an international student city.

CMU Heinz scholarship agreements are active in 10 countries throughout Asia, South East Asia and Latin America, with more multi-year agreements currently being negotiated. I am told that enrolments have been increasing at an average of 20 per cent to 30 per cent per year. I am advised that in January 2010 the Heinz College's campus in Adelaide admitted its largest intake of full-time students to date.

Heinz, I am told, has graduated over 180 students since its inception in 2006, including one of the largest groups in August this year. CMU Heinz has hired 25 Australian faculty and staff, and students have contributed over 20,000 hours of pro bono work to a range of community and business projects.

CARNEGIE MELLON UNIVERSITY

Mr PISONI (Unley) (14:48): I will try again, Madam Speaker. Will the Premier now provide the answer to a question I asked about the names of three start-up companies claimed to have been using the campus abandoned by Carnegie Mellon's Entertainment Technology Centre?

On 1 July this year, I asked the Premier to provide the names of three start-up companies claimed by a spokeswoman from his office to have been using the campus abandoned by Carnegie Mellon's Entertainment Technology Centre. The Premier provided an undertaking to provide these names.

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) (14:49): I will investigate with vigour and rigour.

The SPEAKER: Member for Unley, do you have another question?

Members interjecting:

The SPEAKER: Order, I cannot hear myself think! The member for Unley.

NATIONAL LITERACY AND NUMERACY TESTS

Mr PISONI (Unley) (14:49): Is the Premier satisfied with South Australia's NAPLAN results after 8½ years of Labor government? The Premier, when opposition leader, promised, if elected, to be the 'education premier'. South Australia has consistently ranked below the performance of New South Wales, Victoria and the ACT, and South Australian students failed to reach the national average in 19 out of 20 categories this year.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:50): This government, under Mike Rann, won't rest until we deliver the best possible educational result for every single child in this state. That is what we stand for.

We stand for an education system that does not just deliver to the big end of town, it does not just look after those people in elite schools—

Mr Marshall interjecting:

The SPEAKER: Order, member for Norwood!

The Hon. J.W. WEATHERILL: Well, the NAPLAN results actually cover private schools and public schools here. Our vision for education in South Australia is to deliver an education system that delivers not only for gifted students but for every student, from disabled students through to those students who want a trade, through to those students who want to go to university and those students who, of course—

The Hon. P.F. Conlon interjecting:

The Hon. J.W. WEATHERILL: That's right. Like much of the debate around the NAPLAN results, people quickly grab the headlines and the league tables and try to draw conclusions about them. The truth is that education is about much more than simply a few measurable results on particular narrow tests. The education—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, the truth is that the NAPLAN tests—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Well, if you want to actually understand the importance of these tests—we believe they are important, but they are, primarily, tests which are set up as diagnostic aids for parents, teachers and principals to work out where their children are at at a particular point in time.

The truth is that the top four states are ranked almost at very similar levels. There is statistically very little difference between the top four states. Where there is a very significant difference in results is where there are dramatic differences in the socioeconomic status of various communities. That is what you see across Australia.

For instance, in the Northern Territory and in Tasmania, you see dramatically different results from those in some of the higher socioeconomic areas, so care needs to be taken in the use to which these results are put. We will use these results to guide the way in which we apply resources in our schools. The strength of your education system depends on its capacity to deliver to each and every single student, not just one particular cohort of students.

MYRTLE RUST DISEASE

Mr PEDERICK (Hammond) (14:52): My question is to the Minister for Agriculture, if he is going to grace us with his presence.

The Hon. P.F. CONLON: I will take it.

Mr PEDERICK: You will take it? Where is he?

Members interjecting:

The SPEAKER: Order!

Mr PEDERICK: My question is to the minister for agriculture, the absent one. Can the minister elaborate on his answer and properly inform the house what steps are being taken to identify and combat the possible spread of myrtle rust in South Australia? When asked about myrtle rust during question time on 14 September 2010, in spite of believing he is the world's greatest agriculture minister, the minister's answer was vague and he appeared unsure what myrtle rust was.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:23): I am a gardener of some note. I very successfully grow parsley and I have a worm farm, so I think I am well qualified, and I have no doubt—

An honourable member: Here he is.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —that the battle against myrtle rust will be fought by this government without mercy and without compassion. We will fight myrtle rust in the trees and probably only in the trees, because I do not think it happens anywhere else.

Members interjecting:

Members interjecting:

The SPEAKER: Order! I think we need to bring some order back to this place. You have 12 minutes left of question time. Can we please get back to being a bit more sensible.

PARLIAMENTARY PROCEDURES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:55): Could I ask a question of the Premier, please. In light of the federal government's recent changes to their procedures in the house, can the Premier indicate whether he will adopt similar standards for himself and his ministers and actually answer the questions that are asked.

Members interjecting:

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:56): Yell at Adrian again. I like that. I don't think the Leader of the Opposition should pick on poor little Adrian.

Members interjecting:

The SPEAKER: Order! The Minister for Industry and Trade will be quiet.

The Hon. P.F. CONLON: As the leader of the house, I take my position in this honourable institution extremely seriously, but can I say it sits ill in the mouth of those who would be sticklers for the procedures of this house to be, I think, the rowdiest opposition I have ever heard. The chorus—

Members interjecting:

The Hon. P.F. CONLON: And there they go again. As I try to make a reasoned point, there they go again. The chorus of interjections—

Members interjecting:

The Hon. P.F. CONLON: I will offer this to the opposition—

Members interjecting:

The Hon. P.F. CONLON: I am trying to make a reasonable offer, for I am a reasonable man. I will offer this—

Members interjecting:

The Hon. P.F. CONLON: And they are the sticklers for the standing orders—I can't get a word out! I am a quiet fellow and they take advantage of my very good nature. I will make—

An honourable member interjecting:

The Hon. P.F. CONLON: For goodness sake, I will make an offer to you if you can cease for a moment. I am quite happy to take to our caucus a consideration of those changes in standing orders. I may even recommend them to them, on this basis: that you promise, all of you, to observe the standing orders as they stand yourselves, because you take advantage of the good nature of myself and the Speaker by your constant interjections. Can I say, it would not be so bad if there was a moment of wit just once in one of them; something to leaven the mess. But I would be quite happy to take the suggestion that we limit answers to four minutes. That would be—

Members interjecting:

The Hon. P.F. CONLON: One of the standing orders that we do have at present is that you do not interrupt the speaker unless according to the standing orders. So, I am quite happy to consider the mote in our own eye if you will consider the beam in your own.

YORKEYS CROSSING

Mr VAN HOLST PELLEKAAN (Stuart) (14:58): My question is to the Minister for Infrastructure and Transport. Can you confirm what action has been taken in response to a petition I tabled in the house on 22 June, signed by 3,084 people, regarding the urgent need to upgrade Yorkeys Crossing around Port Augusta?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:58): The member would know that that has been a matter of some discussion between ourselves and your noted mayor, Joy Baluch, and her people. I must say, Joy Baluch is running again and, I hate to say it, but I wish her all the best because she is somewhat of an institution, and a very courageous woman, if sometimes a little intemperate. We have had discussions about this issue and there is no doubt that it is a matter on which very strong views are held by locals. I do not have any happy news for you as yet, but I would point out that we do now have a road investment program in this state that is more than five times larger than that of the previous government.

We have just concluded the building of the Northern Expressway, which you may consider not to be of much assistance to you, but that duplication of the Sturt Highway, the completion of the Northern Expressway joining up to the Port River Expressway with the new bridges, has given enormous benefits to the exporters in the north of the state. It will cut travel times and carbon emissions enormously. So we have put in place an enormous investment program for people.

I drove on the Northern Expressway on Monday night just after it was opened to go up to that champion of the North, Tony Piccolo's sub-branch meeting, where I was told everything we were doing wrong because that's what sub-branch meetings are for. I could not help thinking as I drove up that beautiful new Northern Expressway that this could have been what the Southern Expressway would have been like had we built it instead of the Liberals—a beautiful road going in two directions!

Mr VAN HOLST PELLEKAAN: A point of order, Madam Speaker: the question was not about the Northern Expressway or the Southern Expressway or any other expressway but Yorkeys Crossing.

The Hon. P.F. CONLON: I do apologise. I was trying to illustrate the fact that when we make investments in roads we do have to decide between competing priorities. We are investing—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: There go those sticklers for the standing orders. We do have to choose between priorities. I would love to be able to do everything everyone wants in regard to roads in South Australia but we can't. We set our priorities, and I think the investments we have made have been extremely wise.

The SPEAKER: This has been one of the noisiest question times we have had in my time here, and I think it is because it is the first week back and we have an important event coming up and the Treasurer has not even been here, as he says. However, we still have five minutes to go, can we have some order please? I really do not know what the people in the gallery think but I hope you do not think we behave like this all the time. The member for Bragg.

UNITED WATER

Ms CHAPMAN (Bragg) (15:03): Did the government recover all of the 'tens of millions' that the Treasurer claimed had been ripped off by United Water when the Supreme Court case of SA Water v United Water was settled?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:03): I thank the honourable member for her—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I thank the honourable member for her question. Quite simply, it was agreed between the parties, as I understood it, to send it off for an expert determination, and that is still the process that is being worked through at this particular time. I will report back to the house when I have more information on that particular matter.

CAVAN TRAINING CENTRE

Ms CHAPMAN (Bragg) (15:04): My question is to the Minister for Families and Communities. As part of the compensation payments for the cancelled prisons PPP project, were payments made to any of the companies involved with the current Cavan secure youth justice facility?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:04): This is a matter, of course, that has been handled by the Treasurer who is somewhat tied up with something else. I will undertake on behalf of the Treasurer to bring back some information to the house.

NORTH-SOUTH INTERCONNECTION PROJECT

Ms CHAPMAN (Bragg) (15:04): I have a further question, and this time it is to the Minister for Water. Can the minister provide a guarantee that the north-south interconnection project will not cost more than $403 million and will not blow out by more than $700 million as the project it is replacing did?

In 2007, the Premier announced that the government would be building a $304 million pipeline to connect the two reservoirs in the north and the south. At public meetings and briefings provided to members in the past month, SA Water representatives have said that that project was abandoned as, in fact, it would cost more than $1 billion.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:05): I think there were a multitude of questions there—400 million, 700 million, 1 billion. Quite simply, I will make this point: the government is certainly committed—and we have not hidden this at all—to making sure that we have water security and water security into the future for the people of Adelaide.

Part and parcel of that process is to ensure that we can distribute the water from the desalination plant across the length and breadth of this city. Also, in the context of the federal election, of course the federal government had nothing to do with the north-south interconnector. It was an absolute politicisation of this process, beyond what I think ought to have been the case, but I do accept—

Ms Chapman interjecting:

The Hon. P. CAICA: Well, it shouldn't get worse, because what the member for Bragg wants to do is to compromise the ability of this government to secure water supplies for all South Australians, for all people of Adelaide in the future. That is what they want, and they are acting in an absolutely irresponsible way.

Mr WILLIAMS: Point of order, Madam Speaker. The minister is clearly debating the answer to the question.

The SPEAKER: Minister, have you finished?

The Hon. P. CAICA: No. I haven't, Madam Speaker; but I will very quickly. Again, if they interject I will respond accordingly because it is bad manners to interject. What I can say is that we have allocated $403 million to ensure that we are able to secure water supplies through the connection of the north and the south systems, and that is what the project will cost.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

BUDGET PAPERS

By the Treasurer (Hon. K.O. Foley)—

Budget Improvement Measures—Restoring Sustainable State Finances—
- Second Report by the Sustainable Budget Commission—Government Response
- Second Report by the Sustainable Budget Commission—Volume 1
- Second Report by the Sustainable Budget Commission—Volume 2

Budget Measures Statement 2010-11—Budget Paper 6
Budget Overview 2010-11—Budget Paper 1
Budget Speech 2010-11—Budget Paper 2
Budget Statement 2010-11—Budget Paper 3
Capital Investment Statement 2010-11—Budget Paper 5

Portfolio Statements 2010-11—Volumes 1, 2, 3 and 4—Budget Paper 4

I move:

That the Budget Statement, Portfolio Statements, Capital Investment Statement and Budget Measures Statement be published.

Motion carried.

APPROPRIATION BILL

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:09): Obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the year ending 30 June 2011, and for other purposes. Read a first time.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:09): I move:

That this bill be now read a second time.

Madam Speaker, last June when I delivered my eighth budget to this house we stood in the midst of the sharpest and deepest global recession since the Great Depression.

The global economic outlook, the national economic outlook, and the state economic outlook, were bleak.

The International Monetary Fund had forecast that the world economy would contract by 1.3 per cent over the course of the year.

Both Australia and South Australia's economies were expected to contract by 0.5 per cent, significantly reducing our state's GST and tax revenues, and causing a sizeable deterioration in the state's financial outlook.

In that budget, I outlined to the house the second stage of the Rann government's response to this growing global financial crisis.

Building on the measures we had already set out in the 2008-09 Mid-Year Budget Review, as the domestic economy slowed, we bolstered our savings task, establishing an independent Sustainable Budget Commission to review the state's finances and assist us in identifying savings to get the budget back into surplus.

At the same time, we outlined a massive stimulus to the South Australian economy in partnership with the commonwealth government, injecting billions of dollars of capital investment into rebuilding the state's infrastructure, and we provided increased funding for key services in health and families and communities.

Against this global backdrop of uncertainty and decline, the Rann government's strategy was to set in place a framework for stimulating our economy and to return our finances to a sustainable position as the economy improved.

Fifteen months on, global markets continue to shudder, but the domestic economy in Australia has strengthened—an extraordinary result.

Australia's economy has far outperformed the rest of the developed world, defying the global trend towards recession.

South Australia has also performed strongly.

In the past year alone, almost 20,000 additional full-time jobs have been created in South Australia.

State Final Demand grew above the national growth rate in the year to the June quarter at 5.9 per cent. Gross State Product is estimated to have grown by around 2 per cent in 2009-10 and is forecast to strengthen to 2.75 per cent in 2010-11.

GST and other state tax revenues have significantly recovered, but for all of this relative success, the global financial crisis continues to have an impact on our state's finances.

Between 2008-09 and 2012-13 it is expected that total taxation, GST and royalty revenue will be almost $1.4 billion below what was estimated at the time of the 2008-09 budget.

This has a significant impact on net debt, and the net operating position.

At the same time, cost pressures in the key front line service areas of health and families and communities have and will continue to put additional pressures on the budget bottom line.

In the past five years, annual costs in health alone have increased by an average of 9 per cent, reflecting a national trend that is acutely felt in a state like ours with a relatively older population.

These circumstances underline the importance of meeting a significant savings task across the state budget—so that we can return the state's finances to a sustainable position, and provide a buffer to withstand any future global shocks.

The measures in this budget mark the third stage of the government's response to the global financial crisis.

Madam Speaker, achieving a sustainable net operating position is a key priority of the 2010-11 Budget and that will be achieved by meeting a new series of savings measures.

In detail, the 2010-11 Budget forecasts net operating results delivering at the end of 30 June in this financial year:

- a $167 million surplus estimated for 2009-10;
- a $389 million deficit in 2010-11;
- a $55 million surplus in 2011-12;
- a $216 million surplus in 2012-13; and
- a $370 million surplus in 2013-14.

The deficit in 2010-11 is largely the result of timing variations in expenditure, and the receipt of commonwealth revenues earlier in 2009-10 rather than anticipated in 2010-11.

Increasingly strong surpluses are forecast to build across the forward estimates as the budget improvement measures I am setting out today take effect.

Furthermore, provisional data indicates that the surplus will strengthen considerably further to $840 million in 2014-15.

Madam Speaker, this budget is both responsible and decisive in addressing the cost pressures we face.

In framing this budget, the government was determined to honour every one of our 2010 state election commitments.

This budget meets that commitment.

We are determined to provide for further expenditure in priority areas of front line services in health, families and communities and transport.

This budget delivers on those priorities.

We are determined to continue our significant capital investment program to upgrade and improve the state's infrastructure.

And this budget delivers that investment with a $10.7 billion spend over the next four years—keeping our investment program at record levels and continuing the government's crucial stimulus to our economy.

Not only does this infrastructure investment continue our program of rebuilding our state, it will support 12,000 full-time equivalent jobs in this year alone.

Madam Speaker, in addition to delivering my budget today the government is also publishing and responding to the final report of the Sustainable Budget Commission.

The commission was chaired by noted economist and former executive officer of the Howard Government's National Commission of Audit, Mr Geoff Carmody. Mr Carmody and the commission have undertaken an exhaustive root and branch review of the state's finances, and I thank the commission for the invaluable body of work that they have produced.

The commission has worked with agencies to identify a menu of budget improvement measures to assist the government in its task of returning the state's finances to a sustainable position.

Madam Speaker, the Sustainable Budget Commission has recommended significant savings in the budget to position the state for growth with finances that are sustainable.

The commission acknowledges that there is a trade off for the government: the larger the up-front savings, the greater the budget flexibility available to the government in future years, and conversely.

With this in mind the commission has recommended that the government consider implementing by 2013-14 savings up to $1.2 billion per year to maximise budget flexibility into the future.

The government has carefully considered the recommendations of the commission and in framing this budget, has balanced the desire to set South Australia on a sustainable course as rapidly as possible with the need to protect and further invest in key areas of service delivery.

Accordingly, this budget contains new budget improvement measures of $1.5 billion in expenditure savings and $478 million of revenue measures. Together with existing savings already locked into the budget, these measures will improve the bottom line by $991.8 million in 2013-14 and by a total of $2.56 billion over the next four years—the largest savings task in decades.

Madam Speaker, this is a very substantial savings task that will have a significant impact on the state's public sector. It will not be without pain.

We have sought to focus a greater proportion of savings measures from central administrative costs in the public sector in order to reduce the impacts on front line government services and on the general community.

To this end this budget continues the government's program of public sector reform.

The changes in this budget will reduce the number of public sector workers and bring public sector entitlements more in line with those in the private sector and with community expectations.

The savings measures in the budget, in addition to previously announced savings, are estimated to reduce the number of full-time equivalent public servants by around 3,750 over the next four years.

The government will offer a very generous targeted voluntary separation package for those excess employees who wish to leave public sector employment. The proposed scheme is more generous than schemes offered by the commonwealth or other state jurisdictions.

Non-executive employees declared excess will be eligible to have a separation package calculated as 20 weeks pay, plus an additional three weeks pay for each completed year of service, up to a maximum of 116 weeks pay (equivalent to 32 years of service).

After six months of redeployment, separation packages will be reduced to 10 weeks pay, plus an additional three weeks pay for each completed year of service, up to a maximum of 88 weeks pay (equivalent to 26 years of service).

Separation packages for untenured executives are based on the termination clauses in their employment contracts. For tenured executives, terms will be in accordance with the arrangements detailed above applying to non-executive employees but capped at 52 weeks.

For employees who wish to continue their public sector career the government will offer a comprehensive redeployee management service aimed at placing as many as possible in vacancies that arise.

The cost associated with carrying excess employees is significant. The six month step down in separation terms will provide an incentive for employees declared excess to make an early decision.

Even after the reduction in terms this scheme still remains generous relative to similar schemes in other jurisdictions.

Madam Speaker, the government is fully committed to achieving a sustainable budget outcome through the approved savings measures.

Government employees whose positions are determined to be redundant as a consequence of these saving measures will have the opportunity for training and skills development to find alternative employment positions that arise from natural attrition and higher priority expenditure initiatives which will create jobs in the public sector.

Employees whose positions are determined to be redundant and who are not assigned to other positions will also have available the generous voluntary separation packages I have outlined.

However, following the introduction of separation packages, if the required reduction in employee numbers is not achieved in 12 months through redeployment and voluntary separation packages, the government will reconsider its 'no forced redundancy' policy.

As I said earlier the government is fully committed to achieving a sustainable budget outcome through the approved savings measures.

This budget will cut the number of executives across government departments by 20 per cent, delivering savings of around $30 million by 2013-14. Of the 20 per cent, half will be achieved as part of the specific measures announced in this budget and the remainder is allocated to agencies to achieve through management structural reform.

And we will make significant changes to public sector long service leave and leave loading entitlements.

The current recreation leave loading provision, which generally provides an additional 17.5 per cent loading on salaries for workers while on holiday, will be replaced with two extra days of leave for public sector employees.

Importantly, however, this initiative will not apply to shift workers, seven day a week workers, and/or those in particular professions including the police and disability services, and nurses, teachers or doctors.

This budget also amends the long service leave provisions of public servants. Currently, public servants accrue 15 days of long service leave per year after 15 years of service is reached. This is more generous than entitlements in the private sector, the commonwealth government, and several other state governments. The accrual of long service leave after 15 years of service will be reduced to nine days per year.

This measure will take effect from 1 July 2011 and existing long service leave entitlements accrued will be maintained.

These reforms will bring the remuneration of public servants more in line with the private sector.

We will also reduce ministerial office budgets by 15 per cent.

And we will make savings of $14.9 million over three years by reducing the number of cars in the government fleet through the greater use of vehicle pooling arrangements.

A further $13.3 million will be saved over three years from greater use of four cylinder vehicles for government fleet passenger vehicles, many of which will come from the new locally built Holden Cruze.

In total, these public sector reforms, as well as other government-wide savings measures will deliver $308.5 million over the next four years.

Madam Speaker, every government department has contributed to this significant savings task.

The Department of Health will deliver savings over four years of $316 million, or around 2.8 per cent of its total budget by 2013-14.

The most significant saving from within the Health portfolio of $118.1 million over three years from 2011-12 will be delivered through efficient price reform across our state's metropolitan hospitals—necessary changes to facilitate the transition to the commonwealth government funding hospital services model on the basis of a national efficient price.

This reform is aimed at increasing efficiency, improving service delivery, improving leave management, reducing overtime and the use of agency staff, better management of operating theatres and improving contract management.

Savings of $76.1 million will be achieved over the forward estimates by reducing hospital waiting times through decreasing the number of consultative outpatient services provided in public hospitals. These consultations will instead take place in specialist or GP private practices rather than a hospital clinic, bringing South Australia into line with the practices of other states such as New South Wales, Victoria and the Australian Capital Territory.

And $56.9 million will be achieved over four years by reducing duplication and improving efficiency in health corporate services by standardising systems and processes across the department and the health system.

Education and Children's Services will deliver savings of $145.7 million over four years, including $59.6 million in 2013-14, or around 2 per cent of its total budget in 2013 14.

More efficient departmental service delivery models will deliver savings of $22.9 million over four years.

Savings of $20.3 million over three years from 2012 will be achieved by focussing adult re-entry schools on supporting young adults under 21 who want to complete their SACE or gain SACE credits before going on to TAFE or other training institutions.

Adults over 21 will be able to access their education needs from TAFE or alternative education providers.

And small school grants will cease to coincide with the introduction of the student centred funding model, saving $12.1 million over four years from 2010-11.

Madam Speaker, in meeting the savings task in this budget the government has targeted its efforts on spending restraint—rather than revenue measures—to help restore the state's finances, as I said before, to a financially sustainable level.

Under a quarter of the budget improvement measures involve revenue or cost recovery measures, while the overwhelming majority of the task has been met through budget savings.

Most significantly, today I announce that the state government will reform the mineral royalty regime in South Australia to secure a more appropriate dividend for South Australians from our mineral resources.

A new three-tiered system for mineral royalties will be introduced from July next year. A royalty rate of 5 per cent will apply to metallic and energy minerals ores and concentrates, such as copper concentrate, 'yellowcake' uranium, heavy mineral sands concentrate and iron ore.

This change will bring us into line with the Liberal government of Colin Barnett in Western Australia, where the 5 per cent rate is already applied to these ores and concentrates.

The 3.5 per cent rate will continue for refined metallic product, such as refined copper, gold and silver. The 3.5 per cent rate will also continue for commodities used in industrial and construction industries.

And the existing concessional rate of 1.5 per cent for the first five years of a new mine will be changed to 2 per cent. Existing 'new mine' agreements will be grandfathered.

The 'new mine' rate provides a competitive edge for South Australia and recognises the high risk inherent in the first few years of mining operations.

The government has already consulted with key mining companies and the South Australian Chamber of Mines and Energy on these reforms.

And I would like to place on record that the government appreciates their mature and constructive approach in discussing the design of a new royalty regime, which we are confident will allow the mining sector to grow and prosper in South Australia whilst providing a significant dividend to the people of this state.

The government recognises that it has a role in helping the mining industry. That record is well demonstrated. This budget also commits funding to extend the Plan for Accelerating Exploration and continues the Regional Development Infrastructure Fund.

The government looks forward to continuing to work closely with the industry to ensure that our record levels of exploration are turned into a record number of mines and associated economic development.

Madam Speaker, in addition the government is making changes to several government subsidy schemes.

The First Home Bonus Grant, currently payable in addition to the $7,000 First Home Owner Grant from the commonwealth, will be abolished for first home purchasers of an existing home. However, the bonus will be doubled from $4,000 to $8,000 for those who build or purchase a newly constructed home valued at up to $400,000. The amount of this grant will continue to be phased out for new homes valued between $400,000 and $450,000. This measure will come into effect from tomorrow, 17 September 2010, and will deliver savings of $76.9 million over the next four years.

The $7,000 First Home Owner Grant will also have a cap introduced, so that first home purchases above $575,000 will no longer be eligible for the commonwealth grant. This cap is currently more than double the median value of first home purchases, and will be set in reference to the median house price in Adelaide. It is estimated that around 98 per cent of first home buyers will remain eligible for the grant. This measure will deliver savings of $7.4 million over four years.

I can also announce today that this budget abolishes the Petroleum Subsidy Scheme from 1 January 2011. The scheme currently provides subsidies of 0.82¢ per litre for unleaded petrol and 0.66¢ per litre for leaded petrol between 50 and 100 kilometres from the Adelaide GPO. Unleaded petrol is subsidised at 3.33¢ per litre at distances of more than 100 kilometres from the GPO, while leaded petrol is subsidised at 3.17¢ per litre. On-road diesel is subsidised at 1.94¢ per litre in areas more than 100 kilometres from the GPO.

The abolition of this subsidy is consistent with other jurisdictions, including New South Wales, Victoria, Queensland and Tasmania, which have recently abolished their petrol subsidy schemes.

The payroll tax exporter's rebate, currently available on wages attributable to export production, will be halved from 20 per cent to 10 per cent from 1 July 2011, and fully abolished from 1 July 2013.

The removal of this scheme is anticipated to result in a budget saving of $9.8 million over four years, and follows substantial payroll tax relief in previous budgets, estimated to provide around $208 million of payroll tax relief since we came into office in the year 2010-11 alone, and there is a serious question mark on advice about that particular scheme's compliance with our free trade agreements, particularly with the United States and World Trade Organisation issues.

This budget also reduces the cap of the cellar-door subsidy scheme, currently available on sales at winery cellar doors. The cap will be reduced from $521,000 per producer to $50,000, to better target smaller producers. This measure will save $7 million over the next three years.

Madam Speaker, while the abolition of these subsidies may seem harsh to their recipients, the government is no longer in a position to provide these while expenditure pressures continue to mount in key service delivery areas.

In total, it is estimated that, once fully implemented, the government will have reduced taxes on a cumulative basis by around $4.6 billion by 2013-14, and this budget will deliver further tax reform as we honour our election commitment to provide a payroll tax total exemption for employers of apprentices and trainees—a move that is expected to encourage more businesses to take on young South Australians.

In an effort to provide a greater level of transparency, I am today introducing a new initiative in the delivery of this budget.

Today, for the first time, I will be tabling a new budget paper, the Budget Measures Statement, which outlines each of the new measures contained in this budget so as to provide a greater level of detail and transparency than has previously been provided to the parliament by either side of politics.

Madam Speaker, through meeting our savings targets we are able to continue the Rann government's record investment in rebuilding the state's key infrastructure.

This budget delivers an investment program of $10.7 billion over the next four years, continuing the crucial stimulus which is helping to rebuild and expand the state's infrastructure for generations into the future.

This budget will deliver new projects including:

- $445.5 million to duplicate the Southern Expressway for improved transport accessibility to the southern suburbs—a Labor promise, a Labor commitment, to be delivered;
- $309.2 million over four years as part of the $394 million project to expand and redevelop the Adelaide Convention Centre and upgrade the Riverbank Precinct including a footbridge over the River Torrens;
- $149 million over four years for upgrades at the Women's and Children's Hospital, and major redevelopments of the Modbury Hospital and The Queen Elizabeth Hospital;
- $90.1 million over four years to expand the Adelaide High School—in the gallery is the former head prefect of Adelaide High School—Brighton Secondary School, Glenunga International High School, and Marryatville High School, and to establish six new better behaviour centres and six new special education units for children with a disability, and an additional 10 new children's centres; and
- $125 million to develop a Sustainable Industries Education Centre at the Sustainable Technologies Precinct at Tonsley Park—a sharply named precinct, and that has already been announced by the Premier and the Minister for Further Education, who is to be congratulated for delivering such a new reform to our TAFE sector so early in his ministry.

And we are continuing our investment across the forward estimates for major projects already underway, including:

- $1.8 billion to help secure forever and ever South Australia's water supply through the construction of a 100 gigalitre desalination plant and transfer pipeline;
- $1.4 billion for major rail projects including the upgrade and electrification of the Noarlunga and Gawler lines, electrification of the Outer Harbor line, and for the members for Mawson, Kaurna and Bright, we are seeing the construction of the extension of the Seaford line from Noarlunga;
- $893.1 million for projects to upgrade South Road, including $791.8 million for the South Road Superway from the Port River Expressway to Regency Road;
- we will provide $420 million for ongoing public housing construction and redevelopment; and
- the government has also agreed to provide financial assistance capped at $535 million to fund the major redevelopment of Adelaide Oval to host football and cricket in the city. Bring football home to the city!

Madam Speaker, I have mentioned the challenge of meeting the cost of the state's growing health needs.

The Rann government will this year invest a record $4.5 billion in health, an increase of 111 per cent or $2.4 billion in just over eight years since we came to office, and it includes new initiatives of $883.5 million over the next four years—an exceptionally large increase unprecedented by any government over 8½ years in this state's history.

Major initiatives include:

- $502.2 million over four years for additional resources for health services; and
- $219.1 million over four years for the Every Patient Every Service initiative (an outstanding program delivered by the Minister for Health), which will deliver:
    - an additional 260,000 elective surgery procedures across metropolitan and country hospitals—of course, no metropolitan or country hospital will be closed by this government;
    - a four-hour emergency department target of 95 per cent of cases, where clinically appropriate;

- 50 medical officer training positions; and
- 50 of the 100 new additional nurse practitioner positions and 80 two-year scholarships.

Madam Speaker, in previous budgets we have provided for $2.6 billion to reform our public transport system including upgrading, electrifying and extending the states metropolitan rail network.

This budget continues the Rann government's program of transformation of the state's transport infrastructure with $518.8 million over the next four years, including, as I have said:

- $445.5 million for the construction of the Southern Expressway duplication;
- $36.1 million over four years for additional buses and services in outer metropolitan areas;
- $12.4 million over four years to expand the Rural Road Safety and Black Spot programs;
- $12 million over four years for 'greenways' and cycle paths—a passion of the former minister for the environment; and
- $5.2 million over four years for the upgrade and replacement of bus shelters—something that the Minister for Transport is passionate about.

Madam Speaker, the Rann government is committed to providing services to people most in need.

Since coming to government in 2002, we have reformed the child protection sector through the Layton Review and the Mullighan Inquiry and we have almost doubled disability funding.

We fully understand the need to continue this momentum, and this budget provides new initiatives worth $306.8 million over the next four years, including:

- $137.7 million over four years for increased resources for children in care;
- $70.9 million over four years for additional support services in Disability SA. I congratulate the minister on her advocacy for that portfolio; we know that more needs to be done and we are achieving as much as we possibly can;
- $70.6 million over four years for an increase in energy, water, sewerage and emergency service levy fixed property concessions. We have also extended the eligibility for these concessions to lower income earners for energy and emergency service levy fixed property concessions from 1 July 2010;
- $13.8 million over four years for disability equipment funding, which we are again providing for the disability sector; and
- $6.6 million over four years for the Active Ageing initiative including the personal alert systems rebate scheme and Seniors Wise SA home visits.

Madam Speaker, the 2010-11 State Budget provides $156 million in new education initiatives over four years to provide more teachers and more school staff, an extensive capital works program and more support for students with disabilities.

The 2010-11 Budget will provide:

- $26.5 million to expand the network of children's centres with the establishment of an additional 10 centres;
- $16 million for non-government schools to support the development of skills and knowledge in science and mathematics, to address behaviour management, and to support students with English as a second language;
- $15.1 million to establish six new better behaviour centres and employ an additional 12 truancy officers;
- $9 million to establish six new special education units for children with a disability that will cater for an extra 120 children; and
- $8.7 million to provide schools with more teachers who have specialist qualifications in maths and science.

Madam Speaker, the budget also provides about $1.5 billion per annum to Justice and Emergency Services agencies to maintain the government's focus on law and order, including $186.1 million of new spending alone over the next four years.

This spending will deliver:

- $106.3 million over four years to recruit an additional 300 police officers and equip them with the latest crime fighting technology, including hand-held computers, a portable fingerprint scanning system, and more automated number plate recognition mobile cameras, and it includes a trial of the Star Chase pursuit management system;
- $15.5 million over four years to target street crime, including establishing the Southern Community Justice Court, the state's first community court—demonstrating again our incredibly strong commitment to the southern suburbs of Adelaide;
- $7.8 million over four years to implement changes to domestic violence legislation, including the development of an IT system and administrative support for the management of intervention orders;
- $6.8 million over four years to increase security on public transport by providing additional police officers on trains and trams; and
- $5.4 million over four years to increase resourcing for the state's volunteer-based emergency services, including new technology, infrastructure upgrades, equipment and volunteer support.

Madam Speaker, in framing this budget the government was presented with the most difficult and challenging savings proposals ever presented to a South Australian state government.

No choice has been easy, every choice has been difficult, but this government and I have not wavered from tackling the challenge that confronts us head on, because by getting it right, by making the tough choices now, we will set ourselves up for this generation and beyond. That is the responsible thing to do, and that is the right thing to do.

I would like to acknowledge the outstanding work of my ministerial colleagues who, under great pressure to deliver a savings agenda, were resolute in their determination to do so, and I thank their chief executive officers and their staff in assisting myself and my Treasury colleagues in the preparation of this budget.

I would also like to take this opportunity—and I would ask the house to do so as well—to thank a very loyal long-serving public servant, having worked in federal and state governments, having served governments of both political persuasions, the current Under Treasurer, Jim Wright, who will retire on 29 September. I would like to put on the public record on behalf of this government and the house our appreciation for his outstanding work in this budget and many more before it.

I would also like to thank and congratulate the Department of Treasury and Finance for their work through this process—a team that have been with me now for some nine budgets. Importantly, to my personal staff—my chief of staff, Stephen Mullighan, in particular—but all of my staff who have provided outstanding support, guidance and assistance in the development of this project, our ninth state budget.

This is a budget that delivers. This is a budget that has addressed the challenges we, as a state, confront. Our government has not wavered. We have not shirked, we have not shied away from the hard decisions. We have demonstrated that, after 8½ years of government, this is a government with experience, talent, vision and strength.

I commend the budget to the house.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2010. Until the Bill is passed, expenditure is financed from appropriation authority provided by the Supply Act.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the Supply Act is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the Supply Act.

8—Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2011.

Debate adjourned on motion of Mr Williams.

CREDIT RATING

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:49): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I have just been provided with a statement from Standard & Poor's rating agency. I can say, to paraphrase, that Standard & Poor's rating services said today that the budget announced today by the state government of South Australia is consistent with the AAA credit rating and the stable outlook already assigned to this state. What a delightful statement to be provided with at the end of my budget!

STATUTES AMENDMENT (BUDGET 2010) BILL

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:50): I move:

That standing orders be so far suspended as to enable the introduction forthwith of the Statutes Amendment (Budget 2010) Bill.

Motion carried.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:50): Obtained leave and introduced a bill for an act to amend the Education Act 1972, the Environment Protection Act 1993, the First Home Owner Grant Act 2000, the Motor Vehicles Act 1959, the Passenger Transport Act 1994, the Payroll Tax Act 2009, the Petroleum Products Regulation Act 1995, the Private Parking Areas Act 1986, the Public Sector Act 2009, the Radiation Protection and Control Act 1982, the Road Traffic Act 1961 and the Technical and Further Education Act 1975. Read a first time.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:52): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill introduces legislative amendments required to implement budget improvement measures that have been announced as part of the 2010-11 Budget.

This Bill amends the *Education Act 1972*, *Public Sector Act 2009*, *Technical and Further Education Act 1975*, *Petroleum Products Regulation Act 1995*, *First Home Owner Grant Act 2,000*, *Motor Vehicles Act 1959*, *Passenger Transport Act 1994*, *Private Parking Areas Act 1986*, *Road Traffic Act 1961*, *Radiation Protection and Control Act 1982*, *Environment Protection Act 1993* and the *Payroll Tax Act 2009*.

This Bill will amend the *Education Act 1972*, *Public Sector Act 2009* and *Technical and Further Education Act 1975* to introduce reform of current public sector long service leave arrangements.

Under current provisions, an employee accrues an entitlement to long service leave at the rate of 9 calendar days for each completed year of effective service for the first 15 years of service and 15 calendar days for each subsequent completed year of effective service.

From 1 July 2011, all state public sector employees will accrue long service leave at the rate of 9 calendar days for each completed year of service with the rate no longer increasing after 15 years of completed service. This initiative does not affect long service leave entitlements that accrue before 1 July 2011.

This initiative provides savings of $90.7 million over three years and will bring state public sector employee long service leave entitlements more in line with those of the majority of the South Australian workforce.

This Bill will further amend the *Public Sector Act 2009* to introduce alternate arrangements to current employee recreation leave loading entitlements.

As part of the 2010-11 Budget initiatives, recreation leave loading for specified public sector employees will be replaced with an additional recreation leave entitlement of two days per annum.

Public sector employees employed as shift workers or seven day week workers, employed under the *Police Act 1998*, *Protective Security Act 2007*, *Children's Service Act 1985*, *Education Act 1972*, *Technical and Further Education Act 1975*, *Fire and Emergency Service Act 2005* and employees classified as a disability services officer, health ancillary employee or a registered health practitioner will continue to receive recreation leave loading. From 1 July 2012, all other eligible public sector employees will receive an extra two days recreation leave (pro rata for part time) in substitution for payment of recreation leave loading.

This initiative will provide savings of $46.6 million over two years.

This Bill will amend the *Petroleum Products Regulation Act 1995* to abolish the petrol subsidy scheme from 1 January 2011.

Petrol subsidies were introduced in South Australia following the invalidation of franchise fee arrangements by the High Court in August 1997.

Subsidies were applied in designated rural areas to offset the difference between the higher replacement Commonwealth excise surcharge (which due to Constitutional limitations cannot be applied at different rates of excise in each State) and the zonal petrol franchise fees which had previously been applied.

Current subsidy rates in the *Petroleum Products Regulation Act 1995* range from 0.66 cents per litre for leaded petrol in Zone 2, which consists of the area 50 kilometres to 100 kilometres from Adelaide GPO, excluding the Yorke Peninsula, to 3.33 cents per litre for unleaded petrol in Zone 3 which covers areas more than 100 kilometres from the Adelaide GPO and includes the Yorke Peninsula.

This initiative is expected to provide savings to the state budget of $49.8 million over four years and will bring South Australia in line with New South Wales, Victoria, Queensland and Tasmania who all have abolished their petrol subsidy schemes.

This Bill amends the *First Home Owner Grant Act 2000* to introduce a property cap of $575,000 on the market value of properties eligible for the First Home Owner Grant. The cap will be introduced for eligible transactions entered into on or after 17 September 2010.

The First Home Owner Grant was introduced on 1 July 2,000 to offset some of the additional building and construction costs associated with the introduction of the GST and in so doing, has assisted first home buyers to gain access to the housing market.

The new *Intergovernmental Agreement on Federal Financial Relations* (IGA) signed in December 2008 allows States and Territories to impose a cap on the market value of homes eligible for the First Home Owners Grant. The cap cannot be less than 1.4 times the relevant jurisdiction's capital city median house price. The Adelaide median house price as at the June quarter 2010 was $410,000. Accordingly, a cap of $575,000 is consistent with IGA requirements.

The cap is over two times the median value of first homes purchased in South Australia, which was around $285,000 in the June quarter 2010. It is estimated that only around 2 per cent of first home purchases will be ineligible for the grant due to the introduction of the $575,000 cap. This equates to around 280 first home buyers per annum (for a full year) over the forward estimates.

The amendments provide for regulations to enable the cap to be adjusted over time.

New South Wales, Victoria, Queensland, Western Australia and the Northern Territory have all imposed a cap on properties eligible for the First Home Owner Grant.

This initiative is expected to achieve savings for the state budget of $7.4 million over four years.

This Bill further amends the *First Home Owner Grant Act 2,000* to increase the first home bonus grant from $4,000 to $8,000 and retarget it to first home buyers who build or purchase a newly constructed home. First home buyers who purchase an existing home will no longer qualify for the bonus grant but will remain eligible for the $7,000 First Home Owner Grant. The new arrangements will apply to eligible transactions entered into on or after 17 September 2010.

The first home bonus grant was announced in the 2008-09 Budget. Under existing arrangements, first home owners who purchase a home valued up to $400,000 receive a bonus grant of $4,000. The bonus grant phases out for first home purchases valued between $400,000 and $450,000.

Under the new arrangements, first home owners who purchase or build a newly constructed home valued up to $400,000 will receive the full bonus grant of $8,000. The bonus phases out for newly constructed homes valued between $400,000 and $450,000.

The first home bonus grant is in addition to the existing $7,000 First Home Owner Grant.

It is anticipated that limiting the first home owner bonus grant to newly constructed homes (for a full year) will result in around 1500 first home buyers being eligible for the full bonus grant, with a further 165 first home buyers entitled to a partial bonus grant in 2010-11. This compares to around 9,000 first home buyers that would have received the bonus grant in some form under the current arrangements.

This initiative is expected to provide savings to the state budget of $76.9 million over four years.

This Bill will also amend the *Motor Vehicles Act 1959* to abolish the use of registration labels for light vehicles and secondly to introduce registration renewal period reform which will reduce the motor vehicle registration renewal options from four to two in relation to the frequency of customers' registration renewal.

Discontinuing the use of registration labels for light motor vehicles will deliver savings of approximately $5.7 million over three years. Operational efficiencies will be generated through a reduction in production, postage and processing costs, as well as through a greater proportion of people renewing online.

A new defence will be introduced for drivers who are detected driving an unregistered vehicle if they did not know and could not reasonably be expected to have known that the vehicle was unregistered. Information about the registration status of the vehicle will be available to the general public over the internet and a dedicated telephone line. To reinforce the responsibility of the owner to ensure the vehicle is registered, the existing owner offence of leaving an unregistered vehicle standing on a road is expanded to include where the vehicle is driven. It will be a defence for the owner if they can prove that they took reasonable steps to ensure that any person lawfully entitled to use the vehicle would have been aware that the vehicle was unregistered. In both defences, what is reasonable will depend on the circumstances.

The second component of this amendment, reducing renewal period options for motor vehicle registration, will deliver a net benefit of $10.1 million over three years. The present renewal options of six and nine months will be discontinued from 1 July 2011. Motorists will continue to have the option of renewing their car registration for either three months or twelve months. The reduction of renewal periods from four to two is consistent with the registration renewal offerings in interstate registration and licensing jurisdictions.

Amendments to the *Road Traffic Act 1961*, *Passenger Transport Act 1994* and the *Private Parking Areas Act 1986* have been made as a consequence of these changes to the *Motor Vehicles Act 1959*.

This Bill amends the *Radiation Protection and Control Act 1982* to allow the addition of new activities to the schedule of activities requiring licence and/or registration. Amendments have also been included that allow the prescription of fees for the new activities. The Government will recover costs of $2.6 million over three years from 2011-12 through the inclusion of new licence requirements and by increasing radiation licence and registration fees. The current fees for administration, compliance and enforcement of radiation licences and registrations do not cover the cost of providing these services.

This Bill amends the *Environment Protection Act 1993* to provide for the Environment Protection Authority's sustainability licence initiative. Under the initiative a licensee who meets the eligibility requirements set out in the Act, including a commitment to sustainable practices and an open consultation program with the community, may apply for endorsement of the licence as a sustainability licence. The amendment provides for fees to be payable for the application and endorsement and on an annual basis as prescribed by the regulations.

This Bill also provides employers with an exemption from payroll tax on wages paid or payable to apprentices and trainees from 1 July 2010, consistent with the Government's announcement during the 2010 election campaign.

The current rebate arrangements create red tape for business and a payroll tax exemption will make it easier to do business in South Australia.

South Australia previously provided a payroll tax rebate to payroll tax liable employers of apprentices/trainees. The payroll tax trainee rebate for non-Group Training Organisation (GTO) employers was 80 per cent. A higher rebate rate of 98 per cent applied to GTOs in respect of apprentices/trainees they supplied to small businesses. The payroll tax trainee rebate was available for apprentices/trainees were less than 25 years of age at the time of the training contract commencement and was limited to only one training contract undertaken with the same employer. The payroll tax trainee rebate scheme, which was an administrative scheme, ceased from 30 June 2010.

This Bill provides that wages paid or payable to an apprentice or trainee are exempt wages if paid or payable:

- by an approved GTO; or
- by an employer if the apprentice or trainee is undertaking training under—
- a school-based training contract; or
- an initial training contract between the employer and the apprentice or trainee; or
- a training contract entered into prior to 1 July 2010 that is current on that date.

There is no age restriction and the exemption will apply to all apprentices and trainees who undertake an approved training contract in accordance with the criteria set out above.

In recognition of the unique circumstances associated with school-based trainees, a school-based traineeship/apprenticeship will not be considered an initial contract of training. An employee who undertakes a school-based traineeship and subsequently undertakes a further apprenticeship/traineeship with the same employer will continue to qualify for the payroll tax exemption while undertaking that subsequent contract of training.

The Commissioner may approve an organisation as a GTO for the purpose of administering the exemption after taking into account relevant industry standards and practices associated with group training organisations.

In 2008-09, 550 employers received a payroll tax trainee rebate. It is anticipated that a greater number of employers will benefit from the abolition of payroll tax on wages for apprentices and trainees as the exemption will apply to apprentices and trainees regardless of their age.

The exemption will apply retrospectively from 1 July 2010.

RevenueSA has been administering the *Payroll Tax Act 2009* as if the exemption came into effect from 1 July 2010, and will continue to administer the legislation on this basis pending the Bill being passed by Parliament.

This exemption will provide tax relief to businesses of around $79.7 million over the next four years.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause sets out the arrangements for the commencement of various parts of this measure.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Education Act 1972*

4—Amendment of section 19—Long service leave

The rate of long service leave for any service occurring after the first 7 years of service will be 0.75 day's leave for each completed month of effective service. This amendment will apply from 1 July 2011.

5—Transitional provision

The amendment made to the *Education Act 1972* in relation to the rate of accrual of long service leave will not affect an entitlement to long service leave or a payment in lieu of long service leave that accrues before 1 July 2011.

Part 3—Amendment of *Environment Protection Act 1993*

6—Amendment of section 11—Establishment of Authority

Section 11 precludes the Authority being subject to the direction of the Minister in relation to environmental authorisations and the amendment extends this to sustainability licence endorsements.

7—Insertion of Part 6A

A new Part is inserted into the Act.

Part 6A—Sustainability licence endorsements

57A—Requirement for endorsement of licence

The scheme is about a licensee being awarded the privilege of holding the licence out as a 'sustainability licence' in recognition of the licensee putting in place certain extraordinary environment protection measures. This section establishes the fundamental premise of the privilege by making it an offence for a person to represent that a licence is a sustainability licence, or permit another person to do so, unless the licence is endorsed as a sustainability licence under this Part.

57B—Applications for endorsements

The application procedure for an endorsement is similar to that for other applications under the Act.

57C—Endorsement of licences

The Authority is authorised to endorse a licence as a sustainability licence on payment of a fee if the licensee has undertaken—

- to implement, within a period agreed with the Authority, specific and substantial measures agreed with the Authority designed, in connection with the activities authorised by the licence—
  - to protect, restore or enhance the environment beyond standards required by or under the Act; and
  - to facilitate consultation with the community and deal with complaints; and
- to facilitate auditing of the implementation of the measures in accordance with an auditing programme agreed with the Authority; and
- to review and renegotiate the measures and auditing programme in good faith from time to time in accordance with a review programme agreed with the Authority; and
- to implement the measures, and facilitate auditing of implementation of the measures, as renegotiated following review.

Other requirements may be specified by regulation. It is contemplated that the Authority might also make undertakings to provide support to the licensee in the implementation of the measures. The undertakings are not enforceable.

57D—Term and renewal of endorsements

An endorsement is to run with the licence. Information about the measures forming the basis of an endorsement must be included in any application for renewal of a licence endorsed as a sustainability licence.

57E—Annual fees and returns

The regulations may impose an additional annual fee for a licence endorsed as a sustainability licence. An annual return for a licence endorsed as a sustainability licence is required to include information about the measures forming the basis of the endorsement.

57F—Transfer of endorsements

If a licence is transferred, an endorsement may be transferred with the approval of the Authority given on the same basis as would apply if the transferee were an applicant for an endorsement.

57G—Suspension or revocation of endorsements

The Authority may revoke an endorsement if—

- the holder of the licence acts contrary to an undertaking forming the basis of the endorsement; or
- the Authority is unable to reach agreement with the holder on the renegotiation of the measures or auditing programme.

Other grounds for revocation may be specified by regulation.

A licensee may require the revocation of an endorsement.

Suspension, cancellation or surrender of the licence flows through to the endorsement.

8—Amendment of section 106—Appeals to Court

The appeal provision is amended to provide for an appeal to the Court against a decision of the Authority to refuse to endorse a licence as a sustainability licence or to revoke or refuse to approve the transfer of such an endorsement.

9—Amendment of section 109—Public register

The provision governing the public register is amended so that details of endorsements and applications for endorsements are included on the register.

10—Transitional provision

The sustainability licences already issued by the Authority are converted by this clause into sustainability endorsements

Part 4—Amendment of *First Home Owner Grant Act 2000*

11—Amendment of section 3—Definitions

Definitions of two terms, *new home* and *substantially renovated home*, are to be removed from section 13A and inserted into the list of definitions that apply for the purposes of the whole Act. This is because these terms are now to be used in new section 18BA in addition to section 13A.

12—Amendment of section 7—Entitlement to grant

Under section 7 as amended by this clause, a first home owner grant will not be payable on an application under the Act if—

- the commencement date of the eligible transaction for which the grant is sought is on or after 17 September 2010; and
- the market value of the home to which the transaction relates exceeds $575,000.
- (If an amount other than $575,000 is prescribed by regulation for the purposes of the section, that prescribed amount applies instead of $575,000.)

13—Amendment of section 13A—Special eligible transactions

The definitions of *new home* and *substantially renovated home* are to be removed from section 13A and placed in section 3.

14—Amendment of section 18B—Bonus grant for transactions before 17 September 2010

This clause amends section 18B, which provides for an increase in the amount of a home owner grant in certain circumstances, by limiting the operation of the section to transactions with a commencement date that is before 17 September 2010.

This clause also removes a number of subsections relating to the determination of the market value of a house. These provisions are to be included in new section 18BB, which will set out the method for determining the market value of a house for the purposes of sections 7, 18B and 18BA.

15—Insertion of sections 18BA and 18BB

This clause inserts two new sections.

18BA—Bonus grant for transactions on or after 17 September 2010

Section 18BA provides for an increase in the amount of a first home owner grant if—

- the commencement date of the eligible transaction is on or after 17 September 2010; and
- the transaction relates to a contract for the purchase of a new home, a comprehensive home building contract or the building of a new home by an owner builder; and
- the market value of the home is less than $450,000.

The amount of the bonus grant will, if the market value of the home does not exceed $400,000, be $8,000. If the market value of the home exceeds $400,000, the amount of the bonus grant is to be determined in accordance with a formula set out in the section.

18BB—Market value of homes

This section specifies the method for determining the market value of a home for the purposes of sections 7, 18B and 18BA. The section repeats the method that was previously set out in section 18B.

16—Amendment of section 18C—Amount of grant must not exceed consideration

The amendment made by this clause is consequential.

17—Transitional provision

Under this clause, the amount of a first home owner grant paid to a person who is not entitled to the grant because of the retrospective operation from 17 September 2010 of new subsection (1a) of section 7, which imposes the cap of $575,000, will be recoverable from the person as a debt due to the State. This clause also provides for the recovery of a first home bonus grant paid to a person under section 18B of the Act if the payment was made in respect of an eligible transaction with a commencement date that is on or after 17 September 2010.

Also, if a person is entitled to a first home bonus grant under new section 18BA, but the person has received an *ex gratia* benefit in order to provide the bonus grant, the amount of the person's entitlement under section 18BA is to be reduced by the amount of the *ex gratia* payment.

Part 5—Amendment of *Motor Vehicles Act 1959*

18—Amendment of section 9—Duty to register

This clause amends section 9 of the Act so that the defence in subsection (2) will only apply to a heavy vehicle and to insert a new defence for drivers of light vehicles (who are not the registered owner or the registered operator) if the defendant proves that he or she did not know and could not reasonably be expected to have known, that the vehicle was unregistered. The provision also extends the owner offence in section 9(3) to make the owner liable where an unregistered vehicle is driven on a road (currently that offence only applies to a vehicle left standing on a road). Proposed subsection (4a) however provides a defence for the owner where the vehicle was not driven or left standing on the road by the owner and the owner had taken reasonable steps to ensure that any person lawfully entitled to use the motor vehicle would have been aware that the vehicle was unregistered. In addition, the definition of *owner* in section 9 is amended to exclude persons who merely take a vehicle on hire.

19—Amendment of section 16—Permits to drive vehicles without registration

This clause amends section 16 to remove the reference to registration labels for light vehicles.

20—Amendment of section 24—Duty to grant registration

This clause amends the registration periods for light vehicles to delete the 6 month and 9 month options.

21—Amendment of heading

This clause amends a heading to reflect the fact that registration labels will only be issued for heavy vehicles.

22—Amendment of section 48—Registration label

This clause amends section 48 to remove the reference to certificates of registration and to make the provisions about registration labels apply only to heavy vehicles.

23—Amendment of section 50—Permit to drive pending receipt of registration label

24—Amendment of section 52—Return or destruction of registration labels

These clauses make amendments to reflect the fact that registration labels will only be issued for heavy vehicles.

25—Amendment of section 56—Duty of transferor on transfer of vehicle

26—Amendment of section 57—Duty of transferee on transfer of vehicle

27—Amendment of section 58—Transfer of registration

These clauses replace references to the certificate of registration with references to prescribed documents.

28—Amendment of heading

29—Amendment of section 71A—Property in plates, labels and documents

30—Substitution of section 71B

These clauses are consequential to clauses 25, 26 and 27.

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

This clause proposes amendments to section 102 of the Act (which deals with uninsured vehicles) that correspond to the amendments proposed in relation to section 9 of the Act (which deals with unregistered vehicles).

32—Repeal of section 103

Section 103 is deleted as it would no longer be necessary.

33—Amendment of section 116—Claim against nominal defendant where vehicle uninsured

This clause amends section 116(7c)(b) to make the wording consistent with the wording of the new defence in section 102.

34—Amendment of section 124—Duty to co-operate with insurer

This clause replaces a reference to the certificate of registration or permit with a reference to prescribed documents.

35—Amendment of section 131—Insurance by visiting motorists

This clause deletes a reference to a certificate of registration.

36—Amendment of section 142—Facilitation of proof

This clause is amended to reflect the fact that registration labels will only be issued for heavy vehicles.

37—Amendment of section 145—Regulations

This clause amends the regulation making power to allow the regulations to prescribe documents (for the purposes of those sections that will now refer to prescribed documents), to allow the Registrar to issue, and charge for, documents relating to registration or to particulars of registration where such documents may be necessary for any purpose and to provide offences.

38—Insertion of Schedule 1

This clause inserts a Schedule making special provision in relation to camera detected registration offences. This is consequential to the proposed amendments to section 79B of the *Road Traffic Act 1961*.

39—Transitional provisions

This clause provides a transitional provision to ensure that, after commencement of the measure, offences in the *Motor Vehicles Act* relating to registration labels won't apply to labels issued for light vehicles before commencement. In addition, transitional provisions are included to deal with the removal of registration offences from section 79B of the *Road Traffic Act* and the enactment of Schedule 1 of the *Motor Vehicles Act*.

Part 6—Amendment of *Passenger Transport Act 1994*

40—Amendment of section 63—Registration of prescribed passenger vehicles

This clause amends the *Passenger Transport Act 1994* consequentially to the amendments to the *Motor Vehicles Act 1959* relating to registration labels and also deletes an obsolete reference to section 55 of the *Motor Vehicles Act 1959*.

Part 7—Amendment of *Payroll Tax Act 2009*

41—Amendment of Schedule 2—South Australia Specific Provisions

This clause provides for another category of exemption under Part 3 of Schedule 2 of the Act. Under this new clause, wages paid or payable to an apprentice or trainee by a group training organisation approved by the Commissioner, or where the apprentice or trainee is undertaking training under various categories of training contracts (as specified under this provision), will be taken to be exempt wages. It will also be possible to add to the categories of training contracts in relation to which the exemption applies by regulation.

42—Transitional provision

This clause provides that a regulation made for the purposes of new section 10A (inserted by clause 41) may take effect from 1 July 2010 or a later date.

Part 8—Amendment of *Petroleum Products Regulation Act 1995*

43—Amendment of section 4—Interpretation

This clause removes the definition of *bulk end user* from section 4. The term is relevant only in relation to the subsidy scheme and is therefore no longer required. A consequential amendment is also made to the definition of *condition*.

44—Repeal of section 4B

This clause repeals section 4B, which sets out the meaning of *bulk end user* and includes other provisions relating to that term.

45—Repeal of section 5

Section 5 provides for the division of South Australia into three zones. This division is only required for the purposes of Part 2A of the Act, which provides for subsidies and is to be repealed by clause 48. Section 5 is therefore repealed by this clause.

46—Amendment of section 8—Requirement for licence

Section 8 prohibits a person from selling petroleum products by retail sale or wholesale unless authorised to do so under a licence. The prohibition does not apply in relation to the sale of products by a person as a bulk end user. This clause amends section 8 by removing the bulk end user exception.

47—Amendment of section 11—Conditions of licence

Section 11(2)(ga) provides that licence conditions may include conditions relevant to the subsidy paid or payable under the Act in relation to a quantity of eligible petroleum products. As a subsidy is not longer to be available under the Act, this clause amends section 11 by removing paragraph (ga).

48—Repeal of Part 2A

Part 2A deals with the subsidy to which licence holders are currently entitled in certain circumstances. This clause repeals Part 2A.

49—Amendment of section 44—Powers of authorised officers

50—Amendment of section 47—Appeals

51—Amendment of section 50—Register

The amendments made by these clauses are consequential on other amendments to the Act that remove provisions relating to subsidies and bulk end user certificates.

52—Amendment of section 53—Records to be kept

This clause amends section 53 to in order to provide a definition of *certificate*. The existing definition is to be removed from section 4 because of the repeal of Part 2A. For the purposes of the section, a certificate is a bulk end user certificate issued under Part 2A before the repeal of the Part.

53—Amendment of section 53A—Falsely claiming to hold licence or permit etc

54—Amendment of section 56—Confidentiality

The amendments made by these clauses are consequential on other amendments to the Act that remove provisions relating to subsidies and bulk end user certificates.

55—Amendment of section 62—Evidence

This clause amends section 62 in order to provide a definition of *certificate*. The existing definition is to be removed from section 4 because of the repeal of Part 2A. For the purposes of the section, a certificate is a bulk end user certificate issued under Part 2A before the repeal of the Part.

56—Transitional provision

The transitional provision provides that the amendments made by the amending Act do not affect entitlements that arose under Part 2A before the repeal of that Part. The amendments also do not affect the Commissioner's right under section 23 to require the payment or repayment of an amount. A person's right to appeal against a decision of the Commissioner on a claim for a subsidy, or a decision to issue a notice seeking a payment or repayment, is also preserved.

Part 9—Amendment of *Private Parking Areas Act 1986*

57—Amendment of section 8—Offences—driver and owner to be guilty

This clause amends the *Private Parking Areas Act 1986* consequentially to the amendments to the *Motor Vehicles Act 1959* relating to registration labels.

Part 10—Amendment of *Public Sector Act 2009*

58—Amendment of section 51—Hours of duty and leave

This clause makes it clear that a right to recreation leave for employees to whom Part 7 of the Act applies will be subject to the operation of proposed Schedule 1A.

59—Insertion of section 73A

An entitlement to a leave loading allowance for recreation leave for public sector employees, other than categories of employees excluded under the new arrangements, is to be replaced with an entitlement to additional recreation leave that will accrue at the rate of ⅛ days leave for each completed month of service in accordance with the provisions of Schedule 1A. This measure is to apply from 1 July 2012 (the *prescribed date* under Schedule 1A).

60—Amendment of Schedule 1—Leave and working arrangements

The rate of accrual of an entitlement to long service leave under the Act will be 9 calendar days for each completed year of effective service (with no increase in the rate after 15 years of service). This amendment will apply from 1 July 2011.

61—Insertion of Schedule 1A

This Schedule sets out the new arrangements with respect to leave loading for certain public sector employees.

62—Transitional provision

The amendment made to the *Public Sector Act 2009* in relation to long service leave entitlements will not affect an entitlement to long service leave or a payment in lieu of long service leave that accrues before 1 July 2011 (including so as to accrue leave for completed months of service occurring before 1 July 2011).

Part 11—Amendment of *Radiation Protection and Control Act 1982*

63—Amendment of section 5—Interpretation

This clause amends section 5 to insert or update various definitions and to make other minor changes to the section.

64—Insertion of section 23A

This clause inserts new section 23A.

23A—Licence to test for developmental purposes

This section requires a person to hold a licence granted by the Minister if the person carries out developmental testing operations involving or in relation to mining or mineral processing where a prescribed radioactive substance is present.

The maximum penalty for carrying out unlicensed operations is $50,000 or imprisonment for 5 years.

The section does not apply to operations of a prescribed class.

Before granting a licence the Minister must be satisfied that proposed operations would comply with the regulations.

The section provides for the payment of application fees and annual licence fees and for the recovery of those fees.

65—Amendment of section 24—Licence to carry out mining or mineral processing

This clause amends section 24 to require a person to hold a licence granted by the Minister if the person carries out operations for or in relation to mining or mineral processing where a prescribed radioactive substance is present, or will be produced.

Operations in relation to mining or mineral processing include—

- establishing, operating or decommissioning any facilities associated with mining or mineral processing;
- operations for the rehabilitation of land on account of the impact of any operations associated with mining or mineral processing;
- other operations brought within the ambit of the section by the regulations.

A prescribed radioactive substance is a radioactive substance that contains more than the prescribed concentrations of any naturally occurring radioactive element or compound.

The maximum penalty for carrying out unlicensed operations is $50,000 or imprisonment for 5 years.

The section provides for the payment of application fees (as well as annual licence fees) and for the recovery of those fees.

66—Amendment of section 26—Limits of exposure to ionising radiation for mining or mineral processing operations not to be more stringent than limits fixed under certain codes etc

This clause amends section 26 so that it applies in relation to mining and mineral processing.

67—Amendment of section 28—Licence to use or handle radioactive substances

This clause amends section 28 to make it clear that the Minister is the licensing authority for licensing persons to use or handle radioactive sources. The clause also provides for the payment of an application fee on an application for a licence under the section.

68—Amendment of section 29—Registration of premises in which unsealed radioactive substances are handled or kept

This clause amends section 29 to make it clear that the Minister is the registration authority for the registration of premises in which unsealed radioactive substances are handled or kept. The clause also provides for the payment of an application fee on an application for registration.

69—Insertion of section 29A

This clause inserts a new section relating to radiation facilities.

29A—Facilities licence

This section requires a person to hold a licence granted by the Minister if the person prepares a site for, or constructs, establishes, controls, operates, manages, decommissions, disposes of or abandons, a radiation facility.

The section applies to radiation facilities of a prescribed class where a radiation source is produced, processed, used, handled, stored, disposed of or otherwise managed.

The section does not apply to persons of a prescribed class.

The maximum penalty for carrying out unlicensed activities is $100,000.

Before granting a licence, the Minister must be satisfied of the following:

- that the applicant is a fit and proper person to hold a licence under the section;
- that the applicant has appropriate knowledge of the principles and practices of radiation protection to undertake the role or to carry out the activities to which the licence is related;
- that the facility and any relevant operations comply, or will comply, with the regulations.

The section provides for the payment of application fees and annual licence fees and for the recovery of those fees.

70—Amendment of section 30—Registration of sealed radioactive source

This clause amends section 30 to make it clear that the Minister is the registration authority for the registration of sealed radioactive sources. The clause also provides for the payment of an application fee on an application for registration.

71—Amendment of section 31—Licences to operate radiation apparatus

This clause amends section 31 to make it clear that the Minister is the licensing authority for the licensing of persons to operate radiation apparatus. The clause also provides for the payment of an application fee on an application for a licence.

72—Amendment of section 32—Registration of radiation apparatus

This clause amends section 32 to make it clear that the Minister is the registration authority for the registration of radiation apparatus. The clause also provides for the payment of an application fee on an application for registration.

73—Insertion of Part 3 Divisions 3A and 3B

Division 3A—Licence to possess a radiation source

33A—Licence to possess a radiation source

This section requires a person to hold a licence granted by the Minister if the person is in possession of a radiation source.

A radiation source is a sealed radioactive source, unsealed radioactive substance or radiation apparatus, or any equipment, object, article or thing that emits or may emit ionising or non-ionising radiation when energised.

The maximum penalty for unlicensed possession is $100,000.

Before granting a licence the Minister must be satisfied—

- that the applicant is a fit and proper person to hold a licence under the section; and
- that the applicant has appropriate knowledge of the principles and practices of radiation protection to have possession of the radiation source in the circumstances to which the licence is to relate; and
- that any requirement prescribed by the regulations is complied with or satisfied.

The section provides for the payment of application fees and annual licence fees and for the recovery of those fees.

Division 3B—Accreditation of third party service providers

33B—Accreditation process

This section provides that a person may, on payment of a prescribed fee, apply to the Minister for an accreditation for the purposes of this Division.

Before granting an accreditation, the Minister must be satisfied as to the following:

- that the applicant is a fit and proper person to hold the accreditation;
- that the applicant has appropriate skills, qualifications, knowledge or experience to properly carry out the activities authorised by the accreditation;
- that the applicant satisfies any other requirements for accreditation prescribed by the regulations.

33C—Authority conferred by accreditation

This section provides that an accreditation authorises the person named in the accreditation—

- to conduct tests on radiation sources;
- to undertake activities to assess compliance with the Act or any requirements prescribed by the regulations;
- to issue certificates of compliance or certificates or competency in relation to matters regulated under the Act;
- to conduct courses of training leading to qualifications to hold a licence or registration under the Act;
- to carry out other activities determined or approved by the Minister.

33D—Reliance on professional advice

This section allows the Minister to rely on a certificate issued by an accredited person when exercising functions under the Act.

33E—Accreditation fees

This section requires annual fees to be paid by the holder of an accreditation and provides for the recovery of those fees.

33F—Offences

This section makes it an offence for a person to hold themself out, or pretend to be, the holder of an accreditation if the person is not accredited. The maximum penalty is $10,000.

The section also makes it an offence for a person to alter or permit to be altered any information or statement in a certificate issued by an accredited person for the purposes of the Act unless the alteration is authorised by the accredited person or is made in prescribed circumstances. The maximum penalty is $20,000.

A person commits an offence if he or she makes or causes to be made a false or misleading statement in a certificate of compliance or a certificate of competency issued for the purposes of the Act. The maximum penalty is $20,000.

74—Heading to Part 3 Division 4

This clause substitutes the heading to Part 3 Division 4 to extend it to accreditations under the new Part 3 Division 3B.

75—Amendment of section 34—Minister may require information to determine applications

76—Amendment of section 36—Conditions of accreditations and authorities

77—Amendment of section 37—Term of accreditations and authorities and their renewal

78—Amendment of section 38—Register

79—Amendment of section 40—Surrender, suspension and cancellation of accreditations and authorities

80—Amendment of section 41—Review of decisions relating to accreditations and authorities

The amendments made by these clauses to sections 34, 36, 37, 38, 40 and 41 of the principal Act are all consequential on the introduction of an accreditation process in Part 3 Division 3B. They ensure that the provisions that currently apply to licences and registrations will also apply to accreditations.

The amendments to section 40 also empower the Minister to suspend or cancel an accreditation under new Part 3 Division 3B if—

- the holder of the accreditation ceases to hold a qualification on the basis of which the accreditation was granted; or
- the holder of the accreditation has not acted competently or appropriately in undertaking activities under the accreditation; or
- events have occurred or circumstances have changed such that the holder of the accreditation would not be entitled to be granted accreditation if the application were now to be made.

The last ground for suspension or cancellation will also apply to licences and registrations.

81—Amendment of section 43—Regulations

This clause amends section 43 to substitute the words 'processing' for 'milling' and extend the regulation-making power to prescribe fees in relation to accreditations.

82—Amendment of section 49—Evidentiary provisions

The amendment to section 49 made by this clause is consequential on the introduction of the accreditation process.

83—Amendment of section 50—Service of documents

The amendment to section 50 made by this clause is consequential on the introduction of the accreditation process.

Part 12—Amendment of *Road Traffic Act 1961*

84—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause removes the references to registration offences in section 79B of the *Road Traffic Act 1961*, consequentially to the creation of new owner registration offences in sections 9 and 102 of the *Motor Vehicles Act 1959*.

85—Amendment of section 176—Regulations and rules

This clause makes an amendment to the regulation making power to ensure that regulations about photographic detection devices may apply for the purposes of the *Motor Vehicles Act 1959*.

Part 13—Amendment of *Technical and Further Education Act 1975*

86—Amendment of section 19—Long service leave

87—Transitional provisions

These clauses make related amendments relating to the accrual of long service leave under the *Technical and Further Education Act 1975*.

Debate adjourned on motion of Mr Williams.

At 15:52 the house adjourned until Tuesday 28 September 2010 at 11:00.