HOUSE OF ASSEMBLY

Wednesday 10 November 2010

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:02 and read prayers.

WATER METERS

Ms CHAPMAN (Bragg) (11:04): I move:

That regulations made under the South Australian Housing Trust Act 1995 entitled General, on 29 July 2010 and laid on the table of this house on 14 September, be disallowed.

It is unfortunate that we are in November before a motion such as this is heard and at least gets some oxygen and response. The government has, of course, in this year's budget, continued to rely on the extra income that it will, we say, swindle from housing trust tenants in South Australia who have to pay for water use without even the right of having their own meter.

These regulations were introduced after the government in 2007 announced that it would start charging housing trust tenants for their water use. This was done with the support of the opposition because water use by anyone in South Australia needed to be monitored and conserved and, if housing trust tenants—like anyone else—were wasting it or using it excessively, they should also be paying. Of course, if they were eligible for concessions or free access to water—like anyone else—they were entitled to apply for it. That was an important aspect of this initial announcement.

Of course, the government has since introduced a new table of water pricing, and it is to apply to people whether or not they live in a housing trust tenancy. However, the problem with the implementation of this regulation is that the cost of this water, including what we used to know as 'excess water', is to be charged regardless of whether or not that housing trust tenant's property is fitted with a water meter.

As shadow minister for housing I have publicly opposed this policy. It identifies a stark contrast between the Liberal Party and the Labor Party to charge tenants on shared meters. There have been thousands of South Australians who have signed petitions and presented them to this parliament, protesting against this objectionable practice. For the benefit of members, the problem is this: if a housing trust development of, say, 20 dwellings has a one meter to that property, the process is that, to charge the 20 occupants that use water for the property, essentially the bill is divided by 20. You would get one-twentieth of the bill.

If you are a retired, 85-year-old person living in one dwelling and you are water conscious—with respect to waste, you might only shower every second day, you have a policy of ensuring that you recycle water as much as you can, a responsible South Australian citizen with respect to our water—you get the same bill as your neighbour. That may be a household of six people, or it might be a person who owns a truck or a taxi and washes their car with water going onto the property at night—and some do—someone who uses an enormous amount of water coming into that block.

If you are the 85-year-old living in one dwelling, you pay for the same amount of water as the neighbour who may be needing it, or abusing it—either way, but nevertheless consuming and using a significant extra proportion that relates to that property. You have rights to challenge and the ability to apply for benefit rebates back, and all this other, but the reality is you are not entitled to your own water meter. What we asked the government to do, which we think is fair, is that you can charge the individual dwelling resident for the water that they use, once you have installed the meter.

Do know what the former minister Weatherill's answer to that was? 'That is going to cost us millions before we have put that into all of the properties that are going to be necessarily eligible for an individual water meter under this proposal.' The opposition says: so what if it takes three years of budgets to bring these people online and charge them as you give them an individual meter? For every other South Australian who has access to water, whether they are a client of SA Water or someone who is now under regimes of prescription for water licensing, the important thing is the principle, and that is that if the government wants to charge for water—something which may be well advised and would have the opposition's support—it must give people a water meter.

It is just inconceivable that the government has insisted on proceeding with this policy and denying the rights of people who live in these tenancies the right to have a meter before they are charged. This is a fundamental entitlement that is being abused by this government for the people who are the most vulnerable, the most poor and the most unable to voice their objection to this, other than by the thousands of petitioners that have come to this parliament.

On the other side of this house, where the government sits, they have completely ignored those pleas. It seems as though they do not care about pensioners, people who are living in financially impoverished circumstances. If ever there was an example of that it was the follow-up to this when the federal government, in 2009, announced a $30 increase for pensioners as a one-off benefit. The Premier, at the time, made very clear public statements that those funds would be quarantined against any state grab of those moneys. The Premier's media release of 20 May last year stated:

> Premier Rann says it would not be fair for pensioners who live in state housing to have to pass on a quarter of this amount as part of their rent.

It continues:

> This money has been provided to make life easier for pensioners, Mr Rann said.

It states further:

> It would not be in the spirit of the initiative to see some of the money flow through to the states.

The Premier makes these statements, pretending to care, pretending to give a damn about these people, and yet he allows to be approved by his own cabinet the shameful charging of these people without first ensuring that they have a meter. In addition to that, he approves through his cabinet this year's absolute pearler, which is, 'Well, look, the Sustainable Budget Commission says, "It's all right, a year's gone past now, you didn't say that you were never going to take this $30 away," so now we're going to increase your rent, change the formula for that, so that pensioners have to pay more.' So, whatever the Premier says, as long as there is a year expiry date on it, it is all okay.

We then have the most shameful, I think, concealed, secret announcement by this government (it was not disclosed in the budget) to change the formula by which people in Housing Trust accommodation will be assessed for the rate of rental that they will pay. That is a disgrace, and there is obviously public outrage about it, but these are examples that fit neatly with the government's proposal in this regard. We have heard a tidal wave of objection from the public to this imposition who say, 'We will pay if we don't qualify for concessions, along with everyone else, but all we want is a meter.'

I urge the house to support this motion to disallow these regulations and to ensure that the government is brought to account and that it announces a program (at whatever time frame it wants for the announcement) to install these meters to allow tenants to then be fairly assessed so that they will not be exposed to the risk of having to pay for someone else's waste. This is a classic example of the government being hungry for money and trying to get money from people who cannot afford it, but then being unfair in its application. If ever there was an example of the priorities of this government, it has been in the issues exposed in current media publications of the government's investment in Puglia in Italy and, more particularly, not even in Puglia but actually in the Premier's mates. That is the priority of this government.

The Hon. J.M. RANKINE: I rise on a point of order. What on earth has this issue got to do with housing trust regulations? As far as I know we are not building trust homes in Italy.

The SPEAKER: I uphold that point of order.

Members interjecting:

The SPEAKER: Order! Member for Bragg, have you finished your comments?

Ms CHAPMAN: No, I have lots more.

The SPEAKER: Then go ahead.

Ms CHAPMAN: What is important to appreciate is that when the Premier makes announcements—before and after the budget period this time round, because this has been implemented now for all of this financial year; these regulations were issued and are being undertaken by the minister to enable her to charge these people in this disgraceful manner—

running alongside them are the government's announcements of the need to ensure that they are not exploited in some way.

The government needs to ensure that the taxpayers, like these poor pensioners, have to pay $9 million worth of extra rent or a water payment, even if they cannot have their own meter, before they get their own meter. That is just an example, and I highlight the hypocrisy of any party that purports to need to save money on behalf of taxpayers and then provides money for its mates to go to Puglia. I heard the other day that commissioner Cappo even—for goodness sake, commissioner Cappo; I thought he was back here looking after our people, like these people who are being charged for water rates—

The SPEAKER: Order! Point of order.

The Hon. J.M. RANKINE: I rise on a point of order. It is the same point I made last time, the member is just taking the opportunity to raise issues that have nothing to do with housing trust regulations.

The SPEAKER: Yes, I again uphold that point of order. Get back to the substance of the motion, member for Bragg.

Ms CHAPMAN: May I also say that, in addition to the opposition's outrage and that of the thousands of pensioners who were going to be charged and are now being charged for water rates, the war on this initiative by the government for its tax grab has also been covered in the media over the last two years. That has remained steady from the announcement of the policy to the present.

People such as Leon Byner on FIVEaa have been deluged by callers about this issue who are very concerned about the matter. I recall one publication by Channel 7's *Today Tonight* program in which they became particularly scathing of the government for charging tenants on shared meters.

So, we have this publication—push on ahead, bulldoze through this initiative. I am sure that, among not just members on this side of politics but also new members who have come into the parliament representing their electors for the first time, there would not be any one of them who has not received some correspondence outraged at the government's treatment of people who are living in a housing trust tenancy, in particular this shared meter aspect.

I know, because I have been sent copies of these letters as the shadow minister for families, communities and housing, the level of correspondence that is going out to other electorates and to local members, some of whom are sitting here in this parliament today. They have received these letters from people who are distraught and begging even their Labor Party members of parliament to act on these matters.

They may try, they may ring up the minister, they may send letters to the Premier, contact the other members of cabinet and say, 'Please, whatever you do, can you give some relief in our own electorates?' I hope they are, because these people need to be represented, no matter whether they live in an electorate represented by a Liberal or a Labor member. The person who has to listen here is the Premier, and the person who should hang her head in shame is the Minister for Families and Communities, who has allowed this to happen.

The other person who needs to continue to speak out on this matter—and he has made some statements—is commissioner Cappo. I hope he stays in South Australia a bit more often and does not rush off to Italy any more and makes sure that he is actually here, doing what he is paid to do at $100,000 plus for six months every year and does the job here and protects these people.

Mr VAN HOLST PELLEKAAN (Stuart) (11:19): I rise to support the member for Bragg in a couple of comments she has made specifically in regard to the water meters. As a new member of parliament, I have already received representations from numerous Stuart electors specifically on the water meter issue, and it really is a very difficult one for people to understand. I cannot understand it and I am sure in fairness, in their hearts, people on the other side of the chamber do not understand, either, why this is necessary. It is a cost-saving measure on the surface, but the difficulty is twofold in regard to shared water meters.

One is the fact that it really disadvantages the person living on their own, typically the pensioner living all by themselves in a Housing SA house or, more often, in a small unit. When you are sharing a meter, whether it is two dwellings on one meter or whether it is up to 19 dwellings on one meter (which is the largest example who has been brought specifically to me in Port Augusta), it is the person in the small household who is disadvantaged, because the person in the big

household is the one who is only paying 50 per cent—far less than their use or far less than what they should be paying. The person in the small household—the old pensioner living or by themselves—is the one who is also very often paying 50 per cent of the water used between the dwellings, or maybe one-nineteenth share. It is the poor person living by themselves, really disadvantaged, who gets completely ripped off by the scheme.

The other really bad part about it is that it encourages people to waste water. I can give you an example. In Port Augusta—and this is one of the situations where there are only two dwellings—we have a lady in her 70s living all by herself, with no garden, a few visitors and friends and relatives coming to visit her, but certainly nobody else having a shower—they might help her do the dishes, or something like that, every now and again.

Right over the fence in the next unit is a large family with a very large extended family coming to visit, coming to stay the night, coming to have showers, coming to fill up water containers, coming to do all sorts of things, and yet the first lady is paying 50 per cent of the combined water bill, and the second family is paying 50 per cent of the combined water bill. So, she is disadvantaged, but equally importantly the family next door is encouraged to waste water, because they are only going to pay 50 per cent of the total bill anyway.

So, you get down to a situation where perhaps you have got 19—as I said, that is the largest example brought to me—dwellings on one meter and everybody there is paying a one-nineteenth of the water. There is no incentive whatsoever for anybody to take the responsible approach, that we all encourage throughout South Australia and hopefully throughout the rest of Australia as well, to conserve our use of water.

When you are going to get one-nineteenth of the water bill regardless of what you use, people just go and waste the water. They have long showers, they have gardens, they let the tap or the sprinkler run, they wash their cars, they encourage other people to come and have a shower at their place, because they do not have to pay any more for the water really anyway because it will never spread out further than their one-nineteenth. However, when that behaviour then starts to spread throughout these units it grows and grows, so the one-nineteenth actually starts to grow and grow, but nobody has got any impact on their one-nineteenth so there is no reason to slow down, there is no reason to stop.

The 19 homes do not all get together and say, 'Look, let's all conserve a bit of water and we will all drop our bills.' It just does not work that way. I really do want to support member for Bragg on this particular part of the regulations. It really disadvantages a sole pensioner living by themselves and it also encourages water waste. It has certainly been raised with me many times, particularly in Port Augusta.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (11:23): One would think, by listening to the contribution of the member for Bragg, that there is a great commitment to social housing here in South Australia and to the tenants. However, one only has to have a look at the commitment they made during the last election and the commitment they made to social housing while they were—

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I will get to the water in a minute. The commitment they made to social housing was the sale of 11,000 properties when they were in government. I am sure that any one of the people waiting would be happy to be on a shared meter if they could access one of those 11,000 houses that they sold.

Let me just outline some of the things that the Liberal Party were proposing if they won government. Never mind the shared water meters, they were going to transition people out of public housing into private rental. I am sure a lot of pensioners would have appreciated that. Not one person I have come across has said to me that they would be happy for us help them into private rental. They were going to move more people into old flats. They thought that was more suitable accommodation. They were going to trash the affordable housing requirements in new developments so that young people could not access affordable home ownership, and they were going to inspect their homes whether they were at home or not. As we have heard from the member for Bragg, in her derision of the Social Inclusion Commissioner, they were happy to get rid of the Social Inclusion Unit, as well.

The presentation by the member for Bragg is very typical, because she only ever tells part of the story—she leaves a big chunk out. What is really important for members in this chamber to understand, if they decide to support the member for Bragg's motion—which I would urge them very strongly not to do—is that without these regulations the South Australian housing trust would be limited in its ability to continue its operations as legislated under the South Australian Housing Trust Act. On 14 February 2009 a notice appeared in *The Advertiser* seeking feedback on the content of these regulations. However, as best I can recall, there was no response from the member for Bragg.

Ms Chapman interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Not a dot. She made comment about her concern that here we are in November discussing this. We are discussing it today because she did not bother to make the chamber in the last sitting week. Unlike the Liberals, this government is about building and sustaining a vibrant housing sector in this state. There has been ample time for the member for Bragg to provide a submission about these regulations. It is time now to get on with it.

It is important to be really clear about exactly what the member for Bragg is arguing against. These regulations allow me to set new affordable housing criteria, namely, price points. That is, I can stipulate the income levels of people eligible to buy affordable homes and the price levels for those houses. Supporting her motion will deny low and moderate income families the chance to buy a home before developers or investors get a chance to buy. She fails to tell you that, though. She fails to tell you the consequences of her motion. The regulations also provide—

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Well, you need to read the regulations. The regulations also provide for joint venture projects, and disallowing this could impact grants from the Affordable Housing Innovation Fund. What this could do is jeopardise a program that is delivering nearly 500 homes being built in partnership between the government and the not-for-profit sector. It is bad enough that, as I said, they sold about 1,000 houses a year when they were last in government. This disallowance could stop one of the most innovative programs providing safe, secure, affordable rental for the most disadvantaged people in our community.

I can give you an example. The James Brown Memorial Trust recently received a swag of awards for a complex built in Mansfield Park. We provided $1.62 million for 20 units for some of the people with the most complex of needs. The James Brown Memorial Trust won the UDIA President's Award. It has won a sustainability award and an aged and community care award, and it was runner-up in another award. That is the sort of impact this motion is going to have.

The regulations also provide for the efficient handling of goods that have been abandoned on South Australian trust properties. What would the opposition prefer? These proceedings take longer, cost more or delay a person accessing affordable housing. Not only does she stand against affordable housing, innovative joint ventures and speedy allocation to tenants in need, she also wants to financially cripple the South Australian housing trust and take a stand against water conservation. These regulations provide for the trust to charge tenants for water. In the past, housing trust tenants with individual meters paid for excess water and those in group-metered sites paid nothing.

In a tight fiscal environment and in the middle of a drought, the government came to the view that all tenants should make a contribution towards their water consumption from 1 July 2008. Since then, tenants with an individual meter have paid for their specific consumption, while the averaging method is applied for tenants at group-metered sites. You would think from listening to the member for Bragg that it is trust tenants only in group sites who have to pay for their water on an averaging method, that they are the only ones on shared meters. There are thousands of private dwellings across this state on shared meters. They do not have separate meters. They pay higher rents or higher strata fees, or, surprise, surprise, have the averaging method—

Ms Chapman interjecting:

The Hon. J.M. RANKINE: They don't; they have shared meters.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Why don't you—

Members interjecting:

The SPEAKER: Order! People will stop shrieking across the chamber.

The Hon. J.M. RANKINE: Madam Speaker, you know I am—

Mrs Geraghty interjecting:

The SPEAKER: Order, member for Torrens!

The Hon. J.M. RANKINE: The member for Bragg is like a constantly squawking magpie in this place—I would say a crow, but I am a strong supporter of the Crows and I would not want to denigrate them as such—but if just sometimes she could be quiet and stop her squawking and allow other people in the chamber to hear what she is proposing, it might not be a bad thing. However, what these people in private dwellings do not have is the 30 per cent contribution Housing SA provides to cut down the cost of that water. Everyone who is on a shared meter automatically gets a 30 per cent discount on their water bill. I know that people would prefer to have their own meters and that is understandable—

Ms Chapman: Hooray, you finally conceded it.

The SPEAKER: Order!

The Hon. J.M. RANKINE: Give your mouth a rest. You are the—

The SPEAKER: Order!

The Hon. J.M. RANKINE: Squawk, squawk, squawk—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: I tell you what they would prefer to have, if they had a choice between a shared meter and a house, they would take the house, but under you they would not have a house. They would be put into an old flat and have their houses inspected whether or not they were home.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: This is just outrageous.

The SPEAKER: The minister!

The Hon. J.M. RANKINE: Last financial year, 29 sites with 495 dwellings had additional metering installed and 64 sites with over 1,600 properties are scheduled in 2010-11. I also remind the house that public housing tenants at group-metered sites are not charged supply or sewerage charges and are only charged at SA Water's lowest two tiers. On top of these efforts to reduce the financial pressures, the state government provides a concession to—

Ms Chapman interjecting:

The SPEAKER: Order! I warn the member for Bragg.

The Hon. J.M. RANKINE: —eligible tenants that has increased to a minimum of $58 in 2010 up to $168. Concessions never increased under the Liberals, in fact, they were never introduced under the Liberals, other than when they introduced a tax. I urge members not to support this motion.

The house divided on the motion:

AYES (18)

Brock, G.G.	Chapman, V.A. (teller)	Evans, I.F.
Gardner, J.A.W.	Griffiths, S.P.	Hamilton-Smith, M.L.J.
Marshall, S.S.	McFetridge, D.	Pederick, A.S.

AYES (18)

Pegler, D.W.	Pengilly, M.	Pisoni, D.G.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.
Venning, I.H.	Whetstone, T.J.	Williams, M.R.

NOES (23)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P.	Conlon, P.F.	Foley, K.O.
Fox, C.C.	Geraghty, R.K.	Hill, J.D.
Kenyon, T.R.	Key, S.W.	Odenwalder, L.K.
Piccolo, T.	Portolesi, G.	Rankine, J.M. (teller)
Rann, M.D.	Rau, J.R.	Sibbons, A.L.
Snelling, J.J.	Thompson, M.G.	Vlahos, L.A.
Weatherill, J.W.	Wright, M.J.	

PAIRS (4)

Goldsworthy, M.R.	Koutsantonis, A.
Redmond, I.M.	O'Brien, M.F.

Majority of 5 for the noes.

Motion thus negatived.

PUBLIC WORKS COMMITTEE: BIRDWOOD HIGH SCHOOL REDEVELOPMENT

Mr PICCOLO (Light) (11:40): I move:

That the 382nd report of the committee, on Birdwood High School Redevelopment—Stage 2 (Visual and Performing Arts Centre), be noted.

The construction of the new facilities at the Birdwood High School is estimated to cost $4.4 million. These facilities will accommodate a maximum of 650 secondary students, which is the long-term projected enrolment figure, and involves the demolition of building 9 and the construction of a new two-storey visual and performing arts centre. Temporary fencing will be erected to define the contractor's compound and deny access by both students and staff during the course of the construction works. However, there will be times when a crossover of contractor staff and students may occur and appropriate management procedures will be put in place to suit those requirements.

There will not be a requirement to provide temporary classroom accommodation during the works as this accommodation is available on site. With these plans in place, it is not anticipated that there will be a significant impact on the school's teaching delivery during the project works. The construction stage will be approached in a way to ensure the school is able to function during the construction process.

The project aims to provide modern, efficient and functional areas for the delivery of education to the community of Birdwood. The key drivers are to provide new and upgraded facilities to better support the school's curriculum, to improve the accommodation at the school and avoid continuing maintenance of the existing building structures. It is anticipated that there will be no change in the recurrent cost of the school's operation as a result of this redevelopment.

Three options were considered. A 'do nothing' option was discounted due to the need to replace ageing infrastructure. The construction of a completely new school would be the highest cost alternative and the existing solid construction buildings are in good condition but insufficient to accommodate total enrolments. The preferred option is to redevelop the current Birdwood High School site to provide new and appropriate learning and educational facilities across the site for up to 650 students, as mentioned, in a purpose-built facility that represents contemporary requirements.

Construction was scheduled to commence recently and to be completed by July 2011. Based on the evidence presented to it, pursuant to section 12C of the Parliamentary Committees

Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr PENGILLY (Finniss) (11:43): I rise to support the member for Light's motion in relation to this project. Once again, it is one of those projects that is better late than never. However, with the recent announcements of what is happening at Inverbrackie, we will probably have to expand all the schools in the Hills to cope with the kids who will be in Inverbrackie. At a cost of $4.4 million, it is not an enormous project but it will benefit the Birdwood community and will in some way accommodate that area in the future.

The Public Works Committee, in its wisdom, has decided that it will not have hearings on a lot of these projects (because it just takes the time of the education department, schools and everywhere else) unless the committee has a particular interest in the project. We dealt with this issue before the announcement on Inverbrackie, as I recall, so we may well have had some questions had we dealt with it, for example, in the last week or so. However, the opposition supports the motion and looks forward to the project being completed in the near future.

Mr VENNING (Schubert) (11:44): I am no longer the member for this area, but I was when stage 1 of this project began. I want to pay a huge tribute to the Birdwood High School because my involvement with it was always a very positive experience. The school is doing a fantastic job within that community, and I understand that this is probably stages 2 and 3 of the original project. Some of the original work was done when I was the member, and this is the $4.4 million part of stages 2 and 3.

Again, I pay tremendous tribute to the school, particularly Mr Ian Tooley, the principal when I was associated with the school. He was a very inspirational leader in relation to these projects, and he pushed them hard. He was very professional and, although it is sad for Birdwood High School, he is now the principal of Nuriootpa High School, which of course I am thrilled to bits about. He is coming in and, hopefully, will do the same thing for Nuriootpa High School. In fact, I think I can be brave and say that Mr Tooley was headhunted for this job because of the sort of guy he is. I certainly support the member for Kavel, who now has the seat and is doing a great job, and no doubt he will have more to say than me. Again, I congratulate the committee on doing the work and the $4.4 million well spent.

Mr GOLDSWORTHY (Kavel) (11:45): I am pleased to speak to the motion that has been brought to the house by the member for Light in relation to the 382nd report of the Public Works Committee concerning the stage 2 of the Birdwood High School redevelopment.

As the member for Schubert just advised the house, he was the member for that area of the Adelaide Hills while stage 1 was being developed. However, that part of the district in the Hills region has come in and out of my electorate and into the member for Schubert's electorate on a number of successive terms. It has been in, gone out, come back in, gone out and come back in, so it has sort of seesawed in and out of the electorate of Kavel a number of times.

In the period when I was first elected to this place in 2002, Birdwood—the township and the high school—was in the electorate of Kavel. In the subsequent term, from 2006 to 2010, it went into the member for Schubert's electorate, and now it has come back into my electorate. As I have said, it has seesawed in and out. In the first term that I served here in the parliament on behalf of the good people of Kavel—the outstanding electors of Kavel—it was at the very beginning of the commencement of the planning of stage 1 of the first redevelopment of Birdwood High.

I clearly remember that I had a meeting with the chairperson of the governing school council and the principal of the high school, Mr Ian Tooley, as the member for Schubert previously communicated. We sat down and worked through a strategy on how we could secure state government funding for the redevelopment of the school because it was in real need of some redevelopment.

I spoke on this matter in the house some years ago, and I described the school as similar to a Hollywood set: if you looked at it from the main street, it looked really nice and presentable. The main admin unit was a nice red-brick building and adjacent to that was another two-storey, red-brick classroom block; to the east was the resource centre, the library. All were relatively nice buildings in a good state of repair.

However, when you went behind that facade, the classrooms and the rest of the infrastructure were in a pretty poor state. I had a tour around the high school site in those early days of my parliamentary career, and quite a number of buildings and infrastructure were in real

need of some redevelopment. That is why I said it was like a Hollywood set: the façade that faced out to the main road was very good, but everything behind it was pretty daggy.

Ms Chapman: A bit like the government.

Mr GOLDSWORTHY: No, its façade is starting to crumble as well, member for Bragg. It is not even a Hollywood set; it is ready for the trash can, if you like. I was involved, and I was very pleased to be involved, in those early planning stages, in the early strategy to secure funding. We were pleased when the government allocated some funding for stage 1, and we are certainly pleased that the government is committed to stage 2.

I am pleased that the township has come back into the electorate of Kavel this parliamentary term, and I certainly hope that, after the redistribution this time around, it and those other towns that came back in remain in Kavel. As the member for Schubert said, Mr Ian Tooley was the principal at the school at the time. He has since moved to Nuriootpa High School. We have done a bit of a swap because we have the principal from Mannum Area School, I think it is called—the primary school and the high school are amalgamated in that town—Mr Steve Hicks has come from Mannum to Birdwood High to head that school.

I want to quickly touch on an issue the government has recently announced, through budget measures, that the two schools, Birdwood Primary School and Birdwood High School, are to combine. That will put pressure on both of those schools' administration staff and the whole schools community. Whilst stage 2 of the redevelopment is taking place at the high school, which we welcome, there will be additional pressure on infrastructure and services placed on both of those school sites as a consequence of combining those two schools into an R-12 school.

I have spoken on that issue previously in the house and I will continue to say a lot more about that matter as things proceed. The school communities are extremely concerned about negative outcomes. I am advised that there will not be any cost benefit; it will actually cost more to combine the two schools and run them as one, if the current funding models are maintained, which is the information that I have been given. So, I am in the process of writing to the Minister for Education highlighting these issues and seeking his consideration in reversing the decision to combine the two school campuses.

As I said, I am pleased to support the motion and I am pleased that the government has seen fit to provide funding for the continued redevelopment of the high school site.

Motion carried.

PUBLIC WORKS COMMITTEE: YOUTH TRAINING CENTRE

Mr PICCOLO (Light) (11:53): I move:

That the 383rd report of the committee, on the new youth training centre, be noted.

I would like to note the minister's response yesterday to a question in the chamber regarding this matter, where she advised the house that Hansen Yuncken had won the contract and will start work on this important project before the end of the year.

A 60-bed secure youth training centre is to be constructed at Goldsborough Road, Cavan, to replace the existing Magill Youth Training Centre, at an estimated cost of $67.2 million. A further $4 million will be immediately spent on both the Magill centre (to sustain it until its closure) and the existing 36-bed Cavan Training Centre to upgrade it to address compliance with standards and future operational requirements. The Cavan Training Centre will remain in operation, providing a total of 96 beds between the two facilities.

The design and construction of the new centre will meet state, national and international juvenile justice, building legislation, conventions, codes and standards. It will comprise accommodation units that will safely and securely house girls, young women, boys and young men, ranging in age from 10 years upwards. The different accommodation units for the centre will include:

- four boys' 12-bed remand/detention units (the units to be designed to allow for the separation of the population);
- one girls' 12 bed remand/detention unit (again, the unit is to be designed to allow for the separation of the population); and

- a constant presence by departmental staff at all times when children and young people are in the units.

All cells are designed for single occupancy.

Funding for the new centre will be through the sales of the current Magill, Glen Stuart Road, site, approximately 15 hectares of vacant land at Strathmont, Oakden, and $5 million from contingency funds set aside in the state budget for existing correctional facilities. The committee is told that, although the centre is smaller than the originally proposed 90-bed facility, the new project is of sufficient size to meet demand into the future when combined with existing facilities to be upgraded. There remains space within the footprint of the proposed site for further expansion of the centre should the need arise.

Construction of the facility is due to commence shortly with the announcement of the contractor, with, at this stage, an anticipated completion date of December 2011. Based on the evidence presented to it and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Ms CHAPMAN (Bragg) (11:56): It is with pleasure that I speak to this motion. It is, of course, a project which is under the supervision of the Minister for Families and Communities, and she needs all the help she can get, so I am very happy to speak on this matter. I welcome the announcement yesterday by the minister of Hansen Yuncken's appointment. It is a pity that this development is not for 90 beds, but it is a development nonetheless.

What I bring to the attention of the house, and therefore the committee, is that the report identifies some of the history of this project. The honourable Joyce Steele was the person who advocated for eight years to get the McNally Training Centre (which is now to be bulldozed) built in 1967 and a new facility for our children and young people. The Cavan Secure Care Centre was completed and opened in 1993. This information has come from the department to the committee. The report goes on to say, and this is directly from the department's submission:

> In 1993 the Department of Families and Communities purchased land at Goldsborough Road, Cavan, to replace the Magill Youth Training centre.

What has come to my attention, through access to a cabinet submission entitled 'Replacement site for Magill Training Centre' dated 21 December 1998, by the then minister (Hon. Dean Brown), is that this document actually confirms the discussion and the proposal to purchase the land, namely 7.3 hectares located between Montacute and Goldsborough roads and Sharp Court, identified on the map for the purposes of undertaking this part of the development. This is not to be confused with the current development at Cavan, which is on Jonal Drive, and that has been referred to by the chairman of the committee.

So it seems from the documents that, in fact, the property which is to be the site for this second part of the Cavan development to accommodate older youths in our detention facility was acquired under the Olsen government in 1998, or thereabouts, and not back in 1993. I will just place on the record that when I became apprised of this information there were attempts made by my office to advise the committee secretary of this, but that was declined, so I was forced to bring this information to the house. That is disappointing, because I would have liked—

Mr Piccolo interjecting:

Ms CHAPMAN: I have written to you plenty of times and I will again, but on this issue I was trying to be helpful because, of course, we know that the Minister for Families and Communities is in charge of this project and, goodness me, given the way she runs the rest of the department, we need to make sure that it is done properly. I would like that to be noted and I will continue to try to be helpful to the Public Works Committee. I will have a bit to say about the Burnside school report, which is coming up, and the dodgy figures on school enrolments that have been given by the department in relation to that issue.

Nevertheless, I ask that this issue be noted and that, as much as possible, we get the information and the records accurate about these important developments because they do provide the basis for future comment.

Debate adjourned.

CONTROLLED SUBSTANCES (THERAPEUTIC GOODS AND OTHER MATTERS) AMENDMENT BILL

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) (12:01): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

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) (12:02): 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 amends the *Controlled Substances Act 1984* (the Controlled Substances Act) to:

- take account of national registration of health practitioners and enable registered health practitioners to practise to the full scope of their competence
- authorise eligible midwives and nurse practitioners to prescribe Schedule 4 and Schedule 8 prescription drugs and thereby access prescribing arrangements under the Pharmaceutical Benefits Scheme (PBS) under collaborative arrangements with medical practitioners
- apply the Commonwealth *Therapeutic Goods Act 1989* (the Therapeutic Goods Act) as a law of South Australia to help ensure that there are no gaps in the regulation of medicines and medical devices in South Australia
- ensure that there are adequate controls over the sale of those poisons, medicines and medical devices that would be permitted to be sold via automatic vending machines.

The Bill also includes some miscellaneous amendments, which primarily enhance administration of the Act and take account of current drafting style and terminology.

National registration of health practitioners

Background

National registration of health practitioners came into operation in South Australia on 1 July 2010. The *Health Practitioner Regulation National Law Act 2009* (Qld) (HPRNL Act) is adopted in South Australia by the *Health Practitioner Regulation National Law (South Australia) Act 2010*. Section 94 of the HPRNL Act enables a national health practitioner registration board, in accordance with a Ministerial Council approval, to endorse the registration of a health practitioner who holds an approved qualification and who complies with any approved registration standard relevant to the endorsement, as qualified to administer, obtain, possess, prescribe, sell, supply or use scheduled medicines (a scheduled medicines endorsement). The national boards may issue supporting guidelines for these scheduled medicines endorsements.

The controls over who is authorised to prescribe, sell, administer and supply scheduled medicines remain under the State and Territory drug and poisons legislation - the Controlled Substances Act in South Australia.

The Controlled Substances Act consists of an authorisation regime, which pre-dates the introduction of national registration. It effectively presents a barrier in that, even if endorsed by a national board, the Controlled Substances Act currently does not provide the necessary flexibility for the endorsed health practitioner to be able seamlessly to prescribe, supply, sell or administer the scheduled medicines covered by the endorsement.

Under the Controlled Substances Act scheduled medicines are Schedule 2, 3, 4 and 8 poisons. Schedule 4 and Schedule 8 poisons are prescription drugs. Examples of Schedule 4 prescription drugs include antibiotics, antihypertensive drugs and oral contraceptives. Examples of Schedule 8 prescription drugs include strong analgesics, such as morphine and fentanyl.

The Controlled Substances Act needs to be amended to provide the authorisation for a registered health practitioner whose registration is endorsed by a national board with a scheduled medicines endorsement to prescribe, sell, supply or administer Schedule 4 and Schedule 8 prescription drugs. The registered health practitioner could only prescribe the prescription drugs or classes of prescription drugs specified in the endorsement. This would allow a registered health practitioner whose registration is endorsed with a scheduled medicines endorsement to practise within the full scope of the endorsement and provide consistency if they move from one jurisdiction to another. Patients of registered health practitioners who are practising within the parameters of the scheduled medicines endorsement would not need to consult a medical practitioner to obtain a prescription.

Proposed amendments

Amendments to sections 18 and 18A of the Controlled Substances Act are proposed to specify the persons who can prescribe Schedule 4 and Schedule 8 prescription drugs.

In the case of Schedule 4 and Schedule 8 prescription drugs this would be a registered health practitioner who is acting in the ordinary course of their profession and is:

(a) a dentist, medical practitioner or nurse practitioner; or

(b) a practitioner whose registration is endorsed under section 94 of the HPRNL Act as being qualified to prescribe a scheduled medicine or class of scheduled medicines and the drug is a scheduled medicine or of a class of scheduled medicines specified in the endorsement; or

(c) a practitioner who is authorised to prescribe the drug by the Regulations.

A person licensed to do so by the Minister would be authorised to prescribe a Schedule 4 prescription drug.

A veterinary surgeon acting in the ordinary course of their profession would be permitted to prescribe a Schedule 4 or Schedule 8 prescription drug for an animal.

There would no longer be reference to a member of a prescribed profession acting in the ordinary course of their profession. The registered health practitioners who are currently members of a prescribed profession that is authorised to prescribe prescription drugs, for example optometrists and podiatric surgeons, would have their registration endorsed with a scheduled medicines endorsement. These practitioners would be authorised to prescribe the prescription drugs specified in the scheduled medicines endorsement.

Regulations under the Controlled Substances Act would enable limits to be placed on the range of drugs that a registered health practitioner or veterinary surgeon, acting in the ordinary course of their profession, can prescribe, manufacture, pack, sell, supply, administer or possess.

If the scheduled medicines that the registered health practitioners are qualified to prescribe, sell, supply or administer are specified in the national board's registration standard or guidelines for the scheduled medicines endorsement, it is intended that a health practitioner whose registration is endorsed would be authorised to prescribe, sell, supply or administer this range of drugs. This approach would promote national consistency and help ensure that registered health practitioners can practise to the full extent that they are qualified.

A pharmacist would be able to sell or supply a prescription drug when dispensing a prescription written by a person who is authorised to prescribe the drug. This would take account of the range of persons who are authorised to prescribe prescription drugs.

The Bill includes a new offence of prescribing a Schedule 8 prescription drug without authority. The maximum penalty for this offence is imprisonment for 2 years or $10 000. This is consistent with the penalty for the existing offence of prescribing a Schedule 4 prescription drug without authority.

All registered health practitioners would be subject to the same exemptions and controls when they manufacture, prescribe, supply or administer poisons. Amendments to sections 13 and 15 of the Controlled Substances Act will help achieve this outcome.

Prescribing by midwives and nurse practitioners

Under a Commonwealth Budget measure, eligible midwives and nurse practitioners are able to access prescribing arrangements under the Pharmaceutical Benefits Scheme (PBS) from 1 November 2010. Midwives and nurse practitioners who prescribe medicines under the PBS need to be in a collaborative arrangement with a medical practitioner. Patients of these eligible midwives and nurse practitioners will be able to obtain subsidised medicines. This is part of the National Improving Maternity Services Budget Package. It will give women more choice in maternity care.

The Controlled Substances Act as it currently stands presents a barrier to prescribing of Schedule 8 prescription drugs by nurse practitioners and Schedule 4 and Schedule 8 prescription drugs by midwives.

Currently, nurses acting in the ordinary course of their profession are permitted to prescribe Schedule 4, but not Schedule 8 prescription drugs. It is considered to be in the ordinary course for a nurse who is a nurse practitioner to prescribe Schedule 4 prescription drugs. Midwives cannot prescribe either Schedule 4 or Schedule 8 prescription drugs.

A nurse whose registration is endorsed as a nurse practitioner must have experience in advanced nursing practice and complete a master's degree approved by the Nursing and Midwifery Board of Australia. The amendments to sections 18 and 18A of the Act would authorise a nurse whose registration is endorsed as a nurse practitioner to prescribe Schedule 4 and Schedule 8 prescription drugs.

The Nursing and Midwifery Board of Australia has published a registration standard for a scheduled medicines endorsement for midwives. The amendments to sections 18 and 18A of the Controlled Substances Act that take account of national registration would authorise a midwife whose registration is endorsed with a scheduled medicines endorsement to prescribe Schedule 4 and Schedule 8 prescription drugs.

The Nursing and Midwifery Board of Australia has not as yet, published a list of scheduled medicines applicable to the registration standard for endorsement for scheduled medicines for midwives. A midwife whose registration is endorsed with a scheduled medicines endorsement would be restricted to prescribing a limited list of Schedule 4 and Schedule 8 prescription drugs, which would be specified in the Regulations under the Controlled Substances Act. These are the drugs that the Pharmaceutical Benefits Advisory Committee has determined are appropriate for an eligible midwife to prescribe, for example antibiotics and analgesics. Most other jurisdictions are taking a similar approach in limiting the range of drugs that midwives would be authorised to prescribe.

Applying the Commonwealth Therapeutic Goods Act as a law of South Australia

Background

The objective of the Therapeutic Goods Act is to provide a national framework for the regulation of therapeutic goods in Australia to:

- ensure the quality, safety and efficacy of medicines
- ensure the quality, safety and performance of medical devices.

Therapeutic goods must be entered on the Australian Register of Therapeutic Goods before they can be supplied in Australia, unless exempt. The Therapeutic Goods Act, Regulations and Orders set out the requirements for inclusion of therapeutic goods in the Australian Register of Therapeutic Goods. Australian manufacturers of medicines must be licensed under Part 3-3 of the Therapeutic Goods Act, unless exempt and their manufacturing processes must comply with the principles of Good Manufacturing Practice.

The Commonwealth Therapeutic Goods Administration is responsible for administering the legislation, and also carries out a range of assessment and monitoring activities to ensure the therapeutic goods available in Australia are of an acceptable standard.

The Therapeutic Goods Act applies to foreign and trading corporations and persons who are engaged in interstate or overseas trade. It does not apply to an individual or an unincorporated body that trades only within South Australia. Applying the Therapeutic Goods Act as a law of South Australia would cover this gap in regulation.

Adoption of legislation complementary to the Therapeutic Goods Act by all States and Territories would enable a more unified system of controls to ensure medicines and medical devices that have the potential to affect public health are of appropriate quality, safety and efficacy. In June 2005, the Council of Australian Governments endorsed the Australian Health Ministers Advisory Council (AHMAC) Working Party response to the Review of Drugs, Poisons and Controlled Substances Legislation (the Galbally Review). The AHMAC Working Party accepted recommendation 23 of the Galbally Review. The recommendation was 'that all Commonwealth, State and Territory jurisdictions agree that all States and Territories adopt the Therapeutic Goods Act by reference into the relevant legislation'.

New South Wales, Tasmania and the Australian Capital Territory have adopted the Therapeutic Goods Act by an 'application of laws' approach. Other States and Territories are in the process of making the appropriate amendments to their drug and poisons legislation. Victoria attempted a corresponding law approach to applying the Therapeutic Goods Act. However, it was impractical to keep the Victorian Act consistent with the Commonwealth Act. This caused difficulties for the Commonwealth in enforcement. The *Therapeutic Goods (Victoria) Act 2010*, which adopts the Commonwealth Act by an 'application of laws' approach will come into operation on 1 February 2011. The States and Territories that have completed the appropriate amendments have copied the provisions under Part 4A of the New South Wales *Poisons and Therapeutic Goods Act 1966* into the relevant drug and poisons legislation, in the case of the Australian Capital Territory, or into a separate Act in the case of Tasmania and Victoria.

Proposed amendments

A new Part 2A, based on the provisions under Part 4A of the New South Wales *Poisons and Therapeutic Goods Act 1966*, is proposed to be included in the Controlled Substances Act to apply the Therapeutic Goods Act as a law of South Australia.

The effect of the new provisions are that:

- The Commonwealth therapeutic goods laws, as in force for the time being, apply as a law of South Australia, subject to any modification by the South Australian Regulations.
- The South Australian Act is to be interpreted in accordance with the Commonwealth *Acts Interpretation Act 1901* to the exclusion of the South Australian *Acts Interpretation Act 1915*.
- The Commonwealth Minister, the head of the Commonwealth Department and authorised persons, authorised officers or official analysts appointed under the Commonwealth Act have the same powers and functions under the South Australian Act as they have under the Commonwealth therapeutic goods laws.
- Delegations by the Commonwealth Minister or the head of the Commonwealth Department (the Commonwealth Secretary) extend to the South Australian Act.
- An appointment under the Commonwealth therapeutic goods laws is taken to extend to the South Australian law.
- An offence against the South Australian Act is to be treated as if it were an offence against the Commonwealth laws.
- Administrative appeal rights have been conferred upon the District Court of South Australia rather than the Commonwealth Administrative Appeals Tribunal.
- A person who is guilty of an offence against both the Commonwealth therapeutic goods laws and the South Australian law cannot be punished twice for the same conduct.

If any specific State issues arise in relation to applying the Commonwealth therapeutic goods legislation, as a law of South Australia, there is provision for the South Australian law to be modified by the Regulation.

Applying the Commonwealth Therapeutic Goods Act as a law of South Australia would address the current gap in regulation of therapeutic goods. This would help ensure that the therapeutic goods available to South Australians are safe, effective and of appropriate quality.

Controls over the sale or supply of the poisons, medicines and medical devices that would be permitted to be sold via automatic vending machine

Background

Currently, section 26A of the *Drugs Act 1908* is relied on to prohibit the sale or supply of drugs and medicines via automatic vending machine. The definition of a drug in the *Drugs Act 1908* is out-of-date and includes items such as soap, deodorants and cosmetics.

The Galbally Review recommended that:

- there should be a prohibition on the sale of scheduled medicines from vending machines
- there should be provisions that permit the supply of packs containing no more than two adult doses of unscheduled medicines from vending machines provided the machines are presented and located in a way that makes unsupervised access by children unlikely.

Section 20 of the Controlled Substances Act prohibits the sale or supply of poisons, therapeutic substances and therapeutic devices via an automatic vending machine. There is provision for some poisons, therapeutic substances and therapeutic devices, to be permitted to be sold via automatic vending machine if specified in the Regulations. Section 20 has not been brought into operation as there is no power to put conditions on the installation and operation of vending machines. Accordingly, the Controlled Substances Act needs to be amended to provide the power to put conditions on the operation and installation of automatic vending machines.

The terms 'therapeutic substances' and 'therapeutic devices' are currently used in the Controlled Substances Act. These terms and their definitions do not reflect the contemporary definitions and terminology. The terms 'medicines' and 'medical devices' are used in the Therapeutic Goods Act and so it is proposed to adopt these terms and repeal references to 'therapeutic substances' and 'therapeutic devices'.

Proposed amendments

Section 20(2) of the Controlled Substances Act would be amended to include the power to specify in the Regulations the circumstances in which the sale or supply of poisons, medicines and medical devices via automatic vending machine would be permitted. Section 63 of the Controlled Substances Act would be amended to provide the power to regulate the installation or operation of an automatic vending machine and the sale or supply of the poisons, medicines and medical devices which would be permitted to be sold via automatic vending machine to protect public health or safety.

Section 20 of the Controlled Substances Act would be brought into operation and the *Drugs Act 1908* would be repealed. The poisons, medicines and medical devices that would be permitted to be sold via automatic vending machine and the conditions applying to such sale would be specified in the Regulations. The products that are currently sold via automatic vending machine would still be able to be sold. Some additional products, including soaps and cosmetics, would be permitted to be sold via automatic vending machine.

The poisons, medicines and medical devices that would be permitted to be sold via automatic vending machine are:

(a) Condoms with or without spermicide or viricide

(b) Lubricant with or without spermicide or viricide

(c) Injecting equipment with the condition that the site and location of the vending machine must be approved by the Minister

(d) Unscheduled medicines with the conditions that they are:

- supplied in the original unopened pack as supplied by the manufacturer
- in packs that contain not more than two adult doses of the medicine
- the vending machine must be presented and located in a way that makes unsupervised access by children unlikely.

(e) Car wash operators would be permitted to sell Schedule 5 poisons with the condition that appropriate first aid instructions, safety directions and warning statements are displayed at the car wash facility.

Tampons and sanitary pads do not meet the definition of a medical device. These items could be sold via automatic vending machines.

Unscheduled medicines are medicines which can be sold by general retail outlets, for example, paracetamol tablets. The sale of packs of paracetamol tablets via automatic vending machine would be limited to packs of 4 tablets (two adult doses). The medicines would be required to be appropriately packaged and labelled.

Sale of condoms and lubricant via automatic vending machine enables access to these items when other retail outlets are not open or easily accessible. This has benefits in reducing unwanted pregnancies and the spread of sexually transmitted infections.

Pharmacists, medical practitioners or persons acting in the course of a declared health risk minimisation program are permitted to sell needles and syringes to injecting drugs users. A trial of sale of injecting equipment from an automatic vending machine at four Clean Needle Program sites has shown promising results. Supply via automatic vending machine would help address significant gaps in current Clean Needle Program service delivery; to increase access to sterile injecting equipment across the State (particularly after-hours and on weekends); and to augment existing staffed Clean Needle Program sites. The site and location of the automatic vending machine would have to be approved by the Minister. This would ensure that the machines are appropriately sited, for example, within an existing Clean Needle Program. Locating a vending machine at such a site would enable injecting drugs users who were previously unwilling to engage with a Clean Needle Program to access injecting equipment. Making access to needles and syringes easier for injecting drug users has public health benefits in helping reduce the spread of blood borne diseases.

Some car wash facilities currently sell alkaline cleaning solutions which are Schedule 5 poisons via vending machine. Schedule 5 poisons are also available for sale in a wide range of retail outlets. The car wash facilities would be required to display the first aid information, safety directions and warning statements that are on the packs of these products when they are sold at retail outlets. This would reduce the risk associated with supply of the solutions at these facilities.

Other Miscellaneous Proposed Amendments

The Bill includes some miscellaneous amendments to the Controlled Substances Act. These amendments generally enhance administration of the Controlled Substances Act and take account of current terminology and drafting style.

References to therapeutic substances and therapeutic devices

There are references throughout the Controlled Substances Act to 'therapeutic substances' and 'therapeutic devices'. This is not the current terminology and is not consistent with the Therapeutic Goods Act and would be amended to use the words 'medicines' and 'medical devices' for consistency.

Manufacture and packing of Schedule 4 prescription drugs (section 13)

The offence in relation to manufacture and packing of Schedule 4 prescription drugs would be under section 18. The penalty for the offence would be consistent with that applying to the other offences in relation to Schedule 4 prescription drugs.

Sale by wholesale of Schedule 4 prescription drugs (section 14)

The offence in relation to sale by wholesale of Schedule 4 prescription drugs would be under section 18. The penalty for the offence would be consistent with that applying to the other offences in relation to Schedule 4 prescription drugs.

Sale of certain precursors (section 17B, section 17C)

Sections 17B and 17C would be amended to take account of the range of registered health practitioners who are authorised to sell, supply and administer poisons for therapeutic use. There would be reference to sale to a registered health practitioner or veterinary surgeon acting in the ordinary course of their profession.

Additional requirements for supply or administration of prescribed prescription drugs (section 18(2))

Section 18(2) specifies that a member of a profession must not supply or administer a prescribed prescription drug unless they hold prescribed qualifications. Regulation 29 of the Controlled Substances (Poisons) Regulations 1996 details the additional requirements for the prescribed prescription drugs listed in Schedule K of the Regulations. Section 18(2) would be amended to better reflect Regulation 29. There would be reference to prescribing, as well as supply or administration, and to meeting the qualifications or requirements specified in the Regulations.

Issuing a temporary authority for supply of a drug of dependence (section 18A)

In the case of an emergency, the Minister may issue a temporary authority to a person to prescribe or supply a drug of dependence (Schedule 8 prescription drug) for a person. It would be clarified that a temporary authority can only be issued to a registered health practitioner who is authorised under the Controlled Substances Act to prescribe a drug of dependence.

Prohibiting the advertising of controlled drugs (s28)

Section 28 provides the ability to prohibit the advertising of those poisons, therapeutic devices and therapeutic substances specified in the Regulations.

The National Standard for the Uniform Scheduling of Medicines and Poisons recommends that the States and Territories prohibit the advertising of Schedule 9 poisons. Schedule 9 poisons include heroin, ecstasy and cannabis.

Schedule 9 poisons are not declared as poisons under the Controlled Substances legislation. Schedule 9 poisons are listed in Part 1 of Schedule 1 of the *Controlled Substances (General) Regulations 2000* as controlled drugs other than drugs of dependence.

Section 28 would be amended to provide the ability to prohibit the advertising of controlled drugs.

Exception from the Part 5 offences relating to controlled drugs, precursors and plants (section 31)

Part 5 of the Controlled Substances Act includes the serious drug offences provisions relating to controlled drugs, plants and precursors. Section 31 provides an exception from these Part 5 offences for specified health professionals or veterinary surgeons who sell, manufacture, supply, administer or possess any substance when acting in the ordinary course of their profession. This would include substances that are not poisons, for example heroin or ecstasy. The exception should only apply to the substances and activities that registered health practitioners or veterinary surgeons are authorised to undertake under the Controlled Substances Act. Section 31 would be amended to clarify that the scope of the exception for a registered health practitioner or veterinary surgeon is limited to the sale, manufacture, supply, administration or possession of a poison.

Authorised officers (section 50)

The Minister may appoint authorised officers for the purposes of the Controlled Substances Act. The Minister must provide an authorised officer who is not a police officer, a certificate of identification in the prescribed form. The form of the certificate of identification is a matter for the Minister. Section 50 would be amended to remove the reference to 'in the prescribed form'.

Entry under warrant (section 52)

Section 52 would be amended to refer to a warrant issued by a senior police officer, magistrate or a justice. This is more specific and takes account of current terminology. The exception where a warrant is not required would be broadened to cover entry to premises that are used by a registered health practitioner or veterinary surgeon in the course of their profession. This would take account of the range of registered health practitioners who might be authorised to prescribe, supply, possess or administer poisons.

Ministerial power to issue warnings (section 57A)

Section 57A would be amended to refer to the Minister only being able to take action in relation to a device, if the device is a medical device or is a device that the Minister is satisfied is or may be used, or designed to be used, as a medical device. This would reflect the current terminology and definition of a medical device.

Ministerial power to publish information (section 58)

Section 58 would be amended to permit the Minister to publish information to registered health practitioners. This would take account of the range of registered health practitioners who might be authorised to prescribe, supply or administer poisons.

Ministerial power to certain information to be given (section 60)

Section 60 would be amended to refer to the Minister requiring information from a registered health practitioner. This would take account of the range of health practitioners who might be authorised to prescribe, supply or administer prescription drugs.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Controlled Substances Act 1984*

4—Amendment of long title

The long title is adjusted to refer to the application of the Commonwealth therapeutic goods laws as a law of South Australia and to new terminology to reflect those applied provisions.

5—Amendment of section 4—Interpretation

New definitions are added to support the applied provisions and other amendments relating to the *Health Practitioner Regulation National Law*. Therapeutic substances is replaced with medicines and therapeutic devices with medical devices, in line with the Commonwealth therapeutic goods laws. New definitions of midwife, nurse practitioner and registered health practitioner are added.

6—Insertion of Part 2A

New Part 2A applies the Commonwealth therapeutic goods laws as a law of South Australia. It is based on similar provisions in New South Wales, Victoria and Tasmania. However, in South Australia, a reference to the Administrative Appeals Tribunal is converted to a reference to the Administrative and Disciplinary Division of the District Court and a reference to the Federal Court is converted to a reference to the District Court. New section 11L provides that the District Court may sit with assessors. New section 11A(4) provides that to the extent of any inconsistency between the applied provisions and the Act, the applied provisions prevail.

7—Amendment of section 12—Declaration of poisons, prescription drugs, drugs of dependence, controlled drugs etc

These amendments are consequential on relying on the meaning of medicine and medical device in the applied provisions rather than on a declaration by the Governor of therapeutic substances and devices. The amendments to the following provisions of the Act are consequential on this approach: sections 13(1) and (2), 14(1) and (2), 15(1) and (3), 20, 23, 24, 26, 27, 28, 29, 52(4), 53(2), 56, 57A, 58(1) and 63.

8—Amendment of section 13—Manufacture and packing

Prescription drugs are now to be dealt with exhaustively in section 18 and so the application of sections 13, 14 and 15 to prescription drugs is excluded. This approach will apply the same more significant penalty to all actions involving prescription drugs.

The reference to medical practitioner, pharmacist or dentist is replaced with a reference to a registered health practitioner to recognise that if a practitioner manufactures or packs a poison etc in the ordinary course of his or her profession the practitioner will not be committing an offence.

9—Amendment of section 14—Sale by wholesale

See clause 7.

10—Amendment of section 15—Sale or supply to end user

The reference to medical practitioner, pharmacist or dentist is replaced with a reference to a registered health practitioner to recognise that if a practitioner sells by retail or supplies to a person a poison etc in the ordinary course of his or her profession the practitioner will not be committing an offence.

11—Amendment of section 17B—Storage and sale of certain precursors

The reference to medical practitioner, pharmacist, dentist or nurse is replaced with a reference to a registered health practitioner to recognise that if a practitioner sells or is sold a prepackaged section 17B precursor in the ordinary course of his or her profession the practitioner will not be committing an offence.

12—Amendment of section 17C—Regulation of sale of certain precursors

The reference to medical practitioner, pharmacist, dentist or nurse is replaced with a reference to a registered health practitioner to recognise that if a practitioner sells or is sold a prepackaged section 17C precursor in the ordinary course of his or her profession the practitioner will not be committing an offence.

13—Amendment of section 18—Regulation of prescription drugs

This section is reworked to cover all aspects of dealing with prescription drugs in the one provision and to spell out more precisely what each category of professional may do in relation to prescription drugs. It reflects the new endorsement scheme for health practitioner registration in the *Health Practitioner Regulation National Law*. It enables the regulations to manage how certain categories of health practitioners deal with prescription drugs as is contemplated at the national level. The authorisations for veterinary surgeons and pharmacists are continued. The Minister continues to be able to authorise activities through licences.

The definition of manufacture for the purposes of section 13 is applied for the purposes of section 18.

14—Amendment of section 18A—Restriction of prescription or supply of drug of dependence in certain circumstances

The section is modified to include an express prohibition on prescribing drugs of dependence except as set out in the provision by registered health practitioners and veterinary surgeons. Registered health practitioners may only prescribe if they are dentists, medical practitioners or nurse practitioners, hold a relevant national law endorsement or are authorised to do so by the regulations.

The amendment to subsection (6) clarifies that temporary authorities will only be given to registered health practitioners otherwise able to prescribe drugs of dependence.

15—Amendment of section 20—Prohibition of automatic vending machines

The amendment to section 20(2) provides a greater level of flexibility in framing the regulations.

16—Amendment of section 23—Quality

17—Amendment of section 24—Packaging and labelling

18—Amendment of section 25—Storage

19—Amendment of section 26—Transport

20—Amendment of section 27—Use

See clause 7.

21—Amendment of section 28—Prohibition of advertisement

This amendment enables the prohibition of advertisements to be extended to controlled drugs.

22—Amendment of section 29—Regulation of advertisement

See clause 7.

23—Amendment of section 31—Application of Part

The exemptions to the Part for registered health practitioners, veterinary surgeons and persons granted a licence or permit are reworked to reflect the new approach in section 18. National scheme endorsements of registered health practitioners are recognised.

24—Amendment of section 50—Authorised officers

This amendment removes the requirement for the regulations to set out the form of a certificate of identification for an authorised officer. This is a matter left to the Minister in a modern drafting approach.

25—Amendment of section 52—Power to search, seize, etc

The references to officers of police and special magistrates are updated to senior police officer and magistrate. The reference to medical practitioner, pharmacist and dentist is broadened to cover all registered health practitioners as a consequence of other amendments.

26—Amendment of section 53—Analysis

27—Amendment of section 56—Permits for research etc

28—Amendment of section 57A—Warnings

See clause 7.

29—Amendment of section 58—Publication of information

The reference to medical practitioner, pharmacist and dentist is broadened to cover all registered health practitioners to reflect the other amendments.

30—Amendment of section 60—Minister may require certain information to be given

The reference to medical practitioner, pharmacist, dentist and nurse is broadened to cover all registered health practitioners to reflect the other amendments.

31—Amendment of section 63—Regulations

The regulation making power is modified to make it clear that the regulations can deal with questions of the classes and term of licences and permits, provide exemptions that relate to the applied provisions and leave matters to the discretion of the Minister. A special regulation making power is included to make sure that where automatic vending machines for poisons, medicines or medical devices are allowed, the regulations can deal with questions of installation, sale, supply and operation of the machines.

Schedule 1—Statute law revision amendments of *Controlled Substances Act 1984*

The Schedule contains amendments of a statute law revision nature.

Debate adjourned on motion of Mr Pederick.

RECREATION GROUNDS (REGULATIONS) (PENALTIES) AMENDMENT BILL

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (12:03): Obtained leave and introduced a bill for an act to amend the Recreation Grounds (Regulations) Act 1931. Read a first time.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (12:03): I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of the *Recreation Grounds (Regulations) (Penalties) Amendment Bill 2010* is to amend the *Recreation Grounds (Regulations) Act 1931* to incorporate increased penalties for crowd behaviour that is anti-social or has the potential to impact on public and participant safety.

South Australia has a strong reputation as an Event City. Whilst our reputation in part relates to event management it is also built on creating public environments that are safe and family friendly.

The government is committed to protecting South Australians from the actions of those who seek to gain notoriety or who by their actions, put the safety of others at risk.

This summer South Australia will host, amongst other events, the Second Ashes Test, the state's first International Twenty20 and based on Adelaide United's continued good form, A-League finals matches.

Whilst this is a fantastic summer of sport for South Australians it has the potential to be accompanied by a higher risk of ground invasion and the use of flares.

Recent experiences interstate have heightened concerns from international and national sporting bodies and venue managers about the possibility of such anti-social behaviour occurring and the need to increase the current statutory penalties that apply.

The Bill amends section 3 of the *Recreation Grounds (Regulations) Act 1931* to:

(a) Widen the regulation-making power of the Act, with respect to securing orderly behaviour, to include persons in the vicinity of the ground; and

(b) Increase the maximum penalty, that may be imposed by regulation, from $200 to $5,000 (to address serious behaviours such as pitch invasion); and

(c) Allow for expiation fees in the regulations (not exceeding $315) for minor alleged offences against the regulations.

This Bill is one part of the approach to managing poor crowd behaviour and it should be noted that major venues are and will continue to review their security procedures and conditions of entry to manage crowd behaviour generally.

The amendments contained in this Bill are consistent with other States and will enable effective and consistent deterrents to be in place.

This Bill will only impact on those whose behaviour is unacceptable. By introducing harsher penalties for those who seek to interrupt major sporting and entertainment events in this State or put the public at risk by their actions, the Government will meet its commitment to protecting the safety of participants and the public.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Recreation Grounds (Regulations) Act 1931*

3—Amendment of section 3—General regulations relating to recreation grounds

This clause amends the regulation-making power of the Governor in the following ways:

(a) to widen the scope for regulations to be made to secure orderly and decent behaviour by persons in the vicinity of a recreation ground;

(b) to increase the maximum penalties that may be imposed for offences against the regulations to $5,000;

(c) to allow for expiation fees (not exceeding $315) to be prescribed for alleged offences against the regulations.

Debate adjourned on motion of Mr Pederick.

[Sitting extended beyond 13:00 on motion of Hon. M.J. Wright]

AUDITOR-GENERAL'S REPORT

In committee.

The CHAIR: We now proceed to examination of the Auditor-General's Report in relation to the Minister for Education and Minister for Early Childhood Development. I remind members that the committee is in its normal session, so any questions have to be asked by members on their feet, and all questions must be directly referenced to the Auditor-General's Report.

Mr PISONI: Minister, I refer you to Volume 1, page 300, Salary Overpayments. The reference refers to a situation where we have not seen monitoring of the overpayments. Are you able to inform the house as to how much is currently outstanding in reclaiming overpayments of salaries?

The Hon. J.W. WEATHERILL: I will have to get back to you with that precise number.

Mr PISONI: Are you able to advise the house as to whether the overpayment of salaries has increased with the introduction of Shared Services and perhaps, if possible, bring back some comparisons as to salary payments when they were done by the department and when they were done by Shared Services? Are you also able to advise on the number of underpayments and late payments?

The Hon. J.W. WEATHERILL: While, initially, there were some teething problems with their new Shared Services arrangements, we have been able to bring back the underpayment

issued to about the same level as it occurred prior to the advent of Shared Services by working closely with them on those arrangements.

Mr PISONI: The Auditor-General has received the SSA response advising that the salary overpayment spreadsheet has been brought up to date and that operational team leaders will monitor recovery action on a fortnightly basis, and failure to maintain a spreadsheet has not affected the recovery of salary overpayments. Minister, are you able to stand by that advice to the Auditor-General?

The Hon. J.W. WEATHERILL: The process referred to there was the managing of that question through the use of a spreadsheet. Since that time, though, there has been a change to a different process where Shared Services SA's operational team leaders check the recovered debts reports on a fortnightly basis to ensure that outstanding salary overpayments are actioned. So, we have moved to a different process and that is now the status quo for managing these issues.

Mr PISONI: I refer you to page 311 of the same volume, Public/Private Partnership New Schools. The Auditor-General's Report tells us that the total value of the contract with Pinnacle Education are at $323 million, which is the net present cost. The commitment for expenditure from the project agreement with Pinnacle Education is $871 million over 30 years. Are you able to tell the house when payments will begin and whether they will be coming from the annual education budget or a capital budget, or a combination of both?

The Hon. J.W. WEATHERILL: The first part of your question is: when did the payments begin on these Education Works Stage 1, the public-private partnership arrangement? The answer is: when the department takes control of the school. That will occur in two instances for John Hartley and Adelaide West Special Education Centre during term 4, and so payments will have commenced.

In relation to the second part of your question—are the amounts coming from the annual capital budget or the recurrent budget—I think the way it is expressed within the budget papers is the distinction between operating and investing payments, and because this has been reduced to an annual operating licence for the purposes of the purchase of the services the capital is being spent by the public-private partner, then, essentially, it is an expense to us as an operating payment, but it does find its expression within our overall capital asset base.

Mr PISONI: If I could get some clarification, minister, what you are saying is that the capital expense (which we know in today's dollars is $323 million) in a government project—that is, a project that did not include a PPP or a public-private partnership—would be funded out of the capital budget. It would not be included in the annual budget expenditure for the Department of Education and Children's Services. Are you able to clarify then that the payments made to Pinnacle will all be coming from the recurrent budget?

The Hon. J.W. WEATHERILL: The first thing you need to understand is that $323 million is the net present value of the payments that are expressed over the 30-year period. It is a bundled up net present day value number. The second thing is that it is not directly comparable with a traditional capital investing program because some of the expenses that would otherwise go to the question of maintaining, cleaning or running a capital asset would, under the traditional model of procurement, find its expression in the operating part of the budget, but, save for that, these payments under the new public-private partnership will be expressed in the operating part of the budget.

Mr PISONI: Are you separating the building component itself out and it is coming from the capital budget, or is it coming with the recurrent education budget? If there is an increase in the budget next year that covers the payments for the public-private partnerships as they start, are you saying that they will come from the recurrent budget, or they will be divided so that the operating costs will come from the recurrent budget, and that payments that are allocated to the capital cost of the project will come from the capital funding? Is that what you are saying, or will they all be coming from the recurrent budget? I am just trying to clarify that, minister.

The Hon. J.W. WEATHERILL: It probably needs to be explained that if there is a sum of money that is the payment that goes on an annual basis to Pinnacle, the private sector partner, originally, when the project is brought to account, it creates an asset in our books and also a liability of the equivalent amount.

The annual amount will be applied partly for interest payments and the other components, if you like, of the operation of the building, and another part will be applied to the reduction of the

liability that presently exists. So, you might start off with a liability of a certain sum, it will equal the asset of a certain sum, and then the liability over time will be reduced by a component of the recurrent amount that is applied each year to that payment. It is not completely straightforward to say that it is wholly an operating expense, although that is where it will find its expression within the budget papers.

Mr PISONI: Are you able to bring the amounts of the first two payments to Pinnacle for the two schools that have been handed control to the department, with a breakdown of the capital cost, the interest costs and the services provided costs?

The Hon. J.W. WEATHERILL: Yes, we can do that.

Mr PISONI: On the same subject, I take it that the breakdown of the services will be a detailed breakdown, so it will tell us what services will no longer be conducted by DECS, that will be conducted by Pinnacle? Will we get that in the answer brought back to the parliament?

The Hon. J.W. WEATHERILL: If you so request, we will bring that detail.

Mr PISONI: Just so that we are clear, I do so request, minister. Thank you. Currently, despite efforts by your department not to supply the resource entitlement statement of schools, the Ombudsman ruled that they had no grounds to hold those back. Will I still be able to access resource entitlement statements from the schools run by Pinnacle through the freedom of information process?

The Hon. J.W. WEATHERILL: I do not know. The freedom of information process is determined by an independent officer, not under any instruction by or from me, and they apply the provisions of the Freedom of Information Act. So, we will attempt to get some indication of their attitude to that, but it is governed by legislation and independent officers.

Mr PISONI: The project management expenditure for 2009-10 was $3.3 million. Can you provide a breakdown of that expenditure, minister?

The Hon. J.W. WEATHERILL: I can, but we do not have that with us. We undertake to bring that back to the house.

Mr PISONI: Minister, can you confirm that, in 2009-10, $794,000 was spent on consultancies relating to the PPP super school project, and can you bring the details of those consultancies back to the house?

The Hon. J.W. WEATHERILL: For 2009-10 the consultancies details that we have in relation to the public private partnership concern Aurecon (previously called Connell Wagner Pty Ltd). The contract was entered into in 2006-07. Expenditure was $308,738.53. It was advice and assistance in establishing a services infrastructure public private partnership.

Mr PISONI: So that was $300,000-and-something, so there is another $400,000-odd unaccounted for. Will you need to bring that back?

The Hon. J.W. WEATHERILL: We will supply the details of the balance of the consultancies that are being discussed.

Mr PISONI: Can the minister confirm that in the 2009-10 year an additional $2.5 million in departmental project management and administration was provided by DECS? From where was it provided, and where will we see that in the budget? Alternatively, did it come from another department? This is also on page 311 which says, after the reference to consultants, 'and $2.5 million relating to departmental project management and administration'. I am trying to determine where that came from—whether it was internal, whether it came from another department, or whether consultants were used.

The Hon. J.W. WEATHERILL: The answer is that it does not concern other government agencies. It is the Department of Education and Children's Services staff and contractors, so it is a combination of both those two sources.

Mr PISONI: Is that $2.5 million on top of the $323 million contract value?

The Hon. J.W. WEATHERILL: That is included within the $323 million net present value sum.

Mr PISONI: So the contract with Pinnacle was for $323 million. Was that money paid by Pinnacle or was that paid to Pinnacle? The media release said that $323 million was the contract

value. Now you are saying that $2.5 million of that was provided by the department. I am trying to determine just where that fits in.

The Hon. J.W. WEATHERILL: We are not talking about the amount paid to Pinnacle. We are talking about the value of the contract, and the value of the contract is $323 million. The two things are consistent.

Mr PISONI: So how much was paid to Pinnacle, then? What was Pinnacle's value for the contract?

The Hon. J.W. WEATHERILL: The $323 million is an estimate of the net present value of what is expected to be the payments that will be made over the next 30 years. They are in the order of $22 million per annum, once all of the projects have been completed. There is also an allowance for the sum of money for the administrative arrangements that were necessary to put in place the contractual arrangements, and they form part and parcel of the $323 million.

Mr PISONI: I am even more confused now. The Auditor-General's report says that there was a commitment for expenditure for the project over 30 years of $871 million and I thought I just heard you say that the commitment was $323 million.

The Hon. J.W. WEATHERILL: That is how net present value works. Net present value is the sum of money now which, with an appropriate discount rate or inflater, gives you the value of payments made over time. It is a bit like the reason why you get a smaller amount of money if you take a lump sum instead of a pension.

Mr PISONI: Now, the report also goes on to say that the super school project has so far cost $12.9 million in project management fees, including $4.7 million to consultants. Has that money been counted in the $323 million that is quoted as the value of the Pinnacle contract?

The Hon. J.W. WEATHERILL: I do not know the answer to that. We will take that on notice and bring back an answer.

Mr PISONI: Will you also bring back with you the details of the $4.7 million in consultants?

The Hon. J.W. WEATHERILL: Yes, we can do that.

Mr PISONI: I now take you to page 308, minister. We have a breakdown of the number of staff employed under the Education Act. Are you able to advise the house how many of those 13,827 staff are actually placed permanently in schools?

The Hon. J.W. WEATHERILL: Yes, we would be able to do that; not presently, but we will bring back an answer.

Mr PISONI: I will now go back to school enrolments. On page 309, we can see in the government schools column a reduction of nearly 2,000 in the five years from 2005-10 that are mentioned on the graph. At the same time, we have seen an increase in the non-government school sector of close to 6,500 in that same period. Are you able to advise whether the department has done any savings calculations on the net benefit to the education budget of that transfer from the public sector to the private sector that has happened over the last five years?

The Hon. J.W. WEATHERILL: Unlike the previous Liberal government, we have not taken the opportunity to close schools in a wholesale way. We have tried to make sensible economies where we can, but if the implication of your question is that we should use the opportunity that falling enrolments in some areas give us to consolidate schools, then that might be your policy but we are not pursuing that. We are pursuing sensible economies where we can but not wholesale forced closures of schools.

That said, what the figures also demonstrate is that there is a small increase in the total number of students in public schools as between 2009 and 2010, so we are seeing an arresting of that trend of falling absolute numbers of enrolments. Indeed, the proportion of students who are choosing public schooling as opposed to private schooling, that falling proportion in terms of public schooling, is also itself narrowing. I think that what we are seeing is somewhat of a change in the trend, and care needs to be taken about what changes are made to the system in circumstances where there appears to be some evidence of growing demand for public education.

Mr PISONI: Can you advise how many international students we have in the government system at a high school level and also at a primary school level, and what is charged by the department to full fee paying international students?

The Hon. J.W. WEATHERILL: I can get the precise details. I have a general figure in my head, but I should give you the precise numbers. I will bring back an answer.

Mr PISONI: I refer to page 333, Remuneration of Employees. For clarity, are you able to differentiate between an employee and an executive when referring to this table?

The Hon. J.W. WEATHERILL: Yes is the answer to your question. In 2010, the number of executives represents 34, out of a total number of 1,447 employees, who receive more than $100,000 per annum in their remuneration. That represents the same number of executives as there were last year.

Mr PISONI: One less now, minister. Can you explain the growth in salaries above $150,000 to $400,000, where previously there were 80 and now there are 125? Can you inform the house of where this growth has come from and what these additional 45 executives are doing?

The Hon. J.W. WEATHERILL: We will bring back an answer for you.

The CHAIR: We now move to examination of the Auditor-General's Report in relation to the Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development and Minister for the Northern Suburbs. I remind members that the committee is in its normal session, so any questions have to be asked by members on their feet, and all questions must be directly referenced to the Auditor-General's Report.

Mr GRIFFITHS: I refer to Volume 4, page 1512. Under the heading 'Financial assistance grants', the very first line refers to DTED providing assistance grants to organisations and identifies that it is mainly for industry and regional development. Can the minister provide details of the regional development focus grants that have been provided for the 2009-10 financial year?

The Hon. M.F. O'BRIEN: Your interest is in the dollar amounts, or the purposes for which the grants were sought?

Mr GRIFFITHS: Ideally, if the recipients also were able to be identified, but, yes.

The CHAIR: Member for Goyder, are you in Volume 4, Part B, page 1512?

Mr GRIFFITHS: I am, Madam Chair.

The Hon. M.F. O'BRIEN: It runs to a couple of pages. Perhaps if I were to table it?

Mr GRIFFITHS: I am quite happy to accept that the minister have those tabled. As an extension to that question, I note further in the commentary from the Auditor's report, it regards comment about overdue obligations, and there were some 161 in February, down to, I think, 66 as of July 2010. While I respect the fact that a small number of those will only be devoted to the regional development portfolio, is the minister able to confirm if, in fact, any of the grant recipients that have overdue obligations were the recipients of regional development grants?

The Hon. M.F. O'BRIEN: The note I have is that as of 31 October this year there were six outstanding obligations for the regional development program.

Mr GRIFFITHS: Therefore, can the minister outline what is the course of action that is taken? I am presuming, therefore, that the number of people who have overdue obligations has decreased, but what action is taken against those organisations in receipt of grants that do not actually meet those obligations?

The Hon. M.F. O'BRIEN: I have been advised that the grants are actually paid in advance, so the recipient is not at a financial disadvantage. The obligation is to supply written certification, and that has been an issue for the department, but it has not halted the flow of funds.

Mr GRIFFITHS: I am certainly very supportive of the fact that the money is flowing out to those necessary businesses that have an opportunity to grow—and I can appreciate that—but they also must ensure that their obligations are met. For example, does not meeting an obligation within a specific time line then require that they can no longer be considered for future grants, or is there some form of penalty attached to it? My question focuses on ensuring that public funds are accounted for appropriately. I am sure you want to do that also, but I am just interested to know what the department does about that.

The Hon. M.F. O'BRIEN: There is a process that DTED employs in conjunction with the RDAs to make the recipients aware of their reporting obligations; and I think it becomes a fairly hands-on activity. However, if the recipient ultimately is unwilling or unable to meet the obligation, then I think future application for grant funding would be considered in a moderately negative

sense. We attempt to make them aware of the fact that, one, they do have the obligation and, two, if they wish to reapply at a future date it is in their interest. They are made aware of that, member for Goyder.

Mr GRIFFITHS: Thank you for that response. Minister, I now refer to page 1528, grants and subsidies. There are, sadly, very few references in the Auditor-General's Report about regional development, so this will probably be my last question area. Towards the bottom of the page, it has payment reference of $250,000 in the 2008-09 financial year for grants and subsidies paid or payable to entities within the South Australian government. Are you able to provide me with some details of where that money went and what it was for?

The Hon. M.F. O'BRIEN: That was a one-off payment to PIRSA for assistance with the development of the Riverland Futures Prospectus.

Mr GRIFFITHS: I am fully supportive of that after the briefing provided by your staff yesterday, minister—thank you very much for that—and I recognise that the commitment from both sides of the parliament to the Riverland with the Riverland Futures is important. So, well done. As an extension of that, under grants and subsidies it refers to payments made in the 2008-09 and 2009-10 financial years for regional development to entities external of the South Australian government. Is this a different grant area to what my first question was about, and, if so, can you provide me with some details on that?

The Hon. M.F. O'BRIEN: It encompasses RDA funding, regional development funding, grant funding and a couple of other grants. But it is largely to RDAs and regional project grants.

Mr GRIFFITHS: May I seek the indulgence of the minister and ask if he is prepared to provide to me, on a separate occasion, a breakdown of those grants?

The Hon. M.F. O'BRIEN: I think it is in the material that I was going to have tabled; it is all there.

Mr PEDERICK: I will start on some primary industries questions. I refer to Volume 3 of the Auditor-General's Report, page 1016, Remuneration of Employees. The chart at the bottom of the page indicates that employee costs for individuals receiving $250,000 or more have risen by between $3.8 million to $4 million a year. The explanation for the increase from 2009-10 in non-executive staff receiving more than $100,000 is described on page 1017 as mainly due to the inclusion of 46 employees previously below $100,000.

However, the chart indicates that by far the greatest proportional increase in staff numbers in wages has occurred in the $250,000 plus bracket. My initial question is: how does the minister explain or justify this $4 million increase in the face of significant budget cuts across PIRSA (including the $80 million over four years and the 180 jobs), miserly cuts to the advisory board and also closing down the night shifts at Ceduna and Yamba inspection stations?

The Hon. M.F. O'BRIEN: That is largely explained by TVSP payments that are bulked onto salaries. I can get the specifics, but a large number of individuals would have taken separation packages, and the value of those separation packages is added on to the salaries. The TVSP payments were to the value of $1.85 million and associated terminal leave payments of $0.941 million. These are included in the total remuneration to employees who received remuneration of $100,000 or more.

Mr PEDERICK: On the same line, I probably need more of an explanation. How many of those positions of the 46 have gone, and how many are at risk of losing their jobs under the planned budget cuts?

The Hon. M.F. O'BRIEN: I have been informed that that particular area was dealt with in estimates, but I will supply the necessary detail sought by the member for Hammond.

Mr PEDERICK: Would you also be able to inform us as to what sections of PIRSA those staff have come from who have taken packages?

The Hon. M.F. O'BRIEN: I can do that, yes.

Mr PEDERICK: I go to Volume 3, page 1016, activity 3, where it states:

Support the sustainable development of an internationally competitive forest industry, regional development and the provision of services from state government forest reserves.

How will the proposed sale of up 111 years of timber growth (almost undoubtedly to a foreign company) sustain the development of an internationally competitive forest industry?

The Hon. M.F. O'BRIEN: I think the Treasurer dealt with this issue in some depth. The views being sought are really not of a financial nature; they are more of a policy nature, and I do not think this is the venue. We are actually dealing with the Auditor-General's Report and the audit of the accounts of PIRSA, so I will take that in another venue.

Mr PEDERICK: Minister, you would have to agree that it is in the Auditor-General's Report. It is a statement under Activity 3. Obviously it is a significant issue not just for this state but for the people of the South-East.

The CHAIR: As the chairman of this committee I must say that I cannot see why that question cannot be asked. I agree with the minister that the Treasurer has already discussed this, but it does seem to relate to a line in the Auditor-General's Report.

The Hon. M.F. O'BRIEN: The Treasurer made the comment that ForestrySA will continue to manage the plantation on behalf of the owner and continue to harvest and contract. Instead of timber plantations appearing on our balance sheet or our books—and I think that is probably relevant within this context—we are transferring the ownership to the private sector for an up-front payment, but ForestrySA will remain the manager of that plantation under the agreement and it will be business as usual. So, in a sense, it is a balance sheet transaction and should not affect the operation of ForestrySA at all.

Mr PEDERICK: Further to that question, minister, and the same line in the Auditor-General's Report, what assurances can the minister give the people of the South-East that the government's intended sale of forward rotations will 'support regional development' and the many thousands of jobs in the South-East that are reliant on this industry?

The Hon. M.F. O'BRIEN: We have given an undertaking and we also have an obligation to prepare a regional impact statement which will give some guidance as to possible economic, social and environmental impacts of a proposed sale of one, two, three rotations, and issues that the member for Hammond has referred to would be taken into account in the preparation of that statement. That statement is to give guidance, and if it becomes obvious that a particular course of action leads to economic consequences that are totally unacceptable both to the parliament and the people of the South-East, then obviously we would heed the recommendations of the regional impact statement.

Mr PEDERICK: Just to get more clarity, if it looks absolutely untenable as a budget line and for the community of Mount Gambier and the South-East, you will rule out the forward sale proposal.

The Hon. M.F. O'BRIEN: No, I did not mean that. I mean that we would look at another proposition. It could come down to an insertion of a particular clause in the sale contract. My view is the regional impact statement, first and foremost, is a guide to what provisions ought to be included in the conditions of sale and I believe that I made that reasonably plain at a meeting of stakeholders in Mount Gambier some three or four weeks ago. We have a situation whereby we have the opportunity for people to make constructive comment and observation, with a view that those comments and observations be taken into account in framing the sale contract.

Mr PEDERICK: In light of that answer, minister, why has that regional impact statement not been conducted in the last two years since the decision by the government to forward sell rotations was made?

The Hon. M.F. O'BRIEN: Basically because a body of work had to be carried out to determine what possibilities could be considered by cabinet. Cabinet has yet to consider those possibilities. Once it has made a decision then we are in a position to do a regional impact statement on the basis of going to the community and saying, 'This is the proposition that is currently being worked up.' So, we have not done a regional impact statement because cabinet has not made a decision. Member for Hammond, a decision has yet to be made on whether there will be one, two or three forward rotations and what the relationship with ForestrySA will be. The Treasurer has made it fairly plain that it is business as usual, but the real issue I think is that of the one, two or three rotations. Once a decision is made on that, we are then in a position to do the regional impact statement.

Mr PEDERICK: On the same line, how does the proposed forward sale support—and I quote from the Auditor-General line—'the provision of services from State Government forest reserves'?

The Hon. M.F. O'BRIEN: Could you repeat that?

Mr PEDERICK: Volume 3, page 1016, under the statement 'Activity 3' at the top of the page.

The Hon. M.F. O'BRIEN: Which of the three paragraphs?

Mr PEDERICK: The whole line says:

Support the sustainable development of an internationally competitive forest industry, regional development and the provision of services from State Government forest reserves.

I am worried about how the forward sale will impact on the services that are supplied from state government forest reserves.

The Hon. M.F. O'BRIEN: That is quite a good question, member for Hammond. That would also be encompassed in the regional impact statement. One of the options could be that the various services that are provided by ForestrySA in the management of the plantations in the South-East and in the Mount Lofty Ranges could be undertaken by a state government agency, or they could continue to be provided by ForestrySA. That level of detail, I think, would be picked up within the regional impact statement and would ultimately be attached to a contract of sale.

It could well be that it would make more sense on the one hand for it to go across to DENR or, on the other hand, remain with ForestrySA—that is yet to be determined, and it would have some bearing on the sale price.

Mr PEDERICK: I go to Volume 3, page 1025, note 1 at the top of the page under the heading 'Reconciliation of non-current assets classified as held for sale'. It refers to the sale of sections 223 and 224 Bookpurnong Road, Loxton, and the proposed sale of section 222. My question is: for the two blocks that have been sold, what was the amount received for the sale of those properties?

The Hon. M.F. O'BRIEN: I have been informed it is the figure of $315,000.

Mr PEDERICK: Minister, can you explain what is being done with the proceeds of the sale? Have they been reinvested in rural services or facilities or have they been absorbed into general revenue? Also, will the proceeds of section 222 go the same way?

The Hon. M.F. O'BRIEN: I have been informed that, under a Treasurer's Instruction, part is retained by Treasury and part has flowed on to the department and will be employed for changes to the regional network. The amount that comes back to the agency will be employed in the development of the regional hubs. As to the exact breakdown, we do not have it at the moment but, when the figure becomes available, I will make the member aware of it.

Mr PEDERICK: I refer to Volume 3, page 1019. Item 11(5) mentions the closure of the Flaxley Dairy and subsequent sale of the cattle herd for $1.468 million. At page 1020, item 17(2) appears to contradict this by declaring the sale income to be $921,000. I guess there is some confusion and there may have been a misprint in the Auditor-General's Report, but can the minister clarify what was actually received for the sale of the Flaxley cattle herd and indicate the net result?

The Hon. M.F. O'BRIEN: There is some confusion and I will have it clarified. The reference on page 1020 to an expensed inventory is the value of stock on hand, if you want to describe it that way, which was not realised in the actual sale of the assets. The actual sale value was $921,000 but it was on the books at a value of $1.468 million. That is the explanation that I have been given.

Mr PEDERICK: Can you give me a breakdown of where those funds have gone?

The Hon. M.F. O'BRIEN: We plan to reinvest that within SARDI.

Mr PEDERICK: So, would that be recurrent funding or capital expenditure on SARDI?

The Hon. M.F. O'BRIEN: I have been informed that it was applied to recurrent, and the bulk, if not all, of it has been spent.

Mr PEDERICK: I will go to another topic. In Volume 3, page 997, referring to the Jervois to Langhorne Creek pipeline, paragraph 2 describes the payment of moneys for the construction of

this pipeline, and I have some questions around the final wash-up of the figures on this project. What was the full cost of construction? Has the state government been paid in full and, if not, what amounts are outstanding, and from whom?

The Hon. M.F. O'BRIEN: I will step through this. There are still outstanding liabilities which are the result of the identification of defects which we have to recompense the contractor for. The total expenditure on the project was around $90 million. What else, member for Hammond, did you—

Mr PEDERICK: Obviously, there are some issues. You have to pay some defect costs to the contractor, and I would be interested in a full outline of that. As to as the whole contract, what was the state government's contribution?

The Hon. M.F. O'BRIEN: This state government was not a funding partner. It was a partnership between the irrigators and the federal government, but we were the funding mechanism. There are some matters to be resolved, but they will be resolved on the conclusion of the liability period: 12 months from the date of commissioning, and I do not have the date of commissioning before me at the moment but, again, I will get back to you on that.

Mr PEDERICK: Thank you, minister.

Progress reported; committee to sit again.

[Sitting suspended from 13:07 to 14:00]

HEALTH SERVICES CHARITABLE GIFTS BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

VISITORS

The SPEAKER: I welcome here today a very large group of young year 6 students from Westminster, who I think are guests of the Hon. Pat Conlon, minister, and the Hon. Ian Hunter from the upper house. Welcome, we hope that you enjoy your time here today.

HEALTH SERVICE FACILITIES FOOD BAN

Dr McFETRIDGE (Morphett): Presented a petition signed by 279 residents of South Australia requesting the house to urge the government to reverse its decision to ban certain foods in health service facilities operated by volunteers to enable the continued support and financing of our hospitals.

DIAGONAL ROAD OVERPASS

Dr McFETRIDGE (Morphett): Presented a petition signed by 249 residents of South Australia requesting the house to urge the government to construct an overpass at the Diagonal Road, Oaklands Park railway crossing to improve traffic flow and increase the safety of pedestrians.

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government—District Council of Mount Barker Annual Report 2009-10
Ombudsman SA—Annual Report 2009-10 (Report ordered to be published)

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

Social Development Committee Inquiry into Dental Services for Older Australians—Response by Minister for Health

By the Minister for Environment and Conservation (Hon. P. Caica)—

Native Vegetation Council—Annual Report 2009-10
Pastoral Board of South Australia—Annual Report 2009-10

REPATRIATION GENERAL 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) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: I have been advised that today there has been an incident involving a patient detained under the Mental Health Act 2009 at the Repatriation General Hospital. The patient is alleged to have wounded a nurse. The nurse has been treated and received stitches in his arm. It is understood that the patient has yet to be located by the police.

I would like to reassure the SA Health staff and the community, of course, that the government takes all injuries to staff incurred during the course of their employment very seriously, and the incident will be subject to review. It just highlights the fact that our doctors and nurses and other staff in our hospitals do put their lives on the line in the delivery of their services.

All the necessary support will also be offered to the nurse, and my thoughts are, of course, with him and his colleagues at the Repatriation Hospital. As the matter is now the subject of a police investigation, it is not appropriate for further comment at this time. I understand that the hospital—I can get further information—was in lockdown for a large part of this morning. That has now been taken away. The police no longer believe the person is on the grounds of the hospital, but they are pursuing him elsewhere.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:06): I bring up the 13th report of the committee, entitled Subordinate Legislation.

Report received.

Mr SIBBONS: I bring up the 14th report of the committee, entitled Subordinate Legislation.

Report received and read.

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (14:08): I bring up the 39th report of the committee, entitled Adelaide and Mount Lofty Ranges Natural Resources Management Board levy proposal 2010-11.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 40th report of the committee, entitled Eyre Peninsula Natural Resources Management Board levy proposal 2010-11.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 41st report of the committee, entitled Kangaroo Island Natural Resources Management Board levy proposal 2010-11.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 42nd report of the committee, entitled The Northern and Yorke Natural Resources Management Board levy proposal 2010-11.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 43rd report of the committee, entitled South Australian Arid Lands Natural Resources Management Board levy proposal 2010-11.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 44th report of the committee, entitled South Australian Murray-Darling Basin Natural Resources Management Board levy proposal 2010-11.

Report received and ordered to be published.

The Hon. S.W. KEY: I bring up the 45th report of the committee, entitled South East Natural Resources Management Board levy proposal 2010-11.

Report received and ordered to be published.

The SPEAKER: It has come to my attention that there are cameras in the gallery which are not filming members on their feet. The condition for filming in this chamber is that they film people on their feet. I will be watching carefully today.

QUESTION TIME

PUGLIA, MINISTERIAL TRAVEL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:11): My first question is to the Premier. Can the Premier advise the house how many times he has travelled to Puglia since becoming Premier, and how many of those trips have been at his own expense?

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) (14:11): I am responsible to the house for whether I have gone anywhere to the expense of the taxpayer. I think you will find that I have been to Puglia once for several days, which was to sign the memorandum of understanding that was referred to yesterday. However, I know that His Excellency the Governor has attended the fiera and so have several other ministers; I have not.

ITALY, AGREEMENTS

Mrs VLAHOS (Taylor) (14:12): Can the Minister for Multicultural Affairs inform the house of the outcomes that are being achieved through South Australia's agreements with Italian regions?

The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:12): I would like to acknowledge the member for Taylor and the Italian community within her electorate with whom I have had the pleasure of meeting. I am very pleased to report on a number of initiatives that are benefiting our state, in particular our higher education and research sector, as a result of our engagement with Italy.

The first point I would like to make is, of course, in relation to our agreement with Puglia. I would like to emphasise, however, that the dollars our state contributes to this aspect of the agreement—the $1.2 million—is money invested here in South Australia. It is not sent to Puglia or anywhere else in Italy; it is South Australian money invested in South Australian research and centres of excellence like the Australian—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —Centre for Plant Functional Genomics—and I will get back to that in a second. In fact, I am also advised that the money that Puglia contributes to the agreement is also spent in South Australia. In fact, they send their researchers and their money to South Australia, which means that South Australians—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —our researchers, our institutions—not only get an investment from South Australia but also an investment from Puglia. So, back to the centre.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon: Pull your head in!

The SPEAKER: Minister for Transport, order!

The Hon. G. PORTOLESI: The Australian Centre for Plant Functional Genomics reports that its current collaboration with the Italian regions of Puglia and Regione Emilia Romagna has

resulted in a boon for wheat breeding research, a particularly important issue for South Australia. They have said:

> Whilst we cannot speak for other projects funded under the state government initiatives, we have had a very positive experience.

The centre received a small amount of funding—$60,000—to develop a relationship with groups in the Puglia region. The collaboration has been further expanded and is now part of a large European Union framework program—the DROPS program—with funding of over €5 million. So, for an initial $60,000 investment, we have leveraged—

Members interjecting:

The SPEAKER: Order! I warn the member for Hammond.

The Hon. G. PORTOLESI: I am certain the house is interested. This is a remarkable achievement from a modest but targeted commitment from this government, the results of which will, no doubt, have benefits for our wheat industry. The University of South Australia, through Dr Rocco Zito, reports that his work with the Research Council in Bari on the research theme—

Members interjecting:

The Hon. G. PORTOLESI: I am very happy to talk about the consul later—of future urban transport service means that, and I quote:

> The collaboration with Bari has resulted in a number of enhanced research opportunities that would not have been possible otherwise. The opportunity to give up-and-coming researchers exposure to transport systems research and the likely funding opportunities that will flow from this research are an exciting prospect.

However, the key point about this initiative is that it has resulted in a tangible spin-off through the Polytechnic of Bari, the same institute that is quoted on the front page of *The Advertiser* on a gas pipeline inspection project with the team from Puglia intending to travel to South Australia in the new year to meet with contacts and to prepare future funding submissions for this work. This is a tangible joint venture proposal that will have enormous potential for companies like Santos.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: Whilst we are on the subject of the Polytechnic of Bari—the same institute that was quoted on the front page of *The Advertiser*—I would like to welcome to South Australia—

The SPEAKER: Order! Member for Kavel, I warn you.

The Hon. G. PORTOLESI: —for a second time a leading researcher from that institution, Dr Tommaso Palmisano, who is here collaborating at the University of Adelaide's photonics lab, which is the best lab in Australia, with well-known professor, Tanya Monro. He also spent four months here last year working with Professor Monro in this outstanding lab. That is a gentleman who is from the same institution that was quoted on the front page of *The Advertiser*. In closing—

Mr Goldsworthy interjecting:

The SPEAKER: Order! Member for Kavel, you are on your second warning.

The Hon. G. PORTOLESI: In closing, Madam Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: In closing, what I have done today is to highlight just one of the aspects of our collaboration with Italy which, of course, includes the fiera. I am very confident that we are on the right track. How do I know that?

Members interjecting:

The SPEAKER: Order! Member for Unley, you are on a warning.

The Hon. G. PORTOLESI: I am confident that we are on the right track. How? Because when I came back from the fiera—and, of course, my participation at the fiera (and I am very happy to talk about it) was at the end of a broader mission to Italy—I was approached by the member for Norwood who said to me that he thought it was a good idea that South Australia was participating

at the fiera, and he would like to come with me. He would like to come with me! So, Stephen, I would now like to extend to you formally the invitation, but I suggest that you tell the member for Waite—

Members interjecting:

The SPEAKER: Order, the Treasurer!

The Hon. G. PORTOLESI: —that is why Greg Kelton says that you are the future of the Liberal Party and not the member for Waite.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, Treasurer! Member for Norwood, you are on a warning also.

SPECIAL ENVOY, HIGHER EDUCATION AND RESEARCH EUROPE

Mrs REDMOND (Heysen—Leader of the Opposition) (14:19): My question is again to the Premier. Was the position of Special Envoy, Higher Education and Research Europe advertised and, if it was, how many people applied, or was the position created for Mr Sasanelli and, if so, who recommended Mr Sasanelli for the position?

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): Can I just say before answering this question, on behalf of all members of the house, I would like to congratulate minister Koutsantonis and his wife Anthea on being proud parents for the first time today. I understand that the baby is 11 weeks premature, but mum and baby are doing extremely well. Can I say, I was pleased that the minister, this morning, said to me that he was pleased that the baby looks just like her mum, which I think we are all grateful for. So congratulations to minister Koutsantonis.

Do you know the envoys that we have overseas—John Olsen. That was not advertised and no-one on that side of the house complained about it. He was our special envoy to the United States. It was the idea and recommendation of the Deputy Premier. How much was it?

The Hon. K.O. Foley: A hundred.

The Hon. M.D. RANN: Okay, $100,000 a year. Part-time special envoy to the United States, John Olsen, former Liberal leader. Why did we appoint him without going out to advertise? His skills. He had been the consul general in Los Angeles; he had been the consul general in New York—

Mr WILLIAMS: Madam Speaker, point of order. The question is specifically about Dr Sasanelli.

The SPEAKER: No, I do not uphold that point of order because it is part of the explanation, I understand.

The Hon. M.D. RANN: So the envoys, we grab the best available. John Wayne Olsen, former Liberal leader, former consul general to the United States' cities, Los Angeles and New York. We appointed him without advertising because he was the best man for the job. And when it comes—

Mrs Redmond interjecting:

The Hon. M.D. RANN: No—to China, who did we appoint? The former lord mayor of Adelaide because of his obvious connections with China. An outstanding envoy to China, still doing a great job. And we did not advertise it because we got the best available. And so who did we appoint to be our special envoy to India? First of all, we had Darren Lehmann, who was there doing ambassadorial work and it was a fantastic success. Did not advertise it. Did not say we wanted a vice captain of the Australian cricket team. And 'Boof' was brilliant at the job—a different kind of 'Boof' to members opposite.

The SPEAKER: Order!

The Hon. M.D. RANN: The key thing is that we then appointed to India QC Brian Hayes. Brian Hayes: born in India, Anglo-Indian, knows everybody in the parliament, the ministry and

business, people like the head of Tarter Industries, people like the heads of Reliance Industries. Did not advertise it. We got a really good person, the best available. And for Italy, what we did is we grabbed someone who had been eight years as the chief scientific attaché, a senior diplomat in Canberra for Italy who was honoured by—wait for it—John Winston Howard because of his work in furthering Australian-Italian relations. So, we did not go out and advertise for John Olsen, Brian Hayes or any of these, we grabbed the best people available.

GOYDER INSTITUTE FOR WATER RESEARCH

The Hon. M.J. ATKINSON (Croydon) (14:23): I ask the Minister for Water: what is the Goyder Institute for Water Research doing to improve water management and security?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:23): I thank the member for Croydon for his very important question and acknowledge his keen interest in all aspects of science, including political science. South Australia's new $50 million Goyder Institute for Water Research is embarking on a suite of new projects to help the state secure and manage its water future. The state government its providing $25 million over five years for the Goyder Institute, which will be matched in kind by the CSIRO, the University of South Australia, the University of Adelaide and Flinders University.

The highest priority water issue facing South Australia at the moment is the development of the Murray-Darling Basin Plan. As everyone would be aware, the guide to the proposed plan was released last month and as a state we will need to ensure that the final plan will meet South Australia's imperatives from an environmental, social and economic perspective. This is why we have engaged the Goyder Institute to undertake an independent scientific review of the guide to the proposed plan. This included a very valuable science forum, which was held last Friday. This forum brought together the leading scientists from the Goyder Institute partners to formulate a science-based perspective on the guide to the proposed plan.

Mr Williams interjecting:

The Hon. P. CAICA: I beg your pardon?

The SPEAKER: Member for MacKillop, wait your turn for a question.

The Hon. P. CAICA: Madam Speaker, I appreciate very much that the disorderly nature of the deputy leader was pointed out. I am not going to be disorderly by responding to his tardiness. The government will use this information to feed into a wider policy response on the guide and the potential impacts that it will have on South Australians. It is very important work. As I have said previously, what we are seeking is a bipartisan approach with the opposition with respect to this state's response to that very important guide and the subsequent development of the draft plan.

Most members would be aware that South Australia is the national leader in the re-use of stormwater and treated effluent, with most of the pioneering science on aquifer storage and recovery utilising stormwater coming out of the work conducted in our state. Building on this existing level of expertise, the Goyder Institute is supporting a major national research project that uses Adelaide as a case study to analyse alternative options for stormwater use in Australia by using managed aquifer storage and recovery. This project would consider alternative non-potable and potable use—

Mr Williams interjecting:

The Hon. P. CAICA: Madam Speaker, I am not going to respond to his disorderliness.

An honourable member: You already are.

The SPEAKER: Order!

The Hon. P. CAICA: No, I'm not. I have not responded at all. It will evaluate all public health concerns and risks associated with each option and develop a cost preliminary risk management plan to protect human health, the environment and our water supply infrastructure.

The Goyder Institute will also invest $1.06 million in this $6.65 million project, with the National Water Commission investing $1.7 million and the CSIRO a further $1.55 million. Other funding partners include the University of Adelaide, the University of South Australia, the Adelaide and Mount Lofty Ranges Natural Resources Management Board, and the Salisbury council. The government's stormwater task force will also be considering this research and the output from the work as it develops a proposed stormwater strategy.

Other priority projects currently being developed by the Goyder Institute include identifying new water sources to underpin mining development in the Far North of South Australia, investigating the response of wetland ecosystems in the South-East to water availability, and developing an agreed set of climate projections for South Australia, including, importantly, providing climate change projections for the Greater Adelaide region. I will provide more information on these exciting projects as they are further developed.

An honourable member interjecting:

The Hon. P. CAICA: I know that you are sitting on the edge of your seat, that's right.

An honourable member interjecting:

The Hon. P. CAICA: That was support.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I take this opportunity to thank the Chair of the Goyder Institute board, Dr Ian Chessell—an outstanding South Australian—and all the Goyder Institute partners for the highly collaborative approach they have taken to the establishment and early operations of the Goyder Institute. The Goyder Institute is already up and running and is well on the way to making a significant and lasting contribution to improving South Australia's water future as it complements other significant water initiatives undertaken by the Rann Labor government that will in turn benefit South Australians for generations to come. Again, I eagerly await the bipartisan support of the opposition on projects such as I have described.

SASANELLI, MR N.

Mrs REDMOND (Heysen—Leader of the Opposition) (14:28): My question is again to the Premier. Other than remuneration received for his position as special envoy to Europe and funds for publishing and launching his book, has Mr Nicola Sasanelli received any other payment, funding or support from the South Australian government for any activity or venture in which he is engaged?

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) (14:29): I am not aware of that, but I am very happy to check and to ascertain that. Of course, as you were advised yesterday, and as I have been advised, he did not receive money for the book.

REMEMBRANCE DAY

Ms BEDFORD (Florey) (14:29): My question is to the Minister for Veterans' Affairs. How will Remembrance Day be marked tomorrow in South Australia?

The Hon. J.J. SNELLING (Playford—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Road Safety, Minister for Veterans' Affairs) (14:29): I thank the honourable member for Florey for her question, and I am glad to announce the reappointment of former South Australian governor, Sir Eric Neal, as chairman of the Veterans' Advisory Council for a further two-year term.

Sir Eric is an honorary life member of the RSL of Australia, a former patron of Legacy, a former honorary air commodore of the City of Adelaide Squadron of the RAAF, and a former honorary colonel of the Royal South Australian Regiment. Sir Eric Neal has done a splendid job as the inaugural chairman of the Veterans' Advisory Council over the last two years. He is highly regarded by the ex-service community, and his contribution has ensured that the creation of the VAC has been warmly embraced by the veterans community and the wider community. There has been overwhelming acceptance and pride that South Australia has seized this initiative by creating a council that enables the views of veterans to be carried to the cabinet table. The appointment of an independent chairman has also been supported by the veterans community.

Of course, tomorrow is Remembrance Day, and it commemorates the sacrifice of members of the armed forces and civilians in times of war. It is observed on 11 November to recall the end of World War I on that date in 1918. As Minister for Veterans' Affairs, I strongly encourage all South Australians to re-engage with the custom of observing one minute's silence at 11am tomorrow to commemorate the service and sacrifice of our armed forces and civilians in times of war.

We commemorate Remembrance Day in this manner because, at the eleventh hour of the eleventh day of the eleventh month in 1918, the guns fell silent to end the First World War. Some concerns have been expressed that in recent years the custom of one minute's silence appears to have waned, with several approaches made to Veterans SA after Remembrance Day last year suggesting that the acknowledgment be reinstituted.

I ask all South Australians at 11 o'clock tomorrow morning to stop what they are doing for one minute, to pause and reflect on the commitment made by those men and women who served in times of war. I have also asked that all chief executives in the South Australian Public Service make arrangements for this formal acknowledgment of Remembrance Day within government departments. I also encourage all South Australians to wear a poppy tomorrow, as I have been doing this week, as a symbol of remembrance and new life.

On Friday I will have the privilege of marking Remembrance Day by laying a wreath at the site of the Battle of Long Tan in Vietnam in memory of those who fought in that conflict. Long Tan was the defining battle of the Vietnam war for Australia. I was pleased to be able to attend the Battle of Long Tan commemorative service at the Royal Australian Regiment Association clubrooms on 18 August. From memory, I think the member for Florey was present, and the members for Norwood and Bragg were also there.

The victory at Long Tan was so comprehensive that the North Vietnamese never again attempted a major attack against Australians in Phouc Tuy province, nor did they attempt any significant attack on the Australian base at Nui Dat. While in Vietnam to promote further education, I will also visit the recently opened Phong Phu kindergarten at Nui Dat—a current project of the Australian Vietnam Veterans' Reconstruction Group.

In the lead-up to Remembrance Day, I would like to once again thank and acknowledge those wonderful ex-service men and women who have given so much to our state and our nation. I hope that the initiatives we have made in South Australia in this portfolio will show, quite clearly, that we all, regardless of which side of the house we sit, truly value and respect those men and women who have given so much in our name. We remember them not only on Remembrance Day but every day. Lest we forget.

SASANELLI, MR N.

Mr HAMILTON-SMITH (Waite) (14:34): My question is to the Premier. In what location is Mr Sasanelli's office and envoy position based? How many times has he travelled to Europe, and at what cost? Are all his travel expenses included in the $260,000 for his position or is extra funding provided? If so, which minister's budget line provides the funding?

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) (14:34): He is based in the State Administration Centre, as I understand it. I do not know of any public servant in the history of this state or, can I say, any Leader of the Opposition who would pay their own expenses. I know you were a distinguished minister, member for Waite, for those two months. The member for Waite is suggesting that when he is sent overseas to do work for the government he has to pay his own airfares. We do not suggest that to Alfred Huang when he goes to China representing the state, or Brian Hayes QC in India. We do not suggest it to other distinguished people.

We now have an office in Vietnam. Vietnam is going to be very important to us and it is really important now that we start the work to deliver a trade relationship. The person we asked to go there was Hieu Van Le. That made sense; he is the first person of Vietnamese background in any vice-regal position in the country. It made sense to send him rather than Pat from Belfast. It is about horses for courses. It would be, I think, completely inappropriate to ask someone that we are sending to do a job to pay their own airfares. You certainly would not.

Members interjecting:

The SPEAKER: Order! The Premier has finished his answer.

ITALIAN CONSULATE

Ms FOX (Bright) (14:35): My question is to the Minister for Multicultural Affairs.

An honourable member interjecting:

The SPEAKER: Order!

Ms FOX: Can the minister report on her recent meeting with His Excellency the Italian Ambassador, Signor di Montegiordano?

The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:36): Si, Signorina Chloe Fox. It would give me enormous pleasure to answer this question.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: The member for Bragg asked me to talk about what was happening with the consulate and that is precisely what I am about to do.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. G. PORTOLESI: On Monday this week, I was very pleased to have a meeting with His Excellency Gian Ludovico de Martino di Montegiordano in Canberra.

Members interjecting:

The Hon. G. PORTOLESI: No, I won't say that again; he is not from Puglia. I have to thank His Excellency for granting me another opportunity to meet with him because it was the second such meeting in as many weeks. It was not that long ago that I met with him to talk about this very matter of the future of the consulate here in Adelaide, in Glynde in my lovely electorate of Hartley.

I made it very clear to His Excellency—and he understands this very clearly—that this government would not abandon our Italian community. We stand by so many other communities in the state, and we would not stand by as a question mark remains over the future of the consulate.

He, of course, advised me that we have an acting consulate and, for now at least, I am advised that the consulate will remain open until the end of 2011. Of course, whilst we were there, I did raise the issue that was going on here. I understand there is no role, and I certainly did not ask for him to make any comment or to intervene on this matter that we are experiencing here in South Australia other than to make the point that what we are experiencing here in South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —brings home the need for a very strong consulate presence here. The Italian community needs strong representation from the Italian government and that is what we are committed to. The ambassador advised me that he believed very strongly in the trading relationship between Australia and Italy. In fact, it was not that long ago that I arranged for His Excellency to meet with Tim O'Loughlin, who is our commissioner for sustainability, I believe.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: One of the very tangible opportunities that the ambassador sees is for collaboration around renewable and sustainable energy. He also met with Rod Hook. Why did he meet with Rod Hook? He met with Rod Hook when he was here most recently because—

Mr Pengilly interjecting:

The SPEAKER: Order! Member for Finniss, be warned.

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, you are warned.

Mr Williams interjecting:

The SPEAKER: Member for MacKillop, be quiet.

The Hon. G. PORTOLESI: His Excellency also advised me that he was very excited about South Australia's infrastructure spend and would be here in the new year, possibly at the end of January or early February, to further progress these ideas he has about Italian companies, serious

companies, doing business here in South Australia. In fact, he also reported to me that our federal Minister for Infrastructure and Transport, Anthony Albanese, was in Rome on Friday promoting trade relationships between the two countries.

Members interjecting:

The SPEAKER: Order! Member for Waite.

PUGLIA, MINISTERIAL TRAVEL

Mr HAMILTON-SMITH (Waite) (14:40): My question is to the Minister for Multicultural Affairs. Will she tell the house the names of all South Australian government officials, or representatives, who travelled with her to Fiera del Levante in 2010? What was the cost of sending these representatives and in what class of travel did they move?

The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:40): I thank the member for Waite, and I am very happy to answer as many aspects of the question as I can. I can very clearly account for my costs associated—

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. G. PORTOLESI: Were you asking the question or was the member for Waite asking the question? I can very clearly answer this question. I believe that the member for Waite, in a media statement made over the last few days, reported that, apparently, the cost of my fare was something in the order of $14,000. I can report to the house today that on a quick, but pretty serious, back-of-the-envelope calculation (because, of course, receipts are still coming in) the cost for myself and my adviser is less than $14,000. You claimed that the cost was about $14,000 just for the fare. I can confirm for you that for two of us it cost, we think, less than $14,000. So—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I can tell you that it was A$12,529.52, plus €693. You would appreciate that receipts are still coming in. I can also advise the house—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: No, it wasn't on Jetstar.

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley! You are on your second warning.

The Hon. G. PORTOLESI: I can advise the house that I, obviously, attended. My participation at the now famous Fiera del Levante was at the conclusion of a broader trip. I was accompanied by my adviser, Ms Michela Schirru, who happened to be in Europe at the time. She was on leave. We arranged for her to come off leave, and what that meant was that the South Australian government did not have to pay for a fare for her from South Australia to Italy and back.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: You said that it cost, just for my fare, $14,000. What I am telling you is that it cost less than that for two.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, member for Waite! You have asked your question.

The Hon. G. PORTOLESI: I was accompanied by Professor Nicola Sasanelli—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —for the entirety of the trip. When I was over there Ms Pauline Peel joined us. Monsignor David Cappo also joined us, and that was it.

CHILDREN'S CENTRES

The Hon. S.W. KEY (Ashford) (14:44): My question is to the Minister for Early Childhood Development. How are the state government's children's centres helping to assist families with young children in the western suburbs?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:44): I thank the honourable member for her question. I was very pleased to join her at the Cowandilla children's centre for a celebration to open the school at Cowandilla Primary School together—

The SPEAKER: Order! Member for MacKillop, you are on your second warning.

The Hon. J.W. WEATHERILL: —with the federal member for Hindmarsh, Mr Steve Georganas, who was in fact educated at the Cowandilla Primary School, as was the member for Enfield, I understand, so it is a fine institution, producing two leading Labor figures. Members would be well aware of our children's centres initiative, and it has been a great success. We have children's centres operating right across South Australia now, in places like Woodcroft, Elizabeth Grove and Kaurna Plains, and they provide hundreds of preschool and childcare places to South Australian children.

Of course, they do much more. They bring together the aspects of care, preschool, parenting, health and disability services. In the case of the Cowandilla centre, it is a wonderful site that also has dental services, and the nurse home visiting program operates from the health centre there. So it is a wonderful collaboration and you get more than the sum of the parts. You get this collaboration across the professions that allows us to really add value to those professionals in their work

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: To give you an idea of how responsive this service is, we heard a wonderful story today, a wonderful anecdote from the principal, Julie Hayes, who told us that she was wandering around the school grounds and she saw a distressed Filipino woman who had come in there with her small four-year-old child. She had recently got a job herself, working in a nearby dry cleaner's. She had had difficulty arranging child care and that had fallen through. She had to take the child to work and the employer told her that she could not do that and that she would lose her job if she could not find child care urgently. So she was in desperate straits. She came into the school grounds, and the child was enrolled that day and is now very happily integrated into that childcare centre. We saw her singing a beautiful song to us, as we were greeted in the opening ceremony.

It is a wonderful example of how responsive these community childcare centres are. What they do is connect with the broader community. It is wonderful to see the number of parents who are engaged in this childcare centre. Each of the children's centres takes their own character from their own communities, in this case, a very multicultural community, with 35 nationalities represented in this school and children's centre.

What we see also is a strong Aboriginal presence. They run a Nunga Mi:Minar program, which is a group specifically for Aboriginal families, as well as a range of playgroups on a monthly basis for dads. So there is a very strong fathers' group at this children's centre. It is really a wonderful example of the policy of early childhood development in practice, that is, the integration of all the services and support that make a difference in those crucial first five years of a child's life.

CHINA TRADE TRIP

Mrs REDMOND (Heysen—Leader of the Opposition) (14:48): My question is again to the Premier. In defending his government's investment in Puglia, the Premier has claimed it was important to nurture overseas markets and sister state relations.

The Hon. P.F. CONLON: Point of order: you have to seek leave to explain a question. We do have some standing orders.

The SPEAKER: Can you rephrase your question, please?

Mrs REDMOND: Certainly, Madam Speaker. My question is: why did the Premier snub our number one trading partner by cancelling an October trade trip to China at the last minute—

The Hon. P.F. CONLON: Point of order—I think it is standing order 97, from memory—you are not allowed to have comment in your questions. Claiming it is a snub is plainly comment and is quite pejorative.

The SPEAKER: Yes, I uphold that point of order. I think you need to be very careful in the wording of your question, Leader of the Opposition.

Mrs REDMOND: Thank you, Madam Speaker, for that advice. Why did the Premier cancel his arrangements to travel to China, at the last minute, only to spend 12 and 13 October in Sydney, the dates he was due to be in China, when he has consistently tried to uphold his investment in Puglia by claiming it was important to nurture overseas markets and sister state relations?

The SPEAKER: I think that question almost borders on invasion of privacy—but, Premier, if you choose to answer it.

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) (14:50): It is really interesting, you know; if I had gone to China, I would now be criticised and they would ask, 'Why is he overseas again?' That is the truth.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: That's exactly—

Members interjecting:

The SPEAKER: Order!

Mrs Redmond interjecting:

The SPEAKER: Order! Leader of the Opposition, you are warned! You have asked your question.

Mr Pisoni: Tell us how many times you've been to China.

The SPEAKER: Order! Member for Unley, you are on your third warning!

Members interjecting:

The SPEAKER: Order! Premier, did you finish answering your question? I couldn't hear for the noise.

The Hon. M.D. RANN: I was having the same problem. The China relationship is critically important to this state, and so is the Indian relationship. The minister for infrastructure and transport has been to China twice in the past six months. The minister for agriculture has just returned from China. There is another ministerial delegation by the minister for mines and mineral resources in the next couple of weeks, and I think the Minister for Industry and Trade as well. Recently, I hosted the—

Mrs Redmond interjecting:

The SPEAKER: Order, leader!

The Hon. M.D. RANN: —Governor of Shandong here in South Australia. I have been to China on a number of occasions. I would be criticised by you if I go away; I would be criticised if I do not go away—I guess that just comes with the territory.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: But the thing is that we do remember; we have seen the travel report of the Leader of the Opposition in Paris.

Ms Fox: Where did she go?

The Hon. M.D. RANN: She went to Paris—she went to France and she went to England, and what did she discover? I know she was accompanied, but what did she discover in Paris?

Mr PISONI: Point of order!

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order!

The SPEAKER: Premier, point of order.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order: relevance.

The SPEAKER: Relevance. Have you finished your answer, Premier?

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! There will be no questions across the floor like that. Premier, have you finished your answer?

The Hon. M.D. RANN: Look, I think it's terrific that you were in Paris and you discovered that they have an underground railway called the Metro.

Members interjecting:

The SPEAKER: Order! Member for Waite.

FIERA DEL LEVANTE

Mr HAMILTON-SMITH (Waite) (14:52): Has the Premier now had time to receive the full cost breakdown for the $185,000 in funding for the Fiera del Levante that was in the possession of the minister for trade in the house yesterday, and will he now, through the house, tell the taxpayers of South Australia the complete breakdown for this expense, including the cost of entertainment, food, travel and other expenses?

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) (14:53): I think it is important that we have a long—

Members interjecting:

The Hon. M.D. RANN: Yes, that's right.

The Hon. K.O. Foley interjecting:

The Hon. M.D. RANN: That's right. We know it was important for you to be on the red carpet in G'Day New York. You and Nicole Kidman—what a wonderful couple, just terrific. But the fact of the matter is, let's just go through some of the things about Puglia. Puglia has a high calibre higher education research and development system. It has—

Members interjecting:

The Hon. M.D. RANN: I'm going to give you details. It has five universities with 120,000 students per year—

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop. You are on your third warning.

The Hon. M.D. RANN: —23 national research centres, a national nanotechnology laboratory, a centre for excellence in computational mechanics, the Mediterranean Agronomic Institute, the National Research Centre for the Environment, and Bari has a high-tech district—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —for research and development in nanosciences, biosciences and infosciences. Puglia is one of the regions of Italy that can access special funds for higher education—

Ms Chapman interjecting:

The SPEAKER: Member for Bragg, I warn you again!

The Hon. M.D. RANN: —research and development from both the Italian government and, very importantly, for European Union sources. It is interesting—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —I am pleased that the Liberal member for Norwood wants to go next year. We will make sure that he gets a warm welcome and—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: Point of order, Madam Speaker.

Members interjecting:

The SPEAKER: Order! The Premier and the member for Waite will sit down! Will you stop this noise, please? Somebody will be leaving this chamber very shortly, and you may not get your three warnings if you are not careful. Now, member for Waite, you had a point of order.

Mr HAMILTON-SMITH: Point of order: relevance. The question was very specific: a break-up of the $185,000 of taxpayers' money. We do not need a general tourist guide to Puglia; we want an answer.

The SPEAKER: Premier, I direct you back to your answer.

The Hon. M.D. RANN: Okay; we are now going into the fine detail. The government of the region of Apulia, which is about 4½ million people—I saw some drongo on the TV saying it was a tiny town; it is actually about 4½ million people, about the same as New South Wales—committed to providing postgraduate scholarship funding of $1.2 million over three years for Apulian students to study masters degree programs at universities here in Adelaide. We are not going to complain that they are spending the money here, surely! The South Australian government, in turn, provided equivalent funding for collaborative research projects between South Australian and Apulian universities and research institutes—

Members interjecting:

The SPEAKER: Order! Member for Bragg, you are on your last warning.

The Hon. M.D. RANN: —for the agreed priority areas. Funding of $1.2 million over three years was announced in the 2008-09 budget, and nine research projects were selected for funding in the first year of activity. The priority areas identified for scholarships and research collaboration include biotechnology, energy, integrated logistics, nanotechnology (and I will explain that later), megatronics, agriculture, conservation, water, information technology, and tourism.

Two Italian language immersion programs for Australian teachers of Italian have also been conducted and involve Flinders University and the University of Salento, Lecce, Apulia, and they were implemented in response—

Members interjecting:

The SPEAKER: Order, the member for Norwood and the Leader of the Opposition will be quiet. I warn you again, member for Norwood.

The Hon. M.D. RANN: These were implemented in response to state and national concerns about student disengagement from Italian and other European language studies across all educational levels. The MOU complements South Australia's presence at the Fiera del Levante that the member for Norwood wants to go to.

The SPEAKER: Premier, point of order. Point of order, Leader of the Opposition.

Mrs REDMOND: The question was specifically about how the $185,000 for the Fiera del Levante was spent, and the Premier has been on his feet for some minutes now going nowhere near the answer to that question.

The SPEAKER: I will ask him to wind up his answer, but I have been listening carefully and my understanding is that he is answering the question.

Members interjecting:

The Hon. M.D. RANN: Here we go!

The SPEAKER: Order!

The Hon. M.D. RANN: The Apulia/South Australia collaborative research projects: nine research grants were approved by the South Australian government for disbursement to South Australian universities and research institutions. These were announced on 4 December 2008.

They are: improved wastewater reclamation for CNR (which is like the CSIRO of Italy in Bari) and the University of Adelaide, $60,000; strategies to reduce biogenic amines in fermented beverages (that is kind of like wine and is fairly important to us), University of Foggia and the Australian Wine Research Institute, $80,000; Integrated Aquaculture, University of Salento, Lecce, and SARDI (South Australia Research Development Institute), $60,000; stress response in durum wheat (very important for us), CNR, which is like their CSIRO—

An honourable member interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. M.D. RANN: —and also the University of Adelaide, $60,000.

The SPEAKER: Premier, point of order.

Ms CHAPMAN: This is an absolute joke. We are listening to the Premier's dreamings. The question was how the taxpayers' $185,000 was spent, not all that drivel.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Point of order, Madam Speaker.

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: Order! Sit down, both of you. I am still attending to the member for Bragg's point of order. I think, Premier, you are getting fairly close to the end of your answer. I am sure—

The Hon. M.D. RANN: The details of how our $185,000 and theirs was spent I am giving to you and you don't like it. You don't like it that it's about—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —durum wheat and wine and everything else. Okay, there was health promotion for physical activity to prevent obesity, University of Foggia and University of South Australia. Development of new microsatellite—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —markers for saturation of genetic map in the olive—

The SPEAKER: Point of order, member for Bragg.

Ms CHAPMAN: The Premier is deliberately defying your ruling on this. You asked him to wind up and either give us an answer or sit down.

The Hon. M.D. RANN: When I am dealing with the general you say, 'We want the specifics,' and then when I give you the specifics you don't want to hear it.

Members interjecting:

The SPEAKER: Order! The Premier was asked questions on expenditure. He is giving figures on expenditure. I think that he will be finishing very shortly or we will never finish question time.

The Hon. M.D. RANN: Madam Speaker, if I do not detail, I will be criticised for not giving a full and honest report—

Mr Pengilly interjecting:

The SPEAKER: Order, the member for Finniss!

The Hon. M.D. RANN: The saturation of genetic map in the olive—that is about the olive oil industry—University of Foggia and also the School of Agriculture, University of Adelaide, $20,000; business model and product market strategy in biotechnology, Department of Science, Economics, Maths and Statistics, University of Foggia, and also the University of Adelaide, Commercialisation and Innovation Centre, $20,000; Sustainable energy consumption, Department of Science, Economics, Maths and Statistics University of Foggia and Entrepreneurship, Commercialisation and Innovation Centre, University of Adelaide, $20,000.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Actual instalments disbursed in accordance with grant agreements in 2008-09, excluding GST are as follows:

- Australian Wine Research Institute, Biogenic Amines in Fermented Beverages, $40,000.
- University of Adelaide, Business Model on Biotechnology, $20,000.
- University of Adelaide, Sustainable Energy Consumption, $20,000.
- University of Adelaide, Microsatellite Markers for Olives, $20,000.
- University of Adelaide, Innovative Processes for Wastewater Reclamation and Re-use, $30,000.
- University of South Australia—Health Promotion—Physical Activity to Prevent Obesity, $20,000.

Italian Language Immersion Program: grant of $25,000 to Flinders University and the Centre for Australian Studies in the Mediterranean granted $10,000.

I can keep going. This is about doing things rather than talking. You know, it is very important that the Leader of the Opposition travelled at public expense with her daughter to Paris, Rome—

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, you are on your third warning.

Mr PISONI: Point of order—relevance, Madam Speaker.

The SPEAKER: Premier, I think you have answered your question. The member for Unley.

Mr PISONI: Thank you—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Didn't you travel with your son, Treasurer?

The SPEAKER: Order!

Mr PISONI: Did you travel with your son—

The SPEAKER: Order! Member for Unley, ask your question or you will be out.

Mr PISONI: —and claim him as a spouse?

MEMBER FOR UNLEY, NAMING

The SPEAKER: I name the member for Unley. Member for Unley, sit down, you are named. Do you wish to be heard in explanation?

Members interjecting:

The SPEAKER: I have named the member for Unley. You deliberately were defying me. Do you have an explanation?

Mr PISONI (Unley) (15:00): I do, Madam Speaker. The Premier deliberately used an answer in question time to—

Members interjecting:

The SPEAKER: Order! He will be heard in silence.

Mr PISONI: —raise the private business of the Leader of the Opposition, when telling people earlier that his trips to Puglia were private business and not the business of this parliament, and I was simply making a point that the Treasurer himself has claimed his son as a spouse for travelling and intimating what is the Premier's point.

The Hon. K.O. Foley: What's your point?

The SPEAKER: Order!

Mr PISONI: It doesn't matter. It's all in *Hansard*, mate, it doesn't matter.

The SPEAKER: Order! Have you finished your explanation? The Minister for Transport.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:01): I move:

That the explanation not be accepted.

Motion carried.

The SPEAKER: You are asked to leave the house, member for Unley.

Members interjecting:

The SPEAKER: Order! I will put the question formally. The honourable member will be suspended from the house.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:02): I move:

That the member be suspended from the service of the house.

I do point out that, under the standing orders, he should already have removed himself.

Motion carried.

Members interjecting:

The SPEAKER: Order! The member is suspended from the house.

Mr Williams interjecting:

The SPEAKER: Order! There is no argument about this, member for MacKillop. The member for Unley will remove himself from the house.

The honourable member for Unley having withdrawn from the chamber:

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:05): Standing Order 139, Suspension of a Member—and I am reading from the Standing Orders, Madam Speaker:

When a Member has been named by the Speaker or the Chairman of Committees:

1. the Member has the right to be heard in explanation or apology;
2. unless the explanation or apology is accepted by the House, the Member then withdraws from the Chamber.

Members interjecting:

The SPEAKER: Order! The question was put to a vote; in fact, twice. Twice it was put to a vote. If you did not hear it was because you were making too much noise, and serves you right. Sit down, member for MacKillop, you are questioning the role of the Speaker. We will have another question. The member for Waite.

QUESTION TIME

TEACHER EXCHANGE, PUGLIA REGION

Mr HAMILTON-SMITH (Waite) (15:06): My question is to the Premier. How many teachers have participated in an exchange program between Puglia and South Australia, in which years and at what cost to the South Australian taxpayers? On 29 June 2007 the Treasurer said in budget estimates—

Members interjecting:

The SPEAKER: The members on my right will be quiet.

Mr HAMILTON-SMITH: —and I quote:

A teacher exchange program between Puglia and South Australia is proposed. This program will facilitate secondary teachers from each region to receive specialist language and culture training. A bilateral operations committee will be established to manage and monitor the progress of the specific initiatives.

Has it happened?

The Hon. P.F. Conlon: Did that document come from the member for Unley?

Mr PENGILLY: Point of order, Madam Speaker: the Minister for Transport is clearly interrupting the Premier in trying to give his answer.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:06): If I were the member for Waite I would be very careful about any documents I received from the member for Unley.

Members interjecting:

The SPEAKER: Order! I cannot hear the Premier.

The Hon. M.D. RANN: It lost him his job last time. I have the retraction and apology that I received from the member for Waite here and I am happy to read it to the house if necessary. The thing that is important is, if they had listened to the answer that they demanded last time about the language immersion courses, they would have that answer.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! Treasurer, you are warned.

EDUCATION FUNDING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:07): My question is to the Minister for Education. Does the minister support the Premier's funding to the Puglia region, including the teacher exchange program, at the same time the minister has to cut school funding; and did he make representations to the Premier or the Treasurer to cut funding to the Puglia region ahead of other education cuts?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (15:08): I have some news for the member for MacKillop: we received an extra $203 million in the education budget—$203 million. Count them! This is this myth that has been perpetrated by those opposite—

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —that there has been a cut to the education budget. So, I am incredibly proud of the education budget and the budget generally—it has delivered. Can I say to those opposite that they have been going around peddling misinformation about the budget. It is beginning to dawn on people that the public education system—

Ms Chapman: Is a mess!

The Hon. J.W. WEATHERILL: Rotten to the core from those opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I know that you hate public education, but there is a growing view that the investments that are being made in public education are resonating in the community, and that is what you know you have to conquer. You know you have to drag that down because it is gaining traction. People are beginning to understand that this government's support of public education is working. We have seen a 16-year high in school retention—almost 80 per cent. Almost 80 per cent of students are now being retained in our high schools—a massive vote of confidence in our public education system, aided and assisted by this year's budget—an additional $203 million into our education system.

ITALIAN LANGUAGE TEACHERS CONFERENCE

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:09): My question is again to the Minister for Education. Why did South Australian taxpayers bear the full cost of interstate teachers to attend an Italian language teachers' conference held in Adelaide from 11 to 15 July this year? What was this cost? Did taxpayers fund expenses for the keynote speaker, Professor Patrizia Guida from a university in Puglia?

The SPEAKER: The Minister for Education.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. Hill interjecting:

Mr WILLIAMS: Madam Speaker, I have a point of order. The minister is claiming that I am making a racist attack on somebody. You are outrageous and I demand an apology.

The SPEAKER: Order! Which minister?

Mr WILLIAMS: The Minister for Health.

The SPEAKER: I didn't hear the comment, but I hope you didn't make that comment, Minister for Health.

Members interjecting:

The SPEAKER: Order! Somebody else can still go out. The Minister for Education.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (15:10): One of the—

Mr WILLIAMS: I have a point of order, Madam Speaker. I have sought an apology and a withdrawal from the Minister for Health for accusing me of being racist.

The SPEAKER: Minister for Health, what was your wording?

The Hon. J.D. HILL: I said this is a racist attack, Madam Speaker, and that's what I believe it is.

The SPEAKER: I don't think that's an accusation. It is a comment rather than an attack. The Minister for Education.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Madam Speaker, might I point out to you that I am deeply offended that the minister would accuse me of being a racist for asking a question in the public interest and have that accusation stand on *Hansard*. I ask him to withdraw and apologise.

Members interjecting:

The SPEAKER: Order! I think you just withdrew the remark, did you?

The Hon. J.D. HILL: Madam Speaker, I said I withdrew my remark.

The SPEAKER: Thank you.

Mr Marshall: You are a disgrace!

The SPEAKER: Order, member for Norwood! The minister.

The Hon. J.W. WEATHERILL: One of the—

The SPEAKER: Point of order, member for Bragg.

Ms CHAPMAN: The minister has not apologised. He has withdrawn the remark. An apology was sought by the member, and I ask that you to direct him to apologise or throw him out.

Members interjecting:

The SPEAKER: Order! I have consulted with—

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg! He doesn't need to apologise. He has withdrawn the remark. The Minister for Education. There is a point of order.

Mr PENGILLY: I have a point of order. Number one—

Ms CHAPMAN: Don't bother. She's not worth it. Excuse me, I'm leaving!

The SPEAKER: Order! Sit down, both of you. This has degenerated into something which is absolutely ridiculous. The minister withdrew his remark. He does not apologise if he has withdrawn the remark. Member for Finniss, what was your point of order?

Mr PENGILLY: I just wanted to raise point 125. I counted the minister call the member for MacKillop a racist on four occasions. If that doesn't warrant an apology, I don't know what does.

The SPEAKER: I am not upholding that because I didn't hear the minister once. Treasurer, did you have a point of order?

The Hon. K.O. FOLEY: Only that the member for Bragg made comments reflecting on the chair, and I would like to ask her to withdraw but she has done a runner. Who was it who did it many years ago? Jennifer Cashmore! I think there are leadership tensions over that side.

Members interjecting:

The SPEAKER: Order! I also thought I heard that remark. I wasn't sure. However, I will give her the benefit of the doubt today, but you do not reflect on the chair. Minister for Education, would you answer this question and then we can all go?

The Hon. J.W. WEATHERILL: I will. Madam Speaker, one of the proudest boasts this state has is its commitment to multiculturalism. The central tenet of that is the way in which we promote languages other than English within our schooling system.

Mrs Redmond interjecting:

The SPEAKER: Order, leader!

The Hon. J.W. WEATHERILL: We are regarded as the centre of excellence in relation to non-English speaking language training and professionalism in this state. We have been asked at a national level to design the shape paper for the new national curriculum. We have a leading school of languages within the University of Adelaide.

I am sure that there are exercises in professional development that are undertaken on a routine basis within our department. I am unaware of the precise circumstances of this, but I will bring back an answer to the house.

GRIEVANCE DEBATE

FOOD INDUSTRY AWARDS

Mr PEDERICK (Hammond) (15:15): I rise to speak today about agriculture in this state and also highlight the Premier's Food Industry Awards, which myself and my wife attended on Friday night. I note over 570 guests attended that event. The sad thing is there are heavy rumours about that that will be the last Premier's Food Awards gala night, which will be very sad if that is the case for this state and the excellent produce that is grown in the state. I would just like to acknowledge the award winners on the night. The South Australian Food Industry Hall of Fame inductee for 2010 was Beerenberg, which exports to many countries and which has done a great job over many years.

The Innovate SA Visionary Leader Award is an award that recognises individuals who have inspired and influenced others through their vision, creativity and commitment to excellence. The Young Recipient was Sam Tucker, the managing director of Food Service Solutions and Tucker's Natural (Tucker's crackers and biscuits are sold throughout Australia and 12 countries worldwide), and also Tas Mitani, who has done many years of service to the food industry in this state.

The Food and Beverage Development Fund Valuing Workforce Development Award is an award that recognises a business that has demonstrated a commitment to developing its workforce to improve its overall business performance. I congratulate Bickford's Australia and Angelo Kotses and the team there.

Peats Soil and Garden Supplies Creating Sustainability Award recognises a business that demonstrates excellence in its social, economic and environmental sustainability, and went to the Australian Caper Company at Mannum and Jonathon Trewartha was there to accept the award.

The Department of Trade and Economic Development Developing Markets Awards recognise business initiatives in developing markets, either domestic or international. Olga's Fine Foods was the recipient of the domestic award and Seafood Exporters Australia was the recipient of the international award.

The Adelaide Showground Fostering Value Chain Award recognises a business that is leading a way in fostering value chain practices, and Kangaroo Island Pure Grain went away with the award there.

Food SA Growing Small Business Award, which recognises a business for its continued improvement and growth, went to Udder Delights at Lobethal.

The SARDI Leading Innovation Award recognises a business innovation in the development of new technologies and products, packaging or processing to realise competitive advantage. Again, this went to the Australian Caper Company.

The Adelaide Produce Markets Limited Servicing Industry award, an award recognising a business for an outstanding and innovative service which assists in growing the South Australian food industry, went to AMJ Produce.

Foodland SA Understanding Consumers Award recognises the best product development based on consumer demand, and went to Spring Gully Foods.

I would like to congratulate all the award winners and all the people that do such good work in this state, companies and individuals, in producing food. What I would also like to refer to, in regard to producing food in the state, is the current locust plague problem we have. There have been some issues, and I have always acknowledged the $12.8 million that the government has put up, but there have certainly been issues with roadside spraying and whether our NRM boards have been able to keep up with the roadside spraying.

I did hear that two members of the NRM board drove to the Riverland on Friday and said, 'Wow, we're in a mess,' and then drove back to their base and said they would be back on Monday. Well, that is just not the way to carry it out. In Victoria, the government has the farmers contracted to spray the roadsides.

In the remaining time that I have in this grieve, can I say that Depot Springs, east of Copley, is not on the radar in this state's fight against locusts. East of Copley is not that far north but neither the government nor the Australian Plague Locust Commission recognise that locusts are on this property. I outlined to the minister for agriculture's staffers at a briefing that was kindly supplied by the minister a couple of weeks ago that it is irresponsible for the government not to send a plane up to spray locusts when they can fly 500 kilometres in a night.

So, I urge the government to take more action. I know there are issues throughout the Mallee with the 1,500-metre upwind buffer zone and the 500-metre downwind buffer zone for aerial spraying. Many people have contacted my office and the member for Chaffey's office. We need to protect the close to 10 million tonne harvest and all of the other food producers in this state.

ST DIMITRIOS PARISH FESTIVAL

Mrs VLAHOS (Taylor) (15:20): I would like to speak today on the St Dimitrios Parish Festival, which I attended on Sunday 31 October. I had the pleasure of being with His Grace Bishop Nikandros of Doryleon and the Consul-General of Greece in South Australia, Mr Christos Maniakis-Grivas, local federal members, the Mayor of Salisbury, the good Mrs Gillian Aldridge, and other leaders of the Greek community of South Australia.

I believe that Greek South Australians have excelled in both nurturing Hellenic culture and building up Australia's renowned ethos of multiculturalism, particularly those who hail from the one true Macedonia. The Labor government has been pleased to be able to support the St Dimitrios community centre and its activities financially over a number of years, including grants towards the cost of the local Greek festival and dancing costumes.

This local parish festival, like the broader (more than month long) calendar of Dimitria Festival events, does a terrific job of bringing the Greek community together and opening up Greek culture to the broader population of our state. For those who are unable to attend the original

Dimitria, which recommenced in the 1960s in Thessaloniki in northern Greece, every year our local festival is an excellent way of keeping in touch with the customs and traditions of Macedonia. This tradition is now 32 years old in Adelaide.

The first Adelaide Dimitria was held in October 1979, with the organising committee becoming the Pan Macedonian Federation of South Australia in 1983. The government knows that retaining the links to Greece and Macedonia is vitally important, because for thousands of years it has been part of the history and identity of the people of northern Greece.

Each year, this festival provides an opportunity to give thanks to Agios Dimitrios, or St Dimitrios, who, as the patron of soldiers, inspires strength, courage and bravery in the face of adversity. Today we can say that he inspires strength of character and conviction. This can be seen in the strong determination of all Greeks in South Australia to recognise and promote all that is good about Greek culture, history, cuisine and tradition in Australia. This strength has, for decades, helped make our state an exciting, progressive and fascinatingly multicultural place.

I am proud to be associated with this dynamic parish, which has become a cultural hub for Greeks and others in the northern suburbs. I would like to congratulate Father Chris, the more than 50 volunteers who helped on the day and the rest of the parish on its achievements over the years, and especially on organising yet another great feast day in honour of St Dimitrios. Efharisto.

KAPUNDA HOMICIDES

Mr VAN HOLST PELLEKAAN (Stuart) (15:23): I rise today to do the saddest thing that I have had to do as a member of parliament, and in many other ways, and that is to express my condolences and deep sympathy to Chris Rowe, whose parents and sister were tragically slain, it seems, in Kapunda during Sunday night. I am sure that all members of this house join with me in passing on their sadness for him and the surviving members of his family and close friends. This has obviously had a devastating effect on the town and the whole district, but no more so than he will feel himself, and we will do anything we possibly can to help him.

I spent the day in Kapunda yesterday, and I thank the house for the opportunity to miss parliament for the day. The whole town is devastated. I visited a lot of businesses and a lot of people and, while there was absolutely nothing I could do to change the circumstances affecting everybody, it was good at least to be able to offer some link to government services and support, and things like that, if people want it. I know that the government will do whatever it can to support the people of Kapunda at the moment.

Certainly, the district is in mourning. It is very unsure about itself at the moment. There is a killer at large, which of course is a terribly disconcerting feeling. I know that the police are doing everything that they possibly can to apprehend the person, but certainly everybody in Kapunda is very uncomfortable with the fact that somebody is still out there.

I would like to give my support and appreciation to the police, who are doing absolutely everything they can. I think it is important also to point out that I am actually a bit disappointed with the article in *The Advertiser* this morning that implied that the police should have provided more information to people more quickly. The reality of the situation is that three people have been tragically slain, and that cannot be undone.

What is most important now is that they charge and hopefully convict whoever is responsible for this. If it takes a few more hours or a few more days for the people of Kapunda or for the media to find out what they would like to know, then so be it, if that helps the police in their endeavours; next week, next month, next year, next decade, catching the person is what is most important, not that the curiosity of the media is immediately satisfied. The police will do absolutely everything that they possibly can.

I would like to also talk briefly about the strong and positive history, the strong and positive present, and the strong and positive future Kapunda has. It is a very proud town. This is a great tragedy for Kapunda. Kapunda has been around for a very long time. It was established in the early 1840s after the discovery of copper in farming land. It has produced quite a few members of parliament, including four South Australian premiers, and there are families living there today whose ancestors were in Kapunda back in the 1840s and 1850s, and there are people and families who moved to Kapunda 100 years ago, 50 years ago and very recently.

There are good people who live in Kapunda, and it is a great shame if people associate Kapunda with this tragedy. This is an enormous problem. It is worth saying that we are very lucky to live in Australia, where the murder of three people is such a great tragedy. I think it is worth

pointing that out. I am not trying to diminish the tragedy to the family or the people at all, but it is very worthwhile pointing out how lucky we are when this is such a tragedy.

Kapunda has produced many very good capable South Australians: Sir Sidney Kidman is well known, the Dutton family is well known, the Hayward family and the Hazel family are two there now, just to mention two of a few who have a strong association. I was fortunate enough to open the 153rd Kapunda Show a week and a half ago, and I know that Kapunda has an extremely strong future and that the people of Kapunda will pull together, get through this and move on, not forgetting the tragedy or forgetting the support they will give to Christopher and his close friends and family. I certainly ask the government and every single government department to do everything they possibly can to support the people of Kapunda.

The DEPUTY SPEAKER: Thank you, member for Stuart, and I am sure that this whole house joins you in your very sincere condolences to Mr Christopher Rowe and, indeed, the people of Kapunda. It is a very small town but a very strong community, and I wish them all the very best in the days to come.

Honourable members: Hear, hear!

AUSTRALIAN (HUMAN POWERED VEHICLE) SUPER SERIES

Ms BEDFORD (Florey) (15:28): It is my privilege to inform the house today about the results from this year's University of South Australia Australian (Human Powered Vehicle) Super Series. Along with the member for Hammond and his family, I was happy to be present on the final day.

Held over three weekends during the year, the HPV series features single-seat, human-powered vehicles, seen as an alternative transport for people seeking a healthy lifestyle that are able to be used on public roads. Heats 1 and 2 are held at Victoria Park, with the final round in the beautiful rural city of Murray Bridge recently deciding the series on 19 September.

It was a great honour for me to be given the task this year to wave off the field to start the 24-hour endurance phase. In the time-long tradition of other celebrities—notable amongst them Glen Dix of Grand Prix fame, our own Premier, and Patrick Jonker, who started this year's round 2—I did my best to give each competitor vehicle a flourish of the Australian flag to get them away. I must say, with a world record 220 vehicles powered by that many teams, 110 of which came from schools, with over 3,000 athletes in all, my arm felt how I imagine some of the legs must have felt at the end of each of their shifts. The University of South Australia's support for the event has meant that the core values it shares with Pedal Prix—education, development of sustainable communities, healthy lifestyles, communication and teamwork, and research and innovation—are nurtured and continue to grow.

University of South Australia students work across the event in support roles and benefit from putting the learning from their studies into action, and in some cases their support of the event counts towards their degree. I would like to thank the University of South Australia, for supporting Pedal Prix, and the senior staff who recognised and championed this association back in the very early days to what we see now as an ongoing commitment.

I would also like to commend event chairman Andrew McLachlan and his board and the entire Pedal Prix community who make this event an annual must for many reasons. Each team commits time and energy to fundraise to make their participation possible. Building the vehicle, organising IT to record all the results, fitness regimes to allow riders to be effective, parental supervision of all aspects (especially the set-up and pull down), and food preparation (which is ongoing through the entire year), and also the last-minute problem-solving that is needed to keep these machines going for 24 hours, give everybody involved a grounding and skill base that it would be difficult to surpass. Andrew and the board deserve our thanks and admiration for all they do.

The magnitude of the logistics required to stage the series each year are enormous. We should also thank Mayor Alan Arbon and the councillors of Murray Bridge for making their wonderful city home to this fabulous event. He and his wife, Pam, have always been very hospitable, and they have another special interest in this event in that their grandchildren attend Ardtornish Primary School, one of the schools that competed in category 1. Of course, that is one of the schools very close to the electorate of Florey, so, I share their interest as I do in the 13 other teams directly associated with my electorate.

Modbury High School has Puma, Cheetah, Cougar, Taco Lynx and the all-girls team of Pink Panther, of whom I am extremely proud. The Heights School has Phoenix, Odyssey, Quasar and Super Nova. Para Primary School has a team, as do Ardtornish and St Paul's College. I thank wholeheartedly the principals, support crews and team members for each of these vehicles.

The elite interstate senior teams again took honours. A spokesperson for the winning team, Tru Blue, said each of the team members first took part when they were at school and have been pursuing the sport keenly ever since. This long team commitment is evident all across the event.

I would like to especially thank people associated with the teams in the Heights School: 45 students, 45 parents and support groups, and committee members Roger Button, Jim Wallace, Paul Gunner, Robyn Davis and Janine MacDonald. Modbury High School has 36 students involved, with team manager Wayne Ferguson, teachers Lyn Gibbins and Charlotte Acton, and team managers, Ron Gibbins, Rob Greenhalgh, Greg Taylor and Kevin Clarke.

I hope that members check the list of the Pedal Prix schools and how close they are to the schools in their electorates. Next year, again, we will see three events, two in the city at Victoria Park. I urge you all to go down to have a look. It is one of these events that when you go down you become just as hooked as the people involved in the event. Unfortunately, the first event it is often held in cold, rainy conditions, but Murray Bridge often has very fine weather in a beautiful setting, right by the river. To see the amount of work that goes into the event is just amazing.

ITALY, TRADE

Mr MARSHALL (Norwood) (15:34): Earlier today, the Minister for Multicultural Affairs spoke about my support for trade with Italy. This is, of course, no great revelation. I have, in fact, been a long-term supporter of trade with Italy and, indeed, a long-time supporter of trade generally. She, of course, announced it to the house as if it were some great revelation. I am sure she is very concerned, sitting in her office at the moment, worrying about what things she may have said in confidence that I might be bringing up here today, but we will save that for another the time, and she can sweat about that little bit longer.

All week I have listened to this government make a number of assertions, in particular the assertions about competence relating to international trade, in particular international trade with Italy. Unlike the 'wannabes' on the other side, I have personally been involved with trade with Italy since the mid-1980s. My family company was involved in furniture manufacturing for many decades. Much of the machinery that we purchased came, of course, from northern Italy which is the powerhouse of international machinery manufacturing for this important sector. I was on visits to the north of Italy when we purchased machinery from BLM, Morbidelli and, most recently when I was a managing director, from Biesse—I know the sector well.

When I was the managing director of Marshall Furniture I organised sponsorship for both employees of my company and some up-and-coming emerging industrial designers in South Australia to exhibit at the Salone del Mobile in Milan, a great exhibition each year for the manufacturing sector and, in particular, the furniture manufacturing sector.

Most recently, before coming to parliament, I was employed as the general manager for the textiles division at an iconic South Australian company, Michell Pty Ltd. This year Michell celebrates 140 years. It has more than a century's history in substantial trade with Italy in both the wool and skin sectors, the two chief exports from South Australia to Italy. As part of my work there, I regularly visited Prato, Biella, Milan, the Emilio Romano area and, of course, Treviso where I set up the office for Michell textiles in Italy. I was a regular attendee at Pitti Filati which is, of course, the major textile, yarn and wool fair. As I said, textiles is the major sector that we have had.

My relationship is neither flirty nor funny; it is one based on long-term practical knowledge and experience in this sector. I am also a member of ICCI (the Italian Chamber of Commerce and Industry) and maintain a strong interest in this area. All week we have heard the government bleating about their concerns for international trade with Italy, and I would like to recount one story which I think typifies their real concern for trade with Italy.

Earlier this year, I attended celebrations at the Norwood Town Hall for the Festa della Repubblica which is held each year on 2 June. At this event, a government employee suggested that I should meet with Esther Roberts because she was in charge of trade with Italy. Subsequently, I found out that her role was Trade Development Manager, Europe and the Middle East, with the South Australian government. However, she was introduced to me as being in charge of trade with Italy. I asked her how she had enjoyed the event that night because most of it

was in Italian—and my Italian is anything but fluent. She said, 'I have no idea, I don't speak any Italian.' Little alarm bells started ringing and I thought, 'Here is a person in charge of trade but she doesn't speak any Italian.'

I then pointed out that I worked for Michell's. She had no knowledge of Michell's whatsoever. I think she may have thought it was a patisserie because people have been confused about that in the past. However, she certainly was not aware that Michell's was, historically, the largest exporter from South Australia. As you can imagine, I was a little bit concerned about how she got this job in such an important and critical role. I asked her whether she had worked for one of South Australia's great exporters, perhaps San Remo, but, again, no; her credentials were that she worked for Kevin Foley as a political staffer.

Herein lies the problem. This government is so arrogant that it believes that it can make appointments outside orthodox and accepted employment procedures. Already today we have heard the Premier bragging about his appointments to various high-powered roles without going out to the market. This is, of course, not an isolated incident of a political staffer making their way into a senior role within the public sector. South Australia was once renowned for the very high calibre of the public sector and, most importantly, its independence. There is a growing and now very obvious concern in the public sector that the independence of our Public Service is continually being compromised by this government parachuting their friends and colleagues into key public sector roles.

AMY'S RIDE

Mr BIGNELL (Mawson) (15:39): I rise today to congratulate everyone involved in Amy's Ride last Sunday. More than 3,000 recreational cyclists (and some who fancy themselves as a little bit more professional than that) climbed on their bikes, put on the Lycra and headed down the Southern Expressway which, for that one time a year, is closed to traffic so that the bike riders of South Australia can get out there and raise some funds for road safety.

It is a ride named in honour of Amy Gillett who (as Amy Safe) was a world champion rower for Australia and also rowed at the Olympics; someone I knew quite well in my role as a TV sports journalist and radio journalist back in the nineties. Unfortunately, on 16 July five years ago, Amy was killed in Germany when she and the rest of the Australian women's team were out on a training ride and a car veered across to the wrong side of the road, ran into the bunch and injured several of the riders and fatally injured Amy Gillett.

After her death, there was a great outpouring of grief not only from Amy's family but from the cycling community in general and a sense that there is a lot to be done in terms of sharing the road and getting that cooperation between motorist and cyclist on the road. The Amy Gillett Foundation was formed following Amy's death and several road safety messages have been designed through the Amy Gillett Foundation in cooperation with the South Australian government and other governments around Australia, and also with great organisations like Bicycle SA, which was heavily involved in the well-run event on Sunday and in previous years.

There was on offer a 25-kilometre ride, a 30-kilometre ride, a 60-kilometre ride and a 100-kilometre ride which took people up over Willunga Hill, which is a fairly difficult thing. I actually opted for the self-designed 33-kilometre ride because it ended at my house. It meant that I could then go for a walk and a swim at Port Willunga, and then meet all my mates who did the 100-kilometre ride in the main street of McLaren Vale at Vasarelli's restaurant. I was nice and comfortable and they were in their sweaty lycra. So, anyone who wants to come riding with me next year can end up having a much more comfortable ride.

The thing is that it is all about participation. I would like to thank the many volunteers who were out there on motorbikes, on the side of the road or coming around with pumps and puncture kits to help those who had had a breakdown or a puncture. One couple whom I saw out there with a puncture had arrived in Australia from Canada only last Tuesday or Wednesday. They were keen cyclists. They read about Amy's Ride and they went out and purchased bikes on the Friday and then took part. When I saw them on the side of the road with their punctures, they were still hoping to get up and over Willunga Hill and do the entire 100-kilometre ride.

Thank you very much to the volunteers. Without you these events are not possible and it brought so much fun, enjoyment and a sense of achievement to those 3,000 people who did the ride. The money is still being counted, but it will probably be over $100,000 for the Amy Gillett Foundation. I know Amy's mum and dad, Mary and Denis Safe, work tirelessly in their daughter's memory to try to spread the word. They are in Sydney this week promoting 'A Metre Matters', which

was a slogan coined for last year's Amy's Ride and which just alerts motorists to the fact that, when you are overtaking a cyclist, to allow a full metre because you can never be sure.

As someone who rides a bike with very thin tyres, there can be a little pothole, a water meter cap or glass on the road, and you have to avoid those obstacles, and so we do have to move across and out of our line from time to time. If motorists can give us that space as cyclists that is much appreciated. Something I always do when people move over and out of my line is give them a little wave as they go past. When I ride around McLaren Vale, Aldinga and Willunga, I am on a lot of 80 km/h roads and 100 km/h roads, so it is very beneficial and I feel a lot safer when motorists do move over.

To everyone involved and to those who participated, such as people like Corey Wingard from Channel 10 (I saw him out there) and Tim Noonan from the ABC. It is great to see role models in our society setting a good example for people to get out, get fit and get on their bikes. It is a good time of year to do it as summer approaches and, of course, who could wish for a better destination than McLaren Vale.

AUDITOR-GENERAL'S REPORT

In committee (resumed on motion).

The CHAIR: We now proceed to examination of the Auditor-General's Report in relation to the Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Road Safety and Minister for Veterans' Affairs, 30 minutes. I remind members that the committee is in its normal session, so any questions have to be asked by members on their feet, and all questions must be directly referenced to the Auditor-General's Report.

Ms CHAPMAN: Substantially, the Department of Further Education, Employment, Science and Technology is in Volume 2, and I will start at page 548. The section, if you have noticed there, starts at page 547. My first question relates to point 5 on that page under 'Hourly paid instructors'. This is a payroll issue that was under the scrutiny of the Auditor. There is a recommendation there by the Auditor-General that there be independent checks. The response, apparently, is that they will be implemented by two months ago, so my question really is have those checks been implemented, who is undertaking them and how often is that operating?

The Hon. J.J. SNELLING: There is an interim measure that has been introduced which requires TAFE SA work group office managers to check and countersign the spreadsheets, and this has already been implemented. There is a longer-term solution, which is the implementation of the time and attendance module for hourly-paid instructors on the HR management system, which I believe is called Empower. Shared Services have taken Empower over and they are developing their own payroll system across government, and that will solve these problems.

Ms CHAPMAN: I refer to 'Human resource delegations' on the same page. The Auditor found that forms used to process changes to employee master files were not always being properly authorised. How has this process changed to ensure rigour and accuracy or, in fact, has this matter been referred to Shared Services as well?

The Hon. J.J. SNELLING: The processes are in place. It is a matter of training the employees in the proper implementation of the processes. Appropriate training and reinforcement of the processes will continue to optimise compliance. Delegations are being reviewed to ensure absolute clarity in regard to the different types of employee master file changes that can be made, and by whom. Other changes in place minimise the risk of unauthorised changes, for example, the TAFE institute staffing committee and the HR unit review staffing information.

Ms CHAPMAN: On the same page under a number of control deficiencies that the Auditor has highlighted, one of them is the Masterpiece users' access. I suppose the logical question is: why do DFEEST employees have access to Masterpiece for payment processing when this is a Shared Services responsibility?

The Hon. J.J. SNELLING: That access was cancelled for all DFEEST staff on 12 July 2010. Only Shared Services SA has this level of access as the system administrator. Prior to that date there were a couple of DFEEST staff who had access. That was for reasons of backup. In the case of problems with Shared Services, there were some other officers in the department who were able to access it. But, as I said, they have been removed as of 12 July. It has been checked and there were no inappropriate payments processed prior to the access being cancelled.

Ms CHAPMAN: I appreciate that post-12 July there is a new regime and, obviously, there is no necessity for DFEEST personnel of any kind to be involved at that level, but I do not quite understand the backup. Was there a period pre-12 July for which Shared Services had responsibility, which is what the Auditor-General seems to be suggesting here: that they clearly had it in the financial period we are talking about? Perhaps there was some historical carryover for these people continuing to have access? I do not know.

It just seems rather peculiar that, in the period in which the Auditor has identified, that responsibility had already transferred. Some personnel had access but, whether there were a couple or how senior they were, I do not know. I do not need names, but perhaps you can identify the level of responsibility in the department of these people who did have access to it; and why did they during this audit year? We do not have people in other departments providing backup as a matter of course. I think it needs some further explanation.

The Hon. J.J. SNELLING: The two officers who had access were a systems administrator and an ICT administrator. But the important thing to remember is that a check has been done and no inappropriate payments were processed by either of these officers. I think there was just a carryover or leftover as control of the system was changed from the department to Shared Services.

Ms CHAPMAN: On page 549 but under the same expenditure of control deficiencies identified by the Auditor under 'Expenditure', there is reference to the 'Scanning Workforce Accounts Payable delegations' and then 'Segregation of duties'.

What the Auditor-General here is telling us is that you can end up with a situation where one officer can purchase, receipt and approve payments for goods. I am sure that the minister would appreciate the very significance of having people in different roles, and to have crosschecking and then an audit process is to ensure that there is a segregation of those duties and responsibilities, and this therefore sets up a crosschecking situation.

I ask the minister to explain what is actually happening. The report simply tells us that 'control deficiencies have been addressed'. It talks about using the eProcurement system. Perhaps you could explain how that will fix the problem.

The Hon. J.J. SNELLING: As the member for Bragg acknowledged, the report does say that there has been implementation of the eProcurement system. DFEEST acknowledged the limitation of the Scanning Workflow Accounts Payable system in the area, and it considered the risk was minimal, given the areas involved and the involvement of internal audit. So, there is an internal audit process which provides checks and balances to make sure that nothing untoward is happening.

As the member for Bragg noted, SWAP has been decommissioned with the implementation of the eProcurement system. The way the eProcurement system works, I am told, is that, at different stages of the procurement chain, the system ensures that there are different people along the chain authorising whatever needs to be authorised. This enforces appropriate segregation duties.

Ms CHAPMAN: In 2008-09, the Auditor questioned DFEEST's grant expenditure control processes. The target date for completion of a framework was December 2009. In March 2010, it was not complete, and a review was not completed until April. When will a formal policy and minimal control framework for grant expenditure be complete?

The Hon. J.J. SNELLING: The new policy is in place now, I am advised.

Ms CHAPMAN: Again, page 549, 'Student revenue—Fees by instalment'. The Auditor found controls issues based on a review of the Mount Gambier campus and unauthorised staff approving fees by instalment and processes that are outdated and inconsistent with revenue delegations. Minister, could you explain when the TAFE policy will be tightened up to satisfy the Auditor's requirements in this area and how is it intended to do so?

The Hon. J.J. SNELLING: The department does not believe that it is a widespread or high risk issue. The TAFE SA policy committee, which is the body responsible for developing and implementing policy on such matters, is reviewing all arrangements in conjunction with the department's legislation and delegation area and we hope to have new arrangements in place early in the new year.

Ms CHAPMAN: On the enrolment forms, how is it that client services staff have been able to charge fees varying from the stipulated amount, and how will the department be addressing the auditor's concerns?

The Hon. J.J. SNELLING: The revised TAFE SA regional enrolment administrative procedure includes a directive that all enrolments must be performed on the student management system (SMS) first, followed by the raising of fees in the ARPOS system. That program area is to include the accurate fee calculations on or with the enrolment form. This revision occurred in March of this year and all staff have been advised of the changes. This change would have overlapped with the time of the audit's visit to the Mount Gambier campus.

This new directive provides a checking mechanism for the fee shown on the enrolment form against the fee loaded in SMS, prior to the fee being receipted in the ARPOS system. Where the fee calculation on the enrolment form differs from the fee recorded in SMS, the client services officer will charge the fee as recorded in the SMS system, as this is where official TAFE fees are loaded. Ad hoc audits of the enrolment process in TAFE SA regional is being undertaken to ensure that all enrolment forms are appropriately authorised. The identified issues will be fully addressed through the implementation of the new student information system, which will be in place next year and will replace ARPOS and SMS.

Ms CHAPMAN: I do not profess to understand all of that, minister, so just clarify this for me: are you saying that this was able to occur, that is, a different fee charged, because they did not have a system in place which would automatically reject the identification of an amount that was different to the stipulated fee and that, therefore, electronically, it could not be processed until it had the right money in it? Is that as I understand the gist of your answer?

The Hon. J.J. SNELLING: In essence, what you are saying is correct. However, there was a normal conciliation process and audit process which would have picked up if this was a widespread problem: it was not picked up as being a widespread problem. What it demonstrates is the importance of the new student information system. These old systems are antiquated and not easily modified, and the student information system will go a long way to making sure that these issues can be addressed straight away.

Ms CHAPMAN: The other issue is, I think, a little more serious, which is DFEEST being found to have approached the market with an expression of interest re the acquiring of the student information system (SIS) before gaining approval from the State Procurement Board. I am sure that you would be aware of the importance of ensuring that that process is adhered to. What happened? Why did this happen? Why would DFEEST even try to do this?

The Hon. J.J. SNELLING: The simple answer to your question is that Procurement Board policy, such as the market approaches guidelines, were only issued in August of 2009 and this procurement was in 2006, so three years before detailed procurement policies were put in place. DFEEST short-listed and sought tenders from two vendors after an expression of interest to the broader market place. The Auditor-General indicates this did not fully comply with the State Procurement Board policies. At the time, four years ago, discussions with the State Procurement Board were extensive. The fact that audits commented that SPB policies and frameworks have been enhanced since indicates there were grey areas previously.

In November 2006, when the procurement happened, there were minimal State Procurement Board policies in this area, and guidance on the use of expressions of interest was minimal prior to the promulgation of November 2008. Procurement board policies such as the market approaches guidelines, as I said before, were only issued in August 2009. So, the detailed procurement guidelines were issued after this process was entered into to comply with SPB requirements.

Ms CHAPMAN: Excellent. DFEEST also deviated significantly from documentation for DTF with regard to the discount rate in a number of years used to evaluate the student information system and also in relation to identification and definition of service needs for SIS. Why did this occur?

The Hon. J.J. SNELLING: I am advised that there were discussions with the Department of Treasury and Finance, but these discussions were not documented. DFEEST's processes have been updated to ensure full compliance of all future relevant projects. The DTF provided a costing comment when the proposal went before cabinet, so when it went before cabinet the normal costings were done and costing comment was provided by the Treasury, and implementations under one system will progressively go live during 2011.

Ms CHAPMAN: I have one other question, and I think my colleagues would like to ask some questions on your other portfolios. The University of Adelaide, Flinders University and the University of South Australia all, of course, have separate portfolio audits, for which you are responsible. In relation to the vice-chancellors of each of these institutions, at page 1726 the University of Adelaide discloses income of between $820,000 and $834,000; at page 1771 the University of South Australia, $580,000 plus; and Flinders University at page 533, $470,000 plus.

That is obviously quite a disparity. In the same financial accounts of each of those universities there is quite a significant variance in the annual income budgets. It is about $700 million for that academic year for the University of Adelaide, compared to UniSA, which is $473 million, and Flinders University, $331 million. All these figures are in the accounts. The guidelines are referred to in the footnotes. Is the guideline applicable to the provision of the chief executive officer's salary package based on the turnover of the university, or the number of students, or the asset base of the university; and, if you do not have it, is it publicly available on the website or otherwise?

The Hon. J.J. SNELLING: Is the member for Bragg quoting from the Auditor-General's Report or something else?

Ms CHAPMAN: The Auditor-General's Report, yes. The Auditor-General's Report provides an audit of each of the universities. I have referred to their page numbers. Perhaps I will tell you where they are because I have referred to each of the page numbers which relate to the salaries of all the people earning over $100,000. In the Auditor-General's Report, the University of Adelaide starts on page 1694, the University of South Australia starts on page 1742, and Flinders University starts on page 499. The page numbers I have given you are within those divisions, and I have simply quoted the turnover for each of those universities.

There is also a disparity in the assets and liabilities net of those entities. I am assuming there is still some assessment of the salaries that the heads of these universities receive commensurate upon the asset and turnover; but it may be other factors these days, I do not know—maybe student numbers or the number of schools within the university, etc. Could we have that? It does refer in the report to this being commensurate with guidelines. I am not sure where they are or if they are publicly available. That is my question.

The Hon. J.J. SNELLING: The remuneration would be a decision of the councils, or it would go before the councils of each individual university. If there is any other information I can provide, I will take it on notice and come back.

Ms CHAPMAN: What about the guidelines? Are they available?

The Hon. J.J. SNELLING: I will find out for you.

The ACTING CHAIR (Ms Thompson): Member for Bragg, the table officers and I are a bit confused. Can you give us those page references again? This is referring to the pages of the Auditor-General's Report?

Ms CHAPMAN: Yes. The page number of the commencement of the section on the University of Adelaide is 1694, and the page I have referred to, which relates to all of the executive salaries, is page 1726. The University of South Australia commences on page 1742, and I have referred to page 1771. Then, for Flinders University, that whole division starts at page 499, and I have referred to page 533.

Mr HAMILTON-SMITH: Minister, the government has employed a special envoy for Europe—Nicola Sasanelli. Parliament has been told that $130,000 comes from DTED, with a matching payment (I am not sure exactly what) from DPC. Has DFEEST, or any of the portfolios for which the minister is responsible, had any engagement with Mr Sasanelli? Has any funding been expended from your portfolio on visits to Puglia, or any other matter to do with the Fiera del Levante, or any of the issues that have been recently raised regarding Sasanelli? This refers to Auditor-General's Report, page 570, remuneration of employees and other matters.

The Hon. J.J. SNELLING: I do not think these issues are specifically addressed in the Auditor-General's Report with regard to my portfolio areas, so I do not have the information to hand, but I am happy to come back to the house and report accordingly.

Mr HAMILTON-SMITH: I thank the minister for that commitment to come back with an answer on any expenses from his portfolio in that regard. One final question, very quickly—and I am referring to page 569 of the Auditor-General's Report: Activity Technology Investment—options

put forward by Leanna Read for Playford Capital. Was one of the options to outsource Playford Capital as a going concern? Do you think you could have obtained some revenue for Playford Capital as a going concern? Could you explain to the committee why you did not choose to offload Playford Capital from government as a going concern, because all that goodwill and that history was going to be lost with the decision to fold it up and wrap it up?

The Hon. J.J. SNELLING: Once again, I do not think Playford Capital is mentioned anywhere in the Auditor-General's Report. I made myself available for two hours of questioning by the member for Waite during the estimates process on this very issue. All I can say to him is what I said to him then and that is, of the options, I chose the option which I believed would be least disruptive to the investee companies. The issues being dealt with, being of a commercial-in-confidence nature, I am not able to make any more information available to the house than that.

Mr GOLDSWORTHY: I have a road safety question. Minister, at page 1608 in Volume 5, under the heading Consultancies, can you tell us which department is paying Professor Wegman, Thinker in Residence, for his consultancy; what is the total expected amount to be paid to the professor; and is he returning to South Australia this month, as the government previously announced?

The Hon. J.J. SNELLING: I do not have the exact amount of DTEI's contribution to Professor Wegman's residency. I can let the member for Kavel know that Professor Wegman is in Australia and he is here in Adelaide at the moment. He is here for the next three weeks. There are a number of partners engaged in Professor Wegman's residency: the RAA; DTEI (as I have indicated); the Motor Accident Commission, I think; the South Australia Police. They are some of the partners involved in Professor Wegman's residency. I am sure Professor Wegman will be very happy to make himself available to the member for Kavel to discuss the sorts of issues he is looking at.

Progress reported; committee to sit again.

STATUTES AMENDMENT AND REPEAL (AUSTRALIAN CONSUMER LAW) BILL

Second reading.

The Hon. J.J. SNELLING (Playford—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Road Safety, Minister for Veterans' Affairs) (16:19): 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, the *Statutes Amendment and Repeal (Australian Consumer Law) Bill 2010*, gives effect to one of the most significant national reforms of Australia's consumer protection laws. In passing this Bill, South Australia will join with other States and Territories in providing consumers the benefit of nationally consistent consumer protection laws.

The Bill itself will apply the Australian Consumer Law as a law of South Australia and make changes to existing South Australian legislation to give effect to this new regime.

Background to the Australian Consumer Law

On 15 August 2008, the Ministerial Council on Consumer Affairs agreed that all jurisdictions would adopt a new nationally consistent Australian Consumer Law to replace the consumer protection provisions of the *Trade Practices Act 1974* of the Commonwealth (the *TPA*), and the Fair Trading laws now operating in each jurisdiction.

That agreement followed decisions of the Council of Australian Governments (*COAG*), in March and July 2008, that an enhanced national approach to consumer policy must be developed, as recommended by the Productivity Commission in their extensive review of Australian consumer law and policy.

On 2 October 2008, COAG agreed that the final form of the consumer policy framework would comprise a single national consumer law based on the TPA and draw on the best practice in State and Territory consumer laws, including a provision regulating unfair contract terms and a national product safety system.

COAG's objective in agreeing to establish an Australian Consumer Law is to remove overlapping and inconsistent regulation between jurisdictions in respect of fair trading and trade practices controls. It is anticipated that the reforms will improve business efficiency, reduce red tape, and improve consumer confidence.

The Australian Consumer Law is underpinned by the *Australian Consumer Law Intergovernmental Agreement* (the *ACL IGA*) which was signed by the Premier in July 2009. This agreement establishes the framework for all signatories to the ACL IGA to implement and administer the new law.

Consistent with the ACL IGA, the Commonwealth has passed two laws giving effect to the Australian Consumer Law:

- The Trade Practices Amendment (Australian Consumer Law) Act (No. 1) 2010, (the first ACL Act); and
- The Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010, (the second ACL Act).

Copies of both of these Acts are available from the Commonwealth Treasury website: http://www.treasury.gov.au/consumerlaw/content/legislation.asp.

The first ACL Act, passed by the Commonwealth on 17 March 2010, amends Commonwealth law to set up a framework for full commencement of the Australian Consumer Law on 1 January 2011.

The second ACL Act, passed by the Commonwealth on 24 June 2010, is the primary mechanism that implements the Australian Consumer Law. This Act renames the TPA as the *Competition and Consumer Act 2010* and inserts the full text of the Australian Consumer Law into a schedule of the Competition and Consumer Act. It is this schedule that will be applied as the law of South Australia, thereby implementing the Australian Consumer Law in this jurisdiction.

In passing this Bill, South Australia will be taking a further step towards a key aspect of COAG's national business and regulatory reform agenda to create a seamless national economy. South Australia will also be delivering on the commitment under the ACL IGA by implementing the Australian Consumer Law on 1 January 2011.

The core provisions of the Australian Consumer Law are based on existing provisions of the TPA. These laws, prohibiting such things as misleading and deceptive conduct, unconscionable conduct, unsolicited supplies and pyramid schemes, already exist in more or less the same form in State and Territory fair trading laws, including in the South Australian *Fair Trading Act 1987* (the *FTA*). With the introduction of the Australian Consumer Law, all of the inconsistencies that have developed over time between the Commonwealth and State and Territory laws will be removed.

The Australian Consumer Law also adds significant new consumer protections, including provisions drawn from best practice provisions in existing state and territory consumer protection and fair trading laws.

A new unfair contract terms law will strengthen protection against unfair terms in standard form contracts. This new regime is designed to protect consumers where they cannot effectively bargain and are offered contracts on a take it or leave it basis.

Under the unfair contract terms provisions, if a court determines that a term in a standard form consumer contract is unfair, then the term is not binding on the consumer. To minimise the impact of these reforms on business, the regime ensures that, in cases where the contract can still operate without the unfair term, the contract will continue to operate.

South Australia has, for many years, had laws that provide a 10 day cooling off period for consumers who purchase goods from door-to-door traders. Last year, the Rann Government also passed the *Fair Trading (Telemarketing) Amendment Act 2009* to extend the same controls over telemarketing. This Bill will repeal that Act because the Australian Consumer Law will introduce a nationally harmonised regime to assist consumers who purchase from both door-to-door traders and telemarketers. These new harmonised door-to-door and telemarketing controls will provide all consumers with a 10 day cooling off period to protect against predatory marketing practices.

One significant difference from the existing South Australian door-to-door regime is that the Australian Consumer Law will further limit allowable weekday evening door to door visiting hours by 2 hours per day. Currently, door-to-door traders may, to the annoyance of many consumers, visit homes between 9am and 8pm. The new Australian Consumer Law regime will ensure that door-to-door traders may only make house calls, without prior arrangement, between 9am and 6pm. The limits on door-to-door trading on Saturdays (outside the hours of 9am and 5pm), and the prohibition on Sundays and public holidays, will remain the same. Telemarketing calling hours will continue to be separately regulated under the *Do Not Call Register Act 2006* of the Commonwealth and will be allowed between 9am and 8pm on weekdays (with the same limits on Saturdays, Sundays and public holidays as the door-to-door controls).

The Australian Consumer Law also includes a harmonised product safety regime for consumer goods and services related to the supply, installation or maintenance of consumer goods. This new regime will take the place of the existing South Australian *Trade Standards Act 1979*, which will be repealed by the Bill. Under the new product safety regime, State and Territory ministers will retain the ability to issue interim product safety bans, compulsory recall notices and public warning statements. However, to ensure national coordination and consistency, only the Commonwealth Minister will have the power to issue permanent bans, make safety and information standards, and conduct voluntary recalls.

Other Australian Consumer Law consumer protections include:

- a national consumer guarantees law which replaces the existing State, Territory and Commonwealth implied warranties regimes;
- a requirement that lay-by sales agreements be in writing and can be terminated at any time by a consumer;
- a prohibition on false or misleading testimonials;
- a provision clarifying that a consumer is not liable to pay for unsolicited services;
- a requirement for specified consumer contracts to be expressed in plain language and be legible;

- a statutory right to an itemised bill or receipt for goods or services supplied above a certain value;
- a prohibition on multiple pricing to ensure that consumers no longer have to deal with the confusion created when more than one price for a product is displayed.

The Australian Consumer Law will greatly assist consumer affairs regulators in taking a national approach to enforcement. While consumer affairs regulators in the States and Territories and the Commonwealth will each have the capacity to take action against those who breach the Australian Consumer Law, regulators will work together to take coordinated and effective action to stamp out unfair practices and enforce the new product safety regime on a national basis.

To ensure consistency in enforcement approaches, the Australian Consumer Law provides a number of standard enforcement tools, penalties and consumer remedies of which all jurisdictions may take advantage. These include disqualification orders, substantiation notices, and public warning powers. Regulators may also (where appropriate) seek injunctions, damages, compensation orders, and orders seeking redress on behalf of consumers who are not parties to enforcement proceedings. Breaches of Australian Consumer Law provisions are subject to a range of both civil and criminal penalties, with maximum penalties of up to $220,000 for individuals and $1.1 million for corporations. These penalties, while consistent with the existing TPA, are significantly higher than the existing penalties in the FTA, thereby providing far greater protection to consumers in South Australia.

While the Australian Consumer Law contains harmonised enforcement provisions, it does not contain any standardised powers of investigation. Given that each jurisdiction will continue to be responsible for the enforcement of the Australian Consumer Law, it has, therefore, been necessary for South Australia to retain its existing FTA investigation powers. The Bill also incorporates into the FTA the product safety enforcement powers that exist in the *Trade Standards Act 1979*, which is to be replaced by the Australian Consumer Law product safety regime.

The Bill will also include an embargo notice power in the FTA which is based on the Commonwealth Australian Consumer Law enforcement provisions. This power will allow an authorised officer from the Office of Consumer and Business Affairs to prevent a trader from moving or dealing with goods that are subject to an embargo order. The power itself is limited in that it may only be used if the authorised officer would otherwise be able to seize the item but is prevented from doing so due to the difficulty in physically removing or storing the item.

The Bill also puts in place transitional arrangements, and repeals a number of provisions that have been made redundant through the application of the Australian Consumer Law, or cannot be retained because they would operate inconsistently with the Australian Consumer Law. For example, the Bill repeals the FTA substantiation of claims power, because a similar power will be available under the Australian Consumer Law. Also, it is necessary to repeal the *Manufacturers Warranties Act 1974* given the protections in that Act will now be reflected in the new Australian Consumer Law consumer guarantees regime.

A number of amendments that were made to the FTA under the *Statutes Amendment and Repeal (Fair Trading) Act 2009* (the *2009 Act*) have not yet been commenced. The majority of those uncommenced provisions were made in an effort to harmonise provisions of the FTA with the TPA. Given the development of the Australian Consumer Law, most of these amendments have now been rendered unnecessary and so will now be repealed.

One key aspect of the 2009 Act relating to the regulation of recreational services is, however, still required and will be enacted through this Bill. The 2009 Act repealed the *Recreational Services (Limitation of Liability) Act 2003* and replaced it with reforms that allow suppliers of recreational services to modify, exclude or restrict the rights of consumers under the FTA if the consumer (or representative) signs a contractual waiver of liability.

The Bill will have the effect of ensuring, as desired by the recreational services industry, that this regime will be retained in the transition to the Australian Consumer Law. Because the amendment in the 2009 Act had the effect of altering the effect of an implied warranties regime in the FTA, and as such a regime will now be replaced by the Australian Consumer Law consumer guarantees provisions, the Bill makes minor amendments to the recreational services provision to ensure that it operates effectively in the context of the new law.

Conclusion

The introduction of this Bill and the implementation of the Australian Consumer Law in South Australia and across the nation represents a significant achievement for both business and consumers. For business, the Australian Consumer Law is a step towards a seamless national economy which reduces regulatory complexity and allows for greater efficiencies. For consumers, this single national law will provide a consistent set of rights wherever goods or services are purchased in Australia.

I commend the bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Fair Trading Act 1987*

4—Amendment of long title

It is proposed to amend the long title of the Act to reflect the fact that the Australian Consumer Law is to be applied as a law of the State. The application of the Australian Consumer Law in each of the participating jurisdictions will result in a nationally consistent law providing for consumer protection.

5—Substitution of section 3

Current section 3 is to be repealed and a new section 3 (Interpretation) is to be substituted containing a number of definitions of words and phrases relating to the application of the Australian Consumer Law as a law of the State, as well as other definitions, or interpretive provisions, required generally for the purposes of the *Fair Trading Act 1987* (the *principal Act*).

6—Insertion of section 4A

New section 4A is to be inserted. New section 4A (Extraterritorial application) provides that the principal Act is intended to have extraterritorial application insofar as the legislative powers of the State permit.

7—Substitution of Parts 3 and 4

Currently, Part 3 regulates door-to-door trading, and Part 4 prohibits mock auctions. These Parts are to be repealed and a new Part providing for the application of the Australian Consumer Law as a law of the State is to be substituted. The Australian Consumer Law includes provisions substantially the same as those currently provided for in the Parts that are to be repealed.

Part 3—Australian Consumer Law

Division 1—Application of Australian Consumer Law

13—Australian Consumer Law text

The Australian Consumer Law text consists of—

- Schedule 2 of the *Competition and Consumer Act 2010* of the Commonwealth; and
- the regulations under section 139G of that Act.

14—Application of Australian Consumer Law

Subject to new sections 15, 16 and 17, the Australian Consumer Law text, as in force from time to time—

- applies as a law of this jurisdiction; and
- as so applying may be referred to as the *Australian Consumer Law (SA)* (the *ACL (SA)*); and
- as so applying is a part of the *Fair Trading Act 1987*.

15—Future modifications of Australian Consumer Law text

A modification made by a Commonwealth law to the Australian Consumer Law text after this new section commences does not apply under new section 14 if the modification is declared by proclamation to be excluded from the operation of that section.

16—Meaning of generic terms used in Australian Consumer Law

In the ACL (SA)—

court—

- in respect of proceedings under section 218 of the ACL (SA)—means the Magistrates Court; and
- in respect of any other proceedings—means the court of this State having appropriate jurisdiction in relation to the proceedings;

regulator means the Commissioner.

17—Interpretation of Australian Consumer Law

The *Acts Interpretation Act 1901* of the Commonwealth applies as a law of this jurisdiction to the ACL (SA) as if—

- the statutory provisions in the ACL (SA) were a Commonwealth Act; and
- the regulations in the ACL (SA) or instruments mentioned under that Law were regulations or instruments under a Commonwealth Act.

The *Acts Interpretation Act 1915* of this State does not apply to—

- the ACL (SA); or
- any instrument under the ACL (SA).

18—Application of Australian Consumer Law

The ACL (SA) applies to and in relation to—

- persons carrying on business within this jurisdiction; or
- bodies corporate incorporated or registered under the law of this jurisdiction; or
- persons ordinarily resident in this jurisdiction; or
- persons otherwise connected with this jurisdiction,

and (subject to the preceding statements) extends to conduct, and other acts, matters and things, occurring or existing outside or partly outside this jurisdiction (whether within or outside Australia).

Division 2—References to Australian Consumer Law

19—References to Australian Consumer Law

Except so far as the contrary intention appears, a reference in any instrument to the Australian Consumer Law is a reference to the Australian Consumer Law of any or all of the participating jurisdictions.

20—References to Australian Consumer Laws of other jurisdictions

If a law of a participating jurisdiction other than South Australia provides that the Australian Consumer Law text as in force for the time being applies as a law of that jurisdiction, the Australian Consumer Law of that jurisdiction is the Australian Consumer Law text, applying as a law of that jurisdiction.

Division 3—Application of Australian Consumer Law to Crown

21—Division does not apply to Commonwealth

This section provides that the terms *participating jurisdiction* and *other jurisdiction*, when used in Division 3, do not include the Commonwealth.

22—Application law of this jurisdiction

To the extent that the legislative power of Parliament permits it to do so, the application law of South Australia binds the Crown in right of this State and of each other jurisdiction, so far as the Crown carries on a business.

23—Application law of other jurisdictions

The application law of each participating jurisdiction (other than South Australia) binds the Crown in right of this State, so far as the Crown carries on a business. If, because of this Part, a provision of the law of another participating jurisdiction binds the Crown in right of South Australia, the Crown in the right of South Australia is subject to the provision despite prerogative rights and privileges.

24—Activities that are not business

This new section specifies certain activities that do not amount to carrying on a business for the purposes of new section 23:

(a) imposing or collecting taxes, levies or fees for authorisations;

(b) granting, refusing to grant, revoking, suspending or varying authorisations (whether or not they are subject to conditions);

(c) transactions involving—

(i) only persons who are all acting for the Crown in the same right (and none of whom is an authority of a State); or

(ii) only persons who are all acting for the same authority of a State; or

(iii) only the Crown in right of a State and 1 or more non-commercial authorities of that State; or

(iv) only non-commercial authorities of the same State;

(d) the acquisition of primary products by a government body under legislation, unless the acquisition occurs because the body chooses to acquire the products or the body has not exercised a discretion that it has under the legislation that would allow it not to acquire the products.

It also includes definitions of a number of terms used in the section.

25—Crown not liable to pecuniary penalty or prosecution

Nothing in the application law of this State makes the Crown in any capacity liable to a pecuniary penalty or to be prosecuted for an offence. Further, nothing in the application law of a participating jurisdiction makes the Crown in right of this State liable to a pecuniary penalty or to be prosecuted for an offence. This protection does not extend to authorities.

Division 4—Miscellaneous

26—Conferral of functions and powers on certain bodies

The authorities and officers of the Commonwealth referred to in the ACL (SA) have the functions and powers conferred or expressed to be conferred on them under that law. Those authorities and officers also have power to do all things necessary or convenient to be done in connection with the performance of the functions and exercise of the powers conferred or expressed to be conferred on them under the ACL (SA).

27—No doubling-up of liabilities

Where an act or omission is an offence against both the ACL (SA) and an application law of another participating jurisdiction, and the offender has been punished for the offence under the application law of the other jurisdiction, the offender is not liable to be punished for the offence against the ACL (SA).

If a person has been ordered to pay a pecuniary penalty under the application law of another participating jurisdiction, the person is not liable to a pecuniary penalty under the ACL (SA) in respect of the same conduct.

28—Certain proceedings prevented in certain circumstances

If a person expiates an alleged offence against the ACL (SA), proceedings cannot be started or continued against the person under section 224 of the ACL (SA) in relation to an alleged contravention of a provision of the ACL (SA) in respect of the same conduct.

28A—Minister may require information

Under this new section, the Minister may require a person, by written notice, to provide within a specified period information that is reasonably necessary for the purpose of determining whether—

(a) a provision of Part 3-3 of the ACL (SA) is being or has been complied with; or

(b) the Minister should impose or revoke an interim ban on consumer goods, or product related services, of a particular kind; or

(c) the Minister should issue a recall notice for consumer goods of a particular kind; or

(d) the Minister should publish a safety warning notice about consumer goods and product related services.

A person who refuses or fails to comply with a reasonable requirement of the Minister, or who knowingly makes a statement that is false or misleading in a material particular in an answer given or information provided in response to a notice, is liable to a maximum penalty of $20,000.

A person is not required to provide information under this section if the provision of the information would result in or tend towards self-incrimination.

28B—Minister to publish certain notices in Gazette

If the Minister publishes a written notice on the Internet in accordance with a requirement of the ACL (SA), the Minister must, as soon as reasonably practicable after the publication, publish the notice in the Gazette.

28C—Cost of testing

This new section provides for the recovery of certain costs connected with the examination, analysis or testing of consumer goods or product related services conducted under the principal Act. Such costs may be recoverable where the Minister imposes an interim ban or issues a recall notice, or where the goods or services are found not to comply with an applicable safety standard. Such costs may also be recoverable if a person provides materially inaccurate information in relation to consumer goods or product related services and an examination, analysis or test carried out for the purpose of testing the accuracy of the information.

8—Amendment of heading to Part 5

Part 5 of the principal Act is to become Part 4.

9—Amendment of section 34—Correction of errors

This clause removes subsection (8) of section 34, which provides a definition of *Magistrates Court* for the purposes of the section. The definition is no longer required because the term is defined in section 3 for the purposes of the whole Act.

10—Repeal of Part 6

This clause repeals Part 6. The Part is no longer required because the matters it deals with are the subject of provisions under the ACL (SA).

11—Substitution of heading to Part 7

Part 7 of the principal Act is to become Part 5 and is to be headed "Additional consumer protection provisions".

12—Substitution of section 42

This clause repeals section 42, which is no longer required because its subject matter is dealt with by the ACL (SA), and substitutes a new section dealing with the limitation of liability in connection with the provision of recreational services.

42—Recreational services

Section 42 provides that a term of a contract for the supply of recreational services may exclude, restrict or modify a guarantee that would otherwise have been implied in the contract under section 60 or 61 of the Australian Consumer Law.

This provision operates subject to the following requirements being met:

- the exclusion, restriction or modification contained in the term is limited to excluding, restricting or modifying the liability of the supplier for any personal injury suffered by the consumer or some other person for whom or on whose behalf the consumer is acquiring the services (ie, a *third party consumer*);
- the term contains the prescribed particulars and is in the prescribed form;
- the term is brought to the attention of the consumer and any third party consumer prior to the supply of the services;
- the consumer agrees to the term in the prescribed manner;
- a statement containing any other information prescribed by regulation is made available to the consumer and any third party consumer in accordance with prescribed requirements.

The provision does not operate to exclude, restrict or modify the liability of the supplier for damages for any significant personal injury suffered by the consumer or a third party consumer if it is established (by applying the general principles set out in section 34 of the *Civil Liability Act 1936*, which relate to causation) that the reckless conduct of the supplier caused the injury.

Under proposed subsection (4), a term of a contract that purports to indemnify a person who supplies recreational services in relation to any liability that may not be excluded, restricted or modified under the section is void. This provision does not apply in relation to a contract of insurance.

A person's conduct is reckless if the person engages in the conduct even though the person is aware, or should reasonably have been aware, of a significant risk that his or her conduct could result in injury to another.

Personal injury is defined to include mental or nervous shock and death.

Recreational services are services that consist of participation in—

- a sporting activity or a similar leisure-time pursuit; or
- any other activity that—
  - involves a significant degree of physical exertion or physical risk; or
  - is undertaken for the purposes of recreation, enjoyment or leisure.

Significant means not nominal, trivial or minor.

13—Repeal of heading to Part 8

14—Repeal of heading to Part 8A

The provisions of Parts 8 and 8A are to be incorporated into Part 5 (Additional consumer protection provisions). These clauses therefore remove the headings to those Parts.

15—Amendment of heading to Part 9

The heading to Part 9 of the principal Act, which deals with third-party trading schemes, is amended by this clause so that it becomes Part 6.

16—Repeal of Part 10

This clause repeals Part 10 of the principal Act. Part 10 sets out a number of consumer protection provisions of the *Trade Practices Act* of the Commonwealth and thereby applies those provisions as laws of South Australia. The Part is to be repealed because the matters it deals with are the subject of provisions under the ACL (SA).

17—Amendment of heading to Part 11

Part 11 of the principal Act, which deals with enforcement, is to become Part 7.

18—Amendment of section 76—Conduct of legal proceedings on behalf of consumers

Section 76 provides that the Commissioner for Consumer Affairs may institute, defend or assume the conduct of legal proceedings on behalf of a consumer for the purpose of enforcing or protecting the consumer's rights under the principal Act or a related Act. As amended by this clause, the section will not apply in relation to the rights of consumers under the ACL (SA).

19—Amendment of section 78—Entry and inspection

Subsection (1) of section 78, which sets out the powers of authorised officers in relation to entry and inspection, is revised by this clause so that it incorporates powers of standards officers under the *Trade Standards Act 1979*. The *Trade Standards Act 1979* is to be repealed as it deals with matters that are to be regulated by the ACL (SA), and the functions of standards officers under the *Trade Standards Act 1979* are to be carried out by authorised officers under the principal Act. It is therefore necessary for authorised officers to have the powers of standards officers set out under section 15 of the *Trade Standards Act 1979*.

20—Insertion of sections 78B and 78C

This clause inserts two new sections.

78B—Dealing with goods bought or seized

Section 78B deals with matters consequential on the examination, analysis or testing of goods seized or purchased by authorised officers.

78C—Embargo notices

This section authorises the issuing of an embargo notice if an officer is authorised to seize a record, device or other thing that cannot readily be physically removed or stored. An embargo notice is a notice forbidding the use, movement, sale, leasing, transfer, deletion of information from or other dealing with the record, device or other thing, or any part of it, without the written consent of an authorised officer. The sections sets out requirements in relation to the content and service of embargo notices. A person who knowingly does something that is forbidden by an embargo notice, or instructs another person to do something that the first person knows is forbidden by an embargo notice, is liable to a maximum penalty of $10,000.

21—Amendment of section 79—Assurances

Section 79 of the principal Act provides for the acceptance by the Commissioner of assurances given by traders in connection with matters in relation to which the Commissioner has powers under the Act (or a related Act). The Act includes an offence of acting contrary to an assurance. Section 79 as amended by this clause will not apply in relation to the Commissioner's powers or functions under the ACL (SA). This is because the Commissioner will have the power under section 218 of the ACL (SA) to accept undertakings in connection with matters in relation to which the regulator has a power or function under that Law.

22—Insertion of section 82A

This clause inserts a new section.

82A—Application of Division

Section 82A provides that Division 3 of Part 7 (formerly Part 11) does not apply in relation to conduct that constitutes or would constitute a contravention of a provision of the ACL (SA). The Division deals with civil remedies for contravention of the principal Act.

23—Amendment of section 83—Injunctions

The amendment made by this clause is consequential on the repeal of Part 10 of the principal Act. Section 83(2) includes an exception for section 57. That exception is deleted by this clause because section 57 is within the repealed Part.

24—Repeal of section 84

Section 84 is to be repealed because it deals with actions for damages in respect of contraventions of Part 10, which is to be repealed.

25—Amendment of section 85—Orders for compensation

The amendments made by this clause to section 85 are also consequential on the repeal of section 57.

26—Insertion of section 86A

This clause inserts a new section.

86A—Application of Division

Section 86A provides that Division 4 of Part 7 (formerly Part 11) does not apply in relation to conduct that constitutes or would constitute a contravention of a provision of the ACL (SA). The provisions of the Division are not required to operate in relation to the ACL (SA) and will therefore apply only in relation to offences under the principal Act other than the ACL (SA). There is one exception to this general exclusion of the operation of Division 4. Section 91, which includes a number of evidentiary provisions, will apply in relation to conduct that constitutes or would constitute a contravention of a provision of the ACL (SA).

27—Amendment of section 91—Evidentiary provisions

The amendments made by this clause to section 91 are consequential. The clause repeals two subsections that relate only to Part 3 of the Act. Part 3 is repealed by clause 5.

28—Amendment of section 91A—Public warning statements

This clause amends section 91A, which authorises the Minister or the Commissioner to issue public statements identifying and giving warnings about certain goods, services or business practices, so that a statement may not be made about the conduct of a person if a public warning notice could be issued under section 223 of the ACL (SA) relating to the same conduct.

29—Amendment of section 97—Regulations

Under the regulation making power as amended by this section, the regulations may—

- be of general or limited application;
- confer powers or impose duties in connection with the regulations on the Minister, the Commissioner or an authorised officer;
- exempt a specified person or class of persons, or a specified transaction or class of transactions, from compliance with the principal Act or a specified provision of the principal Act, either absolutely or on conditions or subject to limitations;
- make different provision according to the classes of persons, or the matters or circumstances, to which the regulations are expressed to apply;
- prescribe codes of practice to be complied with by traders;
- incorporate, adopt, apply or make prescriptions by reference to, with or without modifications, any document formulated or published by any body or authority as in force at a particular time or from time to time;
- make provisions of a saving or transitional nature—
- consequent on the amendment of the principal Act by a relevant Act; or
- relevant to the interaction between the principal Act and a relevant Commonwealth Act;
- fix expiation fees, not exceeding $1,200, for alleged offences against the principal Act or the regulations;
- impose penalties not exceeding $2,500 for contravention of, or failure to comply with, a regulation.

30—Transitional provision

The transitional provision provides that an assurance accepted by the Commissioner under section 79 of the *Fair Trading Act 1987* before the amendment of that section will be taken to be an undertaking for the purposes of section 218 of the ACL (SA) accepted by the Commissioner in connection with the relevant matter.

Part 3—Amendment of *Statutes Amendment and Repeal (Fair Trading) Act 2009*

31—Variation of section 11—Amendment of section 3—Interpretation

32—Repeal of section 34

33—Repeal of section 36

These clauses repeal three sections of the *Statutes Amendment and Repeal (Fair Trading) Act 2009* that have not yet come into operation. The sections make amendments to the *Fair Trading Act 1987* that are redundant because of the proposed repeal of Part 10 of that Act.

Part 4—Repeal of *Fair Trading (Telemarketing) Amendment Act 2009*

34—Repeal of *Fair Trading (Telemarketing) Amendment Act 2009*

The *Fair Trading (Telemarketing) Amendment Act 2009* is repealed by this clause because the amendments made by that Act to the *Fair Trading Act 1987* are redundant.

Part 5—Repeal of *Manufacturers Warranties Act 1974*

35—Repeal of *Manufacturers Warranties Act 1974*

This clause repeals the *Manufacturers Warranties Act 1974*.

Part 6—Repeal of *Trade Standards Act 1979*

36—Repeal of *Trade Standards Act 1979*

This clause repeals the *Trade Standards Act 1979*. Certain provisions of the repealed Act relating to the powers of investigators are to be re-enacted in the *Fair Trading Act 1987*.

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (BUDGET 2010) BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. K.O. FOLEY: I move:

That the Legislative Council's amendments be agreed to.

The shadow treasurer has asked for a brief explanation as to the nature of the amendments. As we indicated to the house, initial advice when the bill was drafted was that we had covered all the public sector employees necessary. What we found in the drafting from parliamentary counsel is that there had been some incorrect advice provided, I understand, from crown law (but these things happen) to parliamentary counsel. I do not want to blame anyone but I may as well set the record straight—one of those, either parliamentary counsel or crown law. We did not include employees of Parliament House, so we have had to ensure that consistency was such that employees of Parliament House were also included.

There are amendments relating to the decision by the government to do away with the annoying registration stickers and amendments were agreed between the parties in another place as to the implementation of that, particularly picking up concerns that had been identified by the Motor Trade Association that we also consult with—almost always—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: You don't consult budget matters before a budget, member for Bragg.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: I didn't mislead the house. You don't consult on a budget prior to the budget.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: We did, when it was appropriate.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Yes, that is what you do with a budget. I know you have never done one and are unlikely to ever do one.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Really. Well, that would have to be very special then.

The CHAIR: While this exchange is scintillating, perhaps we could carry on, Treasurer.

The Hon. K.O. FOLEY: In essence, if the member would like more, I am happy to give him a more in depth explanation, if he wishes.

The Hon. I.F. EVANS: I thank the Treasurer for that explanation. Although I was aware of the amendments and the purpose behind them, I think it was important for the record of this house and for Independents and other members who have not necessarily been intimately involved in every negotiation of the amendments to have it on record so that they know what they are voting for.

The opposition's understanding of the amendments is as the Treasurer has explained; that is, in the rush of the Treasurer to cut the Public Service entitlements, in the rush to slash their long service leave and their superannuation, they accidentally left out a section of the Public Service who are here in Parliament House. The Treasurer and I are hoping that it will not affect the operations of the house too much in this bill going through.

The other issue relates to issues raised by the opposition in questioning in this chamber about how the motor trade's members or those in motor trade industries were going to be better protected from the way the bill was drafted in relation to their members accidentally driving an unregistered car, given that the sticker would be taken off, how were they to know whether that was to be registered. Through questioning here, and the Hon. John Darley in another place, to his credit, also put amendments forward and took this matter up, the government has reneged and had to bring in its own amendments. So, the government is in the embarrassing position of having to bring in two sets of amendments to its own budget bill, which is rare, but that is the circumstance we are in.

Even though the government delayed the budget till September so that it could get it absolutely right, we find that there was the $330 million correction, and then there were the two sets of legislative corrections we have had to have through these amendments we are now

supporting. As we have done with this bill, the government gets its budget bill, so the opposition is not objecting to the amendments and supports them.

The Hon. K.O. FOLEY: I must point out an error the shadow treasurer made: we are not cutting public servants' superannuation; it is a measure to do with long service leave.

Motion carried.

NATIONAL ENERGY RETAIL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 27 October 2010.)

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (16:26): I will not hold the house very long. We have two bills the government has brought on: the National Energy Retail Law (South Australia) Bill and the Statutes Amendment (National Energy Retail Law) Bill, which I think will follow this very soon. These two bills were introduced into the house by the minister in the last sitting week, about a week and a half ago. Certainly, the one we are debating at the moment is a very large and technical bill; it has some 320 clauses, and the second reading explanation runs to 31 pages.

I received a briefing from the agency last week, and at the briefing I pointed out, certainly to the minister's chief of staff (and I have made these comments before with regard to these national energy laws), that I would have thought it would be an abuse of the parliamentary process to bring this matter on urgently, particularly given that the briefing made it quite clear that there is no rush to get this legislation through the parliament.

In fact, I have started to consult with some of the stakeholders, and the Energy Retailers Association has written back to me in a letter I received today, I think, and it is calling for this legislation not to come into effect any earlier than 1 July 2012, which is some considerable time hence. I do not think the officers who briefed me last week envisaged that it would be quite that long but they certainly envisaged that it will be quite a while before any of the jurisdictions were to be working under this legislation.

The discussion I had with the minister's chief of staff under those circumstances was that I would be quite happy and prepared to debate the bill in the next sitting week, which is in a fortnight's time, and I thought that was what was going to happen. Late last week I got a call from our whip's office saying that the government wanted to bring on this bill. My response was to go back to the government and say I thought it was not going to come on until the following week. It was then put to me that the government was happy to debate it in a couple of weeks' time on the condition that we would put it through both houses at that time.

I was unable to speak for the other place, Madam Speaker. The bill is not urgent and is a very significant piece of legislation. I am in the habit of understanding legislation that I am responsible for on behalf of this side of the house before I let it proceed through the house. I was more than happy to debate it in a fortnight's time: the government is insistent that it be debated today. So, as a consequence, I am not in the position of being able to debate the bill. The government will get its way—it has the numbers. It will, as I say, abuse the parliamentary process and push this through. What I can tell the minister is that he will get no cooperation from the opposition on this piece of legislation in the other place, and he will be waiting, I suggest—

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: I am just telling the minister, Madam Speaker, that he will get no cooperation from the opposition in the other place, and I suspect the legislation might have a very slow passage through the other place.

The Hon. P.F. Conlon: What a champion you are.

Mr WILLIAMS: I do not control the other place, minister, but—

The Hon. P.F. Conlon interjecting:

Mr WILLIAMS: Madam Speaker, the minister is starting to get grumpy. This legislation has come out of the Ministerial Council on Energy and this is the minister who trots off, representing this state at the ministerial council, who would have us believe that he is doing important things. In fact, way back in 2008 he said that he was championing the cause to have

rules made to underpin the development of wind energy in South Australia and the Premier put out a press release a couple of months ago making the same comments about needing a rule change.

The reality is that the minister, when he was supposedly championing our position at the ministerial council, traipsed off to Melbourne, went to the dinner before the council meeting and spent the next day, when he should have been at the council championing our cause, in his hotel room. The minister is very tardy at championing our cause at the ministerial council but comes in here and abuses the parliamentary process by landing this sort of legislation on the table and demanding that it be passed in a bit over a week after it has been tabled.

I contend that it is almost impossible—in fact, I contend that it is impossible—for any member to get an understanding of legislation of this nature and this volume in the time that the minister has given the parliament to get its head around this. As I have said, I have written to a number of stakeholders. I have had a couple of responses. I refer to the letter I have from the Energy Retailers Association of Australia. I have had a response from at least one retailer, and my office is still awaiting responses from other interested parties.

That is one of the things that the opposition does. We take our role here as legislators quite seriously. I have to inform the house that the opposition is not in a position to debate this piece of legislation, but we can count; we know the minister will take advantage of the fact that he has the numbers. He will put this through this place, but I need to inform the minister that he will get no cooperation from this side of the parliament in the other place.

I am not suggesting that I will be doing anything deliberately to delay it. All I am suggesting is that the minister will get no cooperation. I will go through the process of making sure that I have a full understanding of this piece of legislation and I will take recommendations on it to my party room and, in due course, we will debate it, and it will be debated fully in the other place. I will conclude my comments there.

The Hon. P.F. CONLON: I will just clear up a couple of things. I note that the only contribution that the opposition spokesperson on energy (who takes extra money as the deputy leader) has been able to make is a personal attack on me. He cannot debate the bill because, in a week and a half, he cannot get his head around it. Very good; we cannot expect too much from the member for MacKillop. But before he goes off on his stories about abuse of parliament, I make this first point. The bill has sat on the table for the length of time that a bill in this parliament is expected to sit on the table and has been expected to sit on the table, certainly for as long as I have been here—and that is since 1997. That is the thing.

I point out to the member for MacKillop this: his fundamental problem in not getting his head around this bill is because he does not put any energy into his responsibilities. I point out that this bill follows substantial consultation on two exposure drafts of the law and rules. Of course, some shadow spokespersons might have sought to inform themselves during that very lengthy consultation process, which involved more than six discrete, formal consultation processes, written submissions from stakeholders and public fora.

It is not the duty of the government to do the member for MacKillop's job for him. When he puts up his hand to be a shadow spokesperson, it is assumed that he will take some—perhaps fleeting, ephemeral—interest in the subject matter for which he purports to be the spokesperson. The truth is that the consultation process on these laws has been exhaustive: two exposure drafts. They were not kept secret. They were available to any shadow spokesperson with an ounce of gumption.

Perhaps we did not circulate them in Darwin, if we want to make personal attacks. Perhaps there was not one on that famous balcony in Darwin when he had his feet up while Penola was blowing down. Perhaps we did not get one up to Darwin for him. Whom did he consult? The retailers' association. And what have they said? They do not want consumer protection until 2012, please. He is going to make sure that that is what occurs. Here we have a lazy, Liberal spokesperson who will not inform himself on his portfolio, blaming the government for his shortcomings and acting with his friends in the Legislative Council to stop consumer protections.

So, why was this brought here at this time? I have to say that I have known the member for MacKillop in the past and I knew he would not make an effort. I would have been pleased to give him more time except for two circumstances: one is that I have been asked by the MCE and, very recently, the federal minister, if we could seek to get this through. I said that was reasonable and that we had laid it on the table for the length of time required under the ordinary procedures of this parliament.

I am sorry that I have sought to do that, but it is what my colleagues had asked, and I do think—if the member ever turns his mind to the substance of it, rather than wanting to attack me—that it is important that we move towards these consumer protections. We will not suffer in South Australia because we have very good consumer protections, and we would like everyone to enjoy those.

As to the member's defence about the need for consultation is that the retailers do not want consumer protections, I advise the member for MacKillop that they would like never to have them at all, but if they have to have them they are going to have them as slowly as possible and with the great support of the Liberal opposition, and his friends in the upper house are going to make sure that all of those people around Australia, all of the other ministers who have been working to give good consumer protections to people, will be thwarted in that endeavour basically because his view is that it is the duty of the government to spoonfeed opposition spokespeople in their areas of responsibility.

It remains my position that it is my job to get across my responsibility, and it is the member for MacKillop's job to get across his area of responsibility. Goodness me, public fora: six discrete formal consultations, two exposure drafts. How much information did he want? He was not interested, let's face it. The member for MacKillop does not point out that the federal minister was not at that meeting either and that it was all formalised the night before. That is an unnecessary detail. He is not one for detail. What was that slogan of the Dodgy Brothers? 'Details are for losers.' That is the member for MacKillop.

This is a very important set of protections. I accept that the member is going to use his friends in the upper house to protect the retailers—so be it. He wants to protect the retailers; I want to protect the customers. I place on the record the stark contrast between the approach of the Labor government and the opposition: the member wants to protect the retailers; we want to protect the electricity customers. So be it: you make your choice. I point out that all I asked of the member for MacKillop was that I would be happy to give him more time if he would make some effort to assist us with his friends in the other place, and he said that that was beyond his power. Is it not peculiar that it is beyond the member's power to help, but he can certainly frustrate, with his friends in the other place?

I do not think that I need to say much more about the contribution of the member for MacKillop, except to point out that I will continue to pursue the protection of electricity customers, while his indolence protects the people who sell electricity to the customers.

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

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW) BILL

Adjourned debate on second reading.

(Continued from 27 October 2010.)

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (16:44): My comments on this bill simply echo those I have already made to the house. I also point out that the minister has had his agency and a plethora of staff working on this matter for four years, and he is complaining that the opposition has asked for more than seven days. So, the minister has had four years, and then he stands up and abuses the opposition and suggests that we are deliberately doing this because we want to protect some part of the industry and have no feeling for consumers.

I and my colleagues take our position as legislators very seriously, and I reiterate that I am not going to stand here and say that we have thoroughly debated a piece of legislation when we have not had the opportunity to do just that, having had the opportunity to analyse the legislation.

These two pieces of legislation are significant, they are complex and they are very hefty. As I pointed out, the earlier piece has some 320 clauses. The minister talks about the amount of time and the consultative drafts that have been out there. I know full well that nobody in this place gets serious about a piece of legislation until the final draft is there. If you put all the work into the first draft, you are probably wasting your time, because it will be changed and you have to go back and start again. I have plenty of things to do with my time, plenty of important things, without having to retrace my steps over and over again.

So, I reiterate that this is an abuse of the parliamentary process. The minister knows that—he knows it full well. At least I am being honest, because I recall this very same minister when he was in opposition coming in here with legislation and saying things like, 'I'm not going to go through

all the bill, it's all been said, and I am not going to do that,' and it was pretty obvious that he had not even read the thing. I would challenge any member of the house, and particularly those on the government side, to stand up and contribute to either of these bills, because I would guarantee that not one of them has read the second reading explanation of either of these bills or, certainly, understood the clauses. But they will all vote for them. I personally think that that is an abuse of the parliamentary process.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (16:48): I would like to answer all of the salient points made by the opposition spokesperson—therefore, I commend the bill to the house.

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

STATUTES AMENDMENT (CRIMINAL INTELLIGENCE) BILL

Adjourned debate on second reading.

(Continued from 9 November 2010.)

Ms CHAPMAN (Bragg) (16:50): I was outlining, at the conclusion of the debate on this matter, the process by which someone, who might be the subject of criminal intelligence being used against them, has access to the knowledge that an application is even being made. I am advised that, in respect of the Serious and Organised Crime (Control) Act, when an application is made any person who is to be the subject of a declaration can be invited by either themselves or their nominated council to attend an appointment to view the application to enable them to make a submission as to whether that application should be granted.

That is an important part of the process, because otherwise the secret information would be presented to the judicial or administrative authority and you would not even know that an application had been made. That does not mean that you can have access to the information itself, that is, the classified criminal intelligence, nor, as I am advised, can you walk off with copies of the application. You can go along and view it, you can presumably receive advice from your nominated counsel on it, you are allowed to make notes or audio recordings of information in respect of it, but you are not allowed to take a copy of it. That is my understanding of the process of this important piece of legislation, and the application of the criminal intelligence provisions continue to be supported by the opposition.

When we come to the licensing legislation, though, which allows for licensing regulation in various categories, the opportunity to be informed of an application for the admission of criminal intelligence is less formal and certainly less explicit, resulting in the person who might be affected adversely not knowing about these proceedings, particularly in some legislation where the wording simply provides that the judicial authority is not necessarily required to state why a licence is refused but is simply able to reject the licence with, for example, a statement that it is not in the public interest that that licence be granted.

So, it is less formal and less clear what obligation the licensing authority, for example, has to notify a person who might be adversely affected by such an application. It is acknowledged by the opposition that the consequences of someone being declared a member of an outlaw motorcycle gang, or in relation to confiscation of assets that have been acquired through criminal activity, or someone who has been in some way a participant in a serious and organised crime, are at a very different level of seriousness than the consequences of, perhaps, not having access to a licence, or the continuation of a licence, to either trade or hold a firearm, etc.

I just wish to make one other comment about the process, at an operational level, of information and how it is recorded and dealt with. There has certainly been some media statement in the last 24 hours that suggests there may be some deficiency in the operational action of the police department in dealing with these matters. Can I place on the record that we appreciate Assistant Commissioner Tony Harrison's briefing on the operational aspects of the implementation of criminal intelligence applications in relation to all this legislation and, indeed, the detail he provided us as to the standards they are keen to impose to ensure that the quality of the criminal intelligence that may be relied upon in any of these situations is of a high standard.

Certainly, it is a matter of concern to the opposition that we have processes that also ensure that there is adequate recording and reporting back to this parliament of instances when criminal intelligence is used. That brings me to a number of amendments proposed by the opposition. As I indicated, there has been a request to expedite the passage of this bill because of the 4 December date, which will require the enforcement of parts of the legislation and, for the

reasons I have explained, we note that and recognise it. Although I still have not personally received the amendments from parliamentary counsel, I outline the following so that the Attorney-General can follow up these matters himself and, obviously, obtain such advice as may be necessary. We hope to support the amendments, but we fully accept at this stage that he has not had any opportunity to view them—and neither have we at this stage.

First, it is the opposition's view (and the amendments will include this) that there be a limitation on the use of criminal intelligence to cases in which people are involved in serious and organised crime but not necessarily proven members of declared organisations. So, the test for us is that, if this relates to serious and organised crime, the opportunity for criminal intelligence via this legislative formula is one which we will support, but not beyond that.

Secondly, to preserve the current formulation of criminal intelligence in all acts—that is, to avoid the proclamation, which is scheduled for 4 December 2010—for obvious reasons. Thirdly, to introduce a sunset clause for each criminal intelligence provision aligned with the sunset clause of the Serious and Organised Crime (Control) Act. As the minister would be aware, but I place on the record for the benefit of other members, one way to achieve this outcome is that all unproclaimed clauses be repealed and re-enacted once the government can manage their proclamation subject to the outcome in Totani.

Fourthly, we hope to achieve by the amendments (which we are yet to view) to provide: first, annual reports to parliament on the use of criminal intelligence under the acts; secondly, independent annual reviews of the use of criminal intelligence under the acts with the power of a royal commission that may be able to be integrated into the current SOCCA annual review; and, thirdly, reporting on the use of criminal intelligence as part of the SOCCA review scheduled for 2012. As members may recall, the SOCCA legislation was proclaimed on 4 September 2008. An annual review is due to the minister by 30 December 2010 and the review must be tabled within 12 sitting days. A four-year review is due to commence on 4 September 2012.

If the government is prepared to support those amendments, then we will consent to the bill's passage further. If not, then I regret to advise the Attorney that this will be opposed completely.

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (17:00): Just a few comments about the honourable member's remarks. First of all, the view I have about the way that I should be discharging my responsibility is to organise for briefings for the honourable member and her colleague in the other place. I think that is useful and, hopefully, productive, and I intend to continue to do that. As far as the concerns that the honourable member raised about the obvious impact of this sort of criminal intelligence on civil liberties and the rule of law and so on, I obviously agree with her. It is clearly exceptional use of material that we are talking about here, not the general rule, and for all of the reasons that she said it is very dangerous for this sort of material to be used in a casual or not carefully thought out way. There is no argument between us about that matter.

The honourable member made some remarks about the codification of the common law, and I agree with her on that as well. Common law is something that I think, regrettably, is too often the subject of attempts at codification, and I certainly am not an enthusiast for that for its own sake. However, we do require, and the police in particular require, a safe and stable operational platform for the use of criminal intelligence. I think we need to be pretty clear about the sort of people we are dealing with here.

It is not satisfactory really to look at whether it is a licensing act, the Firearms Act or some other act. The question is not what act we are looking at (whether it is licensing, firearms or whatever), the question is: who are we dealing with? That is the question. I am advised, and if the honourable member was briefed by the police as I understand her to have been, she should be well and truly aware that the people we are dealing with here have taken themselves outside of civil society. They behave in ways that completely disregard the rights and privileges that an ordinary citizen in this country should be entitled to assume. These people are outlaws who thumb their noses at all the rules that the rest of us attempt, by and large, to observe. These people consciously, deliberately and without any qualms at all regard all these things as a joke.

One of the consequences of dealing with a person who has that view of the law and society is that they do not care if a person who is going to be giving evidence in a matter will be threatened by them in order to shut them up or that their families might be threatened in order to shut them up, or that people get bullet holes through the window as a sort of silent reminder (or perhaps not so

silent reminder) that their behaviour in giving evidence may be visited with some sort of punishment to them or their families. These are the sort of people who in the Hollywood world put fish in people's letterboxes. We are not dealing with normal people and that is why exceptional provisions are required.

With respect, the fact that the opposition needs to grapple with between here and the other place is this: we either support SAPOL in doing what they can to combat these people or we do not. SAPOL have told us—and I am sure will tell members opposite if they ask—that they need these provisions in order to be able to deal with people who otherwise are very difficult to deal with. I will obviously look at the argument that the honourable member has raised today, because she has not shown me the provisions—that is not the honourable member's fault; she has not got them. So, I am not going to enter into a debate about what they may or may not say, because I do not know what they will say.

It may be that some elements of those provisions are constructive in terms of what we are trying to achieve, but I emphasise that what we are trying to achieve is to standardise an existing platform. We are not talking about introducing a new platform, in the sense of a new extended platform; we are trying to stabilise an existing platform. If what the honourable member and those in the upper house seek to do is to detract from the range of opportunities available to the police compared with the existing platform, I think that would be a very retrograde step.

We are not talking about introducing new measures for the first time; we are saying, 'These measures are already in existence—they are already there. We, however, want to stabilise them in a single uniform, identical platform. We are not creating a new situation.' If what the honourable member is trying to do is to detract from what is already there now, it might well be that we are better off copping what is there now and accepting the risks that are associated with it. I do not know, and I am not wishing to say that will necessarily be my view, because, I emphasise, I have not seen what amendments the honourable member might want to put up.

In general terms, if the idea is that there is some accountability for the use of these types of procedures, I am not in principle opposed to that; I think that is a sound general principle and it is one that I do not find terribly concerning, provided, of course, that the accounting does not go so far as to actually reveal the very material that we are trying to protect. That is a matter of detail that can be worked out, but I am not grossly troubled by that as a matter of principle. Perhaps I should stop here, because my remarks are all occurring in a vacuum; I have not seen the proposals. I say to the honourable member that, once I have seen them, I would welcome the opportunity to have a word with her and the Hon. Mr Wade in the other place, if that would be helpful, to see whether there are some points of agreement that can be reached between the houses. If that can be achieved, that would be good.

I indicate to the house and to the honourable member that I will be asking the Commissioner of Police to have a look at the amendments and to indicate whether he has trouble with those amendments because, if he does, obviously that is a matter that would be of significance—to me, anyway—in informing how we deal with whatever amendments might be brought forward.

With those few words, I thank the honourable member for her remarks. Happily, as usual, we are in agreement about the general principles. We both agree that, as a general principle, it is not good to have this untested material floating around and decisions about people's lives being made. We agree on that. We agree that the idea of codifying the common law for its own sake is not a good idea. In fact, I think in this place I have said even stronger words than that, and I continue to hold that view.

The fact is, though, that, whatever public interest immunity may or may not constitute at common law, these are existing provisions that have been put in by this parliament—some time ago in many cases. So, we are dealing not with a clean slate, in a sense, about the common law position having been modified by the intervention of this place. Anyway, that is something for another time. With those few words, I ask that we move on and wind up the debate on this matter.

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

At 17:11 the house adjourned until Thursday 11 November 2010 at 14:00.