HOUSE OF ASSEMBLY

Wednesday 6 February 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

NATURAL RESOURCES COMMITTEE: UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT ACT REPORT 2011-12

The Hon. S.W. KEY (Ashford) (11:03): I move:

That the 75th report of the committee, entitled Upper South East Dryland Salinity and Flood Management Act 2002 Annual Report 2011-12, be noted.

Following the visit to the Upper South-East in November 2011, the Natural Resources Committee tabled its annual report on the Upper South East Dryland Salinity and Flood Management Act on 1 December 2011. The report included recommendations relating to further investigations by the department for water, now part of the Department of Environment, Water and Natural Resources.

Members thought that the 2010-11 annual report would be the final report of the Natural Resources Committee on the act, which was due to expire at the end of 2012. However, a motion to extend the operation of the act is, as you would know, sir, currently before the lower house.

In our last annual report, we also stated the committee's intention to keep a watching brief on the Upper South-East program. Whilst the Department of Environment, Water and Natural Resources and the Upper South East Drainage Board remain strong supporters of the program, they admit that they are still learning the best way in which to manage an extremely large and complex system intended to provide environmental and agricultural benefits within the highly-modified landscape. The program repeatedly emphasises its adaptive management approach, with the management decisions based on ongoing monitoring and the quality and quantity of the water available.

Opponents of the program will continue to follow up and refer perceived program failures to the government and this committee for as long as they continue. These issues mainly relate to the failure of the program to provide water to high-value wetlands, both in terms of water quality and quantity. Since tabling this report last year, the committee has heard evidence from the department detailing measures intended to address these problems, including in particular the removal of an embankment on privately held land upstream of affected wetlands.

Members also noticed there have been no major rainfall events since the committee made its visit to the Upper South-East in November 2011. As a result, it would be unfair to judge the performance of the drainage network in delivering the flows to wetlands until the major rains had occurred. The committee also heard that the department is proposing to construct another South-East flows restoration program, using commonwealth funds, to contribute additional surface water from the South-East to the Coorong. This new drainage alignment is intended to partially mimic the natural pre-drainage surface water flows.

Committee members have formed the view that it is too early to make a judgement as to whether the program has been a success or not, particularly in relation to the impact of the Bald Hill/Wimpinmerit Drain on the West Avenue wetlands. Consequently, we offer this report and it is our intention to look further into the matter in 2013. As I said in my opening comments, I note the South East Drainage System Operation and Management Bill that was introduced into this house on 31 October by the former minister Paul Caica.

I would like to commend the members of the committee—Mr Geoff Brock MP, the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP and the Hon. Gerry Kandelaars MLC—for their contributions. Finally, I would like to thank our parliamentary staff for their excellent assistance and, in addition, the many departmental staff who have also supported us, not only with our trips and study tours to the Upper South-East but also in trying to look at this very complex issue.

The SPEAKER: The member for Hammond.

Mr PEDERICK (Hammond) (11:07): Thank you, Mr Speaker. I congratulate you on your ascension to the very eminent post of Speaker. In rising to make some comments re the Upper South East Dryland Salinity and Flood Management Act 2002 report, drainage in the South-East is

something that has happened over the last century or so and has actually realised many gains for properties, especially with the McCourt property down near Beachport and other properties through the region, around the Lucindale/Callendale region and other areas in the South-East. I note this report is dealing with land from south of Tintinara and Salt Creek.

Drainage management is a complex issue as I am sure the committee found out in their erstwhile endeavours. There are very many debates from differing landholders on the benefits or not of these drains and there are certainly concerns on how some of these especially latter-day drains have been implemented.

The REFLOWS project is a project working on getting more water into the Coorong. Certainly, as a member of the Select Committee on Sustainable Farming we have had some interesting people speak to us for and against this project. There are also concerns in the South-East about people looking for shale gas reserves and the amount of drainage of water that would have to be taken out of the area. Certainly some people in that area have had negative impacts from drains and have had areas flooded because drains have gone in and have made land unusable.

As the member who represents the seat at the mouth of the River Murray, we are always keen to get more water into the river and lakes and certainly to get the Coorong somewhere back to what it used to be before the drought that had such a high impact. The rise in salinity was massive. There certainly needs to be a lot more work done as the REFLOWS project happens. I also note the work that has happened in the past with pastoralists like Tom Brinkworth and his own drainage system that he put in place for his extensive raft of properties.

I note that in the conclusions of the committee there is talk about it being relatively dry. It has been relatively dry in the South-East for many years. All the drainage network that is already in place has not had to be utilised to its full potential and it is still not known whether there will be enough water to get that wetlands back to where they want, the Parrakie wetlands and other wetlands that people want to see restored to their former glory. Part of the conclusions in the report states:

> While the program seems to be working well in terms of reducing dryland salinity, for many landholders reducing flooding and returning flows to the Coorong, it remains to be seen whether it will enable the restoration of high-value remnant wetlands.

Some landholder-constructed banks have been removed on the West Avenue watercourse, and these are working in to get more flows through because of the reduced flows that are happening now. As I noted earlier, there is certainly reduced winter rainfall and there are some deep drainage systems nearby.

I note that the committee reserves its judgement on the third REFLOWS drain, the South-East flows restoration program proposed by the department. I also note that the committee mentioned in the conclusions that on the face of it this project seems to be a good idea in that it will further restore original surface water flows to the Coorong and that it will mostly utilise existing drains. I think so long as existing drains can be used in the main, it will be a very positive matter, but as I indicated earlier in my contribution, drainage works are a very emotive subject when brought up amongst landholders. Some can see the positive benefits, but some can see a negative as well.

As I indicated, some farmers have had negative impacts because there has not been the appropriate consultation and next thing they have had parts of their land flooded out and they have not had the opportunity to use that land for their farming operations as they have in the past. If there can be more investigation done to make the REFLOWS project absolutely work for the area and bring the wetlands and the Coorong back to better health, I applaud that, but we have to take the community with us.

Mr PEGLER (Mount Gambier) (11:14): Mr Speaker, first of all, I welcome you and congratulate you on rising to your position. The drainage in the South-East first started about 150 or 160 years ago and it is only through that drainage that the South-East is so productive today. In recent times I think some major stuff-ups have happened with where they are trying to put water, and how they are trying to put that water, and how they have dug some of these drains too deep so that they have ended up mixing very low quality water with very good water that could have gone into some of those wetlands.

There have been major problems but I must say that they certainly have improved a lot of land that was suffering from dryland salinity. There have been many positives and many negatives,

but I believe that, before any further drainage work is done in the South-East, there should be a full and proper inquiry into exactly how these systems work, exactly what the threats are, identifying where the mistakes have been made, and trying to work out how we can fix some of those mistakes.

I certainly would never support taking water from the Lower South-East up through the Upper South-East and into the Coorong when that water would be at the expense of some of our ephemeral lakes along the coast such as Lake George. That is where those waters should be going and, also, those good waters should be used for recharging our aquifers rather than going out to sea. I think a lot more work has to be done over the next few years before we make any more mistakes and, of course, once you make those mistakes, they take a lot of money to rectify and they will do a hell of a lot of damage to the South-East. I think we should tread very carefully and have a decent look at how the whole system works.

Mr VAN HOLST PELLEKAAN (Stuart) (11:16): As a member of the Natural Resources Committee, I can certainly say that the opposition endorses the report. It is important, I think, that this house understands—and certainly the chair of the committee does, and makes it clear, but it is probably worth repeating—that since 2006, the Natural Resources Committee has been responsible for oversight of the Upper South East Dryland Salinity and Flood Management Act 2002, and it is in that vein that this report is done.

It is not something that was necessarily recommended to us or pursued by the committee but it is something that the committee takes very seriously and has a very strong interest in. We are lucky to have heard from the member for Hammond today who understands these issues very well, and I know that the member for MacKillop also has some very strong views on this issue. Strong views seem to be the theme of just about anything to do with water around the place at the moment and this is no different. In our travels we have met with people who are exceptionally passionate. The passion is the common theme but the beliefs are not always common in these areas.

Again, to have the member for Mount Gambier on our committee is a fantastic opportunity for us because he has good knowledge and insight and, essentially, most of the water that travels through this whole enormous scheme throughout the South-East starts near Mount Gambier, so he is very knowledgeable and makes a good contribution. One thing I would like to highlight before I sit down is the conclusion to reserve our judgement on the third REFLOWS drain. It is important to say that that is genuinely exactly what it is—reserving our judgement. It is not that the committee is saying that we oppose it, and it is not that the committee is saying it should proceed. There are some serious questions that can be answered with more information and I think that this is the most important conclusion to come out of this report. As always, I thank my colleagues on the committee and I thank the staff members who work very hard on our committee too.

Mr WILLIAMS (MacKillop) (11:19): Thank you, Mr Speaker, and may I take the opportunity to congratulate you on your elevation to that most august office.

The SPEAKER: Thank you.

Mr WILLIAMS: I came into this place about 15 years ago having previously served on the South Eastern Water Conservation and Drainage Board for a period of time, and was motivated to stand at the election in 1997 because of matters pertaining to water in the South-East. Very few people who reside in this state have a full understanding of the complexity of the South-East. It is quite different from the rest of South Australia, and two things make it quite different; one is the landscape. It is relatively flat with a series of extinct coastlines which have formed a series of sand dunes which are, by and large, parallel to the existing coastline. These have prevented, historically, the free flow of water from the other distinct feature of the South-East, the abundant rainfall that occurs in that part of the state, and prevented the natural flow of that rainfall to the sea.

Prior to white settlement, much of the South-East was basically an extensive wetland and, as I have told the house many times before, the surveyor-general, George Woodroffe Goyder, stated in 1864 that, in his opinion, about half the land between Salt Creek and the Victorian border became inundated between one and six feet deep every winter and some of it never dried out. So, it is a unique landscape.

We have changed it dramatically by doing two things, and one is that we drained it extensively. We started draining it in about 1863, and we got serious about draining the region as a state in the late 1860s. We continued that work right up until the last couple of years with the completion of the Upper South East Dryland Salinity and Flood Management Program. We have almost continuously been digging drains across that landscape, and that has changed it

dramatically. The other thing we did was denude most of the landscape of the natural vegetation and, again, that has had a significant impact on the water balance of the region; indeed, that was what caused the Upper South-East to be drained over the last 10 or 15 years.

The story, as it goes, is that, following the clearing of the Upper South-East of its natural vegetation, the farmers of the area planted lucerne. The lucerne species was attacked severely by a couple of predator insects, particularly in the late 1970s, which wiped out most of the lucerne stands across that landscape and, without any deep-rooted perennial plants in that landscape of the Upper South-East, the rainfall percolated through the soil profile and created a scenario where the watertable was rising and bringing saline water to the surface, creating the typical dryland salinity impact. That is what caused, first of all, a significant inquiry, an environmental impact study and then, finally, the construction of the drainage system.

In the latter years, as this scheme has progressed, we have had the other water issue which has bedevilled this nation, and particularly South Australia, that is, the management of the Murray-Darling system. Some, including myself, believe that it is the right thing to return some of the flows from the South-East of the state which would have, historically, entered the Coorong and that environment around the mouth of the River Murray. It is my personal belief that the flows of water from the South-East into the Coorong were quite significant.

In fact, the southern base of the Coorong's demise in recent years has been more caused by what we have done in the South-East of the state than what has been done in the River Murray. The jury is still out on that, obviously, but we do have government agencies helping, not just restoring some of the flows back towards the Coorong but, in my opinion, attempting to poach as much water as they can from the South-East of the state and returning it to the Coorong, thereby offsetting South Australia's requirements or obligations under the Murray-Darling plan.

Obviously, my constituents in the South-East, and particularly in the Mid and Lower South-East are very concerned about this. They are concerned that moves to fix one man-made problem by another man-made engineering solution may just shift the problem, and may indeed extend the problem, and they may well be the losers in that particular exercise. That is one reason.

I note in the conclusion that the committee noted that the Upper South East Dryland Salinity and Flood Management Act 2002 was before the parliament and the then minister was seeking a further extension of that act. I do not need to remind the house that that bill to extend that came to rest in the other place with the help of the minor parties and Independents supporting the Liberal Party's opposition to the extension of that.

I am delighted as the member for the South-East, my electorate being the area of the state where all of the works under that act had been undertaken, that that act is now no longer on the statute books of this state. I argued vehemently against it on the last day of sitting in 2002, and I have argued against that act and some of the works under that act that have been undertaken in a manner in which the local landowners have been overridden on many occasions.

We do have a scheme which, by and large, is of benefit. It is arguable whether it could have been better, but the work has now been done and the scheme has now been completed. I think I heard the member for Mount Gambier saying, as I came into the chamber, that we need to be very cautious before we take the next move. That is one of the reasons why I argued in our party room—and obviously the message was successfully argued in the other place—not to extend the act, because I believe and we believe that the agencies administering that act were riding roughshod over the local communities.

Local communities deserve to have a significant say in the future of their region and the environment and landscape in that area. So, I am delighted that there will be a bit of hesitation now, and I hope a lot more work is done and a lot more soul searching and thought is put into the way forward from here with regard to shifting water out of the South-East into the Coorong.

As I said a moment ago, in principle I support that idea. I think what we need to do is work out how much water we should be moving out of one landscape into another. I accept that every litre that we can put into the southern basin in the Coorong will be beneficial to that particular environment, but we need to fully understand the impacts that is going to have on the environment from which we are taking that water—that is, further down into the South-East of the state. I do not accept that that work has been thoroughly done.

There are a lot of other projects I believe should be undertaken with regard to the draining system in the South-East, particularly so we can control the flows. The South-East, like the rest of

south-eastern Australia, has suffered a particularly dry period over the last 10 to 15 years and I can attest, from my observations, that the landscape that I live in and have worked most of my life in has changed dramatically in the last 20 to 30 years. We have different rainfall patterns and the landscape is considerably drier than what it was 30 years ago.

I think we should, as a state, be very wary about any further moves, because it may well exacerbate that situation. The South-East is one of the most agriculturally productive parts of the state, and it would be an absolute disaster for us to undermine the ability of that region to continue to do what it has done historically, and that is be a major producer of food and fibre for the people of this state. I commend the report. I thank the members of the committee for the work that they have done. It only helps to broaden the understanding of issues in this unique part of the state.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2011-12

The Hon. S.W. KEY (Ashford) (11:29): I move:

That the 74th report of the Natural Resources Committee be noted.

In the year 2011-12 there has been a continuation of the membership appointed after the March 2010 election with the expanded membership of nine members. There has only been one change. The Hon. Gerry Kandelaars replaced the Hon. Paul Holloway following his retirement from parliament in September 2011. There have been no staff changes during that previous year.

In the reporting period, the Natural Resources Committee undertook 30 formal meetings. I note that in this year that has just finished we actually had 30 meetings, so I am very impressed that our nine members have such diligence in attending these meetings. We believe that with our formal meetings we had something like 85¼ hours of work that was maintained by the committee. We also took evidence from 136 witnesses.

Fourteen points were drafted and tabled in the reporting period. These were the annual report for 2010-11; seven reports into the Natural Resources Management levy proposals for 2012-13; the final report from the bushfire inquiry; the report on the committee's inquiry into the Murray-Darling Basin plan; the annual report on the Upper South East Dryland Salinity and Flood Management Act for 2010-11; two reports on fact finding visits (these were the Adelaide and Mount Lofty Ranges NRM Board and the Adelaide desalination plant); and also a report that was most famously commented on by the previous deputy premier, Kevin Foley, on little penguins. You had to be here to understand why I say it was such an interesting contribution.

Seven fact-finding tours were undertaken in 2011-12: three related to the committee's Murray-Darling Basin draft plan inquiry including a tour of the Lower Lakes, Coorong and the Upper South East drainage and flood management scheme; one to the Mitcham Hills to observe bushfire preparedness, and that was initiated by the member for Davenport; one to the Adelaide and Mount Lofty Ranges NRM region; one to the Adelaide desalination plant; and one to Port Lincoln to take evidence on the committee's inquiry into Eyre Peninsula water supply.

The committee's inquiry into the Murray-Darling Basin plan was finalised in March 2012 with the tabling and forwarding of its report to the Murray-Darling Basin Authority as the committee's submission to the draft plan. The inquiry concluded insufficient water was proposed, at that time, to be returned to the basin under the draft plan. It also concluded that the plan failed to acknowledge South Australia's past efforts in capping water use compared to other states.

The committee commenced a new inquiry into Eyre Peninsula water supply in 2012 after considering evidence from the member for Flinders, Mr Peter Treloar. The local community for a number of years has raised concerns with regard to water security, management of underground water and questioned whether a series of mining venture proposals will further stress water supplies. The committee expects that this inquiry will continue at least for 12 months and we are looking at June as our deadline this year.

I would like to commend the members of the committee Mr Geoff Brock MP, the Hon. Robert Brokenshire MLC, the Hon. Mr John Dawkins MLC, Mrs Robyn Geraghty MP, Mr Lee Odenwalder MP, Mr Don Pegler MP, Mr Dan van Holst Pellekaan MP and the Hon. Gerry Kandelaars MLC for their contributions, and in addition I would like to thank the parliamentary staff who support our committee. I commend this report to the house.

Mr PEGLER (Mount Gambier) (11:34): I certainly support this report and first of all I would like to congratulate our chairperson, the Hon. Steph Key, on the great job that she does in chairing our committee and I would also like to thank and congratulate the rest of the members of that committee. The committee certainly has done a lot of work over the last 12 months, or in this term of parliament, and we all work together in a bipartisan manner and certainly have taken the priority of looking after the environment within our state at a high level and this committee has worked exceptionally well at doing that.

I would also like to say that all the various environmental concerns that we looked at right throughout this state have been well addressed by the committee. There are always going to be major concerns, there are always going to be major works to be done with our environment, but I think through a committee like this, the parliament itself becomes much more knowledgeable on what is happening in the environment within our state. I think the committee system works exceptionally well in informing parliament of what is actually going on in the regions, so I certainly endorse this report. I would just like to say that it is a great pleasure to serve on this committee.

The Hon. R.B. SUCH (Fisher) (15:35): I will be brief. I support the work of the Natural Resources Committee. I think it was a wise decision to create that committee. We all recognise, I believe, that we have to manage the natural environment. I do not know whether many members have read Bill Gammage's book on how the Aborigines used fire to manage what he calls the estate, but I suggest that people might want to read that. The point is, as I just said, that the environment has to be managed.

I would like to make the point that there is a lot of unfair and unwarranted criticism of the NRM boards which report to this committee. I think there is always a danger that any government organisation can become overly bureaucratic, and I think we always have to be watchful for that. However, as I have said on many occasions, we apply the torch to the NRM boards but we do not apply the same torch to the bigger spending government agencies, and I think we should. To that end, I think the Auditor-General should be empowered to look at efficiency and effectiveness, rather than just account keeping.

I am disheartened to hear constant criticism, particularly of the Mount Lofty Ranges NRM, in respect of the management of water in the western escarpment of the Mount Lofty Ranges. We can argue about whether they have got the plan right, but I think the point is that we have to manage the water resources in an area like that. If we do not, the people downstream will get nothing. We should have learnt that lesson in respect of the River Murray. The people upstream will take the cream and the people down at the bottom will get the skim milk, if they are lucky.

I am really pleased that we have this committee. I think it shows the value of parliamentary committees. I think they should be more adequately resourced and able to take on some other tasks, but I think it would be good—

Mr Pengilly interjecting:

The Hon. R.B. SUCH: A private jet. I think they need to be adequately resourced, but I think we should look at whether we need to add to the standing committees that we have. I commend all the people on the committee; I understand that there is a lot of work involved. There is on many of these committees, but I think this has been a great committee in terms of what it has been able to do, and I think it provides an insight into the expertise of the members on that committee and their different backgrounds.

Mr VAN HOLST PELLEKAAN (Stuart) (11:38): It is a pleasure to support this report. Natural resources is a very genuine and personal interest of mine, and it has been for decades. I note that all of the members who participate on this committee do so diligently and very genuinely. It is a very responsible group of MPs from a broad range of political perspectives, and I thank them for the way they go about their work. I also thank our chair, the Hon. Steph Key, for her leadership. I am more than happy to put on the record that, in many ways, I think she sets a good example for first-term MPs in lots of the things she does, and she does a great job with this committee.

One example of that is the fact that, in our travels across the state, she always invites the local member of parliament. If the local member of parliament is not already on the committee, she invites them to participate in everything we do in their electorate. I think that is an outstanding example of the way she operates and the way the committee operates, and the spirit in which the committee does its work.

With regard to the 2011-12 financial report, it is a bit more than six months old. The report is there to be read so I will not go into great detail. The key things we dealt with were: levy increase proposals, the Murray-Darling Basin plan, bushfire and natural disaster inquiry, inquiry into little penguins and the Eyre Peninsula water supply inquiry, which is still ongoing. Those are all important and significant issues. While it may not seem so, just by looking at the titles, I think when people read the report they will understand that much of what is dealt with in this committee is relevant to all South Australians, not just the people who, it would appear at first glance, are involved in those inquiries. So, I encourage people to have a good look through them. With regard to the next financial report, this year is already half over and I can assure the house that we have done an enormous amount of work already on what we are working on this year.

As the member for Fisher mentioned, funding can be a challenge. We live in tight economic times, you cannot get away from that and you should not try to get away from that, but the reality is that if the work is to be done there is a cost that goes with it. We do not need a jet or anything like that, but balancing the budget against the work that the two houses of this parliament want this committee to do is a difficult issue and needs to be dealt with. Otherwise, all that will happen is that the work of the committee and the results for the people of South Australia will be significantly diminished. I assure everybody that we are not frivolous in the way we spend our money. We eat a lot of sandwiches and we are quite happy to do that. We are not trying to waste money or do anything silly, it is just the key things that need to be done.

I would also like to comment on the NRM boards and their staff around the state, as a personal comment, not on behalf of the committee. I have concerns about the fact that the NRM boards have been absorbed by what was DENR and is now DEWNR. I think it is a shame that it takes away some of the independence of the work and it takes away some of the community flavour and the direct community input and participation. That is not to denigrate the individuals involved or the staff members. I regularly deal with many of them professionally, I know many just as friends in local regions, and they all work hard, they all try their very best and they do everything that they possibly can in essentially what is an almost endless task.

I am often approached by people who say, 'Well, why hasn't the board done this? Why hasn't the board done that?' If they had an endless budget, endless resources and an endless number of staff they could address all of those things. I am disappointed that they do not get to a lot of the jobs that I would consider to be very important to do in the different regions around our state, but I do not doubt that the people who do have those tasks are doing as much as they possibly can, so I thank them for that work.

I would also like to acknowledge Dr Mark Siebentritt for the significant contribution he made to our Murray-Darling Basin plan. He was a contracted person to give us extra research and other support and he did an absolutely outstanding job in that role. I thank my colleagues on the committee for their genuine effort. I thank the local members who participated when we were doing work in their area. As always, I thank our staff, Mr Patrick Dupont and Mr David Trebilcock, who both put a lot of work into this. I commend the report to the house.

Mr PEDERICK (Hammond) (11:44): I rise to speak to the annual report of July 2011-June 2012, the 74th report of the Natural Resources Committee. I would like to congratulate the presiding member, the Hon. Steph Key, the member for Ashford, for the interaction I have had with her and the committee, especially with regard to being involved with the Murray-Darling Basin report. I am very pleased that the committee and the presiding member made sure that all local members were kept on board and kept in the loop. I managed to present evidence at both Goolwa near the Murray Mouth and at Mannum and Murray Bridge during the tour of the Lower Murray swamps, so I certainly thank the member for Ashford for that opportunity. I also thank the members of the committee. I think it is a committee that does great work and it is spread across both government benches, opposition benches and Independents.

There were many reports that the committee worked on this year: Eyre Peninsula water supply, little penguins and the levy report. It was interesting to note that sometimes committees do have teeth and it was good to see that there were some committee concerns about some of the natural resource management levy proposals, which saw a significant reduction with regard to the Adelaide and Mount Lofty Ranges region. Some people think that committees do not have any bite, but it was just good to see that they made a recommendation that the proposed increase of 11.4 per cent was too high and well above CPI and that, as a result of the committee's objections, the minister granted an amended increase of 6 per cent. As I said, that shows how well committees can act.

I want to focus most of my discussion here today on the committee's work and the recommendations involved in the Murray-Darling Basin Authority and the basin plan. Going through the recommendations, they include the salinity targets for Lake Alexandrina and Lake Albert of less than 1,000 EC units for Lake Alexandrina and 1,500 EC units for Lake Albert for 95 per cent of the time measured as a rolling average over a 10-year period. I think that recommendation has to be applauded because obviously the committee listened to the community—a community that is still suffering with high salinities in the high 3,000s off Lake Albert. Some of those farmers are only just beginning to irrigate their properties again after many years of not even being able to see the water, let alone use it, but they are getting back to use of those River Murray flows that have come back since around September 2010.

I am interested in the water height target for below Lock 1—and I think it is a good target to aim for—with the height of Lake Alexandrina to remain above 0.5 metres Australian Height Datum for 95 per cent of the time measured at a rolling average over a 10-year period. I think the Lower Lakes communities—Lake Alexandrina, Lake Albert, the River Murray swamps communities and anyone below Lock 1 at Blanchetown—realise that there is more likely to be more adaptive management of the river going into the future. It is usually held at 0.75 metres AHD, and certainly when you get below 0.5, it is very hard to operate the levees of the Lower Murray swamps and get that flooding effect which is the most efficient way for those swamps to operate.

In recent years, we have seen a real rationalisation of dairy farmers in that area. There were about 120 dairy farmers and now there are only a few more than 20, I believe, in that same area. What has happened, when we had the program for the rehabilitation of the swamps and about $30 million of federal money, state money and farmers' own money was spent, is that with the drought and the effects of low flows, sadly most of those properties, if not all, need major work.

I think the second recommendation is very important, because it is a place that produces great feed and is a great dairy producing area. As I have said in this place before—and I note the work that is being done there by other agencies—with the longer term aim, with what can be done into the future with the Lower Murray swamps, as a whole the community and governments must work out whether we bring these swamps back to their former glory or whether we just walk away.

We just cannot keep spending money if we are not going to have those water flows, that is the simple fact. I am not saying we should walk away by any means but, hopefully, as someone who wants to be on the government benches next year, we acknowledge that we have to be realistic with how the budget is spent, and we have to expect the whole community to be realistic as well.

I also note target 4, that will see the Murray Mouth open with river flows for 100 per cent of the time. That is certainly a target well worth having in the recommendations. Recommendation number 5 is for stronger requirements for monitoring and evaluation, because if you do not have that in place how do you know what salinity is there and what water heights are there? I also talked about before—and it is mentioned in recommendation 6—the adaptive management framework that will have to be put in place with the operation of the plan over time.

I note recommendation 7 talks about the preliminary terms for the review in 2015—which is getting ever so much closer as discussion on the River Murray just keeps rolling on—including the social, cultural and economic impacts as well as the benefits that can be had from the plan and its implementation. Certainly, there is the work in regard to recommendation 8, the requirement for additional hydrological modelling prior to the finalisation of the plan, that assesses the impact of removing selected operational constraints combined with water recovery on the ability of basin plan targets to be met.

In addition to some of these proposed changes to the basin plan, the committee recommended that the state Minister for Sustainability, Environment and Conservation lobby the Australian federal government to undertake an independent basin-wide audit of the cost of further water savings from infrastructure investment. This is to help identify the extent to which these savings could make up the gap between the volume of water recovered to date and that still required. I think that is absolutely vital. For too long the authority has targeted the simple system of just buying water out of communities right throughout the basin—whether it be here, through Victoria, New South Wales or Queensland. It is just too much of a cheap and nasty, easy fix.

As I have mentioned in this place before, I have seen upgrades that can be done where people put investment into their own properties and get a 100 per cent improvement in their water use efficiency. That is just by putting in drip lines instead of relying on flood irrigation in areas

around Deniliquin. I think too much focus has been put on water buybacks that can carve holes in communities, and that is why we have had so much backlash from the upper basin states.

In closing, I commend the work of the committee right throughout the year. I certainly commend the work of the committee that involved the River Murray, and its report to help guide the Murray-Darling Basin Plan. As a community, especially being on the end of the mighty River Murray, we must do our best to make sure it stays in the place it used to be, in its former glory before the drought. Otherwise the impact on communities—and not just here in South Australia—will be too massive for anyone to bear. It is not just the economic cost; it is the social cost and environmental cost. So I commend the committee for all its work and wish it well in its future endeavours.

Mr BROCK (Frome) (11:54): Mr Speaker, I also congratulate you on your new position, and I know you will do an excellent job up there. At the same time I would also like to thank and pay tribute to the previous speaker the Hon. Lyn Breuer, the member for Giles. I thought the member for Giles did an excellent job, but certainly we are looking for guidance from the Speaker and some improved protocols in this chamber.

Along with the previous speakers, I also compliment all the members of this committee. This is a very hard-working committee and its members cover a wide range of political parties, as well as Independents. This committee would be one of the hardest-working committees in the parliament. We have many visits to regional areas. We have dedicated ourselves to dealing with issues affecting the natural resources and environment across the whole of the state, under the leadership of the Hon. Steph Key. As the member for Stuart indicated, she has been a great Presiding Member for this committee. Not only does she make everybody feel relaxed but she also encourages everybody to have their say, and that is what happens on this committee.

The member for Stuart and other members may have mentioned that one of our big inquiries was the review of the Murray-Darling Basin Plan, which the previous minister for water asked us to do. It was a very worthwhile, encouraging and informative inquiry. We visited the Riverland and other areas in the Murray-Darling Basin. Those people were very appreciative that a committee came down and took their views. Too often, the community, the parliament and associations forget about the regions and the locals. If you can go out there and show that you believe in them and feel for them, then they feel a bit more relaxed and more confident in giving full information. The result of our inquiry was that our submission to the parliament was then taken up by the government of the day, and I am sure that the response and the outcome is better for both the whole region and South Australia.

In regard to the NRM levies, one thing I find, when they send their plans in to our committee for us to have a look at and endorse, is that the time frame we have to digest and examine what they are going to do for the forthcoming year and get it through the system needs to be look at very seriously. We need to look at the time frames on that so as to give the NRM boards and the councils an opportunity to communicate with their communities, to get their plans through to the Natural Resources Committee for its views and comments, for us to get back to those boards if we have any concerns, and then get it through to the minister.

There was also the bushfire inquiry. The Hon. Iain Evans asked us to do this inquiry and when we went up to his electorate I saw a video of the Canberra bushfires. Even though we were in a CFS shed and were only watching a video, I felt the ferocity of that fire. Too often, I do not think people understand the dangers and the devastating effect that bushfires can have. The Hon. Iain Evans was very forceful and we did do that inquiry, and I certainly learned a lot about the issue.

Another inquiry was initiated by the member for Flinders, Peter Treloar. He asked if we could do an inquiry into water on the Eyre Peninsula, to look at the opportunities over there and see firsthand the issues confronting that region. It was an eye opener and, again, we certainly learned a lot, and I think the member for Stuart already indicated that that inquiry is still ongoing.

The member for Fisher raised the issue of the funding of committees. I know that everything is tight, but if we have an issue that we need to deal with or investigate, I think the parliament needs to be very serious about allocating adequate funds. Nobody wants to waste resources—and certainly not this committee—but if we are going to do our job correctly then we need to be able to get out there and talk to the people, feel the issues and conduct site visits. I do not think every committee should have the same allocation, but certain committees need to go out

further into the whole state and I think we need to look at the budgets around that in the coming years.

The other one is our visits to the region. Again, I reinforce this from a region's point of view: at times, people in the regions at times feel as if they are neglected and unloved. But, by going out there and talking to these people face-to-face, and visiting the locations, farms, etc., it certainly gives them a far better idea and appreciation that the parliament is there to serve all South Australians, and I think that is what is happening with the Natural Resources Committee of this parliament.

In closing, I would also like to thank the parliament for the opportunity to be able to serve on this committee. This is my first full term, and I have certainly learned a tremendous amount about the issues confronting regional South Australia, including the Adelaide Hills, through the Natural Resources Committee. We need to ensure that we do everything to protect that but, at the same time, we need to make certain that we are very resilient and aware that we need to also back industries and continuation for that. I again thank the Hon. Steph Key for her leadership as the presiding member, and I also thank all the members of this committee. I commend the report to parliament.

Motion carried.

RIVERBANK FOOTBRIDGE

Adjourned debate on motion of Ms Sanderson:

That the regulation made under the Development Act 1993, entitled Riverbank Footbridge, made on 12 July 2012 and laid on the table of this house on 4 September, be disallowed.

(Continued from 14 November 2012.)

The SPEAKER: It has been drawn to my attention that, in relation to Order of the Day No. 4 standing in the name of the member of Adelaide, regarding the Riverbank footbridge and disallowing the regulation, a motion to that effect was carried in the other place, so the regulation no longer exists. So, Order of the Day No. 4 can be discharged from the *Notice Paper*.

Order of the day discharged.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November 2012.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:02): I rise to speak on the Electoral (Miscellaneous) Amendment Bill which, as members will be aware, is a bill to substantially amend the Electoral Act 1985. It always gives me great pleasure to speak on electoral matters because I think I am a self-confessed addict to elections.

This year I celebrate 40 years of having been in involved in elections in one way or another. My very first occasion was to sew a banner on a treadle sewing machine to hang around the Goss hall to encourage voters to support the then Liberal candidate. It was actually before the days of election posters, which seems like a long time ago, but there was a time when we did not actually have election posters. In any event, I am very interested in this area, and this aspect of reform is one to which I have given some attention.

It is also an occasion to note, in recognising reform of this act, that our new Speaker, as a long-term member of this house, is someone who has had a very forensic interest in developments and reform in this area. I would hope, notwithstanding his high elevation to the office of Speaker, that he will take the opportunity, as is allowed in the rules, to resume his place in the chamber and make a contribution to this debate because I am sure that it would be worthwhile.

The other matter which I will highlight as a preliminary is that, from our side of politics—being a member of the Liberal Party of Australia, of which I am very proud member—we have just recently celebrated the appointment of our new director. Other political parties call them secretaries and the like but our party has a state director who works closely with the director of the national division, and Mr Geoff Greene has been appointed in that position just recently. He has taken up that challenge in a year when we all are involved (those of us in political parties) with the election federally (now for 14 September 2013), and then the state election at a fixed date, namely the third Saturday in March 2014.

It is going to be an exciting 12 months or so and so it is important that we address some outstanding electoral reform matters which need our attention and which we want to have in place sufficiently early to ensure that everyone knows what they are doing but also to enable the public to have an opportunity to be aware of what its new obligations will be. The Electoral Commissioner in South Australia is principally vested with the responsibility to educate the public. May I commence, in addressing the bill, by referring to some procedural amendments which need to be attended to and which have largely been recommended by the Electoral Commissioner in South Australia. That follows, in fact, some other recommendations of a select committee relating to some very disturbing actions, conduct and behaviour that took place during the general election on 20 March 2010.

May I express my appreciation for the continued work of the Electoral Commissioner and also the select committee members who undertook the appropriate reviews and revision of not only the events of 2010 but also (as the Electoral Commissioner particularly does) advised us on matters to ensure that we give every eligible person in South Australia adequate and appropriate access to their opportunity to vote.

Voting is a very important right of all South Australians over the age of 18 years. We have, in this country, the privilege of voting. There is a legal obligation at a number of levels of government, including those entering state parliament; an obligation to attend at a polling office on election day, or registering through other pre-election processes their entitlement to vote. It is entirely a matter for them whether they ultimately screw up the ballot paper, complete it validly or, in fact, leave some other message for the Electoral Commissioner to dwell on and consider. That is the right we give as to how they might express their preference in the election. However, in Australia they are secure in having the opportunity to vote, and their expression of it is ultimately optional and a choice for them.

Largely then this bill deals with conduct, in addition to the technical matters to which I have referred, and the processes around the election campaign as distinct from the voting procedures. There has been a lot of debate around in relation to the type of voting that we have, whether we should have optional preferential, whether we should maintain preferential or first past the post, and the franchise of those. We sometimes debate in the house whether persons aged between 16 and 18 years should have a vote. We are not dealing with that in this bill, but they are important matters for consideration and I think it is important as members of parliament that we always remain open to review of those areas.

The applications I will not dwell on, but in respect of the remuneration and conditions of office in respect of positions with the Electoral Commission and the protections for voters or electors, as they are prescribed in the act, are not unimportant matters. There are constantly issues, of which I am sure members would be aware, that deal with the suppression of an elector's address and the reasons we have it.

From time to time, probably in all our electorates, we have circumstances brought to our attention where an elector is in a personal circumstance where it would be appropriate for them not to have their address disclosed. Sometimes that relates to the nature of their employment; sometimes it can be a member in the parliament who might be dealing with very sensitive issues and some group in the community might be fearful of being under their scrutiny, and they may wish to retaliate.

I imagine from time to time that those who might be outspoken on people who are repeat offenders in breaking the law—I do not always like to use the bikie example because we have lots of good bikers in South Australia, including those running around in lycra pants—but I refer to people who obviously act in a manner which should be under scrutiny. As members of this parliament we have an obligation to speak out when other people in the community need our protection, and we need to look at legislative ways to undertake that and to ensure that they are protected. Some people who are under that scrutiny do not like it, so there may be members of this very house who, from time to time, may need and should have some protection.

Senior members of the police force and people who are in high public office in the Public Service are always in circumstances where they may be vulnerable, and it is appropriate that their address be kept confidential. More often in my electorate it is a circumstance where there is a domestic situation that has attracted the need for protection. Probably the most significant case I have in my own area is where a person's former partner is in prison and he has a long-term sentence. However, there has been conduct before his arrest and imprisonment and very strong

supporting evidence that even upon his release, which will still be a long time to come, he will be a danger and potentially a threat to one of my constituents and members of that person's family.

So, it is important that that person has the opportunity to have her address kept confidential, so the suppression arrangements sometimes need to be executed, and in this instance we are doing some review of that. There is provision also for amendment regarding the electoral rolls being kept up to date, and an amendment with respect to the entitlement to enrolment, which are all important initiatives and they come with our support.

The other areas that follow the select committee of inquiry, which I think are important categories, are as follows: firstly, we have the how-to-vote cards; members know what these are. We know that in elections frequently persons offer a card to prospective voters, to the electors, identifying a preference for voting and how they might want to vote, if they wish to support a particular political party or a particular candidate, that would most likely support the successful election of that person. This is for both upper and lower houses in the state parliament and, of course, there are different voting systems in both.

Our voting system is a preferential voting system and it is not an optional preferential voting system, so I think it is fair to say that how-to-vote cards are an important aid to a prospective elector who is clear in what they want but, because of the complexity of the obligation in respect of valid voting, would seek some guidance. Therefore, they are an important aspect to have available.

The events during the 2010 election, which are now famous and which was a tactic utilised by the Australian Labor Party and which was visibly touted in the seat of Mawson, are legendary. I will say that there were people in that election campaign in the Australian Labor Party as candidates who did not elect to pursue that tactic, and they should be applauded. They had integrity in relation to this, or, perhaps additionally, confidence that they were going to win anyway without using the tactic.

However, the candidate for Mawson, now a member of the parliament and now indeed a minister, elected to take advantage of that tactic, and he has gone into the annals of contribution to electoral standards, low as they were, as a result of it. I will not dwell on the detail of it. The select committee had a look at these matters, and it was very clear, as a result of their investigation, that they recommended, in line with other interstate registration of how-to-vote card practices, as follows:

> That the Electoral Act be amended so that only how-to-vote cards or second preference cards or second preference how-to-vote cards which have been lodged with the Electoral Commissioner at least seven days before election day are allowed to be distributed in the vicinity of a polling place on polling day.

That recommendation is one which establishes a rule for which there is a penalty that applies by an offence being created, if it is breached, that how-to-vote cards may only be distributed during the election period if they are substantially the same as a card that is submitted to the Electoral Commissioner for inclusion in the polling booth posters with some time requirements, namely, they have to be four days after the close of nominations or lodged with the commissioner no later than two days before the polling day.

I think it is important to note here that this is in no way restricting or interfering with someone's right to vote. It is only that, if someone else wishes to publish a how-to-vote card, it fits in with some regulatory arrangements. Therefore, the introduction of a regulatory regime under a registration procedure ought to be understood that this is not something that is compulsory, because people do not have to issue or publish how-to-vote cards, but if they do they have to accept a set number of rules.

The difference between what is proposed in this bill and what applies in New South Wales and Victoria is that in this bill the criteria for rejecting cards are specified in the regulations rather than in the act. There are pros and cons in relation to that argument, and I will make some comment about that shortly. I think the important aspect to note here is that the introduction of the regulatory process, the highlighting of the need for this legislation, is sadly, in my view, a direct result of the misconduct—the very low standard of conduct—of the Australian Labor Party, and they should be appropriately embarrassed that there is a need for the introduction of this new regime.

I turn now to postal vote applications. Members would be aware that not everyone who is eligible to vote is available to vote or has the physical capacity to attend to register a personal vote on election days. Sometimes that is because they have a pre-existing engagement or activity which results in their not physically being either in the state or in the country or they do not have access

to an interstate facility or, in some more limited areas, overseas facilities, such as embassies or the like, and they simply cannot cast a personal vote.

Other circumstances are where the elector, through some ill-health issue or accident, is incapacitated in some way and cannot physically attend or, indeed, to do so would be painful, inconvenient, costly or the like. Clearly, we have historically ensured, under our electoral rules, that eligible electors do have the capacity to cast a vote through a postal system. I think that is an important part of our democracy that we ensure that people who might be aged, infirm or in some way incapacitated, or who are physically unable to attend a polling booth, still have the opportunity to cast their vote, and this the way they do it.

The Electoral Act 1985 allows political parties, in this process, to distribute postal vote applications. The way this works is that an elector is able to contact a political party and say to them, 'I'm going to be away. Would you please send me a postal vote application.' It is a bit like the political party is really an agency that is available to distribute that postal vote application.

The process is that the political party provides the application to them, and that person then goes through all the rigours of casting their legitimate vote and that is registered with the Electoral Commissioner and processed in the ordinary way for allocation to the seat or the franchise in the upper house, whichever applies (usually both), and that has worked pretty well. The political party which takes that up has an opportunity to advise that prospective voter of what their preference would be, if the prospective voter is interested in supporting them, by providing them with a how-to-vote card in the electorate in which they will be casting their vote so they will be able to be assisted in that way.

If members of the public who are prospective electors are also members of a political party or favour a political party, that is what they want to know—who your preselected or nominated candidate is in a certain area. 'We would like to meet them, find out their policies, vote for them. Please send us this material, including how to vote.'

That has been an important aid, I think, for both electors and, indeed, the Electoral Commissioner in the past. This bill, however, proposes that political parties will be excluded from having the capacity to assist in this distribution role; that is, they are going to be chopped out of that role and the Electoral Commissioner's office will have the exclusive monopoly on this and responsibility as the sole distributor for such applications.

The way that the bill is drafted says that we are not going to exclude though political parties from being able to know who has applied for a postal vote application in an election campaign, so a political party or a candidate can go through a process by which they can be provided with the details of the postal vote. The argument is that that is to ensure they are able to continue to provide campaign material to those who have submitted a postal vote. My understanding is that the principle behind that is we will take control, but we will let you know who you can write to or correspond with because they will probably be voting early and, therefore, you might wish to approach them with some information to submit your pitch, I suppose, as to why they should be voting for you as a candidate or for the political party in a Legislative Council team.

There have been some inconsistencies as to how the bill is expressed on this postal voting role, or the distribution role for postal vote applications, pointed out by Jenni Newton-Farrelly, who has, as members would know, been very active in providing services from our library to members of this house and, indeed, the other place as well and I thank her for that. Her concerns relate to the apparent inconsistency in the drafting and she suggests that there should be amendments to make it clear that the commission can give the parties the name and address, including postal address, of all people who are issued with a postal vote at a given election so that the party can send the voting material to those people, so she has added some advice as to the clarity of drafting.

The point I would like to make here is that, from the Liberal Party of Australia's point of view, if there has been some inappropriate behaviour or improper conduct by other persons or other political parties, we do not think that we should have to suffer, I suppose, the repercussions of others. As a party we would like to continue to undertake the responsible role that we have had in the past of being involved in the distribution and we should be able to continue to conduct ourselves in the exemplary fashion in which we have in the past.

If there is to be some process or regulation to ensure that political parties do undertake their role responsibly, for example, to make sure that there is some process protecting against an elector contacting a political party and not being given an application form or, more likely, not being

given a postal application form quickly enough to ensure that they are able to cast a vote in time, then so be it.

We are of the view that amendments to this bill should be included, firstly to allow political parties, other than the electoral commission, which is political parties, to do the distributing, subject to content and process requirements that can be done by regulation, and we are mindful of the fact that that should include clearly indicating which entity is providing the application and which entity holds the return address for the application. Full and clear disclosure on the material, no problem. We are happy to have a regulatory resume to go with that. The Liberal Party has, we say, undertaken this role responsibly in the past and we would like to have the continued opportunity to do so in the future.

We would also agree that it is reasonable to make clear that parties can receive the name and address, including the postal address, of all people who are issued with a postal vote at a given election (and that takes up the point that Jenni Newton-Farrelly has made crystal clear) and further to extend the disclosure requirements on authorisations so that they apply to third party organisations in similar form to those placed on parties and individual unendorsed candidates.

That relates primarily to material which is published on how-to-vote cards and other advertising material, so it has a broader effect, but we are keen again not to ever allow a situation where endorsements, or the lack of detail on endorsement, means that the recipient of that material is completely in the dark as to who the real author is of the documents.

Mr Deputy Speaker, I can't imagine—or I am certainly not privy to any situation where you would have ever been party to anything so mischievous as that, but both of us have been here long enough to have observed situations where it has occurred, and we think it is important that there be full disclosure and that those authorisations do not just have some apparent anonymous source and are clearly not being authorised by a person as an individual but on behalf of a political party.

Quite frankly, if somebody does provide authorisation to a piece of material, for and on behalf of a political movement or political party, then for goodness sake be not just honest enough to disclose it, but be proud of it! I find it bizarre to think that we are even having to debate this sort of issue, because if you are convinced that a certain political party or a movement or a particular push for an activity is meritorious, and you want to give them your support and you want to put your name to their charter, then, for goodness sake, stand up and be counted, be proud of it and be prepared to take it on the chin if you get some criticism back. But, in any event, that is something that is important for the Liberal Party. We have noted firsthand how mischievous others have been in the abuse of that in the past and we would seek to extend that disclosure requirement.

There are two other matters I wish to refer to, and there are a number of reforms that I referred to earlier, some of which are procedural and I will not be dwelling on those. The other major area of reform here is the internet authorisation. This is to introduce into the bill a requirement to identify a person responsible for political content in published material, which reverses a 2009 amendment so the provision no longer applies to material published or broadcast on the internet.

This whole process now is to be effected by a repeal of a subsection in the act that obliges the publisher of a journal to record the name and address of, and publish the name and postcode of, a person who takes responsibility for a letter, article or other material published in the journal. The exemption that existed prior to 2009 amendments that allows the publisher or another person to take responsibility for all electoral material published during an election period is to be reinstated into the act. This is a matter which the former attorney-general and I and others were in the public media space talking about prior to the election, and which we see as necessary to tidy up.

The other aspect which I wanted to briefly mention was that amendment No. 7—I think, but in any event, the number is not that relevant—provides that the deputy commissioner may be appointed for up to eight years with a term of appointment expiring one year after a scheduled general election. The timing aspect, and the importance of being available, all of those things are clear in the inquiry, and we think that it is necessary to ensure that we have some changes of those periods of office and conditions but we need to tidy it up in that way.

On behalf of the opposition, I place on record my appreciation to the select committee of inquiry members. I acknowledged earlier the hard work that they had done. These are not easy issues to address. Some times it is the tawdry behaviour of candidates or political parties in election campaigns which brings about the necessity to bring about some of these reforms. I am proud to say that in the time that I have been in the parliament I have not at all been embarrassed

by the Liberal Party of Australia's conduct of elections. That is not to say that our party would be without sin in relation to conduct. There may have been other times when I have not been in the parliament when there could be criticism raised.

I am a proud member of the Liberal Party of Australia not only for what we stand for but to ensure that the conduct of political parties is such that it attracts respect, that it maintains and enthuses interest of members of the public and that it reassures the voters out there that there is strong and healthy debate. Political parties play a very important role in the education of and opportunity for development of candidate's skills and opportunities to be represented in the department.

I am very proud of what the Liberal Party of Australia does to support others, young and old, of all shapes and sizes and colours coming into leadership and parliamentary office, and I place on the record my appreciation to our political party for that.

On this occasion, I can confidently stand here and say that to the best of my knowledge in those elections, and particularly the focus on the 2010 election, we might have lost the right to form government, but we conducted ourselves in a proper manner which deserves to ensure that we continue to gain the respect we richly deserve.

Mr PISONI (Unley) (12:41): I would like to make a few comments. I will not go into the technical details the deputy leader so eloquently covered in her speech, but I want to remind the house just how outraged the public were when they found out about the acts of treachery, you could argue, against the voters in some key marginal seats by the Labor Party at the last election. This occurred mainly in the marginal seat of Mawson held by Leon Bignell, who has now been rewarded for his treachery against the people of South Australia with a ministry just last month.

Grace Portolesi, the member for Hartley, again, has been rewarded for her treachery against the people of Hartley for using these how-to-vote cards with, first, being promoted way beyond her ability to be education minister and then recently demoted back to a ministry which the Labor Party has formed, and is using to train up new ministers, as the sixth training minister in seven years.

If we look at previous ministers, they have all started as training ministers and moved on to other areas—people like Jane Lomax-Smith and the finance minister, Michael O'Brien, who was a training minister, as was the member for Colton before he moved on to other areas and before he eventually got the sack.

The DEPUTY SPEAKER: Point of order.

Mrs GERAGHTY: Yes, my point of order is: whatever do the member's comments have to do with this bill?

Mr PISONI: This bill is about the integrity of the system.

The DEPUTY SPEAKER: I will listen carefully to the member and make sure that it is relevant.

Mr PISONI: This bill is about the integrity of the Labor Party, and we are here debating this bill today because the Labor Party could not trust itself not to do it again so it had to change the law. It had to change the law, Mr Deputy Speaker.

Mrs GERAGHTY: Point of order, sir. My point of order is that the member is absolutely rambling and not addressing the substance of the bill. I ask that he come back to addressing the substance of the bill.

The DEPUTY SPEAKER: I will listen carefully to what the member says, and he must make sure he confines himself to the bill before him.

Mr PISONI: I am referring specifically to clause 22 of the bill, special provisions relating to how-to-vote cards, because we know that that was inserted into the bill because of the behaviour of the member for Mawson, the member for Hartley and the member for Light, who are all now sitting in the Weatherill ministry.

What is even more extraordinary about the actions of the member for Hartley in stealing these Family First votes is go to her Wikipedia site and she will boast that she is so proud that she was elected in 2006 without the need for Family First preferences because of the hatred she has for the Family First party and yet—

The DEPUTY SPEAKER: Point of order.

Mr PISONI: And yet—

The DEPUTY SPEAKER: There is a point of order, member for Unley. The member for Torrens.

Mrs GERAGHTY: I would suggest, sir, that the member is making statements that I think would be defamatory outside, and I think they are highly inappropriate and improper for this chamber. I would ask that he refrain from making such statements and come back to the substance of the bill.

The DEPUTY SPEAKER: I will ask the member to ensure that he is speaking to the substance of the bill.

Mr PISONI: Thank you, Mr Deputy Speaker, but I invite all members to go on Wikipedia now, unless some Labor staffer changes it before you get there, and you will see that she was proud in 2006 not to accept Family First preferences. If you go back to the media at the time, there was a lot of anger amongst political commentators and journalists about what the Labor Party had done in order to so-called 'sandbag' their most marginal seats.

The political analyst Dr Haydon Manning from Flinders University said the cards were, at worst, 'dirty' and 'sneaky', and at best, confusing Family First voters, deliberately of course. The article written by Brad Crouch covering the election was most damning for his comments about the member for Mawson, Mr Leon Bignell:

> A card distributed in Mawson was headed 'Put your FAMILY FIRST' above a list of candidates showing the Labor candidate Leon Bignell with a 2 beside his name.
>
> Below the list of candidates are the words: 'Preference someone who shares your values, preference Labor.'

Well, I do not think there would be many Family First voters that would support cheating in an election campaign. The article continues:

> Among those handing out dodgy how to vote cards in Mawson was Mr Bignell's girlfriend—

Members interjecting:

The DEPUTY SPEAKER: Point of order.

The Hon. C.C. FOX: Sorry; point of order, and I am actually going to ask the member for Finniss—

An honourable member: That's Finniss.

The Hon. C.C. FOX: Yes, because it was the member for Finniss who was interjecting.

Mr Pengilly: But you've got to give a number.

The DEPUTY SPEAKER: Order!

The Hon. C.C. FOX: I seek your direction here on which number this would be. I know there is one. I believe that one may not refer to matters that are before the court. Is that correct in this instance?

The DEPUTY SPEAKER: Yes.

The Hon. C.C. FOX: It is. Well, unfortunately, that is actually what—and I do not think that the member for Unley is doing this on purpose or maliciously or any of those things—

An honourable member: Yes, he is.

The Hon. C.C. FOX: No, I actually don't think—well, far be it from me to defend him. That matter is currently before the courts, I understand, and I would just like to make that clear. I do not know what the point of order is. I am happy to—

The DEPUTY SPEAKER: I have to rule on that first. The advice that I have received is that the matter is before the courts and we should not be going into that level of detail.

Ms CHAPMAN: Point of order, Mr Speaker. I seek a point of clarification. I am not embarking on any motion to dissent from your ruling. The parliament has, as a matter of practice, recognised the separation of powers and the responsibility independently of the courts and, indeed, of the executive. That is something which is to be commended, because the separation of powers

is an important doctrine. Therefore, to make any comment in relation to matters that are before the courts—that is sub judice which has been referred to—is something that is particularly important in recognising—

The Hon. P.F. CONLON: Point of order. Under what standing order is this member entitled to make a speech about the ruling? If she wishes to dissent from your ruling, she may do so. She cannot make a speech without having some standing order to allow it.

The DEPUTY SPEAKER: Do you have a standing order, or is it a point of clarification?

Ms CHAPMAN: I am seeking a point of clarification. I thought I had made that clear in the initial thing.

The Hon. P.F. Conlon: She is not asking a question: she is making a speech.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: In your statement, in suggesting that the parliament should not go somewhere, when a matter is before the court, I seek a point of clarification as to whether you were saying in any court action at all what can be said or what is too far, whether it is a criminal matter or a civil matter, because I would certainly be putting to you that—

The Hon. P.F. Conlon: That is your question. You are not allowed to make a speech.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: Excuse me, on no point of order that's been put, that is why I am seeking clarification, as to the extent of whether that is a direction that there can be no statement at all, in which case I may wish to put a certain motion to you. If it is simply to say we respect the Independents and therefore be careful about what you might say because we do not want to prejudice the operations of the courts, then we would, of course, respect the caution and advice that you might present to us. So, I would seek whether that is a ruling that we shall not speak at all or what you would mean by what is too far and in what jurisdiction.

The DEPUTY SPEAKER: The ruling that I have given in regard to the member for Unley is really in respect to what influence that might have on the courts and whether it would impair their judgement. I am not saying you can not make any comments at all, but I am referring to the level of influence or whether you would impair the courts, so I would ask you to take that into consideration as you are making your contribution.

Mr PISONI: Thank you, Mr Deputy Speaker. Family First's official second preference in the seat of Mawson was for the Liberal candidate, that was what they were instructing or advising their supporters to vote.

The Hon. C.C. FOX: Point of order, Mr Deputy Speaker: I understand that this matter, as you have just mentioned, and as confirmed by the gentleman here, is sub judice and, as a result, the particular events, as they did or did not occur that the member for Unley is talking about—

Mr Pisoni interjecting:

The DEPUTY SPEAKER: Order!

The Hon. C.C. FOX: —and, as I understand from your ruling, we were not going to discuss that.

The DEPUTY SPEAKER: Well, in so far as the influence and what impairment you would have on the court and, of course, we have to also be careful of reflecting on members.

Mr PISONI: I can understand why the Labor Party is embarrassed about this whole situation, Mr Deputy Speaker—

The DEPUTY SPEAKER: Well, it is not a matter of embarrassment.

Mr PISONI: Absolute fraud on the people of South Australia. I can understand why they are embarrassed and I can understand why it is that they have to change the law because they can't trust themselves not to do it again. I can understand that. There is no doubt it was well reported throughout the media and witnesses have come forward saying that Sandra De Poi was spotted handing out the how to vote cards at the Hackham West community centre on election day, and when she was approached she declined to make comments before leaving and after initially confirming—

The Hon. C.C. FOX: Point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: Point of order, please, member for Unley. We have another point of order.

The Hon. C.C. FOX: The point of order, once again going back to the issue of it being before the courts: I think that the reference you are making to whether a certain person did or did not, you are deciding on the basis of whatever information it is you have from the media, wherever it may be, that a certain thing occurred. Now, I believe that the lady in question says that it did not and that that is the very matter which forms the basis of the civil matter that we are talking about. So for the member for Unley to make an assumption that something did occur when, in fact, the very nature of that occurrence is being questioned in the courts is not an assumption I think is proper or right to make in this place.

The DEPUTY SPEAKER: I uphold that point of order and I would ask the member to return to his speech and take into account what we have already ruled on.

Mr PISONI: Of course, I am only talking about what is being asserted in the public arena already. Of course, the ALP State Secretary, Michael Brown, confirmed the cards had been handed out in a number of seats and, as we spoke earlier, we spoke about those seats. The members of three of those seats have now been rewarded by Mr Weatherill, the Premier of South Australia, with ministerial positions, earning salaries in excess of $270,000 a year.

So, one must ask whether the $5,000 penalty that is in the bill is enough to deter this offence from happening again from the Labor Party, breaking the law, knowing full well that it is simply a $5,000 fine. Well, that is not a bad investment for a ministerial salary, I have to say. So, it will be interesting to see just how the Labor Party approaches the next election.

What is interesting is that Mr Brown, the state secretary of the Labor Party at the time, said, 'The material complies with the act and I'm not concerned about the repercussions.' He is not concerned about the damage that it does to South Australian communities or the damage it does to people's views of politicians in South Australia. What an outrageous comment.

It is win at any cost for the South Australian Labor Party, and South Australians need to remember that at the next election. Regardless of what they promise, regardless of what they tell you at election time, expect something different after the election. It came straight out of the state director's mouth: 'I am not concerned about any repercussions from the actions of the Labor Party in order to hang on to those key marginal seats and hang on to government.'

Although Lindsay Simmons in the seat of Morialta was slaughtered by a very good candidate (the new member for Morialta, John Gardner), she was, of course, rewarded with a plum board position in the training area that paid about $30,000 a year for the work she did with the South Australian Labor Party.

I will not hold the house up much longer, but I would like to refer to a comment made by Geoff Roach in *The Advertiser,* who was again reporting on the poor example of politics here in South Australia. 'Our slippery politicians master the art of the very greasy poll' is the story's headline. He finishes off with a personal comment about the member for Mawson, Mr Leon Bignell:

> Satire aside, I have to express my public regret that someone I thought I knew well—member for Mawson, Leon Bignell—sanctioned the how-to-vote card ruse and defended it in the aftermath. And in the estimation of many voters, it was wrong that his girlfriend—Sandra De Poi who is an $80,000 Labor appointed member of the WorkCover board—helped distribute the dodgy cards wearing a fake Family First T-shirt.
>
> Biggles, as he was known as a journalist, always seemed to be not only an entertaining and astute fellow but an honourable one. Sadly, after Saturday—

meaning the election, of course—

> I'm no longer sure that's the case.

I am sure that that is exactly what the people of Mawson know and understand about Mr Bignell today.

Mr PENGILLY (Finniss) (12:57): In a similar vein but not so extended, I would like to also support the bill. However, I indicate that I also find it unfortunate that it has become necessary to put some of these things into place because of the actions taken by some candidates from the Labor Party at the last election, first and foremost, of course, the member for Mawson, Mr Bignell. I just found it absolutely incredulous at the time that anyone could stoop to such a low act.

I think what happened in the seat of Mawson, as alluded to by the member for Unley and some others, cast a slur on all members of parliament and all political parties. To run around and try to pretend that you are selling another party and getting them to vote for you is as about as low as a snake's guts, quite frankly. It was disgraceful. It is well and truly remembered down there and it is remembered by Family First particularly. When the Labor Party wants to go running around getting preferences at the next election, Family First will remember that, I am sure. I do not speak for Family First, obviously, but they are pretty incensed by it.

Traditionally, the colour of the Labor Party is red, sir, as you well know, and the Liberal Party's colour is blue. Mr Bignell is not content to do what happened on election day, he also has the big sign at his office in all blue with 'Mr Bignell' in white letters. It is just ridiculous—

Members interjecting:

Mr PENGILLY: They don't like it, do they? They really don't like it when they get the truth. They really don't like it, so—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. P.F. Conlon: Give him back his blue.

Mr PENGILLY: I seek the protection of the Chair from this vicious attack from the very red-faced member for Elder.

The DEPUTY SPEAKER: I don't think he has even warmed up.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr PENGILLY: The Liberal Party supports the bill. It is highly likely that in this place, or another, there will be amendments put to the bill and it might suit to make it a better bill. I hope that they get—

The Hon. P.F. CONLON: I rise on a point of order. I cannot help noticing that the member for Finniss has some of our red on his tie.

The DEPUTY SPEAKER: He is wearing it proudly.

Mr PENGILLY: It is a Commonwealth Parliamentary Association tie, Patrick.

The DEPUTY SPEAKER: Do you want to seek leave to continue your remarks, member for Finniss?

Mr PENGILLY: Yes, thank you.

Ms CHAPMAN: I rise on a point of order. I just seek to clarify this because there is a prohibition on any reflection on Her Majesty or the Governor or places of other parliament and I would hope to ensure that whoever of those might be reading our powerful submissions in this debate that they would not be in any way offended by the reflection on the member's tie.

Leave granted; debate adjourned.

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

ANSWERS TO QUESTIONS

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

GOVERNMENT ENERGY INCOME

In reply to **Mr WILLIAMS (MacKillop)** (22 June 2012) (Estimates Committee A).

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development): I am advised the income under sub-program 3.4 comprises:

- Sale of energy in remote areas ($4 million);

- Fuel tax credits from the Australian Taxation Office associated with diesel fuel purchases for generating electricity in remote areas ($1.8 million);
- Licence fees levied by the Essential Services Commission of South Australia against South Australian gas and electricity industries (provided through the Department of Treasury and Finance) ($1.8 million); and
- Revenue from Commonwealth rebate programs ($0.3 million).

GOODS AND SERVICES SALES

In reply to **Mr WILLIAMS (MacKillop)** (22 June 2012) (Estimates Committee A).

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development): I am advised the increase in sale of goods and services in 2011-12 is attributable to the transfer of the Remote Areas Energy Supplies (RAES) program from the Department of the Premier and Cabinet during 2011-12. The further increase in 2012-13 is due to tariff increases under the RAES program.

Similarly, the increase in other income is also attributable to the transfer of the RAES program from the Department of the Premier and Cabinet during 2011-12.

OPERATION SCARLET

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.F. O'BRIEN: I rise to update the house on the outcome of Operation Scarlet, a national operation led by the South Australian police. Between August 2012 and January 2013, SAPOL undertook investigations into a national criminal organisation involved in trafficking cannabis and money laundering. The organisation is based in Adelaide and is believed to have regularly shipped large quantities of cannabis to syndicate members in Western Australia and in Queensland.

The organisation has been operating since 2008 and is believed to be responsible for the sale of up to 9,000 pounds of cannabis annually at a value of about $40 million. The result of the investigations, as I said, known as Operation Scarlet, led to the search of 69 premises across the Adelaide metropolitan area as well as the Barossa Valley and at Sunnyside near Murray Bridge.

The result of these operations led to the arrest of 24 offenders in South Australia for a variety of roles within the organisation, including participating in a criminal organisation, aggravated drug trafficking, money laundering and the cultivation of cannabis.

Seizures in South Australia included 10 kilograms of cannabis, 171 cannabis plants, 56 grams of cocaine, steroids as well as close to $200,000 in cash. Searches were also undertaken in both Western Australia and in Queensland, leading to the further seizure of 22 kilograms of cannabis, six plants and more than $200,000 in cash.

Each jurisdiction is currently undertaking confiscation proceedings, with South Australian police currently using the confiscation laws enacted by this parliament to seek restraining orders on 21 houses, along with the seized property valued at around $450,000. If investigations show that these assets are the proceeds of crime, then orders will be sought to have them confiscated.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:05): I bring up the 20th report of the committee.

Report received.

QUESTION TIME

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:05): My question is to the Premier. Which jobs creation forecast is correct? Is it the Premier's promise yesterday to create 100,000 new jobs by 2016, or is it the jobs growth forecast in the Mid-Year Budget Review, which only predicts the creation of 35,000 new jobs by 2016?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:05): Both are accurate. They do different things. One is a—

Members interjecting:

The Hon. J.W. WEATHERILL: Feigned laughter.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Don't slip back into the old ways. You were doing so well yesterday. The way in which both of those forecasts sit together is that one is a conservative estimate for the purposes of our budget forecast, the other is an aspirational—

Mr Marshall interjecting:

The SPEAKER: I call the leader to order.

The Hon. J.W. WEATHERILL: —goal for our party, which we set out in the last election and we continue to pursue.

Ms Chapman interjecting:

The SPEAKER: I call the deputy leader to order.

The Hon. J.W. WEATHERILL: We are proud of the fact that we are pursuing an ambitious growth target for South Australia for jobs. That is at the heart of the Labor project: pursuing jobs for South Australians. Jobs are the thing that give people dignity and purpose. It is the greatest social welfare mechanism to give a job for a family, and we put that at the heart of our political project, and we do not give up on it just because there are difficult times.

South Australians know that they have carved out a place for themselves in a very harsh natural environment, and they have always done that with their ingenuity, their drive and their capacity to find new ways of achieving things. Nothing is handed to us on a platter. I think we had a fantastic example of that recently over the River Murray, when we had to stand up and fight for what we got. I know those opposite—

Mr Whetstone interjecting:

The SPEAKER: I call the member for Chaffey to order.

The Hon. J.W. WEATHERILL: To answer the member for Chaffey, 'What did we get?', we got 2,750 billion extra gigalitres of water. That's what we got, and we got that because we were prepared to stand up and fight. We chose—

Mr PISONI: Point of order: the question was about jobs. I know the Premier doesn't want to talk about jobs, but the question was about jobs.

The SPEAKER: The member for Unley will be seated. He will make his point of order, not an impromptu stump speech. The Premier.

The Hon. J.W. WEATHERILL: It is germane to the question because it is the difference between a conservative budget forecast and an objective that we are setting for ourselves as a state to strive for, and we make no apologies about striving for an ambitious objective because I can tell those opposite—

Mr Gardner interjecting:

The SPEAKER: I call the member for Morialta to order.

The Hon. J.W. WEATHERILL: —one fundamental truth about life is you can never achieve more than you set out to achieve. Those opposite want to set a very low bar for South Australia. They want to set—

Mr PENGILLY: Point of order, sir: debate.

The SPEAKER: I ask the Premier to supply information.

The Hon. J.W. WEATHERILL: Mr Speaker, I am explaining the qualitative difference between those two targets, and what I can say about them is this: we have set ourselves an ambitious objective for South Australia's future. We make no apologies for that. We will pursue that

rigorously, and it stands in stark contrast to those opposite, who simply throw up their hands and hope.

PUBLIC SECTOR

Dr CLOSE (Port Adelaide) (14:09): My question is to the Premier. How is the government renewing the South Australian public sector and how does this differ from other proposals?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:09): I thank the honourable member for her question, and anticipate that she may be soon assisting me in this task of renewing the state public sector. On this side of the house, we are committed to a public sector which, in partnership with the private sector, facilitates growth and provides the services that support people, especially in times of greatest need.

The importance for us staying this course in uncertain economic times is even more important, Mr Speaker. The challenges of achieving it during a period of falling revenues is of course great, and that is why we need to respond to these continuing demands that the community makes for better services with fewer resources to do so.

This can only be addressed by doing new things—thinking about new ways in which we can deliver services. That is why we have established the public sector renewal project, or what we are calling 'Change at SA', under the supervision of a steering committee led by Mr Raymond Spencer, a well-respected businessman who has undertaken important reforms of international organisations.

Mrs Redmond interjecting:

The SPEAKER: I call the member for Heysen to order.

The Hon. J.W. WEATHERILL: Mr Speaker, as part of this project, we have chosen five 90-day projects which are designed to catalyse these changes. They include ensuring healthy patients are discharged from hospitals sooner, getting more police on the beat by reducing paperwork, and making school community hubs for healthcare services for children and families. These projects will realise real benefits to services in themselves, but equally more importantly, they will create new skills and capabilities in our public servants as part of these projects.

These projects will be replicated across the whole of the public sector over the next year until sustained culture change occurs. These changes are underpinned by a set of values which I have released today for further discussion, and I encourage all those who have an interest in this topic to put their ideas forward.

Labor's view about the public sector is clear: the public sector is an asset to be valued, not a burden to be minimised. That is why we are investing in this project to make the public sector more effective, and to get better outcomes for our community. In contrast to those opposite, who have one policy—

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: Point of order from the member for Stuart.

Mr VAN HOLST PELLEKAAN: Mr Speaker, the Premier is embarking upon debate.

The SPEAKER: No, member for Stuart; the Premier is answering the substance of the question and I call you to order, because that is an abuse of the right to take points of order. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. In contrast, those opposite have only one policy about the public sector, and that is to make it a—

Members interjecting:

Ms CHAPMAN: Mr Speaker, if your—

The SPEAKER: Is this a point of order?

Ms CHAPMAN: It is a point of clarification. Your ruling indicated that because the question had 'and will you contrast that with other policy proposals or other options available', or words to that effect, that gives some licence to the government to bring into their response some deluge of claim about what the opposition's position is, which is clearly within our rules debating the matter in

breach of standing order 98. I would seek some clarification of that, because to simply try and pervert the rules by claiming to answer in comparison with other policies or proposals as a means of attacking the opposition on its alleged policies would be a complete abuse of the process of the parliament. So, I just seek your clarification on that.

The SPEAKER: The point is a fair point. The Premier is not responsible to the house for the policies of the opposition, but there is scope to compare and contrast policies and give information—information—about what the two policies are and how they contrast, but to do so without debating.

Ms CHAPMAN: Thank you.

The SPEAKER: Premier.

The Hon. J.W. WEATHERILL: Thank you very much, Mr Speaker. Can I say that, in contrast, those opposite have one policy about the public sector, which is to make it drastically smaller. Now—

Members interjecting:

Ms CHAPMAN: Point of order.

The SPEAKER: No, would the member for Bragg and the Premier be seated. It is simply not a point of order to get up and say, 'I disagree with the Premier'—

Ms Chapman: I didn't say that; I hadn't even started.

The SPEAKER: —or that the Premier's answer is not factual. If the Premier's answer is not factual, you deal with that by substantive motion. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. There is an ideological view, which is a conservative ideological view, that the private sector is good and the public sector should get out of the way. That is the simple proposition.

Ms Chapman: Don't mislead the house.

The Hon. J.W. WEATHERILL: The progressive view of a modern economy is that there is an interaction between the two sectors, which is fundamental to the prosperity of our community. If you want some factual information we can supply it. We had the Leader of the Opposition quoted as saying—

Mr PENGILLY: Point of order, sir: standing order 98—debate. The Premier is once again debating.

The SPEAKER: No; the Premier is presenting information that is answering the substance of the question, which was quite explicit, about comparing policies. Now, if the Premier misleads the house, as the member for Bragg was (out of order) interjecting, then there is a remedy for that, and it is not to take a point of order. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. We have the Leader of the Opposition saying, 'We have no specific plans within the Liberal Party to axe Public Service jobs,' and then he says, 'I'm not saying there will be no Public Service cuts.' So, let's match those two things: there are no plans by the Liberals but there might be public sector cuts. So, who is going to make these cuts? Who is going to make these Public Service cuts? Is it the audit commission?

Ms CHAPMAN: Point of order. I do rely on standing order 98, and in doing so can I put this to you: you have given the Premier permission in your ruling to outline facts as he asserts them and to deal with it in a different way if we consider that to be misleading or otherwise; but to then go on and offer opinion, which is explicitly prohibited under standing order 98, and to enter the debate is in breach of that standing order. It is one thing to say it is asserted that such and such occurred as a fact, and we will do with it as you suggest and as you, wise counsel, have given. However, to then start contrasting those in an argument about what is good and what is bad and express an opinion is explicitly prohibited under standing order 98.

The SPEAKER: Thank you, member for Bragg. I would say to the Premier that he is free to offer the house information about the opposition's policies on this matter but not to debate the matter. The Premier.

The Hon. J.W. WEATHERILL: I will conclude with this remark: what we need is an intelligent debate about the quality of the Public Service, not a mindless debate about its size.

PUBLIC SECTOR EMPLOYMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:17): Supplementary, Mr Speaker.

The SPEAKER: Well, if indeed it is a supplementary.

Mr MARSHALL: I believe it is, sir. Can the Premier outline to the house the number of Public Service cuts his government has built into the forward estimates?

The SPEAKER: Leader, that is not a supplementary, but I will be happy to accept it as another question. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:18): They have previously been outlined in the budget papers.

Members interjecting:

The SPEAKER: Order! If you know the answer, why would you ask the question? Premier.

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: They have.

The Hon. I.F. Evans interjecting:

The SPEAKER: I call the member for Davenport to order. Premier.

The Hon. J.W. WEATHERILL: They have previously been outlined in the budget papers. They increase for a period and then they reduce, and the net effect is 5,222 within the budget papers. They have been set out and made clear. They, of course, are of a completely different order of magnitude to the 25,000 job cuts which have been set out by—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: I call the member for West Torrens to order.

The Hon. J.W. WEATHERILL: —those opposite. No amount of obfuscation about the audit commission is going to prevent—

Mr Pengilly interjecting:

The SPEAKER: I call the member for Finniss to order.

The Hon. J.W. WEATHERILL: —people asking the question: why can't you at some time in the next 13 months tell us how many public sector jobs you wish to cut? And you cannot hide behind the audit commission. We know that it was the strategy used by the Queensland Premier, and now 14,000 public servants are feeling betrayed by the Queensland government because they relied upon the same sort of assurances that are being given by the Leader of the Opposition.

CITY OF ADELAIDE PLANNING

Mr ODENWALDER (Little Para) (14:20): My question is to the Minister for Planning. Can the minister update the house about private investment in the city that has been unlocked since the government's planning reforms and if there are any other factors influencing this investment?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:20): Planning reforms in March of last year, being part of the government's vibrant city priority, have been instrumental in unlocking some $2 billion worth of potential investment for the city.

An honourable member: Billion?

The Hon. J.R. RAU: Billion, yes; it starts with b. This demonstrates business confidence in South Australia's economy. It follows sustained public infrastructure investment in the city. By early to mid next year, the following will be built: the Adelaide Oval, the Riverbank bridge, the Convention Centre stage 1, and the South Australian—

The Hon. I.F. EVANS: Point of order. He needs to speak to the substance of the question, which was about private investment. I draw the Speaker's attention to the fact that the Adelaide Oval, the footbridge—

The SPEAKER: No, don't draw—

The Hon. I.F. EVANS: —and the Convention Centre are all public investments.

The SPEAKER: No, you are just making an impromptu speech. It is not a point of order, and I call the member for Davenport to order. Deputy Premier.

The Hon. J.R. RAU: It might help the member for Davenport, but as I recall the honourable member's question to me it concluded with remarks something along these lines: 'and if there are any other factors'. Am I getting this right—'any other factors'?

The SPEAKER: It would be good if the Deputy Premier didn't debate the point of order.

The Hon. J.R. RAU: Yes, very good. I was enumerating the other factors, Mr Speaker. They include the Adelaide Oval, the Riverbank bridge, the Convention Centre stage 1 redevelopment, and the South Australian Health and Medical Research Institute. By mid-2016, the new Royal Adelaide Hospital will be completed.

The state government is investing $9.3 billion in capital projects over the next four years. The government infrastructure investments and the government's planning reforms are supporting local jobs, local industry and the state economy. Private developers are also eager to invest money. The state government has been providing certainty and confidence to industry.

There is $2 billion worth in potential private investment, supporting local jobs and creating optimism for the construction industry, and it is changing the way people are seeing our city. In the CBD, there are 33 projects worth in excess of $10 million. The Development Assessment Commission has approved so far 10 projects to the value of $383 million, and being considered presently by them are five projects valued at $239 million.

The government is committed to this state and seeing it prosper. Public investment is supporting the private sector and leveraging further private investment. The government investment supports local jobs and supports the economy, and now the private sector is getting behind that too. Those opposite, who think that we should be slashing government investment, clearly do not have the same point of view.

Ms CHAPMAN: Point of order.

The SPEAKER: Member for Bragg, I think I know what it will be. I think the Deputy Premier has finished. Leader.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:23): Of the Premier's most recent 100,000 new jobs commitment, made in this house yesterday, what is the breakdown between full-time and part-time jobs?

The SPEAKER: Premier.

The Hon. J.W. Weatherill: Could he repeat the question?

The SPEAKER: Yes, could you repeat the question, leader? I commend you on your questions being so swift, but please repeat it.

Mr MARSHALL: Of the Premier's most recent 100,000 new jobs commitment, made in this house yesterday, what is the breakdown between full-time and part-time jobs?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:25): The Leader of the Opposition is obviously being tutored by the member for Waite there about trickiness in asking questions—

Members interjecting:

The Hon. J.W. WEATHERILL: Member for Davenport. I've completely maligned the member for Waite. Sorry. The question somehow tries to suggest that there's a new and different commitment that was given yesterday as opposed to the commitment that was given at the 2010 election.

Mr Gardner: What's the answer?

The Hon. J.W. WEATHERILL: Well, if you listen you will hear the answer. The 2010 commitment is about the creation of 100,000 new jobs over six years. That's the nature of the commitment.

Mr Pisoni interjecting:

The SPEAKER: I call the member for Unley to order.

The Hon. J.W. WEATHERILL: But there is no particular breakdown in that commitment about part-time or full-time employment. It's 100,000 new jobs, just as we have created over 120,000 jobs—I think something like 126,000 new jobs—up to this point in the history of the life of this government. So, we have set ourselves a—

Mr MARSHALL: Point of order, Mr Speaker.

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

Mr MARSHALL: Standing order 98—relevance. My question really talked about yesterday's new commitment to create 100,000 new jobs between now and 2016, the commitment you made in this parliament yesterday.

The SPEAKER: Premier.

The Hon. J.W. WEATHERILL: Mr Speaker, if that's going to be the standard that the new Leader of the Opposition is going to descend to, that is the tricky sort of question, then—

The SPEAKER: Premier, be seated. The member for Unley, I hope this is a point of order.

Mr PISONI: The member can't impute improper motives on other members and I ask him to withdraw. The term 'tricky' I would describe as being improper.

The SPEAKER: I'll take that question on notice. That is a pretty fine argument to make and we would be breaking new ground if we couldn't call each other tricky. I'll take it on notice. Premier.

The Hon. J.W. WEATHERILL: Look, the substance of the commitment was that we were going to create 100,000 jobs over the next six years. We continue to maintain that commitment. Nothing yesterday should be taken as anything other than endorsing that commitment.

INFRASTRUCTURE PROJECTS

Mrs VLAHOS (Taylor) (14:27): My question is to the Minister for Infrastructure. Can the minister inform the house on how the government's infrastructure spend supports the economy and how this compares to other states in Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:27): I thank the member for her question.

Ms Chapman: You need to say why you got the job.

The Hon. A. KOUTSANTONIS: Sorry, Vickie? I thank the honourable member for her question and also congratulate you, sir. This is my first question time on my feet with your new appointment to high office. This government is pro development and pro jobs. We understand the importance of infrastructure projects in not only delivering world-class facilities, but also creating jobs in our economy. That is why this Labor government has managed investments of over $9.3 billion on infrastructure spending over the next four years. These projects include the Adelaide Oval redevelopment, creating over 1,200 jobs—

Ms CHAPMAN: Point of order.

The SPEAKER: Point of order, member for Bragg.

Ms CHAPMAN: Repetition: we've just heard this from the Attorney.

The SPEAKER: Member for Bragg, that is not a point of order, and I warn you for the first time. The Minister for Infrastructure.

The Hon. A. KOUTSANTONIS: Thank you, sir. I'll start again. Projects include the Adelaide Oval redevelopment, creating 1,200 jobs, the $350 million Adelaide Convention upgrade, creating 300 jobs, the SAHMRI, creating 320 jobs, the new RAH, creating 3,000 jobs, the footbridge to Adelaide Oval, creating 170 jobs, the Adelaide Railway Station and yard upgrade,

creating 170 jobs, the South Road Superway, creating 2,100 jobs, the duplication of the Southern Expressway, creating 1,040 jobs, completing work which the members opposite left unfinished and which, quite frankly, was humiliating.

There is also $291.2 million in the Seaford Rail extension, creating 610 jobs, $110 million in the Goodwood Junction, creating 250 jobs, and $100 million in the Adelaide to Melbourne road corridor, creating 150 jobs. There are 9,310 total direct jobs created as a result of this infrastructure spend, and this doesn't even take into account the flow-on jobs created in the economy as a result of this. Nearly one-third of our infrastructure spend is in the central business district, and as a result we have leveraged billions of dollars worth of potential private investment in our city. This is also thanks to the government's new planning laws and the generous construction grants the state government has offered.

Why do we invest in infrastructure, Mr Speaker? We do so to implement policy reforms and foster development because we want to see rampant economic growth in this state, and this government will continue to invest in developing this state. We have a plan to grow our state, something Liberal states on the east coast fail to comprehend. In particular, we do not want to suffer the same problems Melbourne is facing with a new rampant decline in construction jobs.

Yesterday in Victoria we saw the Baillieu Liberal government slammed by groups like the master builders, the Australian Industry Group and the Property Council—hotbeds of socialist activity—because of abandoned investment in new infrastructure. *The Age* reported that building companies are planning to shed thousands of jobs as the building industry grinds to a halt. Quoting Timothy Piper of the Australian Industry Group in *The Age*—

The SPEAKER: I trust he's not making a display.

The Hon. A. KOUTSANTONIS: Absolutely not, sir; I am quoting from *The Age*. Under the headline 'State at a standstill':

> The director of the Victorian branch of the Australian Industry Group, Timothy Piper, said it was once one of the most significant economic issues for Victoria and a lack of 'cranes on the skyline' represents poor economic health.

That is the legacy of the Baillieu Liberal government. The vision of this Labor government is 17 cranes on our skyline, more than we have ever seen before in our history. The leader of the opposition talks about an audit commission, which is code for how many cranes he will take down if they come to power.

The SPEAKER: The minister's time has expired. The minister is also debating the question and I would remind the member for Bragg, the deputy leader, that the standing order is against asking whether media reports are true. There is no standing order against quoting from the media.

BHP BILLITON

Mr MARSHALL (Norwood—Leader of the Opposition) (14:31): My question is to the Premier. Has the government held any discussions with BHP management regarding the potential for more than 100 job losses within their South Australian operations?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:31): We were, of course, disappointed to learn today of the suggestion that a number of jobs would be lost at BHP, and I understand the reasoning behind this is for the company to find efficiencies in their operation on the back of sustained low commodity prices and the high Australian dollar.

I also understand this is part of a company-wide efficiency, affecting the whole of their operations across the world, and this is not confined to BHP. It is, of course, occurring across the whole of the mining industry, with somewhere between 8,000-odd jobs being cut from Queensland and New South Wales in their coal industry.

We were advised that the company was intending to make some announcements today. I am yet to see the precise form of those announcements, although we have been given in general terms some advance notice that this was going to happen today. I am looking forward to a full briefing after the conclusion of question time.

COURTS PERFORMANCE

The Hon. R.B. SUCH (Fisher) (14:33): My question is to the Attorney-General. Can the Attorney please inform the house about what the government is doing to reduce costs and improve efficiency in the courts and wider justice system? As the Attorney would well know, it costs the taxpayer a lot of money to run our courts and justice system, and it costs individuals a lot who get involved in it. I am particularly interested in the courts being able to deal with minor shoplifting, contested vehicle expiation notices and behaviour such as urinating in the park at midnight—not that it relates to me. Those sorts of low-level offences can be dealt with at less cost and more efficiently than the current system allows.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:34): I thank the honourable member for Fisher for his question. Mr Speaker, as you know, the honourable member for Fisher has been a consistent and active advocate for all manner of law reform during my time in this parliament, and I would like to genuinely thank him for his interest in this area.

The Statutes Amendment (Courts Efficiency Reforms) Act, which was passed last year, introduces various efficiency measures to the courts which will reduce delay and the cost to parties. I will not go through all of them, because that would take us quite some time and you would stop me well before we got there, so I will just go through a few highlights.

One of the measures is to increase the jurisdictional limit of the Magistrates Court to $100,000 in civil matters. This will mean that more civil claims will now be prosecuted in the Magistrates Court rather than in the District Court. The Magistrates Court has a more restrictive costs scheme than the District Court, meaning that litigation will be cheaper for litigants.

Another of the measures (and this is one that I actually think we need to keep our eye on) is to increase the minor civil jurisdictional limit of the Magistrates Court. I realise that the Leader of the Opposition has been an advocate of this for some time, and he and I have agreed that it needed to change; however, we will keep our eye on it because it has gone from $6,000 to $25,000, which may prove to be too big a jump at once, but we will keep our eye on that and see how it goes. The government has also secured the passage of the guilty plea legislation, albeit without the help from those opposite, and the guilty plea reform will reduce inefficiencies—

Ms CHAPMAN: Point of order: not only is that a reflection on the members but it is also a statement about a vote that has been taken in this house, which is also a reflection.

The SPEAKER: Again, a very fine point. I am sure the Attorney will now refrain from even tangentially reflecting on previous votes of the house.

The Hon. J.R. RAU: Indeed; thank you, Mr Speaker. The guilty plea reform will reduce inefficiencies and delay in the system by placing a clear framework in place around the amount of sentencing reductions available when a guilty plea is entered. In particular, the reform intends to send a strong message that guilty pleas entered at the last possible minute—thereby not enabling the courts to reschedule, and costing a lot of money for the preparation of matters that don't go on—without reasonable excuse will not receive serious concessions. This is an important change.

Finally, the government is taking an active interest in the Chief Justice's push for law reform in the civil litigation area. The Chief Justice has made it clear that civil litigation must be reformed to make it less costly and more efficient. The government agrees with this sentiment and is looking forward to doing further work in this area. Again, can I add my very sincere thanks to the member for Fisher for his continuing interest and works in this area.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:37): My question is to the Premier. What assumptions did Treasury make to arrive at their zero jobs growth forecast this year, given that Deloitte Access Economics modelling forecasts a 0.7 per cent jobs decline this year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:37): The Treasury takes into account a range of different expressions of opinion from a range of agencies, and they make conservative estimates of future employment growth.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, there are other agencies that express different opinions about South Australia's great prospects. They make their own assessment conscientiously after taking into account all of the best available data that is published and making their own analysis.

Mr Marshall interjecting:

The SPEAKER: I warn the deputy leader for the second time. There will be no further warnings.

The Hon. J.W. WEATHERILL: As I have said before, it is a particularly conservative estimate, but that's what you would expect from a treasurer.

Mr MARSHALL: Point of order, Mr Speaker. My question asked what are the assumptions, not that there is a range of them and they are conservative. What are the specific assumptions that were made by Treasury?

The SPEAKER: Yes, I know very well what your question asked, and it is up to the Premier how he answers. It is simply not a point of order to stand up and say that you are dissatisfied with the answer. Member for Florey.

TOUR DOWN UNDER

Ms BEDFORD (Florey) (14:38): My question is to the Minister for Tourism. Can the minister inform the house of the success of the 2013 Santos Tour Down Under?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:39): I would like to thank the member for Florey for her question and acknowledge her great love of cycling and other sports and the hard work that she does for her electorate.

I saw the member for Florey at the Modbury to Tanunda stage. She was there when, for the very first time in the tour's 15-year history, we had a start on grass. It was a beautiful park in Modbury across from Tea Tree Plaza, and the member for Florey and the Minister for Manufacturing were both out there. In fact, I was called on for my journalistic and photographic skills to take a photo of them on the start line with all the riders behind them.

It was great to see so much support. We saw many people from the other side, too, at all the various stages. I want to congratulate everyone for getting out and supporting the race that really takes it to all South Australians. You do not have to go to an arena to see it; it comes past many people's front door.

I also want to thank all the councils for getting behind it. Obviously, the state government makes a big investment to bring this race to South Australia. It is the first UCI event of the year and it is on the world tour calendar. This year, 757,000 people turned out to watch the Tour Down Under, and I want to thank all of those people and the thousands of people who came from interstate and overseas.

The Bupa Challenge from Modbury up to Tanunda attracted more than 6,500 people, including 2,000 riders from interstate and overseas, and there were many more who did not take part in the ride who I met along the way at Mount Barker and throughout the hills. So to all the visitors to South Australia, we hope you enjoyed it and we hope to see you again.

Last year's Tour Down Under had a $42 million economic benefit to South Australia, and we think that, with crowd numbers around the same as last year, South Australia is likely to enjoy that sort of figure as well.

The other thing that was different this year was that we had an extra 10 hours of live coverage through the Channel 9 and GEM network. There is nothing like showing off South Australia than to see the world's best cyclists go through some of the most beautiful regions in the world, and we are very proud to have those regions here in South Australia.

We also saw the Channel 9 *Today* show doing live crosses throughout the week, including to Modbury. They were out there before the sun came up as people like the Premier, our Governor and the federal opposition leader were out there competing in the Bupa Challenge to raise money for a cause (for cancer in most cases) and to keep fit. It is always a good goal for those people who ride bikes to enjoy the Christmas turkey but then try to get out there and ride a bit of it off, with the goal of competing in the Bupa Challenge.

Thank you again to all the people who have worked on the Tour Down Under, the councils that support us and put on the local events around the tour, and the people who came along to see it.

NATIONAL ECONOMY FORECAST

Mr MARSHALL (Norwood—Leader of the Opposition) (14:41): My question is to the Premier. Why is South Australia's share of the national economy forecast to decline from 6.7 per cent in 2002 to 5.8 per cent under Labor's economic settings?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:42): It might be breaking news for the Leader of the Opposition, but there is such a thing as resource states within the Australian economy. They are growing at an extraordinary rate, which of course means that the balance of the economy in proportionate terms is reduced to a smaller proportion of the national economy. That is the simple answer to his question.

RAINBOW ADVISORY COUNCIL

The Hon. S.W. KEY (Ashford) (14:42): Can the Minister for Communities and Social Inclusion inform the chamber about the first meeting of the Rainbow Advisory Council and the LGBTIQ Inclusion Strategy?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:43): I thank the member for her question and I will explain what that is. I am pleased to inform the chamber that on 1 February I attended the first meeting of the Rainbow Advisory Council. For those members in the chamber who are not acquainted with the Rainbow Advisory Council, I can provide the following information.

In early 2012, the government decided to work in partnership with the lesbian, gay, bisexual, transgender, intersex and queer community (the LGBTIQ) to develop a social inclusion strategy for that community. To assist in the development of this strategy, an advisory group of LGBTIQ people was established by the previous minister, the Hon. Ian Hunter. The council consists of 16 people and will run for a term of 18 months.

It was a privilege to hear from the different members of the council, especially about their diverse backgrounds. A common theme was a commitment to community service and social justice. I was also pleased to hear that the members of the council represented all age groups and came from both metro and regional parts of the state.

The Rainbow Advisory Council will be responsible for consulting with interested parties from around the state to assist in developing recommendations and actions which will form the LGBTIQ Inclusion Strategy. It is my understanding that the council will meet again in March to confirm its terms of reference and develop a work plan for the next 18 months.

The council is co-chaired by the Executive Director of the Policy and Community Development Division of the Department for Communities and Social Inclusion and Mr Scott Sims. Ms Katrina Marton will be the deputy chair of the council. Both Mr Scott Sims and Ms Marton were elected by the council itself.

The government, as an initial step in developing the inclusion strategy, also commissioned what is known as the South Australian Rainbow Survey to ascertain what the important issues were facing the LGBTIQ community. The survey was undertaken in August and September last year and I am pleased to say that 431 responses were received. The initial feedback indicates that the three top priorities identified by people in that community were anti-discrimination, health and wellbeing, and cultural respect and awareness.

The survey results will be used by the council to assist them in targeting their efforts as best as possible and I look forward to receiving a more detailed analysis of survey results in the near future. I look forward to working alongside the Rainbow Advisory Council to achieve practical solutions to assist in improving the lives of people within the LGBTIQ community.

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:45): My question is to the Premier. Can the Treasurer update the house on what level total government financial liabilities will peak at, and when this will occur?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:45): I thank the honourable member for his question. In the 2015-16 year, our total government debt will peak at 12.3 per cent of gross state product.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: It's in the order of $14 million.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: That's what I said—in the order of $14 million, 12.3 per cent of gross state product, in the order of almost three times less than what was the case in the mid-90s and about six times less than was the case under the Playford era. These are manageable levels of debt supporting strong infrastructure growth about the future prosperity of our state. If you want to know what the future is under the Liberal Party of South Australia, just insert—

Mr MARSHALL: Point of order, Mr Speaker.

The SPEAKER: A point of order from the leader.

Mr MARSHALL: My point of order is relevance—98. My question specifically talked about total government financial liabilities.

The SPEAKER: As distinct from debt.

Mr MARSHALL: As distinct from debt, so if the Premier could outline—

The SPEAKER: That's clear. Now we're all clear on the question; thank you for restating it. Premier.

The Hon. J.W. WEATHERILL: The relevant metric for the purposes of analysis about the health of the economy is the net public sector debt which is something that we are seeking to deal with. We have forecast over the forward estimates surpluses which will permit us to pay down that debt over a period of time.

Members interjecting:

The Hon. J.W. WEATHERILL: Maybe if the honourable member could perhaps hang around for the answer and pay some respect to the house rather than scurrying off like a cockroach into the corner.

The SPEAKER: Premier, you may not refer to any other member of the house as an animal, of which I believe a cockroach is one, so I would ask you to withdraw.

The Hon. J.W. WEATHERILL: I do withdraw, sir, but it is usually a common courtesy when asking a question to sit quietly and listen to an answer rather than turn one's back on the person who is seeking to answer your question.

Ms Chapman: Like you're doing right now.

The Hon. J.W. WEATHERILL: No, I'm addressing the person who is asking the question, directing my remarks through the chair.

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: Another point of order, member for Stuart.

Mr VAN HOLST PELLEKAAN: Mr Speaker, I don't believe that the Premier actually followed your ruling and withdrew his comment.

The SPEAKER: My understanding was that the Premier withdrew it because it was clearly unparliamentary, and I regard it as standing withdrawn.

Mr WILLIAMS: Point of clarification, sir: if a member is asked to withdraw and they say, 'I withdraw, but' and then qualify their withdrawal, is that withdrawal or is it not, because that's what the Premier did.

The SPEAKER: I don't think the Premier went on to say—

Mr WILLIAMS: He did utter the word 'but'.

The SPEAKER: Member for MacKillop, I don't think the Premier went on to say, having withdrawn the imputation that the leader was one form of an animal, that he was another form of animal, so I think I regard it as unconditionally withdrawn. Premier.

The Hon. J.W. WEATHERILL: What I concluded by saying is that we are prudently addressing our finances by forecasting operating surpluses over the forward estimates, which will assist us to pay down debt, but what is at stake here are the projects which are funded by this debt: the Royal Adelaide Hospital, the South Road Superway, the rail revitalisation, the Northern Expressway, the Southern Expressway, the Adelaide Oval, and the future—

Members interjecting:

The Hon. J.W. WEATHERILL: If those opposite had their way, there would be headlines here saying South Australia rather than Victoria is at a standstill.

Ms Chapman interjecting:

Mr MARSHALL: Supplementary, Mr Speaker.

The SPEAKER: Just a minute. The deputy leader is on her last warning. The bases are loaded. If there is another transgression, I will have to ask her—

The Hon. T.R. Kenyon: You said that last time.

The SPEAKER: I call the member for Newland to order.

Ms Bedford: He has been doing it all day.

The SPEAKER: Indeed. He has been doing it all day. The leader has a supplementary question.

STATE ECONOMY

Mr MARSHALL (Norwood—Leader of the Opposition) (14:51): My question is again to the Premier. Why won't the Treasurer put a dollar figure on the total government financial liabilities, or in fact doesn't the Treasurer know that number?

The SPEAKER: The last part should be ignored.

Mr MARSHALL: I am happy to remove the last part, Mr Speaker.

The SPEAKER: The first part may be answered by the Premier and Treasurer.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:51): I have already given the answer in the general government sector. It is in the order of $10 billion—yesterday I gave this answer—and in the broader state public sector it is a $14 billion proposition. One is about 10 per cent of gross state product and the other is about 12 per cent of gross state product. Both are, on historical terms, quite manageable and, on international terms, excellent. Both involve prudent borrowings to grow our infrastructure for our state.

The Hon. A. Koutsantonis interjecting:

The Hon. J.W. WEATHERILL: This is so we do not have headlines—

Members interjecting:

The SPEAKER: Premier, would you be seated. I warn the Minister for Transport for the first time for making a display. He has only one more warning to go. The Premier.

The Hon. J.W. WEATHERILL: What is at stake here are borrowings supporting infrastructure investment, which are preventing the sort of headlines we saw in *The Age* yesterday and which are putting that state at a standstill.

LITERACY AND NUMERACY

Ms BEDFORD (Florey) (14:52): I was going to raise a point of order at No. 73, but I will ask my question instead; but 73 may be something we could invoke today. My question is to the Minister for Education and Child Development. Can the minister inform the house about what the government is doing to improve numeracy and literacy teaching in our schools?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:53): I thank the member for Florey for her question, and I

know how involved she is in her local schools. This year, junior primary students will now spend a minimum of 90 minutes a week learning science, a minimum 300 minutes on mathematics and numeracy, and a minimum of 300 minutes on literacy, while those in years 4 to 7 will spend at least 120 minutes a week on science and a minimum of 300 minutes a week each on mathematics and literacy.

We are currently in negotiations also with the federal government in relation to a new partnership agreement on improving literacy and numeracy, which will provide supports for schools where it is identified that teachers require additional support to lift the performance of students from disadvantaged backgrounds and Aboriginal and Torres Strait Islander students.

In October last year, the former minister for education released a discussion paper titled 'Numeracy and literacy: improving foundation skills for learning and life' for consultation. We received more than 90 submissions from students, parents, teachers and professional organisations. This strategy is now being finalised, including further consultation, and will be introduced progressively during this school year. A numeracy and literacy unit will be formed to drive and evaluate this work to ensure the strategy is successful. I would like to thank those people and associations who took the time to let us know what they think is important for the education of our young people.

We also know that parents want greater clarity around the literacy and numeracy standards against which their child's progress is measured. This is why for the very first time we will require schools to monitor and report to parents against more explicit numeracy and literacy standards and set targets for improving students' achievements.

We will be making sure the lines of communication are open between parents, preschools and schools so that information learned about a child's development in preschool is shared with their new school. This will help the transition from preschool to school for children and parents. We will make sure that health and education professionals are working together through the Blue Book to identify development and learning needs in those early years. A family numeracy and literacy website—a one-stop shop to provide resources for families to support their child's learning at home—will be developed and launched later this year.

We know that 90 per cent of brain development occurs in the first five years of a child's life, which is why we are starting with our youngest children. This is a rounded approach to numeracy and literacy in our schools. We are engaging our students at the earliest years, we are making sure those students who need additional assistance get it, and we are getting families more involved.

MID-YEAR BUDGET REVIEW

Mr MARSHALL (Norwood—Leader of the Opposition) (14:56): Can the Treasurer explain why the Mid-Year Budget Review revealed a blowout in operating slippage from $75 million to $287 million, and how is this increase comprised?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:56): I will take that question on notice and bring back an answer.

HOSPITAL PARKING

Ms THOMPSON (Reynell) (14:56): Can the Minister for Health and Ageing tell the house what he is doing to ensure affordable parking at metropolitan hospitals?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:57): I would like to thank—

Mr Pisoni interjecting:

The SPEAKER: I warn the member for Unley for the first time.

The Hon. J.J. SNELLING: I would like to thank the member for Reynell for her interest in this issue. In the 2010-11 state budget, the then treasurer, Kevin Foley, announced that the government would investigate the sale of multideck car parks at metropolitan hospital sites, with car parks at the Flinders Medical Centre, Women's and Children's Hospital, Lyell McEwin Hospital, and two car parks connected to the Royal Adelaide Hospital being investigated for potential sale.

The potential sale of these car parks has raised the public's concerns that hospital parking may become too expensive for those who need to visit loved ones in hospitals. The government

has listened to concerns about hospital parking and introduced two hours' free parking in all open-air hospital car parks. Also, I am pleased to tell the house that on Monday I took a proposal to cabinet to ensure there is a mechanism built into any potential sale of multideck car parks to prevent private owners from price gouging.

A potential sale of the car park adjacent to the Women's and Children's Hospital, for instance, could see further expansion of the car park, with a clause written into a contract to ensure parking remains affordable while at the same time allowing a potential private developer to expand the car park and create more car parking places. By putting a pricing mechanism in place, the government is ensuring that any potential future car park owners will not charge unreasonable amounts for individual parking spaces, and it will ensure that South Australians have affordable parking at our hospitals.

At certain locations around the city, it makes good business sense for car parks to be run by the private sector. This will allow the government to put the capital raised by car park sales back into hospitals and the running of our health system. This government is ensuring that it focuses on the business of running governments rather than running car parks that are far better run by the private sector in general.

SA WATER

Mr MARSHALL (Norwood—Leader of the Opposition) (14:59): My question is to the Premier. Is the government planning to write down SA Water's asset base and, if so, by how much?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:59): We have no plans in that regard. We will seek advice from SA Water through the pricing policy process that is fundamentally governed by ESCOSA, and we will make our response to that when and if we have the relevant information. We will be making full public disclosure about the basis for that decision once we have arrived at it, but there are no present plans.

SA WATER

Mr MARSHALL (Norwood—Leader of the Opposition) (15:00): Supplementary to that, Mr Speaker, my question is to the Premier. Is the government in fact ignoring ESCOSA's advice which says, and I quote:

SA Water's asset base will need to be set significantly below the current value in order to prevent future water price rises above inflation.

The SPEAKER: Before I call the Premier, that's not a supplementary question: it's just another question. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:01): We will be acting consistently with ESCOSA's advice, and we will be taking the steps necessary to deliver on the commitment the former treasurer made when he announced the last price increase in relation to SA Water; that is, that they will be pegged at a rate at or below CPI increases. We will be taking the necessary steps, based on advice, and we will be fully accountable to the community and to the parliament about the decisions we take.

GOVERNMENT INVOICES AND ACCOUNTS

Mr MARSHALL (Norwood—Leader of the Opposition) (15:01): My question is to the Premier. Can the Treasurer advise what is the government's benchmark for the proportion of bills that it is to pay on time?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:02): I will take that question on notice and get back to the house.

Members interjecting:

The SPEAKER: Order! The member for Torrens.

Mrs GERAGHTY: Thank you, sir—

Members interjecting:

The SPEAKER: I warn the member for Davenport and the member for Unley, and in the case of the member for Unley for the second time.

The Hon. A. KOUTSANTONIS: I apologise to the Leader of the Opposition; I thought he said 'builds'. I did not hear you say 'bills'. I'm sorry, I misheard you, that's all.

The SPEAKER: Well, in that case, does the minister wish to revise the answer? The Minister for Finance.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:03): The position of the government is that all invoices should be paid within 30 days. In the last six months, excluding health, our performance in late bills has improved from 7 per cent to 3.5 per cent. It is my intention to drive that even further, but there are instances where bills, invoices, have to be questioned: incorrect quality, quantity, poor quality, arriving later than was specified, not meeting specification.

So we will always have invoices that fall into dispute, and to give a percentage of the full 100 per cent of invoices received that would fall into the contestable basket is impossible to do. But what I can say unequivocally is that the performance of the government after the McCann report has improved dramatically and that late bills have fallen from 7 per cent after 30 days to 3.5 per cent, excluding health.

Mr MARSHALL: Supplementary question.

The SPEAKER: No; first of all, Minister for Transport, you do not need to bring back an answer now. Yes, a supplementary, if it is a supplementary.

GOVERNMENT INVOICES AND ACCOUNTS

Mr MARSHALL (Norwood—Leader of the Opposition) (15:04): Just following on from the minister's answer, he said that they were on track except in health. Could he outline to the house what the performance in health has been and what their in full, on time payment has been for the last financial year?

The SPEAKER: Alright, supplementary question taken by the Minister for Health.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:04): I am happy to take the question. The target for Treasurer's Instruction 11 is the payment of 90 per cent of invoices by the due date as measured by invoice volume. SA Health paid 92.2 per cent of invoices within 60 days in 2011-12. For the 2011-12 financial year SA Health paid 70.4 per cent of invoices by the due date, with an additional 21.8 per cent of invoices paid late but within 30 per cent of the due date.

ADULT COMMUNITY EDUCATION

Mrs GERAGHTY (Torrens) (15:05): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about the support the state government is giving to the adult community education sector to assist South Australian adults to learn and develop new skills?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (15:04): I would like to thank the member for Torrens for this very important question. I was delighted that one of my very first activities in these new portfolios was to join tutors, students and community members in celebrating the centenary of that great South Australian institution, the Workers' Educational Association. In fact, I would like to acknowledge that the member for Reynell used to be a board member of the WEA, and it was great to see her there that day.

Clearly, training, skills development and formal qualifications are all really important pillars of an educated and creative community. This is very important not only to individuals but to our state's social and economic health and that's why we are working with industry, training providers and the adult education sector to support and invest in our skills. I give you, for instance, our Skills for All initiative.

Some courses result in a formal qualification while others are an opportunity to expand horizons at a personal level and, crucially, they also help provide very basic skills like literacy and numeracy, including digital literacy. I note that the Minister for Education and Child Development

spoke about this earlier. These are very important skills not only for creating and sustaining employment but also enabling individuals to take part in community life. I offer the WEA my sincere congratulations. We are as a government investing more than $6 million into the adult community education sector and I look forward to working with them.

GRIEVANCE DEBATE

SCHOOL BUS LICENCE RENEWALS

Mr WILLIAMS (MacKillop) (15:06): Today, in order to highlight to the house a very serious problem in my electorate, I wish to read into the *Hansard* a letter which appeared in the local edition of *The South Eastern Times* in Millicent in my electorate. The letter is headlined 'Furner couple driven mad'. The letter says:

> The last straw!
>
> After 30 years of bus driving we are putting on the brakes for good.
>
> Furner mums and dads, don't despair, we have retired from driving the school bus to Kangaroo Inn not because of your children, but because of bureaucratic rubbish which is thrown at us to maintain our drivers' accreditation.
>
> To the uninformed, we drivers have to pass a police check and identification to hold our bus licence to verify who we are and to qualify as good citizens to convoy your children to school.
>
> This year Barb's accreditation fell due for renewal.
>
> She was advised to do the renewal at Mount Gambier as Millicent Police Station was not able to do the task of filling out the form.
>
> On the first trip to Mount Gambier, Barb was sent home again as she had to produce enough identification to prove who she was.
>
> A total of 100 points was required and she was 10 points short.
>
> A birth certificate and driver's licence with a photograph was not good enough.
>
> So the 140km round trip was wasted.
>
> She returned as she was told utility accounts will help to get points—why, I don't know as there are no photographs on them.
>
> Anyway, water rates and power bills were not good enough because they were in husband Steve's name.
>
> So she went home again, with another 140km trip wasted.
>
> On the third time she had a driver's licence, birth certificate and council rates.
>
> Surely she had to be right this time.
>
> But she was sent home again and another 140km trip was wasted.
>
> They claimed the birth certificate extract was not good enough, it had to be the original.
>
> So sorry Furner parents, we give up.
>
> After 30 years of bus driving, we still don't qualify.
>
> Steve and Barb Bellinger
>
> 'Goodnwindi' Furner.

This little letter highlights some of the bureaucratic nonsense that good citizens of this state have to put up with. I accept, my constituents accept and I am sure everybody in this state accepts that we need to do everything we can to protect our children, but this letter highlights the nonsense that is put in front of good upstanding citizens, who have years and years of experience in conveying students to and from school in a school bus, and the hoops that they have to jump through.

It is bad enough that they have to jump through these hoops after having an unblemished 30-year record but then, when they try to do the right thing, they are frustrated in the way that has been explained in this letter. This government continually tells the people of South Australia that we have record numbers of police. What they do not say to the people of South Australia is that those police are managed in a way which seriously diminishes their functionality.

In a country town, it is no good having police unless you can actually get some service delivered from them, and time and time again across my electorate constituents come to me because they cannot get service at their local police station. Notwithstanding that there are

significant numbers of police assigned to a station, they are invariably told they have to go to the next town to get some sort of service.

Mount Gambier is not central to the South-East of the state. It is certainly not central to my electorate, yet my constituents are continually referred to Mount Gambier for these minor obligations. Why is it that people have to drive an additional 100-odd kilometres just to fill out a form to satisfy this sort of obligation?

Mr Griffiths: Madness.

Mr WILLIAMS: It is, as my colleague next to me, the member for Goyder, said, madness. It is madness and, as the Leader of the Opposition has been saying in recent days, this government has been putting the brakes on our economy. This is the sort of nonsense, the red tape nonsense, which is part of that handbrake on our economy, when people are forced to travel long distances and then frustrated not once, not twice, but three times. Goodness knows, I have great sympathy for constituents who, after having gone through all of that, throw their hands up in the air and say, 'Damn it, I'm not even going to bother again.'

This is the sort of thing that is happening daily right across South Australia, this is why this state's economy is struggling, this is why revenues to the government are falling, and this is why this government has created a mess in South Australia.

AIRCRAFT NOISE

Dr CLOSE (Port Adelaide) (15:11): I rise to speak about the impact of aircraft noise on residents in the Mawson Lakes and Parafield Gardens areas. Parafield Airport has been in existence for many years. It is important economically to the state, and many people, including many residents of those areas, are happy for the airport not only to exist but to be exactly where it is.

There is no question of its relocation, and the majority of people who live in the area, and certainly in Mawson Lakes, moved in knowing it was there. However, I have deep sympathy for people who are disturbed by early morning, late evening and weekend training flight circuits. I also note with interest the comments by the Federal Aircraft Noise Ombudsman, who points out that people can move into an area near planes without fully appreciating the possible impact of the noise. He writes in his report, 'The truth about aircraft noise', in January this year:

> It is easy to criticise those people who buy or rent close to an airport for not realising what they're letting themselves in for—buyer beware. On the other hand, it is easy to understand why people can feel misled. References to the air noise exposure forecast—

which is the measure of noise standards—

> can make it seem as though the noise is acceptable, but the experience of noise is such a subjective and personal matter that there can be no standard of 'acceptable' that will meet every individual's notions of acceptable. The experience of my office bears this out.

Parafield Airport has a Fly Friendly program that is a voluntary agreement with the training schools to restrict the time of flights to more reasonable hours.

The conditions of the program are that circuit training will cease absolutely from 11pm on weekdays but will cease from 10pm subject to operational requirements. Quite what those operational requirements are is not defined in the Fly Friendly program. I understand and respect that one is probably the need for people learning to be pilots to practise night flying, and I will come back to that shortly.

The reason I am standing here today is that I have had a resident write to me in the last couple of weeks with a log of flights after 10pm they experienced recently. On 21 December, there were 26 flights directly overhead after 10pm; on 26 December, there were 28; and on 8 January, 48 flights directly overhead after 10pm, some after 11pm. I am not sure that any of us would find that acceptable or reasonable.

It seems likely that the reason for so many flights late at night at this time of year is that the program to run night flight training is not modified to reflect the length of days; that is, nightfall is late in the daylight saving months, and that means a later start to flights. It seems to be most reasonable that the Fly Friendly program be altered during the summer months to restrict night training in those months, and I will be raising this with the airport on behalf of my constituents.

FRUIT FLY

Mr WHETSTONE (Chaffey) (15:14): Today I would like to talk about fruit fly pressures on the food producers of the Riverland and particularly on the Australia Day long weekend.

Every food producer in the Riverland is under siege every day with the added pressure of fruit fly outbreaks in both Victoria and New South Wales, but to hear the results of the random fruit fly roadblock at Blanchetown on the Australia Day long weekend really does beggar belief.

There were 231 vehicles that had fruit detected on that long weekend and of those 231 vehicles, there were 370 kilograms of fruit and not one expiation notice was issued. The people that are coming from the south into the Riverland are putting added burden on the Riverland and putting that region under pressure, particularly the food producers whose markets rely on them to be fruit fly free.

There are 13 of those vehicles that are under review, but it is the added pressure of keeping the region fruit fly free. It is the only region that is totally fruit fly excluded. Every market around the world rests on the market demands to buy fruit, to buy vegetables, out of the Riverland knowing that they are fruit fly free.

I must say that I do commend the team at the Yamba roadblock for their absolutely outstanding efforts, led by Kevin Brown. They work tirelessly to keep all fruit out of vehicles that are coming into the region. But to see a team at Blanchetown not have the powers to issue those expiation notices is again putting at risk the livelihood of every food producer in the Riverland. It is sending, again, a message to all those markets, and, with the release of those numbers, every Riverlander is horrified.

There have been several phone calls made to the Yamba fruit fly team highlighting their concern, and some of them are being quite vocal at the team there at Yamba, and I say to the team at Yamba that they are doing a good job and the people need to understand that the minister needs to put better guidelines in place so that we can actually safeguard the food producers of the river region, up in the Riverland. It is just not good enough. We have the continual risk. New South Wales has thrown their hands in the air with fruit fly, and now the Victorian government is reducing funding. That is putting more and more pressure on every food producer in the region.

It is a jewel in South Australia's crown that we have a fruit fly free zone and particularly in the Riverland that grows the majority of the fruit and vegetables in South Australia. It is just not good enough. The minister now needs to put guidelines in place. We have seen again and again the long weekend random roadblocks that are letting people off. They are obviously not sending the right message.

For those people of Adelaide, those people from the southern areas, who are coming into the Riverland holidaying, we welcome them. But we need the message to get across to them that they need to buy their fruit, their vegetables, in the Riverland, the fresher fruit and vegetables, and it is cheaper. To buy fruit and vegetables in the Riverland is considerably cheaper than it is buying them in other areas.

Let's face it, a lot of that fruit and veg is grown in the Riverland, it is fresher in the Riverland and for the travellers that are coming through the region, coming up to visit, coming up to stay, coming up to holiday, there must be a message sent to them to understand that to safeguard our food industry, to safeguard our export markets, to safeguard the livelihoods of every Riverland food producer, we need that message. We need a stern message, and the only way that people are going to get that message is if we have the campaign to make people aware that they can buy fresh fruit and vegetables in the Riverland rather than transporting them in their vehicle up into the region. It is just not good enough.

The next long weekend when people are travelling to the Riverland, I urge them to consider buying their fruit and vegetables locally in the Riverland. If not, and they are going to continue to buy their fruit and veg in their local areas or at their local shops, they must retain the dockets, so that when they are pulled over by the random road block, they can show their docket with their fruit and vegetables, and that will give a sense of relief to every fruit producer in the Riverland.

MURIEL MATTERS

Ms BEDFORD (Florey) (15:19): Nearly 104 years ago, the first aeronautical protest took place in the skies over London. Some may wonder why this is relevant to this house. I say that activism and dissent still remain an important contribution to a healthy democracy, and an

aeronautical protest in 1909 was at the cutting edge of activism when seen in the context of the suffrage activity in the UK at the time. For during this period, many women and men were disenfranchised, and they and their already enfranchised male supporters were working hard to encourage the Asquith government to make votes a part of the government agenda in the forthcoming parliamentary session.

The reason this is relevant to us is that the protestor was Adelaide born Muriel Matters. The aeronautical protest was the third of Muriel's hat trick of firsts following her successful caravan campaign, and the grille protest in the House of Commons which took the question of votes for women directly to MPs sitting in the chamber and saw Muriel become the first woman to 'speak' in the House of Commons. Muriel had voted twice in South Australia before arriving in London—South Australia being the first place in the world to give women dual franchise—and she joined the struggle because she knew the value of the vote.

Through her actions as a member of the Women's Freedom League, Muriel was able to raise the issue of franchise in the popular press internationally, because in 1909 many countries did not allow their citizens the right to vote. The aeronautical protest was timed to coincide with the procession of the king to open parliament on 16 February. In theory, as tight police cordons prevented women activists from entering the parliamentary precinct to pass out brochures, dropping them from the air could have been an alternative tactic.

That was the object of the exercise that day: showering the king's procession with information on the need to include the debate on franchise as part of the forthcoming session. In practice, however, the plan had some deficiencies, due mostly to the fact that aeronautics was still in its pioneering infancy. Muriel was, in fact, risking life and limb in the name of progress. The airship she had boarded at the Welsh Harp near Hendon was piloted by Captain Herbert Spencer, the only other occupant of the basket attached to the flimsy bamboo framework beneath the 81-foot dirigible gas bag emblazoned with the words 'votes for women'.

Captain Spencer was one of the famous Spencer family, four generations of pioneers who took flight very seriously, graduating from the Spencer Glider in 1868 to a biplane some 40 years later. The glider travelled some 120 feet in its first flight. I have much information on the glider here if members are interested later. The Spencers also held demonstrations of parachuting and ballooning all over the UK and around the world. In fact, one came to Melbourne in 1897 and stayed until 1901 demonstrating parachute jumps from the sky and ballooning techniques.

The airship used on 16 February was Spencer Airship B, a rebuilt and reduced variant of the original B craft that had crashed in May earlier that year. Spencer Airship B was the latest in a line of dirigibles that Herbert and his five siblings had been working on. It was 150 feet long and 35 feet in diameter with a hydrogen capacity of 100,000 cubic feet. It was driven by two water-cooled gasoline engines of between 50 and 60 horsepower, no match, however, for the strong headwinds that day.

The craft rose to a height of 3,500 feet, far too high for Muriel's voice to be heard via the megaphone that she had taken aloft with her. However, the 56 pounds of handbills that she threw down from the sky provided a trail for the suffragist motorcade to follow to the field in Coulsden where Muriel and Captain Spencer landed in trees after an erratic flight of almost two hours. Nevertheless, while their flight went off course, Muriel and the women worked very hard to make sure that votes for women became part of the government's agenda, but it was not until World War I that votes for women were realised.

I am indebted to the Muriel Matters Society who have gathered this information and note that they will be involved in a docudrama that will shortly be released on Muriel's endeavours. I commend to the house Muriel's activism on behalf of votes for women and making the importance of the value of the vote known to the greater public. I know that the Muriel Matters Society will be working very hard to make sure that this message is taken to schools and, in fact, all people, so that they do understand the importance of taking part in our elections whenever they take place.

CITY FRINGE DEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:24): The age of activism is not dead. Indeed, on 30 January this year, a public meeting was held at the Burnside Town Hall. Why? Because the government had announced by press release late last year that it would impose an inner rim structure plan under a ministerial DPA—I think we call them—to impose a building regime of up to 10-storey buildings along Fullarton Road and Greenhill Road without any opportunity for the Burnside council to proceed with its DPA arrangements. In other words, to cut

out the local council, to cut out the local processes and to effectively destroy the usual protections that local residents have to have a say about what is happening in their district.

The Prospect council area, on behalf of its constituents, handed over that responsibility to the state government, and that is its prerogative. It will incur—clearly it has already—the backlash in just handing it over to the government. Mr O'Loughlin, of course, is the mayor out there, and he will have to rise or fall on his decision to do that.

However, the local council representing the people in the south east of Adelaide was completely removed. So I wrote to the then planning minister and said, 'You call a meeting or I will. We will not have a situation where our local people are cut out of this process. We want some explanation as to why our council has been ignored and why it has been cut out of the process.' As best we knew, it was at the table presenting proposals, and the next thing was an announcement that it was cut out. I am very mindful that our local mayor, Mayor David Parkin, has put in a request to the Premier in the last couple of months urging the Premier to meet with him to try to have some restoration of local input.

The government's position is this: 'We have prepared a 30-year plan; this is what we have decided for the people of South Australia. That includes what we are going to do along these roads, and we will decide who would live there, how that will happen and what the rules will be.' Fortunately, the minister agreed to call a public meeting. When hundreds of people turned up to that meeting, it told us that they would not be ignored. They wanted to know what the detail was. They wanted to know that if they were going to have a transport orientated development along their backyards and the government wanted to have multistorey buildings, they wanted to have a say about how that would happen and who was going to park, and whatever.

If you are going to have a transport orientated development plan, then what about the transport infrastructure that goes with it? What about the transport plan? What about fixing up Britannia roundabout? What about discussing with them what the parking arrangements are going to be for all of the people who are going to live in these multistorey buildings? What is the provision going to mean for the safety of our children? Sixty-five per cent of our local community is families. These are mums and dads and children and extended family. These people want to have a say and they want to be consulted.

What was made very clear at that meeting was that just telling people about what the government is going to do and saying, 'You can put in a written submission' is not acceptable. What is appropriate is that they are asked first: 'How do you want to be part of this in our program for Adelaide? It is appropriate that they be involved in that. It is not acceptable to say, 'We're going to do this, and you can tinker around the edges about some minor amendment.' That is not acceptable.

The government has to learn. Surely after the Mount Barker debacle it has learned that it cannot treat people this way. However, the local community made it very clear that night. One of the very good questions raised was about the social impact statement: 'What social impact statement have you done on how this is going to affect our community? We've already got huge waiting lists for our schools, we've got people parking in our streets clogging up the area.' These are basic problems that they already have. They want to know what the government has done in preparation to justify this program.

The very clear message to the government is: 'Do not think you can simply come in and identify what you say is going to happen without bringing the people with you. Surely you must have learned from the disgraceful conduct that your government undertook at the time of the Mount Barker development. Will you ever learn that you have to bring the people with you?' My constituents, the constituents of the seat of Unley, the constituents in part of the Norwood area are all willing to sit down with the government and have this done properly. The government needs to open its ears.

VIETNAMESE NEW YEAR

Mrs VLAHOS (Taylor) (15:29): Thank you, Mr Deputy Speaker, and congratulations on your appointment. You have served us well over the preceding months and it is a pleasure to call you by your official title.

I would like to speak today on an event I have had the pleasure of attending several times before: the Vietnamese Farmers Association annual Vietnamese new year celebration, which took place this year a week earlier, last Saturday, at the Virginia Community Centre at Port Wakefield

Road, Virginia. It was great to return to the traditional side of this celebration with the local farmers and broader Vietnamese community in the northern suburbs of Adelaide last week.

With me on the occasion, after visiting the Tết festival, was the Lieutenant Governor of South Australia and Chairman of the Multicultural and Ethnic Affairs Commission, Hieu Van Le, and his wife, Lan; Mr Phung Phuong Duy of the Hoa Hao Buddhist congregation within my electorate; federal member for my area, Nick Champion (member for Wakefield); the Hon. Jing Lee and David Ridgway from the other place; and the Mayor of the City of Playford, Mr Glen Docherty.

Particularly, it was lovely to see Tung Ngo, the Labor candidate for the upper house in the forthcoming state election with his longstanding connection to the farmers federation and the broader northern area and the Vietnamese community, and also Thanh Phu Nguyen, the President of the Vietnamese Farmers Association, and members of the broader committee and their families. This year is the year of the snake, and each year as the zodiac turns we learn of the features of the different zodiac signs.

This year, the South Australian Vietnamese farming community was celebrating a very successful year, not just the arrival of the new year but how they have achieved so much since 1991. They have supported each other and helped build strong relationships both within their internal community but also with the government and the broader South Australia community. They have also worked hard to maintain their Vietnamese cultural traditions, and wonderful events like this, where my children and I actually wore traditional Vietnamese clothing, are a great way of celebrating that.

We are grateful for the richness they have bestowed on our local community. The Vietnamese community has made an enormous contribution both culturally and economically both with produce and with their children now growing up in the South Australian community becoming doctors, lawyers and contributing in different ways. There is a warmth and a generosity in this community that is something that is to be experienced and I always enjoy spending time with them.

I also enjoyed on Saturday night presenting my annual youth leadership award to David Huynh, a third-year chemistry university student, who won a $150 voucher chosen by the farmers association. I am glad that I donate it every year to that community and they make that selection, and I look forward to continuing that over the coming years.

In conclusion, I would like to congratulate the Vietnamese Farmers Association for yet another fantastic celebration and fundraising event, and I wish them every happiness, good fortune and prosperity in 2013, the year of the snake. Chúc mù'ng năm mó'i!

SECURITY AND INVESTIGATION AGENTS (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:34): Obtained leave and introduced a bill for an act to amend the Security and Investigations Agents Act 1995. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:35): I move:

That this bill be now read a second time.

The private security industry consists of businesses and individuals providing guarding and technical security services. Guarding services include protection of property, infrastructure, events and venues, close personal protection and escort, and carriage and protection of valuable commodities. Technical security services include provision of advice regarding, hire or supply of, and the installation or maintenance of electronic security, alarm or surveillance systems.

Demand for security services has steadily increased since the mid 1980s, due to an increased perception of threats to security. Growing demand has contributed to increased competition and cost-cutting, leading to problems such as 'inadequate training, poor service delivery and a lack of consumer confidence'.

Each state and territory government is responsible for regulation of the private security industry within its jurisdiction. This has led to concerns regarding the need for nationally consistent regulation of this potentially high-risk industry, particularly in the light of varying jurisdictional licensing requirements and the effect of mutual recognition on interstate transferability of security

industry licences. I seek leave to insert the remainder of the second reading explanation into *Hansard* without my reading it.

Leave granted.

On 3 July 2008 the Council of Australian Governments (COAG) agreed to adopt a nationally consistent approach to the regulation of the private security industry to improve the probity, competence and skills of security personnel and the mobility of security industry licences across jurisdictions. The agreed reforms include:

- a list of licensable activities, including:
    - general guarding;
    - crowd or venue control;
    - guarding with a dog;
    - guarding with a firearm;
    - monitoring centre operations;
    - body guarding; and
    - training;
- minimum criminal exclusions in determining a person's suitability to hold a security licence;
- minimum standards for identification and probity checks;
- agreed competency and skills requirements; and
- introduction of provisional and temporary licences.

Jurisdictions have agreed that the national minimum probity standards agreed for the guarding sector are appropriate for the technical sector.

The current regime in South Australia already includes many features of the agreed reforms. For example, part of the new identification and probity regime includes mandatory fingerprinting, which was introduced in this State in late 2005. In addition, most of the agreed licensable activities are already licensed in South Australia. Implementation of the agreement will provide clarity for industry and the community about the activities performed by licensed security agents.

The *Security and Investigation Agents (Miscellaneous) Amendment Bill 2013* seeks to implement the remaining elements of the nationally agreed reforms to the guarding and technical sectors of the industry.

In particular, the Bill introduces:

- a requirement that a person who personally provides security industry training must hold an appropriate security industry trainers licence;
- a requirement that a person must not carry on a business of providing security industry training unless the person has been approved by the Commissioner for Consumer Affairs; and
- probity requirements (fingerprinting and criminal history checks) for the security training sector to the same standard as those imposed on security agents.

The quality and standard of trainers and training organisations is very important as trainers are effectively the gate keepers to the industry. Specific security industry licensing for trainers helps to prevent persons with a serious criminal history from remaining in the security industry through delivery of training and will ensure that those people who provide training satisfy the same eligibility standards as new entrants and licensees.

The existing stringent probity checks for security agents in South Australia will be strengthened. The vast majority of the agreed minimum disqualifying offences are already prescribed in the *Security and Investigation Agents Regulations 2011*. The COAG agreement does not require removal of any additional disqualifying offences from existing jurisdictional legislation, as the national agreement related to an agreed minimum list of offences. The additional nationally agreed disqualifying offences will be prescribed in the Regulations, thus strengthening the position in South Australia.

The opportunity has also been taken to restructure provisions of the Act to simplify its presentation. While this restructuring is largely cosmetic in nature, it involves creation of an expanded concept of fit and proper person to hold a licence or to be a director of a body corporate that holds a licence.

COAG also agreed to implement *provisional* licenses (subject to completion of training) and *temporary* licenses (for people who, for example, come from interstate and seek a licence for a short time). South Australia does not currently issue temporary licences. Mutual recognition already allows for recognition of licences and entry of licensees from other jurisdictions. While the Bill provides for these licences, it is not proposed to commence these provisions at this stage, until additional consultation and further analysis of these licences has been undertaken. This approach prioritises implementation of those reforms that would, if deferred, undermine operation of mutual recognition or delay further work towards national licensing.

The harmonised laws aim to improve public confidence in the private security industry as stringent probity checks and training requirements will in future apply across all jurisdictions. Improved labour mobility across jurisdictions due to consistent controls may also address any shortages of private security personnel during times of high demand for public protection, contributing to improved public wellbeing and safety.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that commencement will be on a date set by proclamation and that section 7(5) of the *Acts Interpretation Act 1915* does not apply (whereby an Act comes into operation 2 years after it is assented to, unless brought into operation before then).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Security and Investigation Agents Act 1995*

4—Amendment of long title

5—Amendment of section 1—Short title

The long title and short title are amended to accommodate the fact that certain trainers in the security industry are proposed to be regulated under the Act.

6—Amendment of section 3—Interpretation

The definition of controlling crowds is added to make it clear that a person commonly known as a bouncer will be taken to be performing the function of controlling crowds.

As dogs or other animals are not used to guard persons (only property), the reference to 'a person' is deleted from paragraph (b) of the definition of security agent.

The replacement of the definitions of investigation agents licence and security agents licence does not effect substantive change. It is consequential on the reworking of section 7.

New definitions relevant to the regulation of trainers in the security industry are included. The definition of security industry training sets the scope of the regulation.

The provisions of the Act relating to tests for eligibility to hold a licence or be approved under the Act are restructured. The restructuring involves creation of an expanded concept of a fit and proper person to hold a licence or to be a director of a body corporate that holds a licence as set out in new subsection (2). The new concept covers matters relating to previous offences and disqualifications currently dealt with separately in section 9(1)(b) and (c) and (2)(b)(i) and (ii). As is currently the case, relevant offences are to be spelt out in the regulations but, unlike the current position, the regulations may provide that being found guilty of an offence without conviction may result in the person being ineligible for a licence. The new concept also covers the matters currently set out in section 9A relating to reputation, honesty and integrity and the public interest for security agents and the matters currently set out in section 11AD in relation to psychological assessment of crowd controllers.

7—Insertion of section 4A

This amendment inserts a new clause that declares that certain provisions of the Act are excluded from the operation of section 9 of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth. This will ensure that the new requirements being included in this measure in relation to the approval of security industry training providers (see inserted section 23AAA) will continue to apply to certain organisations providing training, assessment or instruction in relation to the performance of the functions of security agents, in addition to the requirements of the Commonwealth Act.

8—Amendment of section 5A—Enforcement

This amendment corrects the references to the relevant provisions of the *Fair Trading Act 1987* following the amendment of that Act.

9—Amendment of section 5B—Criminal intelligence

The current provision relating to criminal intelligence leading to the refusal of an application for, imposition of a condition on, or suspension of, a security agents licence is extended to cover a security industry trainers licence and approval as a security industry training provider.

10—Amendment of section 6—Obligation to be licensed

Section 6 is amended to make it an offence to personally provide security industry training except as authorised by a licence.

11—Substitution of section 7

Part 2 is restructured to accommodate the regulation of security industry training and to simplify its presentation. The concept of a restricted licence is removed since that concept was largely related to transitional arrangements when the Act was enacted and now involves an unnecessary layer of complexity. The examples of licence conditions are also removed for similar reasons.

2 substantive changes are made in sections 7 to 7D:

- A new concept of a temporary licence is included. This is a licence for a term of less than 12 months. Such a licence is not subject to an annual fee. This is dealt with in new section 7.
- A condition requiring training to be undertaken within a specified period following the grant of a licence is expressly contemplated, as is cancellation of the licence if the training is not satisfactorily completed. This is dealt with in new section 7A.

It is contemplated that these new components will be introduced with a delayed commencement.

7—Grant of licence

This section separates out the power of the Commissioner to grant a security agents licence, investigation agents licence or security industry trainers licence on application as an introductory statement.

7A—Licence conditions

This section deals with the imposition of licence conditions. It includes the contents of current sections 7 and 10. It is made clear that adding or removing authorised functions is to be dealt with through a variation or revocation of the restricted functions condition.

7B—Duration of licence

This section includes the contents of current section 12(1).

7C—Annual fee and return for ongoing licence

This section includes the contents of current section 12(2) to (5).

7D—Surrender of licence

This section includes the contents of current section 12(6).

12—Amendment of section 8—Application for licence

The requirement for an applicant to provide evidence of identity, age and address is extended to each director of a body corporate that is an applicant.

The requirements for the provision of fingerprints that is currently set out in section 8B and for psychological assessment currently set out in section 8C are incorporated into this provision.

The provision is extended to apply to a security industry trainers licence.

13—Amendment of section 8A—Applications for security agents licence or security industry trainers licence to be furnished to Commissioner of Police

The provision is extended to apply to an application for a security industry trainers licence. The content of current section 8B(5) is incorporated into the provision.

Subsection (1a) is new and allows the Commissioner to rely on a recent interstate police check of a person in appropriate cases.

14—Repeal of sections 8B and 8C

These sections have been incorporated into sections 8 and 8A.

15—Amendment of section 9—Determination of application for licence

Section 9 is restructured. It is expressed in terms of an applicant satisfying the Commissioner as to certain matters in order for the applicant to be eligible to be granted a licence. The fit and proper person test is streamlined—see the explanation in clause 6.

New subsection (2a) provides that the Commissioner may grant a licence to a person who does not have the necessary qualifications and experience, subject to conditions that require the applicant to be supervised and to undertake certain training and to not carry on a business as an agent but to only work as an employee. This is to enable the person to gain the necessary qualifications and experience.

New subsection (5) replicates current section 9A(2) and new subsection (6) replicates current section 9A(3). In both cases, the provisions are extended to apply to a security industry trainers licence.

New subsection (7) provides that an application for a licence need not be determined if the applicant for the licence or a director of a body corporate that is the applicant for the licence is subject to a charge of a prescribed offence.

16—Repeal of sections 9A and 10

Section 9A is incorporated into sections 3(2) and 9. Section 10 is incorporated into section 7A.

17—Amendment of section 11—Appeals

The right of the Commissioner of Police to appeal against the grant of a licence is extended to a security industry trainers licence. The remainder of the provision will also apply to such a licence.

A right of appeal is extended to the holder of a licence against a decision of the Commissioner refusing to vary or revoke a condition of the licence.

18—Amendment of section 11A—Power of Commissioner to require photograph and information

The application of the provision is extended to a security industry trainer.

The requirement to provide evidence of identity, age and address is extended to directors of bodies corporate (as in section 8).

Subsections (3) to (5) cover default which is currently dealt with in section 12(3).

19—Repeal of sections 11AB to 12

The content of section 12 is relocated as set out above, principally to sections 7B, 7C and 7D.

Section 11AB is relocated to section 23R (and extended to apply in relation to security industry trainers and providers) and sections 11AC and 11AD to section 23S. The provisions cover matters relevant to the ongoing regulation of agents and trainers.

Section 11B is a new provision designed primarily to assist in the transition to nationally consistent categories of security agents. It contemplates the making of regulations that explain the various descriptions and codes used on a licence to represent particular conditions and provide for the transition into the nationally consistent descriptions. The section allows the Commissioner to require a licence to be presented for updating of the descriptions.

20—Amendment of section 23—Entitlement to be process server

As with agents, section 23 is modified so that the regulations may provide that a finding of guilt without conviction may be prescribed by the regulations as a disqualifying factor for a process server.

21—Insertion of sections 23AAA and 23AA

2 new offences are created:

- carrying on a business of providing security industry training unless the person has been approved by the Commissioner as a security industry training provider;
- employing or engaging another as a security industry trainer to provide security industry training unless that other person holds a security industry trainers licence authorising him or her to personally provide training of the kind to be provided.

To be approved as a security industry training provider the person must be a fit and proper person to hold a security industry trainers licence and approval may be withdrawn by the Commissioner by notice in writing. Evidence of identity, age and address and fingerprinting may be required of applicants for or holders of approvals or of directors if the applicant or holder is a body corporate.

22—Substitution of heading to Part 3A

The heading is amended to accommodate the application of the Part to security industry trainers.

23—Substitution of heading to Part 3A Division 1

The heading currently incorrectly refers to disqualification and the amendment corrects this error.

24—Amendment of section 23A—Circumstances in which Commissioner may suspend security agents licence or security industry trainers licence

Section 23A is extended in application to a security industry trainers licence.

25—Amendment of section 23B—Circumstances in which Commissioner must suspend security agents licence

This is a technical amendment—the regulations simply prescribe offences relevant to a crowd controller.

26—Amendment of section 23C

This updates the penalty to make it consistent with the similar offence in section 36.

27—Amendment of section 23E—Appeal

The right to appeal against suspension is extended to the holder of a security industry trainers licence.

28—Amendment of section 23G—Cancellation of licence

Section 23G is extended in application to a security industry trainers licence. A technical amendment is made to match the prescription of offences by the regulations. It also updates the penalty to make it consistent with the similar offence in section 36.

29—Substitution of heading to Part 3A Division 2

This amendment is for consistency of terminology.

30—Amendment of section 23J—Security agent authorised to control crowds may be required to undertake drug testing

This amendment explicitly contemplates an agreement with a licensee about a different time or place for a drug test and ensures that the provision applies in such a case.

31—Insertion of Part 3A Divisions 3 and 4

Currently, armed guarding of property requires both a security agents licence and a firearms licence. The security agents licence is not expressly connected to the firearms licence and independently authorises the function of guarding property. If a firearms licence is suspended or cancelled (whether voluntarily because it is no longer required by the agent or as a consequence of a breach), the person could continue in a security agent's role without modification of the security agents licence. Under the COAG agreement, South Australia is required to introduce a category of security agents licence for guarding with a firearm. This will require the establishment of a restricted functions condition expressly referring to a firearm. Without amendment of the Act, in a case where the firearms licence ceases to be in force, the restricted functions condition could not be removed other than through disciplinary provisions or on application of the agent. Section 23R is inserted so that the security agents function is automatically limited if the related firearms licence is cancelled or suspended. The licence is required to be returned to the Commissioner so that any endorsement that indicates that the agent is allowed to carry a firearm may be removed.

Section 23S replicates section 11AB and extends its application to security industry trainers and providers. Section 23T replicates sections 11AC and 11AD. The requirement to participate in an approved psychological assessment is brought into line with that in section 8 in relation to an application for a licence.

32—Amendment of section 24—Interpretation of Part 4

This amendment is consequential on the extension of the disciplinary provisions to security industry trainers and ensures that former trainers may be subject to discipline.

33—Amendment of section 25—Cause for disciplinary action

In addition to amendments consequential on the extension of the disciplinary provisions to security industry trainers and the inclusion of references to fit and proper, 3 additional grounds for discipline are added, namely, acting contrary to an undertaking accepted under the Australian Consumer Law, circumstances coming to light indicating non-eligibility for a licence, and failing to properly supervise an agent subject to a supervision condition.

34—Amendment of section 27A—Procedure in the case of complaint against security agent or security industry trainer

35—Amendment of section 29—Disciplinary action

36—Amendment of section 30—Contravention of orders

37—Amendment of section 31—Delegations

38—Amendment of section 32—Agreement with professional organisation

These sections are extended in application to a security industry trainer.

39—Amendment of section 34—Register of licensed agents, security industry trainers and security industry training providers

The register is to be extended to cover security industry trainers and security industry training providers and to record undertakings accepted under the Australian Consumer Law.

40—Amendment of section 36AA—Taking of fingerprints

This amendment supports a more flexible approach to requiring persons to make arrangements for fingerprinting.

41—Amendment of section 36A—Destruction of fingerprints

These amendments are consequential on the changes to the taking of fingerprints and extend the application of the provision to security industry trainers and security industry training providers. They also require the destruction of fingerprints in circumstances where the person ceases to be a director of a body corporate.

42—Amendment of section 36B—Immunity

The immunity provided by the section is extended to cover the suspension or cancellation of a security industry trainers licence.

43—Amendment of section 38—Statutory declaration

This amendment is of a statute law revision nature.

44—Amendment of section 42—Offences by bodies corporate

This amendment extends the definition of *prescribed offence* to cover offences that operate in relation to security industry training providers.

45—Amendment of section 43—Continuing offence

This amendment is of a statute law revision nature.

46—Amendment of section 46—Service of documents

The section is extended to operate in relation to licensed security industry trainers and to provide for notification or service by email.

47—Amendment of section 48—Regulations

The regulation making power is modified to enable regulations to be made requiring security industry trainers to comply with a code of conduct.

48—Repeal of Schedule 2

This is an amendment of a statute law revision nature.

Debate adjourned on motion of Ms Chapman.

WORK HEALTH AND SAFETY (SELF-INCRIMINATION) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:37): Obtained leave and introduced a bill for an act to amend the Work Health and Safety Act 2012. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:37): I move:

That this bill be now read a second time.

The Work Health and Safety (Self-Incrimination) Amendment Bill 2013 will amend section 172 of the Work Health and Safety Act of 2012. The operation of the act commenced on 1 January this year. This amendment is a minor technical amendment which provides certainty in relation to a provision that currently is arguably open to an unintended interpretation.

During the debate on the Work Health and Safety Bill 2012 in the Legislative Council, an amendment to clause 172 was successfully moved by the Hon. Rob Lucas MLC. Clause 172 originally removed a natural person's privilege against self-incrimination—in other words, the right to silence. The intention of the amendment in the Legislative Council was to reinsert this privilege. This was made clear in the parliamentary and other debates surrounding the bill.

It appears, however, that the amendment to section 172 as actually enacted could be interpreted as providing a privilege against self-incrimination to corporations as well as natural persons, which was not the intention. Corporations, at common law, do not enjoy the protection against self-incrimination. If corporations were to be granted the privilege against self-incrimination, it would seriously compromise future investigations into workplace fatalities and serious incidents.

The intention of this amendment is to provide certainty that section 172 provides the privilege against self-incrimination to natural persons only. I commend the bill to members and I seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Work Health and Safety Act 2012*

3—Amendment of section 172—Protection against self-incrimination

Section 172 of the *Work Health and Safety Act 2012* provides that a person is excused from answering a question or providing information or a document under Part 9 on the ground that the answer to the question, or the information or document, may tend to incriminate the person or expose the person to a penalty. The amendment made by this clause makes it clear that the protection against self-incrimination afforded by section 172 applies only to natural persons.

Debate adjourned on motion of Ms Chapman.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

Mr PENGILLY (Finniss) (15:40): I will not take up too much of the house's time. I also note in this bill the issue of postal vote applications. One of the wiser moves made by former treasurer Kevin Foley during his time was to enable members to distribute postal vote applications through the global allowance.

On that basis, on the assumption that all members actually sent them out (which I do not know), around half a million dollars of taxpayers' money went out on that exercise. I think, from memory, it cost me around $11,000, but I have not checked that. That was money that we could have spent on other matters, but it was—

The Hon. J.R. Rau: Exactly.

Mr PENGILLY: Yes. But, I do think that, if the procedure for the distribution of postal vote applications is changed, they should adopt what is recommended. That may be useful. I notice also that Jenni Newton-Farrelly, who is an absolute expert on most of these things—she is a terrific operator and a great help to all members of parliament—has suggested that the bill's drafting is somewhat inconsistent, and that we need to revisit that.

As I said, it does not much matter what we may put up by way of amendments; they probably will not get up. But, I am sure that when it gets to the upper house it will get the substantial doing over which it probably needs, and will be debated long and hard. But, all in all, as I and other members have said, the Liberal Party does support the bill. Democracy is an extremely expensive exercise; however, at the risk of repeating what someone else has said in the past, it is the best system.

We have the best system around, in my view; some others are far from democratic. At any given opportunity, whether it be at a federal, state or local government level across this nation, people can throw elected members out at their whim. I daresay there will be a few getting thrown out at the next state election, and probably a lot more getting thrown out at the next federal election, but that is another story.

I think we have to revisit the way we go about our democratic business, and have bills such as this come into the house. There are a number of other matters in the bill which the deputy leader, as the lead speaker for the opposition, has put to the house but, in closing, I just reiterate: although it is expensive, we cannot afford to have the skulduggery that took place in the seat of Mawson and other seats happen again. I think it is disgraceful, and it is a slur on everybody. With those few words, I resume my seat.

Ms SANDERSON (Adelaide) (15:44): I just have a few things that I would like to discuss. I have only been involved in two elections: my own in 2010, and then the federal election not long after. Certainly, there were a few things which greatly disappointed me and, as a new person to the political process, I found it quite shocking that some of these things were allowed to occur.

In direct reference to the legislation that we are looking at at the moment, I am glad that we are actually addressing these issues and looking at electoral reform. I welcome that, and I also welcome the opportunity for the opposition to have some input to make it even better and even more broad-ranging. In terms of the Deputy Electoral Commissioner, there is a discussion about putting in a term period rather than having it as it is at the moment, which is by appointment, and that expires at the age of 65.

I would like to note that in every other jurisdiction in Australia the Electoral Commissioner is also subject to a time period, which can certainly be extended up to twice on many occasions. Victoria, I think, has a 20-year time period, so it is not as if it is a short-term appointment and would not have any job security. That is not what I am suggesting; however, I do think that there should be a consideration of time periods for both the commissioner and the deputy commissioner.

I am also philosophically opposed to setting a time limit on somebody's skill at the age of 65. There are many people, particularly in my electorate, who are well over the age of 65 who have a lot to contribute to their community, and I just do not think there should be an arbitrary number placed on that. That is my personal philosophical view; however, it is not necessarily the view of the whole Liberal Party, but it is something to consider.

Another thing bothered me, particularly at the federal election when I was working on a booth and handing out how-to-vote cards. The Liberal Party, as we know, has always been associated with the colour blue, the Labor Party with the colour red, and the Greens with colour green. I remember approaching a couple of my constituents at a booth with a blue how-to-vote card, and a couple of them told me they already had one. I looked at and it was actually a Labor how-to-vote card printed very similarly with the same colour blue as that of the Liberal Party.

I found that to be quite false and misleading and quite disturbing that it would be done on purpose, so I welcome that how-to-vote cards will have to be registered. I just hope that we do not have Labor registering the colour blue on their how-to-vote cards immediately because that would certainly be, I believe, in contravention of the intention of this, which is to allow a fair playing field and to be open and transparent about who is to benefit from that vote.

I note that in my own election the Labor candidate sent out a how-to-vote Greens recommendation, and apparently that will still be valid. I believe that is fine if it is noted on it that it is from a Labor member; I do not have a problem with that. I did find it a little bit misleading, and perhaps not as clear and transparent as I think it should be, that in terms of the many corflutes that were up during the election I was running in 2010 the Labor candidate had no reference to the Labor Party anywhere on their poster. I think that if you are a member of a party it should be stated clearly.

I believe in this actual legislation it is clearly the intent that the person to benefit is identified. So, if the Labor Party is to benefit from voting for the person on the corflute or the election poster, I think it should be stated on it. If you are not proud enough to be in the party, well, maybe get out of the party, but I think that a lot of people would like to know who it is they are voting for. The intent is obviously to be fair and to give no advantage.

Again, going back to the election campaign I was involved in, there is a clause that provides that you cannot use materials of a certain size (I think it is greater than a square metre, or two square metres; there is some exact measurement). I went to all my booths (I think there were 13), and they had life-size cut-outs of the Labor candidate, the current member, and they were huge. She is definitely taller than one metre, I can tell you that.

However, because it had been cut out with holes between the arms, legs, and so on, apparently it was about two millimetres off the exact measurement. At first, we were told they had to be removed because it was against the clear intention, which is not to give unfair advantage. Then I had many abusive phone calls throughout the rest of the day from the campaign manager stating that I had to replace them all.

I am very pleased that we are now addressing some of these issues. I think that perhaps this legislation could go further. The intent to create a fair, open playing field, where it is obvious who it is you voting for and where no-one has any unfair advantage, I think is very worthwhile, and I am glad that we are addressing it, but there are other things that could be perhaps included. I think it is also unfair to be wearing a T-shirt that says 'put your family first' if you are not with the Family First Party. I think that is quite misleading and I do not think that should be allowed either.

I have had lots of disturbing calls and appointments with people who have been involved in the electoral process, whether they have been marking off names or whether they have been in the office. Again, as a candidate, because we were allowed to send out the postal votes prior, it meant that I had actually sent out to my whole electorate.

I alerted the Electoral Commission to all of the return to sender envelopes I received that had been sent to deceased people and were flooding back to me and I was informed that, because I was not the sitting member, I was invalid and they do not take any notice. So, people who had some involvement in the commission—I could not say what and I would not if I knew—alleged that those deceased people are kept on the electoral roll for the benefit of the sitting member because they are the only ones who can take them off. I do not know whether that is true, however that is what was alleged.

I think that the electoral roll needs to be updated, as it is in my office. We check the obituaries every single day to make sure that we do not send out letters to people who are deceased and upset their family. It was very disappointing to know that there were several hundred letters returned to me before the last election. Remember that this was only weeks before the election because, once the declaration is made, you cannot send out your how-to-vote cards within 30 days of the election, so it was very close but they were still on the electoral roll. There are lots of

issues and it is great to see that we are starting to address some of those. That is all I would like to say on this.

Mr PEGLER (Mount Gambier) (15:52): I rise to indicate my support for the Electoral (Miscellaneous) Amendment Bill. This bill amends the Electoral Act and I think that anything that gives the electors more confidence and certainty in our electoral system is a good thing. I am sure that, if these changes can be made, there will be much greater participation in the elections, so I certainly support that.

Getting the integrity of the electoral roll correct is extremely important. There are some differences between the federal and state rolls. I think we should have those rolls as accurate as we can. I would also like to congratulate and thank the Select Committee on Matters Related to the General Election of 20 March 2010 on the great work they have done and the recommendations they have made to this parliament.

On the issue of certain how-to-vote cards, I think what was done was quite underhanded. Hopefully, with this bill, those sorts of things can be alleviated in future and people will have confidence that the how-to-vote card that they are handed is the one that they actually wanted, not one that has been basically dressed up to look like somebody else's. I felt that was quite underhanded and hopefully we can get that right.

The specific design of the how-to-vote cards, once they have been registered, will not be able to be changed. There will be able to be changes to the preferences if somebody dies or whatever, but the intent of the bill, as far as I see, is to make sure that people know who that how-to-vote card represents.

The other matter that I found quite appalling in the last election was the way that some of the political parties distributed postal vote application forms to the electors. I had many people come to me, wanting to know what the hell was going on because they had received these postal vote applications from various political parties without realising that they were actually coming from a political party and going back to a political party. They assumed it was coming from the Electoral Commission. This bill, if it goes through, I am sure will alleviate that problem, and people will have much more confidence that when they are sent something it has actually come from the Electoral Commission.

Of course, the candidates will still have the opportunity to provide campaign material to those electors, but they will not be able to surreptitiously make it out as if it is coming from the Electoral Commission. I certainly support those changes to the bill and hopefully, come the next election, there will be much more surety by the people who are doing the actual voting on what the material is that they have been handed and a lot of this underhanded stuff will cease to happen. So, I support the bill.

The Hon. R.B. SUCH (Fisher) (15:55): I will make a brief comment or two. I will not repeat what my colleague has just said, but I essentially agree with him in the sense that this contains some very useful and basic reforms. I guess we could always argue that electoral reform could go wider and deeper, but I think there are some very good initiatives here arising out of the select committee, which was focused on the 2010 election.

The reforms in relation to how-to-vote cards I think are good. I think the linkage with the commonwealth electoral roll is an improvement in the way that is done, and the applications for postal votes are long overdue. I think that activity has caused some confusion in the community, and this bill addresses that issue of postal ballots appropriately.

In respect of the age of the commissioner and deputy, I think it is appropriate that over time all of those age limits be removed. Some people might say I have a vested interest, and actually in relation to judges I have discussed this matter with the former chief justice, the Hon. John Doyle. I think we should move to a situation across the board where we do not have a prescriptive age for retirement for any officeholder.

I think it is clearly a form of discrimination. In some countries, you would not even get on the politburo until you were in your mid-80s, but here, when you are only an apprentice at age 65, you are on your bike. Overall, I regard this as a very welcome package and I trust it will get speedy passage.

The DEPUTY SPEAKER: If the minister speaks, he closes the debate.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:58): Thank you, Mr Deputy Speaker, and can I first of all thank all contributors, although perhaps some of them made contributions more worthy than others.

Ms Chapman: Especially the member for Unley.

The Hon. J.R. RAU: Unfortunately, I did not have a direct observation of the member for Unley's contribution, but by all accounts, it was memorable. I have examined it in the *Hansard* and it appears to be peppered with a lot of interjections, which is always a reliable sign of controversy.

Anyway, this particular piece of legislation has had a pretty lengthy gestation. In fact, it was the first piece of legislation that I brought to the parliament as Attorney in May 2010. At that stage, it went off to the other place where it then found its way into a select committee.

The Hon. P. Caica: It's a bit strange about that.

The Hon. J.R. RAU: Yes, funny, isn't it? Anyway, it found its way off into a select committee. I must say, the select committee did some useful work in relation to this matter, and the bill has now returned with the specific undertakings that were given by both the opposition and the government around the time of the 2010 election about bloggers and so-called 'dodgy' how-to-vote cards as part of this package.

In addition to that, there are some other matters. I did not hear it, but I understand that the deputy leader expressed some reservations about the postal vote reform. I actually regard that as an extremely important reform, and I have been very heartened to hear the comments from the member for Mount Gambier and the member for Fisher and also, I think, the member for Finniss, who made a similar remark.

If we are trying to have as clean a system as we can possible have—and I am talking about the electoral system, the democratic system—it is very nice and proper that we should be trying to eliminate, as much as one conceivably can by legislation, deceptive and tricky electoral practices. I guess the mood of the parliament has been to say that the so-called dodgy how-to-vote cards fit into that category, and this legislation does deal with that.

However, I very much adopt the remarks made by the member for Fisher and the member for Mount Gambier, in that if you continue to allow political parties to, in effect, insert themselves into the process of having a vote, as opposed to making a representation to you or making some sort of pitch to you about 'please vote for me', that is entirely fair; I do not have a problem with that. I do not think anyone here has a problem with that.

However, inserting a political party into the process of that person even getting a vote is what is going on with postal vote applications. The postal vote application, let's be clear on this, is the way that that citizen is going to be able to exercise their democratic right; whether it is said in so many words or not, the current practice means that they are involved with a political party that has a very clear agenda—namely, to get their vote for them—in the whole process of even being given the opportunity to vote, and I think that is a very unhealthy combination.

The system that is being proposed here is that the Electoral Commissioner, who has no view as to how any of us should vote, should manage the process of an individual applying for a postal vote receiving that opportunity. I think that is the most clean, transparent and totally incapable of any sort of abuse system that we could possibly have for postal voting.

The Hon. R.B. Such interjecting:

The Hon. J.R. RAU: Indeed, as the member for Fisher quietly remarks, the political parties are involved in this because at some point in time one or other or both of them formed the view that there was some political advantage in being involved in a postal vote campaign. What this bill seeks to do, what I am asking the chamber to do, is to take that political advantage away by giving it to the neutral player, who is the Electoral Commissioner.

If the political parties, or indeed an Independent like the member for Mount Gambier, want to be made aware of who are the people who are obtaining postal votes so that they might send a letter to that person saying, 'Dear Mr Bloggs, would you consider voting for me?' that is fine because their contacting that voter with electoral material is not connected completely with the obtaining of the voting right; it is separate.

The amendment we have put up facilitates the possibility, if any candidate—not just political party candidates but individuals like the member for Mount Gambier—will have the opportunity of canvassing those people, but it will not be necessary, as might be the case now, where the Labor Party knows who these people are, or who some of them are, the Liberal Party knows who these people are, but the member for Mount Gambier does not know who any of them are. Why is that fair? The member for Fisher does not know who any of them are and the member for Frome does not know who any of them are. How is that fair?

My strong request of the opposition is to give very sympathetic consideration to these matters. It is about cleaning up the system, and it is about not only doing the right thing but the right thing being seen to be done. Can I also say that in light of the Premier's announcement yesterday, we hope this will be the first in a two-step process of reforming the electoral system to make it a cleaner, more transparent system in which members of the public can have greater confidence.

I would say to the opposition—and, as I understand it, the member for Bragg did not say the opposition would be opposing this measure so I am not going to over-egg the pudding—but if they are turning their minds to doing that, please reflect again because you will be swimming against the current tide, you will be going in the direction of secrecy, and political parties having access to things that independent candidates cannot have access to etc., all of which I do not think adds any lustre to us as politicians or to politics generally.

In fact, it is part and parcel of the reason why, when you read the surveys about where people sit in the esteem of the public, I cannot remember whether we are below real estate agents or used car salesmen, but we are in that esteemed company, and speaking, as the deputy would know, as both of us are lawyers, we were already a fair way down the list, weren't we?

Ms Chapman: That's why I came into politics—to move up the list.

The Hon. J.R. RAU: Both the deputy leader and I, I suspect, entered this place in the lofty expectation that by doing this we would be risen in the public esteem because we were, after all, the subject of those terrible jokes about sharks and so on, which both of us had to suffer for years.

Ms Chapman: Bottom of the harbour.

The Hon. J.R. RAU: Bottom of the harbour, yes, all of that stuff. We actually thought we were going to make people think more of us. As it turned out, that is not the case. All of us as members of parliament should be trying to lift the public appreciation of this institution which, for all its faults—and I think the member for Finniss, in his own fashion, was quoting Winston Churchill when he said that democracy is the worst system in the world except for every other system. We can make it better, and we should be trying to make it better.

These proposals, including, significantly, getting the role aligned with the commonwealth role, which will mean we have a contemporary role and an identical role—very important; and, secondly, the idea of having postal voting taken out of the hands of the political parties and put into the neutral, safe hands of the Electoral Commissioner, are two very important changes.

I would implore the deputy leader, please, when you go back to your party room, and when this matter comes into the other place, please support these measures, and be aware that these measures are entirely consistent with everything else that the Premier has been on about and that I have been on about for some time, which is that we want the public to have greater confidence in the electoral system.

We want the public to have greater confidence in the system of government, and the other measures that the Premier announced yesterday are directed towards exactly the same objective, which is to say to the public, 'Some of the concerns which you have—', which we, generally, I think, would agree are more a matter of perception than a matter of bad behaviour but, nonetheless, it does not matter, perception is important. So, I would really urge the opposition to think favourably about this matter when it goes to the other place.

One last matter. Remarks have been made here about the excellent work of Jenni Newton-Farrelly and some of her comments in relation to this matter. She is an extraordinary person and, as a member of this place for a long time, I have been privileged enough to receive endless amounts of excellent research material from her which she willingly distributes to all of us. She has been a help to all of us at some time or another, and I really congratulate her for that.

The Hon. R.B. Such: She just got her PhD today.

The Hon. J.R. RAU: The member for Fisher says that she got her PhD today. Well, congratulations to Dr Newton-Farrelly. The remarks she makes are ones which we will look at and we will consider with parliamentary counsel, and I would be happy to talk to the deputy leader about those things between the house.

My preliminary advice is that some of the things that she has identified conceptually as being problems are much easier in the identification in a conceptual way than they are in the translation into words by parliamentary counsel. That may or may not prove to be an impediment to us, at this point in time anyway, dealing with her points. Out of great respect for her, obviously we would seriously look at anything she proposes but, if it proves to be a draftsman's nightmare, then I think that is something we would need to not allow this bill to be held up on account of. With those words, I hope the bill receives a speedy passage through both this and the other place.

Bill read a second time.

Clauses 1 to 7 passed.

Clause 8.

Ms CHAPMAN: I have a question which I did not canvass during the course of the debate. It has not been the subject of any proposed change. Under the provisions of section 29, which set out the persons who are entitled to be enrolled—over 18, an Australian citizen, etc.—subparagraph (1)(a)(iv) is the continuation of the provision, 'is not of unsound mind'. I will not necessarily comment on the grammar, although I am not a great fan of double negatives. In any event, I just ask the question because I did check this during the course of looking at this bill. There is no provision for the definition of 'unsound mind' either in this act or in this section.

Historically we have obviously used that phrase for a long time in a lot of other legislation, including the Mental Health Act. We upgraded or contemporised a lot of our language. I note that that has not been done here. There may be a good reason for it, including the complications that might go with that. This language is a bit old, and we would look to the government to identify, at least in the meantime, what the current arrangements are for determining whether someone qualifies under this section and whether there are any changes to what I would say is the usual provision, that is, some certification by a qualified medical practitioner as to mental incapacity. Does it go so far as to enable a director of a nursing home, for example, to certify in respect of those who might be, through frailty of age, deteriorating in intellect?

The Hon. J.R. RAU: I thank the honourable member for her question. This is one which I must say we have not really turned our minds, sound or unsound, towards. I think it is there because it is the historically consistent formulation. I am happy to look into it, but can I say to the honourable member that any change to those words necessarily will mean that, if those words are to have any meaning—that is, the new words—a different group of people will be captured or not captured. So my instinct would be to leave well enough alone.

Ms Chapman interjecting:

The Hon. J.R. RAU: It is trying to find who is currently captured. I believe that it does not—if I can use the Latin term, which the former Premier was keen on doing—ipso facto include members of parliament.

Ms CHAPMAN: Just to clarify, then, does it include someone who has been certified for the purposes under the aged care provisions as a director of nursing homes?

The Hon. J.R. RAU: I will find out.

Clause passed.

Clauses 9 to 12 passed.

Clause 13.

The Hon. J.R. RAU: I move:

Page 6, line 26 [clause 13, inserted section 32B(4)(b)]—After 'subdivision' insert:

, unless the electoral registrar is satisfied that the person's particulars on the roll for the subdivision are more up-to-date than his or her particulars on the Commonwealth roll

Amendment carried; clause as amended passed.

Clauses 14 and 15 passed.

Clause 16.

The Hon. J.R. RAU: I move:

Page 7, after line 32 [clause 16(2)]—After inserted subsection (6a) insert:

(6b) If a copy of information contained in the register is provided to a person under subsection (6a), a person who uses that copy, or information contained in that copy, for a purpose other than the distribution of matter calculated to affect the result of a State election or purposes related to the holding of such election is guilty of an offence.

Maximum penalty: $10,000.

Amendment carried.

Ms CHAPMAN: I just had a question on the second clause 16 amendment. Do I take it that this is being added because there was no provision for a penalty at all and that had been just overlooked? This relates to anyone who uses information from the register. It just inserts an offence; it may be because there was no provision in the act already. It does not seem to be disposing of anything else in the bill or the act. Was it just a mistake, that you forgot to put the offence in at all?

The Hon. J.R. RAU: I thank the honourable member for her question. I am advised that clause 16 will dovetail with clause 17, which we have not yet gone to, and the offence is provided in there.

Clause as amended passed.

Clauses 17 to 20 passed.

Clause 21.

Ms CHAPMAN: This is the provision, Attorney, for the publication of electoral advertisements and notices to have disclosure of the party's name with the person authorising them. Usually these are advertisements, of course, and campaign material. It cannot just be 'Jay Weatherill, printed by' etc.; it has to be 'Jay Weatherill, ALP' or whatever political party he might be with at the time.

In the contribution I made, the opposition had raised concern about other parties: that is, third-party endorsement. The sort of examples that we were looking at, of course, are where a person represents a certain organisation. It might be the Conservation Council; it might be the Civil Contractors Federation; it might be associations or organisations that represent specific interests of parties. It may well be the Hotels Association, if we were to pick out one that is current to legislation we are dealing with.

These people are signing as the authorised person, but there is no identification to the viewer of that material as to whom they might represent so, whilst this amendment places an obligation on a political party, it would not apply, I would not have thought, unless they were registered—a group such as GetUp! or some other organisation or a union. It might be any number of people who have actually had this advertisement prepared and paid for by a quite legitimate group, but it has not been disclosed. Has that been under consideration by the government in the preparation of this new obligation? If it has not, would it consider it between the houses?

The Hon. J.R. RAU: I thank the honourable member for her question. We did actually turn our minds, in general terms, to the question of third-party behaviour in the context of election campaigns. As the honourable member would be aware, there are constitutional issues about people's democratic right to participate in the election process which need to be at least borne in mind when one approaches things.

I guess there are a couple of different levels that we could approach the point the honourable member is making. If the deputy is saying that if the Conservation Council, for example, were to campaign about a particular issue in the context of an election would the government be prepared to consider between the houses some provision which would require the Conservation Council to disclose that they are in fact the author and/or funder of that thing, I think that is something we could look at.

However, it depends how many layers of the onion we want to take off. If we then say, 'Beyond knowing that it's the Conservation Council, we want to somehow peer deep into their psyche and determine whether they are supporters of the Labor Party, the Liberal Party, the Greens or whatever they might be,' I do not see how we can take it to that step.

If the honourable member is asking me whether, if the Conservation Council is actually campaigning in an election, they should, as a group that is campaigning, have somewhere written on their thing, 'This campaign is being conducted by the Conservation Council'—if that is the question that is being asked—I do not see anything problematic about that in general terms, although we will have to seek some advice. It might get more complicated in respect of individuals. I do point out, lest anybody think that achieves as much as one at first thought might think it achieves, that does not stop the interposition of a third party.

I will give another example: the Conservation Council wants a particular development to go ahead or not go ahead as the case might be. They campaign in an election, and they are for something or against something. In that context, it would be relatively easy, I think, from a drafting point of view to prepare a piece of legislation that states, 'And if a third party campaigns in the election they should actually say who they are and their registered address,' or whatever.

However, bear in mind—and I am not suggesting the Conservation Council would do this, but we are just using them as our hypothetical—that the Conservation Council could decide that they are going to use the Clerk or the Deputy Clerk as their front person, and they then fund the Clerk or the Deputy Clerk, who then goes off and procures the advertisement. If you then start looking at that anti-avoidance type of stuff, the question is: how far down the rabbit hole do you want to go? What if the thing behind it is a company? Who are the directors of the company and who are the shareholders? Do you see what I mean? It could go a very long way.

I am not opposing what you are raising at all, but it does bring me to the point that if somebody was a decent sort of corporate citizen one would expect that they would not be trying to hide things, they would just put it out there. If they are really dodgy and shaky and supplied with money from Pyongyang or somewhere, they will go to the nth degree to conceal that, and they are the people that any legislative scheme will find it almost impossible to root out.

I do not have any in-principle disagreement with what the honourable member is saying, and we will certainly look at it between the houses. Off the top of my head, I think that all we will do, realistically, is be able to draft something which captures the pretty well straightforward people who are probably going to do that anyway. If the real mischief we are looking at is dodgy people not actually owning up to who they are, unless you have elaborate anti-avoidance provisions cemented into the legislation, you might find they can still do that anyway.

This is an issue that we will all come to in due course, if we get to the business about electoral funding in the not too distant future and ask ourselves the question about third-party campaigns and funding of those campaigns, and what sort of provisions are necessary to be able to provide transparency in respect of those third-party campaigns, which for constitutional reasons we could not eliminate, nor would we really want to. However, it does throw up some conundrums. It may be that to make it actually effective, as opposed to just a bit of well-meaning legislation, you would have to have pretty elaborate anti-avoidance provision.

Just on that point, can I commend to the honourable member the New South Wales electoral act, because there are provisions in the New South Wales electoral act which are designed to sort of attack this problem in the context of political donations, rather than in the context of the actual advertisement.

I think the honourable member will find that those provisions are extensive, complex and, I suspect, quite a headache for whoever has to implement them. It might ultimately be that the question that has been raised by the deputy is actually best dealt with in the context of the other conversation that we are now about to have.

Ms CHAPMAN: I thank the Attorney. I will just raise another aspect of that. My understanding is that Jenni Newton-Farrelly's report brought this matter to the attention of the opposition, and doubtlessly to that of the Attorney. I am sure you have read it thoroughly, Attorney, and that you have complimented her on her contribution to the parliament. This was a matter that she brought to our attention, as members of parliament, to at least place under consideration. Obviously, she is not presenting an argument either way; she just points that out.

We will probably not be able to avoid this, but as near as possible, if we are trying to look at transparency, whether it is in a donation or an in-kind contribution by a third party, or allowing someone's name to be used for the purposes of some other mischief—there are probably many to think of. One I can recall was the attempt by supporters of the gun lobby to infiltrate the Liberal Party of Australia by attempting to sign up multiple members in the state seat of Mitcham, as I think

it was called (now Waite), when the Hon. Stephen Baker was both police minister and local member.

One of the applicants who was seeking admission and membership was named—I will obviously not disclose that, but refer to her as 'Ms X'—and when the application for membership was rejected, an application went to the Supreme Court in an attempt to claim that this was a breach of justice, in that she was being denied the opportunity to join a political organisation. The application to the Supreme Court failed, and there was not even an opportunity for costs to be recovered, because the applicant was what we might describe as a 'person of straw'.

I summarised that position, but people will use names of people in certain circumstances. There is no question that there are penalties which apply to misleading advertising, for example, in campaigns. But, we all know, as a number of members have said today, that having penalties for mischief is sometimes minuscule compared to the financial value in being able to achieve the election of a government or an individual member of parliament.

As best we can, we are looking for transparency, but I think it is fair to say, whether it is a local residents' association, a politically active group such as GetUp!, an industry stakeholder or an advocate representative group—I accept that the definition of these is obviously something that would be important in any consideration, but we will be looking to the government to at least give us an answer, or something to consider when we get to the Legislative Council on Ms Newton-Farrelly's matter.

The Hon. J.R. RAU: If I could make a response to that, I was not aware of the tale of Stephen Baker and his seat, but I hazard a guess that the woman concerned did not genuinely expect to have a lengthy career—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, indeed; but I assume she was not generally expecting a very profitable career in the Liberal Party by taking it to court. Can I say that I am happy to look at this between the houses. I think unincorporated associations, which are another matter that I guess has been raised by the deputy's remarks, are also another case in point. I am happy to think about this more and I am happy to talk to the deputy about this more between the houses, but my suspicion is that we should park this issue into the conversation that I hope to be having with your party and others about other reform in the electoral system.

The one thing we should not be doing is constructing one elaborate scheme in respect of advertising and then constructing another completely different elaborate scheme in respect of donations, because that would create such an absurd situation, and the cost and inconvenience to everybody would be massive. I am not running away from the point; I think it is a good point and I think it is one that we cannot avoid when we start talking about public funding and donation reform. I think we cannot avoid that point, but maybe we should park this into that conversation rather than having it here, which is not to say that it is not a good point.

The Hon. R.B. SUCH: These are more observations rather than questions. I know that the former attorney and now Speaker tried to address the issue of anonymous internet interactions, and this bill does not seek to deal with it either. It is a very complex and difficult matter. I think down the track the nation as a whole needs to address this issue of fake anonymity via the internet where people can slag off and do all sorts of things and hide from real scrutiny.

The other thing that concerns me is letter writers who are actually front operators, foot soldiers, for organisations. In Melbourne *The Age* in election time certainly requires letter writers to identify themselves if they belong to a group, certainly if they hold office in it. I do not believe *The Advertiser* has ever taken that position; I think they should.

I believe that in a democracy people should be open and upfront, and if they are writing a letter and they are the president, secretary, or whatever, speaking on behalf a group and making a political point, that group should be associated with the name of the letter writer rather than trying to create the impression that this is some innocent babe from Kingswood or wherever who was just making a point as an innocent citizen rather than the front for an organisation.

They are observations and concerns, and this bill is not going to address them. I just make those observations because I think they do tend to undermine our democratic process because they allow people to mislead or to hide from scrutiny, and I do not think in a democracy that is a good thing.

Clause passed.

Clause 22.

Ms CHAPMAN: There was concern from the opposition's point of view about the new rules on the how-to-vote cards, and it basically introduces an offence for someone, other than the Electoral Commissioner, who attempts to distribute a how-to-vote card. This sets out the new regime. The definition, Attorney, is:

how-to-vote card includes any material that has the appearance of a how-to-vote card (whether published, on its own, or as part of any other material).

I think we all understand in major political parties what we see as a how-to-vote card; that is, published DL, or whatever, on election day which is handed to somebody and which has the candidates named on it and numbers attached as to the preference of voting which you are inviting the viewer to adopt. But how-to-vote cards may come in some other form, and the rule here basically says you can still send one out but you have to give us advance notice and register it and it has to comply with certain other requisites in size, shape, font, colour and so on—all of that new regime that is going to be implemented.

One of the provisions in the form is 'any other matter prescribed by the regulations for the purposes of this subsection'. We have lots of discussions about what is in regulations and what is not. It just seems that that is a bit of a catchall. Again, it is a question of alerting those who might publish a how-to-vote card.

It might be by an individual, for example, who thought, 'I have the read the act. I have got my thing, I have registered it and it is in a few days before. I am individual X.' It might be the member for Fisher, who is putting out his own how-to-vote card and has the right colour and form and the whole gear ready to inspire people to vote for him, but there is some other regulation that comes into play.

How is it envisaged that the Electoral Commissioner will have any provision for publication? Is there going to be any more detail published at the time of registering to nominate as a candidate? What is the deal going to be there?

The Hon. J.R. RAU: I thank the honourable member for her question. To the extent that I believe I can answer it, the first bit of it was: what is a how-to-vote card or material containing a how-to-vote card? I can certainly tell you what the intention is. The intention is that, if what you, deputy leader, and I would understand to be a how-to-vote card is distributed, that is clearly a how-to-vote card—that is easy.

If we distributed a letter which had on the front of it a how-to-vote card but on the back had a bit of bumf about something else, that would be captured or, if we had some other form of election puffery that goes around the place and clutters the letterbox and somewhere on it there is something that looks like a how-to-vote card, that is captured. But what it would not capture is, 'Please vote for me No. 1,' or something like that, which is clearly in a letter saying, 'Why don't you vote No. 1 for me? I am a good person.' That is not a how-to-vote card: that is election campaigning material.

Bear in mind that the mischief that we were directing our attention to when drafting this was the episode that occurred at the 2010 election. So, there is something of a focus on, literally, the how-to-vote card. That was the intended scope of it; that is what it is intended to capture.

As for the business about any other requirements prescribed by regulation, I guess that was intended so that, in the event of us becoming aware of some other clever idea which we have not yet thought of being used to bamboozle people, the Electoral Commissioner should have the capacity to put before the parliament a regulation to capture that other behaviour—that is the essence of it.

Ms CHAPMAN: I just want to perhaps put these two examples to you. Is an email distributed to people in a workplace saying, 'This is how I want you to vote on election day: Smith 1, Chapman 2, Rau 3,' is that a how-to-vote card? Would a handwritten card of instruction from dad to six children on six different copies and to mum and dad and the neighbours as to how they might all vote for John Rau or Vickie Chapman on the day be a how-to-vote card? There are a myriad of examples. I just mentioned those two, which I am sure the Attorney would appreciate. There would be plenty of others that would exist, so, as I say, we are familiar with a printed how-to-vote card that major parties issue, but we are under no illusion—neither of us were born yesterday—about

the extent of that. The definition does not really help us. I appreciate the ill of evil that is the origin of this response, but the definition does not really help us in that regard.

The Hon. J.R. RAU: I understand the point that the deputy is making, but can I say this: we all know what we are attempting to capture here. Ultimately, the Electoral Commissioner will be the person who is, on a practical basis, the one required to make common-sense decisions about this. In respect of each one of the examples that the deputy gave, if push really came to shove, we would wind up, as the Crown, asking probably somebody like the Solicitor-General, looking at the particular thing, in your opinion, given this particular thing, does it fit or does it not?

It is deliberately not too specific, because we are inviting a common-sense interpretation of it. But by the same token, bear in mind these are anti-avoidance provisions. These are provisions which are there to try and stop smarty-pants going around the new rules which were not then in place. What we are trying to do is capture all of those very clever people and put them on their guard not to try and be tricky.

The other point that just occurred to me, too, is that there is going to be a federal election, so I hear, before we have ours. Let's say, in the course of the federal election, some new ingenious method is devised by somebody and rolled out somewhere in the commonwealth.

Ms Chapman: Craig Thomson.

The Hon. J.R. RAU: Who knows? Who knows where; who knows who? But let's say that happened and the Electoral Commissioner decided, 'I think this is tricky; I do not want this to happen here in South Australia in 2014.' The regulation making power would mean there would be some opportunity for the commissioner to say to the parliament, by way of a regulation, 'I want to fix this up before it creates a problem.' That is the context of it. Even then, as you know, we can disallow those regulations if we do not agree with them, or the other place can.

Ms CHAPMAN: The only other aspect of that is we are only confining it to what the government are proposing and what we expect on election day to be thrown out there. I suppose the question is raised as to whether we should also be looking at other election material.

The Hon. J.R. RAU: Well, that is what that enables us to do.

Ms CHAPMAN: On the day, used in other elections.

The Hon. J.R. RAU: I am not sure I understand.

Ms CHAPMAN: At this stage, we are talking about how-to-vote cards and then having to be basically registered and approved before you can distribute them, but that does not mean that you would not be using other posters or other material. We have always got the misleading provisions, of course, but at this stage we are confining it just to the recommendation or instruction as to how you might cast a certain vote and that that might be presented as deceptive if it is not clearly identified as to who it has come from and so on.

That does not mean—as you say, during the next election we might find another method or material which is outside of the how-to-vote cards. In the definition under this one, it has got to have the appearance of a how-to-vote card. You see, it is just the instruction as to that rather than negative comment. Do you see what I mean? Should we essentially be applying the same regulation and regime to other letters or material of instruction?

The Hon. J.R. RAU: What we have attempted to do is to be as broad as we can in terms of what anyone would understand as a how-to-vote card. I think the member for Adelaide quite rightly made the point that, in the public mind anyway, there is a certain expectation that cards that have a particular colour and format belong to the Liberal Party, cards that have another format and colour are Labor Party, and if you start mucking around with that, one might say, in a deliberate attempt to confuse the voter, you may indeed confuse the voter and thereby, in effect, by stealth secure a vote that you were not intending to receive.

So, that is clearly the mischief we are going at here. If what the honourable member is saying is if some other form of bad behaviour starts creeping into the system, between the houses I would be open to putting in a regulation making power here for the commissioner by regulation to prescribe other behaviour, but I know that is not something that usually sits comfortably with the opposition, particularly your colleagues in the other place.

Mr PISONI: Thank you minister. I want to ask some questions about the maximum penalty of $5,000 for breaching section 22 or 12A, the special provisions of relaying the how-to-vote cards.

How was that $5,000 arrived at, on what basis? We are looking at a situation where there are big stakes in any election. For starters, a backbencher's salary is $150,000 a year, and $5,000 is a very small amount; and is every person handing out that how to vote card eligible for that penalty? Are the producers of the card eligible for that penalty? Just how many times can that penalty be exercised for a single offence if there were multiple participants in that act?

The Hon. J.R. RAU: I thank the honourable member for that question. It is a very good question actually. As I understand it there are two bits to it. The first bit is, 'Why $5,000?' and the second bit is, 'What about the chain of people involved in the thing?', the accessories.

In terms of the $5,000, every piece of legislation that we have has some sort of internal relativity in terms of penalties, and there was no magic to the pick of $5,000 other than it was perceived by those who drafted it, the parliamentary draftspeople, that, given the other penalties in the act, the proportionate penalty that should be attached to this offence was $5,000.

Now, if the point that the honourable member is making is that there are some who wish to make a more emphatic statement about this particular behaviour by increasing that penalty, then I guess that is a matter of opinion. I do not particularly have a strong opinion about that one way or the other, other than to say that if you ramp that up, it may be that you then have an absurdity in respect of other offences which you say, 'Well, if that is worth $50,000, how come it is only $2,000 if you do this?'

So, I am happy to have a conversation with anybody about whether those numbers are appropriate, but just bear in mind, if you fiddle with those numbers, there are relativities contained within the legislation which would also be disturbed and you may not just be talking about this. In order to make the rest of the act then sensible, you may have to start adjusting numbers for other bits. That is the only point I make. But I am happy to have a chat with the honourable member about that. However, I suspect that to fiddle with that, and only that, the Electoral Commissioner and the parliamentary draftspeople would say that it creates an anomaly in that then it is out of step with everything else in it and you would need to look at everything else, that is all.

Now, as to the chain of command business, as I read it, the person who distributes the how-to-vote card in contravention is guilty of an offence. Now, I would read the word distribute as literally distribute, in the sense of being the 'handing out person' or in the case of a person mailing something, the person who mails it. It would not be the postman. Again, I am happy to have a conversation about that, but I think we would need to be careful, again, in that area. For example (and you would not do this), let's say I decided I was going to try to breach this, so I go off somewhere, I have made up my artwork, and I am pretending to be you.

Mr Pisoni: You might need to put a bit of weight on.

The Hon. J.R. RAU: I know. If I am the person who is winding you up to do this or I am in cahoots with you doing this, arguably 112A(1) picks that up because it states that during the course of an election campaign 'a person must not distribute or cause or permit to be distributed', so I think that that will capture those people who are a part of a conspiracy, if you like, to do it, and then there is a penalty of $5,000 for that, as you would see.

We would not want to get the poor old fellow at the printing shop who is, as far as he is concerned, getting a job, and I walk in with this piece of artwork and say, 'Can you print this up for me?' and he says, 'Yeah, okay, no worries,' and he prints it up. They are not involved in the election, they are not on your side, they are not on my side, they are not on anyone's side, they are just running a business, and I do not think we would be wanting to capture them.

I think the answer is that 112A(1) probably picks up all the other people in the smoke-filled room who came up with the plan and probably picks up the people who have been delivering these things to the polling booths, and the people who have been handing them out I guess are captured by subsection (4).

Mr PISONI: Does it pick up the candidates as well?

The Hon. J.R. RAU: I guess it would pick them up if they were captured by the words 'cause or permit to be distributed'. If the candidate was in cahoots, and that is the way that I understand it, they would be in the crosshairs, but if the candidate genuinely did not have anything to do with it, and it was some other bunch of people doing it, which one would think was unlikely but possible, then the candidate would not be in the loop.

Mr PISONI: I am particularly interested, minister, in what the expectation is on the day when this is reported to the Electoral Commissioner. We know that elections start at 8am, when the booths open, and they close at 6pm—that is 10 hours. We all know that every hour is important, and we also know that a great majority of votes happen within the first couple of hours. What is the expectation of the government, first of all, on what process is in place for the Electoral Commissioner to be advised? How long is it reasonable for the commissioner to take action to, first of all, stop the process, and what powers does the Electoral Commissioner have to stop this?

I am just imagining some burly supporters, perhaps union members, who are not interested in directions from the Electoral Commissioner to cease what they are doing immediately. What if they keep going and keep handing them out? What powers does the commissioner have access to in order to stop the behaviour immediately? What does the government think is a reasonable time frame to shut down an illegal operation like this on election day?

The Hon. J.R. RAU: I thank the honourable member for his question. First of all, the actual initiation of the process would be the same as now: it is a complaint driven process. We do not expect the commissioner to be all-seeing, everywhere, whatever. A polling official, for example, might become aware of it by reason of walking around a polling place and, presumably, they would get on the phone to the commissioner, or one of your supporters or one of my supporters might become aware of it and they would get on the phone to the commission.

So, there would be a complaint from somebody, whether it is an employee of the commission or an interested party. That is the beginning of it, that is how it starts. The commissioner would then obviously have to consider the matter. The commissioner would probably seek legal advice in relation to the matter quickly. As to what the commissioner can do, there are provisions in section 113 in relation to misleading advertising. If the advertising is misleading, section 113 of the act provides a series of things, including offences as well, by the way. It states that the commissioner may request the advertiser to do one of the following: withdraw the advertisement, or whatever, or publish a retraction. They can also take the matter to the Supreme Court.

I take the honourable member's point that it is unlikely that we are going to stop the election as it rolls on through the day. However, it is certainly my understanding—and I invite somebody to correct me if I am wrong about this—that this behaviour, if it occurs, by reason of being illegal behaviour under the act, would constitute, I would expect, grounds for a Court of Disputed Returns.

Mr PISONI: I do not want to harp on this but, from what I have heard so far, this could go on for 10 hours. This could start at 8 o'clock and for the whole day there could be illegal how-to-vote cards being handed out. The answer to your question does not assure me that that will stop, even once the Electoral Commissioner is aware of it. Does the Electoral Commissioner have the ability to call the police and have people arrested for handing out these how-to-vote cards?

The Hon. J.R. RAU: I am advised not. I think the best answer to the question is that the Electoral Commissioner can find out. The Electoral Commissioner can ask these people to stop. These people, once identified, will be prosecuted for doing this, particularly if they refuse to stop. So, there is the prosecution that is coming.

Secondly, if there is any suggestion that there has been sufficient confusion generated by this to in any way affect the outcome of the election, then presumably the unsuccessful candidate would be lodging an application before the Court of Disputed Returns. I agree that in the perfect world you would probably want these people bundled off, but we are not in a position to direct SAPOL, and it is not normal for police to arrest somebody for what amounts to an expiable offence or a summary offence.

If the honourable member can suggest some practical, realistic solution to this, I am happy to listen to him, but I presently do not think there is much more that, in the real world, can be done. There are a lot of things which we do not like happening, where the only sanction is a penalty which only actually gets imposed eventually in a court and the person cannot be stopped in their immediate behaviour but ultimately pays a penalty for persisting with it.

Mr PISONI: Will any additional resources be allocated to the Electoral Commissioner so that the Electoral Commissioner is able to use all the powers within the law on election day to insist that the behaviour stop? In other words, will somebody need to leave a polling booth and leave that job unattended to deal with this matter? Will there be a flying squad that the Electoral Commissioner has access to in order to deal with this matter?

I understand your reference to the Court of Disputed Returns, minister, but we all know that that is a very expensive and drawn-out process, in which case a government could have been formed based on the election of the 24th member of that party to the House of Assembly. I can bet my bottom dollar that the hat will go around in both political parties to make sure that the best possible case is fought for on either side. I believe that the fact that the Electoral Commissioner does not have the power to shut this down immediately is a major fault in this part of the act, and I wonder whether the minister could consider how that can be dealt with between the houses.

The Hon. J.R. RAU: I hear what the honourable member is saying. It is obvious that the honourable member finds this behaviour offensive and that is entirely reasonable. I personally think, having regard to the way we enforce everything else around the place, this is not an unreasonable formulation, but I am happy to give some consideration to it, although my preliminary view is that what you are talking it is actually using a sledgehammer to crack a walnut. We would have to talk to the Electoral Commissioner as well because the Electoral Commissioner may have some very firm views about the extent to which the Electoral Commissioner wants to be spending election day potentially policing one of these issues as opposed to dealing with everything else.

However, I will undertake this: I will make sure that a copy of this *Hansard* is obtained and sent to the Electoral Commissioner under a covering note from me asking her whether she would be prepared to give me her comments on the matter. In the meantime, if the member for Unley has any particular suggestion as to how this might be done without overly burdening the Electoral Commissioner with some cumbersome procedure or expensive process, then I am happy to have the conversation.

Mr PISONI: Finally, before bringing this to the parliament, did you look for other examples around the world in similar democracies where situations like this may have been dealt with?

The Hon. J.R. RAU: No, I did not, but if the member for Unley would like to accompany me to 50 or 60 countries during the winter break, we can interrogate them about it. On a serious note, no, I have not, but both the government and the select committee were directing their minds at particular problems that we have encountered in our own state. I believe we have dealt with those here and I believe we have dealt with them satisfactorily but, obviously, I do not say to the member for Unley or anyone else that there is not some evil genius out there who will not come up with some particular scheme that we have not yet thought of and that might be something all of us wish we had thought of and had regulated. I guess if that ever does happen, we will be back here.

Mr Pisoni: If you find him, John, hire him!

The Hon. J.R. RAU: I can say to the member for Unley that I am hopeful that in 2014 I will not need any assistance of that type.

Clause passed.

Remaining clauses (23 and 24) and title passed.

Bill reported with amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:03): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY OFFENCES (FILMING OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October 2012.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:04): I rise to speak on the Summary Offences (Filming Offences) Amendment Bill 2012. This is a piece of legislation introduced by the government. The Attorney-General indicated in his contribution back in October last year, when introducing this bill, that it was necessary to deal with the publication of images that are now able to be made by people, largely on the internet and with the growth of social media.

This legislation addresses an ill which these media now enable to be produced, and with it a growing and unwelcome phenomenon of people using these media to cause distress, humiliation, etc., to another party. The practice, if I can describe it as that, of someone who films someone in

some compromising circumstance—and I will come to definitions shortly, but which is more than just embarrassing—with the view to distributing that to cause humiliation to the victim is something that I think most people in the public are offended by and consider to be unacceptable.

I for one would like someone to produce, in a positive way, some kind of etiquette that is to apply to the use of material, and even the use of all these pieces of equipment, in a public arena. I think there is a need to deal with the issue of when people should be using phones or texting, more than the original idea of whether you should use your mobile phone (which used to be the size of a shoe) in a restaurant or not.

There is a general standard of etiquette for the use of this new technology which I think is wanting in the space of how we might respectfully conduct our relations with fellow human beings without causing what I think are really acts of rudeness in many circumstances. Perhaps we need to have some education or some other application as to when it is appropriate to be texting people or conveying photographs and so on.

This bill, of course, goes much more than to etiquette; it is dealing with how we might control a small portion of the use of this new medium which is obviously unacceptable. As published in the *Sydney Morning Herald*, I noticed that other jurisdictions have looked at a number of these issues. In particular, the Attorney has outlined some very disturbing examples of where people have been photographed, usually.

There was a shocking case in Victoria, which I think was the beginning of a lot of effort being put in to how we might address these matters, where a young girl was forced to perform certain sexual acts. She was disturbingly humiliated in the most disgusting manner, and pictures of this were placed on a DVD and then distributed. All these cases are horrific and disgusting. Other jurisdictions have taken up how they might best manage this, and we already have some legislation which does provide for a number of offences, and I will refer to those in a moment.

Late last year, shortly after this bill was introduced, a case was dealt with in the Sydney local court where a magistrate found an important sports identity guilty of an offence for sending a naked photograph of his former girlfriend to her brother and her best friend. There were assault charges in that case and they were dropped, but the offence of which the offender was found guilty was of using an iPhone in an offensive way. In that jurisdiction, the maximum sentence for an offence was three years' imprisonment.

My recollection is that on that occasion the person convicted was ordered to pay $500 and required to enter into a good behaviour bond for a 12-month period. The magistrate hearing that case identified that the material was clearly offensive and found that it was extraordinarily hurtful that the material was exposed to the victim's brother and friend. In any event, there was general acceptance that this photograph was grossly offensive. So, we are seeing circumstances in which it is being used when it is clearly inappropriate.

We have heard of a whole area of bullying via social media, but the government have been clear, in providing this bill to us, that they are not attempting to cast the net too wide. I note the offences are specifically created, first, to make it an offence to film a person who is being subjected to or forced to engage in a humiliating or degrading act; secondly, to distribute images of that person; and, thirdly, and at a more serious level, if you are engaged in the humiliation and the distribution. They are the three new offences which are going to attract a penalty.

The point which has been raised, and which I think has been acknowledged by the government to some degree, is that there are already significant offences that relate to this type of behaviour; in particular, a number of the publication of images that we are talking about could be caught by assaults, although, as in the case in New South Wales to which I have just referred, the assault charges were not able to be established and a number of counts of assault were dismissed. The publication of images can also be the subject of indecent filming offences which are already in our Summary Offences Act.

Probably, on my assessment, these extra offences, which are proposed in this legislation, are unlikely to do much more; but if they do in the types of cases that have been referred to by the government and which we have seen through the courts since the introduction of these mediums, then that is a good thing. We are here to try to make sure that people do not slip through the net and that they are caught.

My greater concern is that the trigger for the government in introducing these extra filming offences in legislative form was not the events of other inquiries interstate or even their legislation.

The government do not claim these to have been the trigger; they mention them and they outline inquiries made in Victoria, for example, and the report of the Victorian Law Reform Commission in 2010. But if these things were going to have a powerful influence of the government to consider the introduction of this legislation, one would wonder why would take a couple of years to act on it. There did not seem to be any examples of where there had been in South Australia girls dragged away, filmed, subject to disgusting behaviour, and then filmed and the films distributed.

The events that preceded the government's outrage and statements of ensuring that action will be taken that there will be legislative management of these issues in fact was a quite different event. Members might recall the occasion when a young boy in a northern school seriously assaulted other child in the school. The whole event was totally unacceptable, and I do not think anyone in the chamber would not accept that.

It was filmed, and on the face of it seemed clear that the whole assault, the whole treatment of this other child, by the bigger, stronger child was designed to be filmed and to be published. Whether this was for some enjoyment on their part in some sick way or whether it was over zealotry, over active hormones in young boys, I am not here to make that assessment, but the fact is a young boy was treated badly, was clearly assaulted, and then had to suffer the whole humiliation of having that published. Everyone agreed that it was totally unacceptable.

What was interesting about that event—and I do not know whether this is why it was not even mentioned in the contribution by the Attorney—is that it led to other matters being brought to the attention of us here in the parliament and, indeed, the media, and that was the fact that on that occasion apparently the incident of assault on the child was not reported to the parents until some significant delay when that information was disclosed to them. As I recall, there was no report to the police, there was no action taken except for the fact that it became clear that one of the other children had filmed it on his phone.

So, then we have this extraordinary situation where, in the process of concern and complaint of the parent finding out that her child had been assaulted in the schoolyard and the outcry of the family about what had happened, including the lack of that information being conveyed to the parent in a timely manner, the child who had photographed this boy became almost a hero for having exposed what had been totally unacceptable behaviour and neglect at least but also failure on the part of the school and authorities to act in a responsible manner to advise.

So, we have this situation where, but for the clear recorded evidence of this event having occurred, this incident may not have even ever been discovered. It just seems an extraordinary situation where, but for the act of this boy, we may never have known about it and it would never have been exposed that we had this disgraceful situation where the persons who were apparently responsible for the care and protection of children in the school had not acted appropriately.

It is rather disturbing to think that this act, which everyone agrees was totally unacceptable, actually becomes the only window of recording that was then used to expose the serious neglect, in my view—but others will say it was even worse—of that incident. This boy, who had been assaulted and cruelly treated, is obviously not the only one, and not just in schools.

What we expect of the people to whom we temporarily hand over care of children—namely, the schools, the department and the minister responsible—is that if, in the circumstances, a child is the victim of any kind of assault or any humiliating or bullying behaviour, they will then be protected, it will be followed up and the parents will be advised, etc. It is an extraordinary situation, but it was after that that the government came out and said, 'We will ensure that this will not happen again. We are going to pass a law. We are going to do what is necessary to protect against this child or any other child being filmed in these circumstances and them being used and humiliated.'

That is what transpired as the precursor to the government's answer in producing this bill. So, let us be honest about it. It was that event that triggered the government into action. I am very disappointed, not that the bill has come forward, because it does address a bigger picture and a broader issue—I accept that—but that the government uses it as some sort of wand to then cast away any obligation or responsibility they have to deal with what was also a problem, that is, the concealment, the failure to act—

The Hon. J.D. Hill: The conspiracy theory finally emerges after this long rant.

Ms CHAPMAN: The former minister for health, the ghost of health, harks from the backbenches to—

Members interjecting:

Ms CHAPMAN: I would have thought he would be listening very carefully. He has got a great record! He has got a great record of radiation treatment of children, of HIV/AIDS.

The Hon. J.R. RAU: Point of order.

Members interjecting:

The DEPUTY SPEAKER: Order! There is a point of order being taken by the Attorney.

The Hon. J.R. RAU: I was listening with, I think, quite a bit of forbearance and I do not blame the member for Kaurna for his forbearance having finally reached the end of its tether because, instead of talking about this bill, in effect, this is now a proxy conversation about what Mr Debelle is looking at. I am not saying that what Mr Debelle is looking at is not interesting or relevant or something the public is interested in, but it is not actually particularly relevant to explore it at length in the context of this particular issue.

I let the honourable member go because what she said originally about this having been the entry point in terms of my thinking about this problem was a fair comment. It was my entry point, but it is certainly not where we have wound up, and we have wound up here because we have had a good think about it.

Please let's not spend our time talking about what Mr Debelle is doing. No doubt we will talk about him in due course when he has finished what he is doing, or have a substantive motion and talk to my colleague the Minister for Education about it, but that is not what we are here about today.

The DEPUTY SPEAKER: I am sure the deputy leader is going to concentrate on the bill.

Ms CHAPMAN: I just want to place on the record that the events which triggered this bill did ultimately expose an appalling situation for this young boy who was the victim—not the filmer at this point but the victim. While I am in this place, I will do everything I possibly can to ensure that we not only pass laws but amend others to ensure that those children are protected—in this instance, against another bullying child and another party to the one who was instrumental in doing the filming.

That is intolerable, and events that have occurred outside that arena, the published ones, usually seem to be a party who is involved in some high profile sports activity, who have glamorous partners and so on getting the attention in the media. That may say something more about our media more than anything else; nevertheless, I think most members here would have had cases come to them in their own electorate lives of young people who are victims of bullying by text or photographic material that is designed to humiliate.

The sort of example I am given is, 'What can I do about my 14 year old daughter who is receiving multiple texts which are now causing me to have to get her therapy to be able to manage this? It's done by other girls in the class who do not want her in their friendship group now.' Instead of what we did before these media were available when children might be exposed to teasing, rude words or being told that they were not liked or that they were not going to be the group and that nobody was going to play with them, etc., we now have this insidious 24/7 capacity for other young people, for example, to cause extraordinary distress to their victims.

These are the sorts of things that are not the glamorous things that hit the headlines, but we all know they are very real and pressing issues that we want to capture. I do note that the government were mindful to try to ensure that they would not capture innocent filming, such as photographing your children when they are jumping in and out of the swimming pool at 4½ years of age and they may not have their full bathers on—the sorts of things which I am sure are humiliating when they are produced at their 21st birthday party. Nevertheless, this is not designed to catch those people. It is obviously designed to catch humiliating and degrading acts at a much higher threshold.

We are told by the Attorney, and I accept this, that it is not designed to capture things that are accidental. You cannot be guilty of taking or distributing something when someone slips over or suffers a wardrobe malfunction, which is the example the Attorney used. I must say that when I heard that for the first time I immediately thought of our Prime Minister. She seems to be a casualty

of both. There are a lot of things I do not agree with, with the Prime Minister, but I do not doubt that there would have been much less attention to her tripping over, which has happened a couple of times in public forums, when she has lost her shoe and so on, if she had not been female, but nevertheless I am sure she would have felt some humiliation or embarrassment from that occurring.

But there is no suggestion that she was being filmed at that time with a view to distributing something in that regard, that has simply occurred as an accident. Wardrobe malfunctions bring her to mind again, poor thing, but in any event—I suppose the classic is whether the often played image of Kevin Rudd sitting in the chamber, doing something with his nose as I recall—

Mr Pisoni: No, earwax.

Ms CHAPMAN: Earwax or something.

Mr Pisoni: Eating his earwax.

Ms CHAPMAN: It is a bit gross anyway, but the poor chap, I mean, it must be embarrassing for him. He has been a prime minister and he had that sort of thing played over and over again and of course it must be humiliating for him, but I am reassured by those who provided advice on this bill that any such image would not be captured under this type of legislation.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: It raised one question I saw recently, an image of a young girl, I think this was in Japan. She was apparently a very well known pop star. I can't remember her name, to be honest, but, in any event, this young girl in Japan just recently had, in breach of her contractual obligations, stayed overnight with a boy and this was seen to be most unacceptable, sinful, in breach of the contract and terms of condition of her employment etc. She went on YouTube or somewhere herself pleading for the mercy of her fans in not condemning her for this act and to show her contrition she actually shaved her head. It was a really quite distressing thing to watch this poor young girl actually plead for her public reputation to be kept intact and to offer her remorseful submission.

I am assuming that the reason this legislation would not cover her is because she had done that willingly. Had she? Do we know that? Maybe she had been required to undertake that filming or been under such duress at such a young age to try and recover by the recording company or whoever she was bound to, to actually undertake that. I do not know. It raises the question, doesn't it, each time we are faced with the mass of behaviour which on the face of it we would see as either unacceptable or on the face of which we would presume to be innocent and not captured without some legislation.

So, I commend the government for looking at the broader picture of protecting against this sort of behaviour when it is clearly undertaken to try and deliberately humiliate and degrade somebody and where it is not caught by our current publication of offensive acts, but I do not think it will take it very much further and I do not think that it in any way tells us how the government is going to address the cases which were the trigger of this legislation, namely bullying in school yards.

I do have any other comment about the bill except that I have received notice from the government that they propose to introduce amendments which, essentially, are to deal with concerns raised by the media. The government received submissions from the media, one of which outlined that in the course of filming, especially for news and current affairs programs, the legislation as drafted might be too wide and might inadvertently catch them.

They set out in their case that they have a high standard that they impose on themselves in respect of their own code of practice in respect of the privacy of persons and, essentially, made it clear that under their own Commercial Television Industry Code of Practice there was a range of obligations for broadcasters in relation to privacy. In particular, the code state that material relating to a person's personal or private affairs must not be broadcast unless there is an identifiable public interest reason as set out in clause 4.3.5 of the code of practice.

They highlighted, though, that the bill could inadvertently capture them, and that what may result is that media organisations, especially television of course, would avoid filming or distributing certain material that they had captured for the purposes of a news or current affairs program for fear that they would be charged with the offence, or having to also go on and proceed to court to demonstrate the public interest in that particular story.

Their description was, 'This will in turn have a chilling effect on news and current affairs.' I will take that as the journalistic licence of exaggeration, to be honest. Nevertheless, they raise a good point. Their way around this was to recommend that the government introduce an amendment to its bill to require that broadcasters be licensed and committed to observe an industry code that deals with privacy matters and they set out some recommended way in which that occurs.

However, I note that the government has prepared amendments which do not follow that structure (that is, requiring that it be a registration approach) but does cover, via the presumption method, an alternative way of managing it. I do not know whether the television industry accepts that as being adequate but, nevertheless, I note the government's attempt in this amendment to address that. We will have a more comprehensive look at it, and if that seems like the way to go then I am sure that the opposition will support that in another place.

In respect to one other matter which was presented from Kelly and Co. solicitors in Adelaide, which set out the forensic assessment of the bill, I recall there was another matter related to this, which the Attorney provided to us today, and that is a reference to the definition of humiliating or degrading filming in section 26A. They consider that it should be amended to replace the word 'and' in the penultimate line of the definition with the word 'or', such that the definition concludes:

> ...does not include filming images of a person who consents to being subjected to, or engaging in, a humiliating or degrading act or consents to the filming of the act.

Again, I have had only a brief look at this submission. On the face of it, it may be that that is over prescriptive. However, I did note that in the bill itself—and the Attorney can look at this—the heading refers to humiliating or degrading filming, but the definition, I think, refers to 'humiliating and'. If I have the final copy, there seems to be some inconsistency. Sometimes the bill refers to 'humiliating and' and sometimes it refers to 'humiliating or'. So I just ask that that perhaps be looked at; I am sure that we can remedy that in another place.

The Hon. R.B. SUCH (Fisher) (17:41): I just want to make some brief points. I think this bill is a useful addition to the criminal law. I query, though, the claim that the test of whether someone is humiliated or degraded is not subjective. The bill sets an objective test which requires the court to consider whether reasonable adult members of the community would consider such an act humiliating or degrading. I would say that that is very much subjective. I have yet to meet these reasonable people in the community, but they must exist somewhere.

The bill seeks to deal with two aspects, I guess. One is an invasion of dignity and the other is an invasion of privacy. I guess it follows in a sense, but in a slightly different direction from the attempt to deal with tacky behaviour—or worse than tacky; upskirting—that it clearly does not deal with a whole range of photographic material which I think most people would regard as an invasion of dignity and privacy. I am not in the habit of buying these magazines. They are not R rated; they are what you would call gossip magazines, usually directed at female readers. However, I think they come under the category of both those infringements. I will give you some examples without being too graphic.

Recently, the star of *Les Misérables* was photographed getting out of a car, and she did not have any underwear on. That photograph is featured in quite a few of these magazines. There are other very explicit photographs of genitalia up close which leave nothing to the imagination. I think one of the cruellest ones I have seen—and she is not unique in that she has been targeted—is of Monica Seles, the tennis player, who was photographed while bending over, with a close-up of her cellulite. When you mention the word cellulite, most women disappear; they hate the word and they hate cellulite. There are paparazzi, or whatever you want to call them, who specialise in trying to catch people out, usually women bending over, getting out of a car or something like that, so that they can produce what I would call a tacky photograph.

There is also the issue of people who are grieving. The media do not want any restriction on that. They want to be able to film people at funerals, people weeping and so on. As an aside, I do not know why people should feel ashamed or apologise for shedding a tear when a loved one dies or something like that. I think it is a commendable expression of emotion, but for some reason the media like to intrude on funerals and make repetitious presentations of bodies in the bag. It gets particularly cultural when you are talking about deceased Aboriginal people because, in their custom, they do not accept the portrayal of deceased people. It is really a gross infringement of

their cultural values to present it in a photographic form and show it amongst people in the community.

This bill does not tackle all those things, and I think we still have a way to go. I think the term 'wardrobe malfunction'—which is probably how my wife would describe me every day—is a curious term, but it says that this is not meant to tackle people who have an accident or are drunk or have a wardrobe malfunction.

In conclusion, I think you could drive a bus through many aspects of this. It is a step towards trying to protect a person's dignity and privacy. I do not think it is going to satisfy a lot of people when, if they really knew what occurs particularly in the print media in those gossip magazines—you do not have to buy them because you can see the covers when you go into the newsagency; they are not restricted—many of them, as I say, are a gross intrusion of people's privacy and dignity. I would put this question to my female colleagues: how many of them would like to be portrayed in a magazine in a situation like Monica Seles or some of these other characters? I think it is a gross invasion of someone's privacy.

I think this is a step forward, and I am not critical of what the government is trying to do, but I question whether the test is really an objective one. I think it is still subjective, but I think it is necessary, particularly in the age of the internet, to rein in some of what is gross and unacceptable behaviour which really compounds the injustice that has been inflicted on a victim. If it helps deal with that situation so that the person or their family is not humiliated further, then I think it is a worthwhile initiative.

Mr PISONI (Unley) (17:47): I just want to take this opportunity to reflect on events that happened back in early 2011—the filming of the vicious assault on a boy at Craigmore High School. We all know how shocked we were to see that, and it is ironic, actually, that it was that very footage that we saw on television that sparked the media debate on talkback radio where the parents of the child were interviewed and had an opportunity to tell their story.

Only because of the prominence and the visual effect of that incident did the family even have any interest from the Department for Education in helping that child get through that very difficult situation they were in. I got involved after the parents contacted me on this issue. I met with them at Parabanks Shopping Centre and we had a coffee together where we discussed it, and I met the lad involved. I met the mother and the father, and they were very frustrated with the lack of support that they had from the Department for Education for the victim.

What I learnt was that it was the victim who was forced to move schools, not the perpetrator. As we recall, the perpetrator went on to be convicted of this assault, but it was the victim who had to move schools. The department thought that they could wash their hands of the care or the support of this family by offering three counselling sessions with a qualified counsellor, but they did not advise where they could go for that counselling. Let me go back a few steps. As somebody that grew up in Salisbury, I can—

The Hon. J.R. RAU: There is a point of order. I am prepared to take a battering from the member for Unley about what I have done or not done according to his lights, but we are now moving into matters that he has a grievance about—fairly or unfairly is not a matter for me to decide—with the education department, and I do not think that is on point for this. My point of order is relevance.

The DEPUTY SPEAKER: I have been listening and I will continue to listen carefully to the member. I ask him to concentrate on the contents of the bill. I know what he has done in regard to linking this other matter and its connection, so I will listen carefully.

Mr PISONI: It is not just me that has linked this bill to the incident at Craigmore High School. Matthew Abraham and David Bevan asked the Attorney-General whether having footage of such bullying posted online can draw attention to the event and spark positive changes, so the minister himself has made public statements in regard to this particular bullying incident and this legislation. Some may argue that it is a long bow, but it is a relevant part of the debate.

Of course, this whole process then led to the Cossey report, and there were some shocking findings about the way that the education department handles such matters. I come back to the fact that, without this filming, we would not have had the Cossey report. Until I raised questions about the rape of the eight year old in this house back in October last year, we would probably still be thinking that there was nothing wrong in the education department.

I make the point that I understand where the Attorney-General wants to go with this bill, but it is very important that we do not stop the democratic process where people have a right to raise issues. We know how the media operates: if you have footage, you are bound to get a run in the media. I do not believe that this family would have got the support from the education department that they got in the end, after I intervened, because I kept embarrassing the department into action on this issue in the public.

I want to finish with a couple of key points that the Cossey report did find was wrong with the education system and the way it handles such matters here in South Australia.

The DEPUTY SPEAKER: Point of order.

The Hon. J.R. RAU: We have really gone out there now. I know the education system is a very hot topic for the member for Unley, but this is not the moment.

Mr PISONI: I am happy to conclude my remarks by thanking the Attorney-General for insisting that Mr Debelle had royal commission powers so he could continue, despite the Premier fighting for him not to have those powers. I congratulate the Attorney-General for insisting that those powers be granted to Mr Debelle so we could finally get to the end of what is wrong with this rotten education system here in South Australia.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:53): I want to say a couple of things quickly. First of all, the deputy leader made some remarks about etiquette and the internet. I could not agree with her more and I make this offer: I am happy to sit down with the deputy leader and—

Ms Chapman: Write the Chapman-Rau Bible.

The Hon. J.R. RAU: Indeed. We can write the etiquette book for the internet, and I think it would be damn good, because both the deputy leader and I aspire to see the highest of standards on the internet, and I am quite serious about that. I would love to work with her on that. In fact, in my own office, I have banned people with those silly modern phones coming to meetings in my boardroom because they used to sit in there and, while I was talking (occasionally about things that were interesting, but usually perhaps not), they would all be under the table with their fingers going, apparently paying absolutely no attention to what I was saying—which, again, I know is how most people feel, but to have your own staff demonstrate it in such an offensive fashion, I found it a little bit too much, and I banned them all from having them.

Mr Sibbons: Is it better now?

The Hon. J.R. RAU: I feel better, because I do not feel like they are ignoring me. They probably are anyway, but anyway, that makes me feel better. The other thing I wanted to say is that, in respect to the school incident, it is a bit of a 'chicken and egg' thing, as I tried to explain before. They did it to film it and put it on the net. People say, 'Well yes, because it is was on the net, they found out about it.' My point is: if they were not going to get a kick out of putting it on the net, they would not have even bothered doing it, because they would not have been filming it; part of the whole kick they got out of it was putting it on the internet, if that makes any sense. If it does not, never mind.

The other thing I wanted to say, very quickly, was that this is broader than that incident at the school, and it is intended to capture these offensive creeps—and I know that the deputy leader agrees with me on this—who go around with photographs of other people and put them on the net, making their lives a misery and humiliating them. That is unacceptable, and I think it is very important, even if we only capture a few people a year, that we make it very clear that is just not on.

The member for Fisher was getting into an area of a tort of privacy which the Law Reform Institute is now looking at, and I look forward to that report. I do actually have a great deal of sympathy for the comments he has made. I myself have been disappointed by the fact that, on television at various times, you see people who are grieving at a funeral or something like that, and some clown is chasing after them with a camera.

Ms Chapman: 'How do you feel?'

The Hon. J.R. RAU: Yes, 'How do you feel?' I mean, what an outrage! I also recall, during the earthquake in Wellington, people were running around—these poor people with blood streaming off their faces—and these characters were chasing them down the street. Personally, I

find that very offensive. In relation to the media outlets, we have done our best to accommodate them. What they originally wanted was a complete blanket thing which meant they could do whatever they like. I actually do not think they always get it right, and there needs to be an opportunity for them, if they really step outside the envelope, to be picked up by this. That is what we have agreed, and that is what is in the amendments.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. J.R. RAU: I move:

Page 3, line 11 [clause 5, inserted section 26A, definition of *humiliating or degrading act*]—Delete 'that person' and substitute 'such a person'

Page 5, lines 24 to 32 [clause 5, inserted section 26B(7)]—Delete subsection (7) and substitute:

(7) If, in any proceedings for an offence against this section, the defendant establishes that the conduct allegedly constituting the offence was engaged in by or on behalf of a media organisation, the conduct will, for the purposes of this section, be taken to have been engaged in for a legitimate public purpose unless the court determining the charge finds that, having regard to the matters set out in subsection (6), the conduct was not for a legitimate public purpose.

Page 6, after line 2 [clause 5, inserted section 26B(9)]—After the definition of *broadcasting* insert:

media organisation means

(a) an organisation that engages in broadcasting pursuant to a licence under the *Broadcasting Services Act 1992* of the Commonwealth or that is otherwise authorised under a law of the Commonwealth to engage in broadcasting; or

(b) an organisation that is a constituent body of the Australian Press Council or is authorised under• a law of the Commonwealth to engage in publishing;

Amendments carried; clause as amended passed.

Title passed.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (17:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 17:58 the house adjourned until Thursday 7 February 2013 at 10:30.