HOUSE OF ASSEMBLY

Tuesday 9 April 2013

SPEAKER, ABSENCE

The CLERK: I inform honourable members of the absence of the Speaker.

The Deputy Speaker took the chair and read prayers.

The DEPUTY SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

CO-OPERATIVES NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 20 February 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:03): I rise to contribute to the debate on the Co-operatives National Law (South Australia) Bill 2013 and indicate that the opposition will be supporting this bill. In essence, this is one of a number of pieces of legislation that has had its genesis in a national meeting, and the intergovernmental agreement between our federal and other state colleagues in government has determined that we have a national law to replace our existing cooperative legislation.

It never fills me with joy to know that we are agreeing to enter into the arena of national law under the universal promise that this will provide consistency, simplicity and more efficient provision of service and regulation, only to find that that does not occur. Usually, the greatest defect in this type of approach does not come from those who attend the ministers' meetings at the various heads of government meetings; usually, it is well intentioned and with the recommendation of those who advise them from their departments, and they have assurances that the implementation of a uniform law will provide the streamlined simplicity and efficiency that is promised.

However, it seems to me—and I place this on the record, as I often do when the Attorney-General comes in here to tell us of the meetings that either he or his predecessor have had on these occasions with the promises of benefits that are to flow—that all too often we find that they are more expensive and more cumbersome in their application than has been promised.

It does not ever fill me with joy that we come into this house to consent to government legislation, or even to debate on occasions where clearly there are dangerous implications to oppose, that we are doing so in the full expectation that all that which is promised in the second reading speech by ministers, in this case minister O'Brien, will in fact come to pass. However, we live in hope that at least there are elements of this which allow for some acquiescence from the opposition on this legislation.

The Australian jurisdictions that permit incorporation of cooperatives as legal entities have been developed under legislation which is based on a 1996 standard provision developed by the Standing Committee of Attorneys-General, and legislation differs slightly in each of the jurisdictions. It is fair to say that the Co-operatives National Law, whilst it intends to create a level playing field, clearly has some deficiencies for states such as ours, where there are fewer than 60 cooperatives.

The history of cooperatives in our state is one I think worthy of considerable recognition because largely they have been developed to assist those in primary industries. A number of producer co-ops have developed over the years; some have passed their use-by date or developed into other models, including corporations, and are regulated under different regimes of legislation. I suppose that in a legislative sense and in a regulatory sense they have matured into more sophisticated structures because largely this occurs when there has been a diversification of enterprise within those cooperatives that is beyond what they were originally established for.

Secondly, if they have been trading over the border in their operations, in many ways it has been important to tap into other corporate structures that are available. Obviously, there are some taxation implications, and there is certainly a very high level of regulatory obligation in a number of other structures, not to mention all the legal fees to establish them, to dissolve them or to transfer

them. Sometimes the development into the other more sophisticated structures has been impeded by the very cost of transfer, stamp duty implications and the like.

In South Australia, it is fair to say that, relative to the rest of the country, we are on a fairly small scale. I am advised that there are about 60 in South Australia. I think in the second reading speech the minister indicated that there were fewer than 60 in South Australia.

Mr Whetstone: There are 57.

Ms CHAPMAN: There were 57 identified in the second reading. I am reliably advised by the member for everything to do with the River Murray, the member for Chaffey, that there are 57. That information, together with the fact that only eight of them, according to the minister, are actually cooperatives that are registered in South Australia but were based interstate, means that essentially 49 South Australian co-ops survive today that are South Australian grown, so to speak.

The extraordinary extra number of these co-ops that operate in the Eastern States, I do not doubt, resulted in there being the push for national regulation. That is usually the case, where the beneficiaries of national regulation are those who sit in the Eastern States. For the 49 South Australian home-grown co-ops, I can say to you in all confidence on behalf of the opposition, we take with a pinch of salt the promises of simplicity and cheapness that are supposed to come with this, and the ease of operation, but nevertheless, we accede to the government's promises in this regard that there will be some benefit in that consistency.

I think it is fair to say that we are certainly advised that those in the representative industry, in their consultations, have been supportive of the principle of a national legal approach. We were told that the government did put the bill out for a brief period, but in any event, the minister had highlighted that the government had written to both the Law Society and the SA joint Legislative Review Committee of the three accounting bodies; that is, the SA joint Legislative Review Committee provided comments which are being considered in respect of the national regulation.

It seems—or at least, we are told—that stakeholders have no objection or there has been no identified objection. I am not certain whether that is because they have simply received a bundle of information and have not yet put in any contribution, but I will say this: it is often not the envelope with which a proposal is being presented but of course it is the detail in the regulation to come.

This morning, I heard from stakeholders who read regulations in another piece of legislation that we have recently passed only to find that, yes, truly, the devil is in the detail and that in that instance the regulations allow for a greater class of persons to whom the law will apply without the protection of professional indemnity insurance and/or necessary training, qualifications or experience that are expected on the original class that we debated here in the house.

I do not need to go into the detail of the legislation. I just make the point that it is not an uncommon occurrence that we argue about the envelope and then we find that, when the regulations come out, a very different story and a different picture emerges. Rest assured that the opposition will be looking out for the regulations as will, I am sure, other stakeholders, in particular, the 57 cooperatives in South Australia that will be obliged to operate under a new national regime.

When they come complaining on some of the regulations, which inevitably they will, it is usually the cost first, because in relation to the promises of having a streamlined system with a cheaper registration process, if it does occur for the first year, it usually evaporates within the second or third year and we find that there is an overload of financial and workforce obligation that is necessary to comply with the new system.

In any event, I note for the record that the government had decided to go through the model that is to apply to this national regulation. There are different ways that this can be done, including by ceding power from one jurisdiction to another. In this instance, the Co-operatives National Law has been enacted in New South Wales. The inter-government agreement allows South Australia to either have enacting application of laws legislation to apply the New South Wales law as amended from time to time as the law of South Australia, or to enact mirror legislation. The government here has made the decision not to cede the South Australian parliament's legislative power to New South Wales, which I wholly support, by enacting laws of application legislation. So, that is what we are doing here today.

Can I say that I and I am sure a number of members here have co-ops in our own electorates which have made a very valuable contribution to South Australia's history and industry, and primary industry in particular. I have an electorate which covers geographically a large slice of the Adelaide Hills, and I have people within my electorate who provide both membership and

produce to a number of co-ops. This includes the Ashton Co-op, which for those who are familiar with the Adelaide Hills is a co-operative which seeks to provide refrigerated storage largely for the apple and pear industry. That has had a very important history in South Australia for a very important industry. Neighbouring me is the Lenswood Co-op. There is also one at Balhannah and there is also one at Paracombe. They are four of the important co-ops in the Adelaide Hills to which I have members who make a contribution.

Essentially, they have historically been developed to provide a storage facility. I am not sure of this but I expect that, with the advent of refrigeration, this enabled the safe storage of produce to enable it to be kept fresh for market. As with a lot of inventions, it is too expensive for one grower to install all of that on their own property, so they establish a co-op to acquire the capital asset to provide the new piece of technology, in this case, to store their apples and give them a longer life for them to be drip-fed onto the market and presumably provide the growers with a good income. As I say, they play a very important part in history. They are a fairly simple structure to the extent of the membership obligation, and they serve usually a quite specific charter and purpose.

It concerned me, for example, that under this government the co-operatives again became a sort of place of plunder, if I can describe that as such. Let me explain. Primary industry providers do pay a lot to live, sometimes in significant isolation, sometimes with all the services that we enjoy in a direct urban environment not available, and usually with higher costs of add-on for their production, whether it is fuel or equipment that they require. The apple and pear industry and the horticulture industry are no exceptions. I am sure other members will tell me of examples in their own electorates where the significant extra costs for the producers are an ever-spiralling problem, but never has this been more so than under this government.

The example I give you is that the Ashton Co-op, which operates with its members to enable it to provide refrigeration services for the member entities—I just highlight here we are talking about the sheds and equipment that are built on one single holding, into which all of the other producers put their produce and which are then transported to market or to wholesale outlets—under this government was assessed for the purposes of paying land tax.

The minister on duty today was also a former Treasurer, so I am sure land tax is dear to his heart. But here is the truth of it: why is it that, for a co-op in South Australia that has been established for the single purpose of being a necessary part of the chain of production for primary industry, which has no direct sale role other than to simply package and store on the premises, land tax should be applicable to that property? It has no independent enterprise, no incoming venture and no income opportunity.

Some other co-ops have developed what we call a cellar door or a retail outlet from their premises and they are land tax applicable, and under our current rules I would have no objection to that; I think that is reasonable. They would change their status. They are no longer just a storage entity. They become a multifaceted industry in that sense for providing the retail outlet and a sales opportunity direct to the tourist or the local community. It is not unusual that we see that primary industries are adding on enterprises and income opportunities. Good luck to them. Sometimes they attract new sets of rules and that is quite reasonable in a number of cases.

My understanding is that the Balhannah co-op—I am sure that the member for Kavel would be familiar with this, and I am sure he is listening intently somewhere to this contribution—has also had a very important history—

Mr Gardner interjecting:

Ms CHAPMAN: The member for Morialta may also be very familiar with the Balhannah co-op.

Mr Gardner: Like the Lenswood people, mostly from my electorate.

Ms CHAPMAN: And the Lenswood people, yes. So, an excellent member for Morialta who is following this debate with interest. My understanding is that Lenswood has a primary classification and the Balhannah co-op had an exemption for a period of time, and they were given that under former treasurer Foley. However, once they changed to become a retail store as well their exemption concluded and they were not permitted to have it in the future. I think there is a good argument to say that that is one of the sacrifices they have to make.

It completely confounds me as to why any government would be so brutal in its attempt to try to harvest money from industries under pressure, particularly when primary industries are

supposed to have an exemption from land tax, and impose this on the Ashton co-op. If the present Treasurer (who is also the Premier) is listening to this debate, I urge him to do something about it.

I was very concerned to hear recently from members in the primary industry area that they are worried about what other areas might be plundered by this government. We certainly hope that, if they are considering any broadacre tax, they make sure that they brief themselves on the absolute devastation that would have not only on South Australian primary producers but on the value of assets—the run-on sales and the plummeting of the significant income-earning assets of this state. It is not comforting to know that, even at the level of the co-ops—in this instance I refer to the Ashton co-op—the government is so intent on insisting that there be a harvesting of money from these co-ops. It does not give me any comfort to know that they are not going to have any relief.

It does concern me that, in light of that, the government seems to be ignorant—if not their intention—of how difficult it is for these co-ops to operate as it is, and having to pay state taxes. It does not fill me with confidence that they are really familiar with what we are about to receive at a national level and what extra overburden we might have to face and members of the co-op may have to suffer. It may well raise the question on behalf of the remaining co-ops in South Australia as to whether they remain in the structure.

The application of national regulations, when they come into effect, certainly look pretty onerous to me. We are about to pass a piece of legislation which is about two centimetres thick and for what is currently under our cooperatives legislation, under the Co-operatives Act of 1997 (which will be repealed under this bill) it does not fill me with confidence that there is going to be such a heavy blanket of regulatory obligation imposed on the cooperative members.

Nevertheless, they will no doubt make a decision about whether they dissolve or whether they regroup or re-establish in some other entity. I certainly hope that they are not forced to go into a corporate veil arrangement, which can provide security but, on the other hand, a high burden of regulatory obligation. A perusal of this bill was enough to make me choke if I was to be a member of a co-op as to the level of regulation that we are about to have to become familiar with—get advice on probably—and then have to make decisions which may have significant restructuring and taxation implications if it was decided it does provide too onerous a burden.

The other thing I make the point of is this: the proposed headquarters for national law is rarely in South Australia. The national rail regulatory scheme which came into effect, I think at the beginning of this year—but after legislation in the last 12 months—does have its headquarters in South Australia. Largely, whilst we have retained state authorities for enforcement purposes in a number of these national laws, they most often park their headquarters in another state.

Sometimes they are in Canberra, but most often they are in another state and that is again nutted out at these national meetings. I think the member for Chaffey is going to be leading the debate on marine reform—a regulation for boats—in our legislative agenda this week and I think, from memory, their proposed headquarters is going to be in Canberra. Canberra is a lovely place but they are not in the real world most of the time. It never fills me with joy to think that we have to do anything about having to rush to Canberra to have to sort out what new forms are going to descend upon us for the regulatory nightmare that comes with that.

In any event, with all of that we will support the bill, but it is with the caveat that we are not confident that we are going to get all of the promises that the state government say that we are going to get. We are satisfied that those who are in the industry have been consulted and we sincerely hope that the government does not try and sneak in further regulation under its subordinate legislation powers which will cripple the opportunities that are so strongly avowed in this legislation by the government.

Mr WHETSTONE (Chaffey) (11:30): I rise to speak on this bill which, in effect, is an intergovernmental agreement under which all states and territories are committed to replace their existing cooperatives legislation with a new national law. In saying that, it is with good reason that I put forward my support for the cooperatives national law, given the major decline in co-ops in this state and particularly in recent years.

As the deputy leader has said, in South Australia we have just 57 registered cooperatives and hopefully such a law will create a more level playing field for the cooperatives to compete alongside other corporate bodies. Recent reviews suggest that current laws place cooperatives at a disadvantage to other types of incorporated bodies, and I hope that informed legislation across Australia will address those types of problems.

In my electorate of Chaffey we have had a long association with cooperatives although, like the South Australian trend, there are not as many around today as there have been previously. In fact, South Australia has one of the oldest Australian cooperative traditions with rural co-ops beginning primarily amongst wheat-growing areas back in the 1800s. Current legislation, which differs across states, means co-ops face a number of potential disadvantages, including a limited means of accessing external funding and a lack of approval to do business across borders. So under this new law, cooperatives will not have to register in multiple jurisdictions to operate across borders and it will reduce financial reporting and auditing requirements, particularly for the small cooperatives.

I will touch on the history of cooperatives, particularly in my electorate of Chaffey. I have to declare that I am part of some of the cooperatives up in the Riverland and I have used them for all of my growing life in the Riverland. Particularly the CCW cooperative, the Riverland cooperative, and the fruit cooperatives have played a significant role. If we look back in history, without co-ops there would be no Riverland. We look back more than 100 years ago when the Chaffey Brothers set up the irrigation districts, particularly up in Renmark, they created an opportunity for wealth to be driven through diversity, and that is where the cooperatives played such an important part in bringing the farmers' produce to one central location where it would be processed, graded and put onto horse and cart back then, and taken to markets and some of the distribution centres where it was regarded that, particularly in the Riverland, we were the world leaders in soft fruit and citrus.

The produce that was put to market through the cooperative system was unique, particularly with the diversity that the Riverland cooperatives had. It was not about putting one of the commodities out there for sale or to expose them to a market. It had all forms of the commodities, so it was not just the fresh fruit and citrus but it was also about the dried fruit and all forms of produce on the soldier settlement properties, and it gave a great level of exposure to those farmers who were toiling away growing the produce. It allowed the cooperatives to be able to process it, market it and get it to the mouths that it was destined for.

I will go back to my electorate of Chaffey. Properties near Lyrup and Berri quickly learnt that grouping together and pooling their businesses gave them the ability not only to process the produce but to demand better prices and have greater market power. I think it is demonstrated in any business today that, to have market accessibility, you need to have a large quantity of that product so that you can give consistency of supply and give the market what they want, that is, to fill a shelf for 365 days of the year with one form or another of a product.

Signs of cooperation in the fruit industry became evident in the early 1900s, when the Renmark Fruitgrowers' Co-operative Ltd was established. Later, there was the emergence of the Murray River Wholesale Ltd, which was structured like a co-op and acted as an export arm for the fruitgrowers based in Renmark. The organisation had nearly 30 packing houses located along the River Murray. One of those—the Berri Co-operative Winery and Distillery Ltd—was formed at around the same time and followed in the 1950s by the joining of the Renmark and Berri co-ops, which created the Berri Fruit Juices Co-operative Ltd, to include areas of Waikerie, Loxton, Renmark and Barmera.

There is a famous or iconic brand that came out of that amalgamation of the Riverland town co-ops, which was known as the 'Berri brand'. I think anyone who has flown in a plane has always had the little cup of orange juice, known as the Berri orange juice. Sadly, that brand has moved away from the Riverland and is now in New South Wales. It is an iconic brand that provided recognition for the Riverland that now just has a commercial meaning and does not have any real meaning as to exactly where it came from.

By the 1980s, Berri Fruit Juices had branches in every major city around the country. So, the importance of co-ops is often underestimated, but they do play a key and vital role in regional areas by enabling primary producers to process and market their commodities with that brand recognition. They also contribute to the economic health of the rural and regional communities and used to underpin that economic drive that the region was famous for.

Chaffey has been through hard times, such as the drought, and we have been through a number of droughts over time. The economy is quite fragile, and the forming of cooperatives often gave businesses the boost they needed, but that philosophy has changed. Today, one of the most successful examples of co-ops includes the CCW Co-operative—which I have been a member of—which is the CCW wine supplier in the region. It has been one of the largest cooperatives in the state over many years although, sadly, the pressures the wine industry has been under through

drought and export pressures have seen it drop from almost top of the tree in South Australia and nationally down to No. 20 on the cooperatives list.

The CCW Co-operative Ltd is based at Glossop, near the Berri Estates Winery. The concept has been around since the early 1920s but officially began as CCW in the 1980s. It is comprised of more than 600 grape growers and producers who produce over 10 per cent of the total wine grapes in Australia, which amounts to around 55 different varieties of wine grapes. As I have said, they were ranked No. 20 last year of the top 50 Australian cooperatives by annual turnover.

Just to explain how the commodity prices have taken away or given to one of the cooperatives, particularly the CCW, back in 2002 the CCW turned over nearly $150 million. Sadly, when we look back at 2010-11, they turned over a mere $40 million. So, it really does give you a picture of how you can be riding high on the back of wealth in one season and particularly buoyed by the commodity prices, and then with drought, with competition in the export sector and competing with open trade we look at the demise of the finances within that cooperative.

Again, CCW is something that was very dear to my heart—moving to the Riverland 25 years ago. It was about opportunity. The CCW Co-operative gave every grower an opportunity to be a part of an establishment that was a powerhouse in the wine industry. Back in those days, if you had a CCW contract it was worth a lot of money. It was not just about putting your produce into the CCW crushers, or into the Berri Estates' crushers through CCW, it enabled you to go to the bank and use that as collateral because if you had a signed CCW contract, a 15-year rolling contract, it was as good as having double security in your business.

I say that because you would go to the bank, you would want to borrow money and you were able to borrow money on that CCW contract. That gave you significant bargaining power with your bank manager to increase your holdings, to expand your business, to upgrade your business, to buy your neighbour, and it was a tool that would allow you to expand and give your business much more flexibility.

I will touch on another world leader in cooperatives, Almondco, which was developed back in 1944. Sadly, it moved with the times and the philosophy that moved away from the co-ops and is now an unlisted public company. Almondco is a world leader in a grower group supplying almonds and nut products to that establishment. Almondco is supplied by over 85 per cent of Australia's almond growers and it produces some 100 different almond products. Back in 1994, it produced its first container of export almonds—a great coup back then. We are looking at this year's almond harvest and it is looking at, potentially, exporting over 600 containers. So, it demonstrates where Almondco has come from and where it is headed as a world leader in exporting that product. It has won multiple awards on all export fronts: state, national and international markets, and it is a regional success story.

The member for Bragg, the deputy leader, touched on Lenswood Cold Stores at Balhannah. That is another example of just how successful a cooperative can be in a region, particularly with apples and pears. It enables the coming together of growers to put all their product into a shed and have one packing line, so the economies of scale come into play, and to have one large cold store, and again, that is where the economies of scale come into play. More importantly, it allows the cold stores, or the cooperative society, to go into the marketplace, to go into export markets with a heavy arm of power to give consistency and continuity of supply in the market, particularly when dealing with (sadly) the duopoly that has so much power in our consumer outlets. Lenswood Cold Stores is one of the powerhouses in the apple and pear industry.

Susie Green, the CEO of the Apple and Pear Growers Association, who I have met and spoken to a number of times, supports the co-op system. Sadly, the co-op system has been undermined by, in essence, the fact that a lot of the growers, who have put money into their co-ops over time, through some hardship, through drought, through financial woes, have had to go to that co-op and withdraw their funding. In one way, shape or another that destabilises a co-op, so growers have taken the other model; that is, they have decided to move away and set up their own packing house and do things their own way, and over time that has seen the demise of many of our co-ops.

One thing that I will touch on—and I know that the member for Schubert will touch on it also—is the South Australian CBH, the grain growers cooperative that was a real powerhouse in South Australia over many years. It is still a powerhouse in Western Australia. I notice that the largest cooperative in the nation is the Western Australian Co-operative Bulk Handling grain

handling terminals. The Western Australian model really is still a powerhouse within the grains industry. Sadly, in South Australia the growers decided to sell their shares and move away from that cooperative arm, but it is all about progress. Today, a lot of those growers look back at the opportunities that they had with the cooperative bulk handling and see that it was an opportunity that was let go.

Just touching on what I would consider some of the hybrids of co-ops, in Chaffey the irrigation trust has been set up around a co-op model. We look at the packing sheds that we have now that are set up around many growers supplying a particular shed to gain market access, to gain market strength, and they really are what I would consider a hybrid of co-ops. I consider collaborative farming another hybrid of cooperative farming. I know that the Bullaburra group up in the Mallee, the Riverland area, has proven to be a real success story in the Murray Mallee dryland farming enterprises.

It is really a credit to them to show what working collaboratively can mean, and that is really what the co-ops were set up to do: for growers to come together and work collaboratively and work as a cooperative, and it really gave them strength. That was my initiation into farming, marketing and processing, and it really has been something that was a stepping stone for the primary industries, to be a part of markets and get their product processed to market at a competitive rate.

In closing, the bill, as the deputy leader has said, cannot be seen as conforming under a national scale and bowing to our eastern seaboard cousins. It is about giving national recognition to what co-ops are for, and that is to help, particularly commodities and outlets primarily around the regions. Many of Australia's top cooperatives are about primary production. Whether it is about grain, horticulture, viticulture or the fishing industries, or whether it is about the apple and pear industry, those cooperatives can, in one way, shape or form, service the regions in the rural sector. If this Co-operatives National Law (South Australia) Bill can come into effect and be of benefit to the cooperatives that remain, I welcome it. Without further ado, I will wait for the next contribution.

Mr TRELOAR (Flinders) (11:49): I rise today also to make a contribution on the legislation before us, the Co-operatives National Law (South Australia) Bill 2013. As has already been mentioned in previous contributions, this quite significant piece of legislation actually mirrors existing legislation in other states rather than taking on board a truly national approach. I think there is merit in that, in that we as a state will retain some jurisdiction, or some control, over our own destiny, for want of a better term.

Producer cooperatives really became a common form of an organisation particularly in agricultural areas, as has been mentioned already. There are many examples, not just in this state, but right across Australia. They have a long history indeed around the world of agricultural producers particularly coming together in an effort to gain one of two things, and sometimes we are able to achieve both. Essentially, it was a better result for themselves. Often it was to achieve a better price for the produce from their various farms and districts, but it also sometimes gave them greater purchasing capacity for when they went into the marketplace to purchase inputs for their farms.

Most co-ops in Australia are small organisations, and they tend to have a really quite defined life cycle. Cooperatives come out of necessity when producers or purchasers come together to achieve, as I said, a better price or a better result for themselves, and they gradually grow and have a contribution over time from their members. What seems to happen is that ultimately those members at some point attempt to realise the investment that they have into that cooperative and often they become more commercial entities. Either the cooperative itself winds up or it becomes a more commercial entity and they issue shares and the value of that capital is realised.

My understanding is that this legislation has not been reviewed since the mid-1990s, so we are getting on towards 20 years since this legislation has been reviewed. It is probably high time that it was done. Interestingly, the cooperative model is one that is mirrored around the world. In fact, I noticed way back in 2002, when I was doing my Nuffield scholarship and travelling extensively, that cooperatives have been a tool used by producers and purchasers, especially in country areas but not just there, right across the world: in South-East Asia, in Europe, and in North America.

Similar models were set up to achieve that good result. In fact, probably the most famous trading hall of all, the Chicago Board of Trade, was set up initially in the middle of the 19th century when wheat growers and corn growers in the US discovered that they were all arriving in Chicago

on the same day with their harvest, looking to sell it. When there is an oversupply of a particular commodity going into a finite market, then of course the price is going to drop, so the farmers, producers and businessmen in Chicago set up the Chicago Board of Trade whereby that product, that is wheat, corn, other forms of grain, and pork bellies, interestingly enough—I am not exactly sure what a pork belly is, but they are still traded; maybe one day we will find out—

Mrs Geraghty: Only if they are free range.

Mr TRELOAR: Only if they are free range. Well, of course, they all are in this state. However, it really was an effort by those producers to try to regulate in some way the prices they received for their produce. That was mirrored somewhat in Australia during the 1930s, when the wheat single desk came into being. It was really as a result of the Depression and the low prices that that brought about. Remember, of course, we live in a world that is awash with agricultural products.

We talk about the mountains of dairy products that existed in the European common market in the 1970s and the efforts that were made to stabilise the prices received and to give the producers a fair price. Not all schemes were successful, but it is about managing the price received and ensuring that producers remain viable over the long term. As I said, essentially, there is plenty of agricultural produce in the world, there is plenty of food in the world, and it is about managing the distribution of that.

Interestingly, in my own town of Cummins on the Eyre Peninsula in the 1930s, a cooperative grew out of those low grain prices that were being seen during the Depression. The Cummins Milling Company was established by a group of local wheat growers who were looking to add some value to their product, and a flour mill was established way back in the early 1930s. In fact, quite extraordinarily, this still exists today.

It is now a small family business and still mills flour. A few years ago, there were only 29 flour mills left in Australia, and I suspect there are probably even less than that now, and it is one of those 29. It continues to mill flour and provide processed stock feed into the local market, so congratulations to them on a good business. But, it was a cooperative effort in the first instance.

I spoke about the wheat single desk. That was an effort by wheat growers who came together and, in fact, it was ultimately national legislation that compelled wheat growers to pool their product. What that meant was that all growers right around Australia delivered into a pool, and that was sold by one body over time to achieve the average price, and return that average price. In fact, every grower received the same price. It has been labelled various things over the years, including 'agrarian socialism', but it was a good thing at the time.

Ultimately, we saw the demise of that not too many years ago, for better or for worse; free market forces took hold, and we now live in a different world. My grandfather would tell the story of how he would take wheat down to the railway siding during those years. At best, there would be two buyers present at the siding, and often there was only one buy present.

So, of course, the one price on offer was what the grower took on that particular day. Once again, at harvest time, you needed to sell. That cooperative effort that led to the wheat single desk was a good thing in its time. Barley also came under single desk legislation for a time, and that too has ultimately wound up.

As the member for Chaffey mentioned—and I am sure the member for Schubert will also touch on this—probably the most famous cooperative effort here in South Australia was South Australian Co-operative Bulk Handling. What that did, in essence, was build and manage the silo and bulk grain storage complexes right across this state.

South Australia came to bulk handling relatively late. There were bulk handling facilities right across the prairies of Canada and North America, and in other states here in Australia, many, many decades before it finally came into being here in South Australia. Eventually, in the 1950s, the farmers came together in a cooperative effort to begin building silos and storage facilities across the state.

I understand the ports were the first to be built as terminal facilities: Wallaroo, Port Lincoln and Port Adelaide. I think Nantawarra was the first inland silo receival point, and so it grew. I do not know how many silo facilities the cooperative finished building or handling, but it certainly would have been in excess of 100 delivery points around the state.

I mentioned earlier that cooperatives ultimately run their course, and have quite a predictable life cycle. Many studies have been done, in fact, on the life cycle of a cooperative, and South Australian Co-operative Bulk Handling was very typical of that. Ultimately, the growers, through their board, decided to realise the capital that was held within that cooperative, and they privatised, commercialised and issued shares.

Of course, once shares are issued, the dynamics of the organisation change, and what was a cooperative where all growers took a share in both the input and output held some value; the shares held some value and could be bought and sold. There were predictions at the time that, ultimately, growers would lose control of their organisation and, in fact, that is what happened of course. It happened much more quickly than anybody actually foresaw and, as the member for Chaffey quite rightly pointed out, growers lost control of what was their own organisation, but, at the same time, capital was realised. I can inform the house that that capital, once realised and once cashed, certainly funded a lot of retirements and a lot of business expansion; and it also allowed some growers to continue in the industry, to continue farming, it was that critical.

That particular entity has changed owners a number of times since. The South Australian cooperative bulk handling organisation became AusBulk as a listed entity. It was ultimately taken over by ABB, which was formerly the Australian barley board, and another in its first days' cooperative effort. It was bought by Viterra and is currently owned by Glencore. It has gone from grower ownership through to Australian ownership, through to Canadian ownership and, finally, to be owned by a company that is based in Switzerland.

We can debate for many hours whether that has been a good thing or a bad thing but it is the reality in a globalised world and, as I said, cooperatives have a long history. I am hoping that this legislation allows for those co-ops that wish to continue to do so. I believe they still have a role in our modern economy and, even though the number is declining—and no doubt some co-ops right at this moment are discussing and deciding their future, and probably will choose either to wind up or to take on a more corporate structure—I have no doubt that new co-ops will spring up to achieve exactly what all co-ops have intended to do, that is, achieve a better result for its members.

In fact, in recent years we have seen on Eyre Peninsula an organisation known as Free Eyre established to do just that, and grain growers across Eyre Peninsula—it is not compulsory, of course, because those days have gone; there is no legislative requirement for growers to be involved as there once would have been—who choose to do so can become members and seek to get a better price for their grain.

Interestingly, I touched on my Nuffield scholarship earlier in this contribution. The state annual general meeting and conference day is coming up this week in Adelaide, and I will be opening that particular event. Invariably, when Nuffield scholars head off, they are looking at one of two things: either they are looking to gain an insight into their practical efforts and increase the productivity in their business in their field or they are looking to achieve a better price for the product they produce. Essentially, when you boil it down, every producer ultimately wants one of those two things—usually both.

The trend continues. We will seek to achieve better prices in whatever way we can and cooperatives certainly will play a role in that. We have heard today not just about the grain industry but also about the importance of co-ops in the dairy industry. Also, the member for Chaffey mentioned how important they have been in the Riverland (his neck of the woods) amongst the fruitgrowers, and in those early days—

Mr Whetstone: And the fishing industry.

Mr TRELOAR: And the fishing industry also, indeed; thank you, member for Chaffey. Of course, that is a very important industry in the electorate of Flinders. The fishing industry also came together in an effort to handle the catch and achieve a good result. We do support the legislation. It will bring it up to date and, in fact, mirror what happens in other states. I think that is a good thing. It refines the opportunities for co-ops to exist, and in a world where often the concentration is on consumers rather than producers, in these days when the ACCC and such organisations spend a long time ensuring that consumers are looked after, I think co-ops also play a role in ensuring that producers have the opportunity to get the best result for themselves. Thank you, Mr Speaker, for allowing me to make this contribution and I look forward to further contributions.

Mr VENNING (Schubert) (12:05): I certainly appreciate the opportunity to speak on this bill because I have had a passion about and been associated with cooperatives most of my working life, and I think it is very appropriate that we are discussing this legislation here today. I just

want to give very briefly a bit of history about two of our most successful cooperatives in this state as proof to everybody that they can be set up and, if properly set up, that they can really work.

South Australia's largest company over the years was South Australian Co-operative Bulk Handling, and it worked extremely well. Of course, we know the history: this house changed the legislation and then it was gone. South Australian Co-operative Bulk Handling (or SACBH as we have affectionately known it) was established in 1954, after much lobbying, to facilitate the transition from bag handling to the bulk handling of grain, and it was demutualised in 2000. A group of forward-thinking farmers approached government seeking assistance to move the state's handling of wheat and barley from the labour-intensive back-breaking use of bags into the modern era of bulk handling, and it expanded to be the major grain storage and handling business in South Australia and probably Australia.

SACBH operated under the Bulk Handling of Grain Act 1955 from this house, and it guaranteed the company exclusive franchise as the state's sole bulk handler. We gave it a huge opportunity, and I have to say that the company was very appreciative and able to be very successful. I express more than a casual interest in this matter because my father was chairman of the company for many years; indeed, my brother Max is part of the history because he was chairman of SACBH until they moved into the name AusBulk, so he was champion of that as well. This company has affected many Australian families and certainly mine.

On 6 October 2000, SACBH underwent a restructure and a name change, and it changed from a membership-based organisation to a company limited by shares. Some would say that this was the beginning of the end and when you started to pull the cooperative down. It became AusBulk and merged with multiple other grain-based companies. From the 1950s to the 1970s, there was stability with statutory controls; in the 1980s, market deregulation and rising costs; in the 1990s, restructure and the first non-grower board member; and in 1999 ABB Grain and AusBulk were established. It then specialised in the logistics of the storage and handling of grain and other dry bulk facilities, grain marketing and grain processing, particularly malt barley.

The main thing was that this company was owned by the growers who all had shares in it. We all put money in and you could take the money out, but very few of us did until the end; in fact, I think I got my last payment only a few months ago. We put in what we called tolls, and for every tonne we delivered we paid a toll to the company and everybody, whether they be the wealthy growers or the poor growers, shared in the success of this company. It is sad to see what has actually happened with it today, but the co-op and the principles of the co-op do work; maybe they do not go forever, but in this instance it certainly did.

I want now to turn to another very important co-op to South Australia, and most members would know this company, that is, the Eudunda Farmers Co-operative, and anybody living in country South Australia would remember it with a lot of affection. This is a prime case of the principles incorporated within a co-op working with great success for its shareholders and South Australia, particularly in country South Australia. The co-op was established on the principles of the Rochdale Society in 1895 by drought-affected farmers at Eudunda as a group of traders in firewood. They met in a hotel, and they went on to become a powerful force in the retail industry Australia wide.

If you know Eudunda like I do, you would know that in some years it can be quite drought affected and, as a result, can go through harsh times, and the farmers there certainly are very resilient and they do not waste; they are very resourceful people. These farmers used mallee roots as a means of getting ready cash. As the 1890s depression deepened, the storekeepers who were acting as middlemen refused to pay in cash; instead, the value of the wood was to be taken in goods.

The first meeting was held in December 1895 at the Eudunda Hotel. The owner of the hotel, Mr E.A. Mann, was to become part of the society's board of management. The constitution and rules were adopted in January 1896. Thomas Roberts suggested that they trade directly on the Adelaide market in order to obtain the best price possible per ton. When this suggestion was agreed to, a committee was established and a city representative appointed.

An office was opened in the industrial building in King William Street, Adelaide. Rapid expansion saw the need for a centrally located warehouse in support of their growing number of retail stores. Leaving the King William Street office in 1921, the society moved into warehouse space in Blyth Street, off North Terrace, just across the road from here. Here they remained until around 1936. Pressure because of space constraints led to another move to an even larger

warehouse next door east of Holy Trinity Church on North Terrace. The North Terrace warehouse and office complex served the society from 1936 until 1984. Operations then left the city for North Terrace, Kent Town.

While this venture was successful, farmers wanted more from their organisation. They decided that profits derived from firewood sales would be used to obtain assets in the form of stores, enabling the sale of general household goods and farm requisites, and so the cooperative was established. In February 1897, they purchased their first store, a weatherboard store, weighbridge and 25 acres of land at Sutherlands, of all places. If you know your history, Sutherlands is a very small town not far from Morgan. Other stores followed in the next few years, often in response to local demands.

The success of Eudunda Farmers Co-op was never in doubt. Trading was continuous, progressive, and the co-op remained in a solvent condition, paying good dividends to shareholders. The expansion would see branches opened in over 40 towns. The co-op converted to a public unlisted company in April 1990. This crystallised the level of shareholders' funds, and the share capital could no longer be withdrawn in cash on demand. The growth of the society continued over the years to the present time. The old business is now part of the IGA Group.

So, co-ops have been a very vital part of South Australia's economic and social fabric. I think the principles of co-ops do work and are necessary, but I have to say that it is all about leadership and management. With the right people in control in leadership and management, because you have all the shareholders wanting to have their say (they do have their money in there after all), they have an important part to play today. All I can say is that the history of South Australia will reveal that they have certainly been a very important part of this state. I support the legislation.

The DEPUTY SPEAKER: If the minister speaks, he closes the debate. Minister, you wish to close the debate?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (12:13): Yes; thank you, Mr Deputy Speaker.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO. 2) BILL

Adjourned debate on second reading.

(Continued from 6 March 2013.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:14): I rise to contribute to the second reading of the Statutes Amendment (Attorney-General's Portfolio) (No. 2) Bill 2013. The bill follows legislation tabled last year, which has passed this house, to generally attend to amendments often described as the 'technical issues' that need to be mopped up when one looks at legislation on a regular basis. I do not doubt that this Attorney has, as other Attorneys have, an open file—probably now electronic—listing things that need to be remedied next time they are at the podium, when they bring to the attention of the parliament sometimes relatively minor matters which may not justify a bill in their own right but which, next time they are there, need to be considered.

The bill before us has been presented by the Attorney as just that: to make various amendments to rectify a number of outstanding technical issues that have been identified by affected agencies and interested parties in various acts committed to his portfolio responsibilities. Sometimes, of course, matters that need amendment foreshadow adverse application or effect to parties on an ongoing basis and we need to attend to those fairly quickly, but sometimes these matters can be dealt with together in a timely and responsible manner.

So, not surprisingly, we have amendments in a number of different acts. First, there are amendments to the Strata Titles Act 1988 and the Community Titles Act 1996 to provide that the articles of a strata corporation must not prevent an occupier of a unit who has a disability (as

defined in the Equal Opportunity Act) from keeping an assistance animal or a therapeutic animal (as defined in the Equal Opportunity Act) that has been certified by the person's general practitioner as being required to assist that person as a consequence of their disability.

I am not aware of any circumstances in which somebody who might be blind or deaf and who has the use of a guide dog has been excluded from consideration for occupancy as a result of current legislation, and I do not think that it is claimed by the government that there has been some groundswell of abuse, I suppose, in this regard, to the extent of denying people that opportunity. I think what is more likely in the future is the issue of keeping a pet for medical purposes and in a number of other areas, such as the issue of the importance of companionship for an older person, for example, and the importance of retaining a longstanding pet where it provides some level of mental stability, strength and resilience.

I think these are the types of challenging boundaries which will more likely need to be considered in the future. I am sure members would know of cases where people have been denied the opportunity of having pets in nursing homes or residential villages, for example, where they are living in a new community where common facilities are shared. These include places of recreation and accommodation, including communal sitting rooms, dining rooms and recreational areas which attract the application of a number of new sets of rules to be imposed for the comfort and convenience of other people who are living in that same residential facility.

I think it is fair to say that particularly in nursing homes there is a high demand for this service and there is an opportunity for providers of the service (who are in the privileged position of having many applicants for the available space in their facilities) to say, 'Look, keeping an animal, even if it's been a longstanding companion and pet of the prospective resident, is something that would exclude you from that type of intensive accommodation.'

However, it is an area where obviously there can be very significant mental health and other adverse effects if the person is denied that companionship and the pet is either separated from them or, worse still from their point of view, euthanased. It is a confronting issue. I am not aware as to whether there have been some callous acts of exclusion or attempts to do that where we are trying to remedy the ill; we do not object to the government bringing it to the attention of the parliament but it seems as though this is to ensure that that does not happen in the strata title corporation community.

The second area is to clarify the statutory defence of child pornography offences, in particular to protect law enforcement and court officers acting in the course of their duties and in the context of education. There are a number of circumstances where persons acting in the course of their employment or in their professional undertakings enjoy the privilege of being able to breach the usual privacy requirements to enable them to provide training for fellow colleagues and the like.

Obviously, the medical profession generally has obligations of confidentiality but the information that is observed or learnings that a practitioner is able to achieve as a result of their practice can be imparted to those in a training session for the training of other professionals. The legal profession (of which I have been a member myself) is familiar with the strict requirements in respect of confidentiality between solicitor or barrister and client. Professional privilege about information which attaches for the protection of the client is one which is able to be relaxed for the purposes of training others. In continuing legal education courses it is common for legally trained people to express particulars of experience in relation to particular cases for the benefit of explaining the application or deficiencies in legislation.

Obviously, when those cases have reached the public arena and are the subject of judicial determination and there are public judgements, then they can be made available in the public arena. Nevertheless, many cases do not reach judicial determination, as the Speaker will be well aware—I think he has been involved in plenty of cases himself and he will know that. Sometimes they do not always end up in a public document, but it is important for members of the profession to be able to provide illustrations from their case histories for the purpose of the professional training of others. Here we have a situation which is not necessarily for professional training, as I have referred to, but court officers are of course privy to lots of information.

I am sure the Speaker would recall the days of discretion statements in the Supreme Court where it was possible for people who were seeking in those days a divorce—now called dissolutions of marriage—to ask the judge to receive a statement in confidence, usually to disclose some previous indiscretion which might have otherwise attracted a call for them to be identified as an adulterer or a bigamist.

They would have the opportunity to present to the judge the contents of their disclosure. The judge would read it and then seal it in an envelope and it would be kept in the file and in the records—and I will come to that example in a minute, because we are dealing with another amendment—but, in the course of all of this, it is quite possible that other members of the court would be privy to information that is otherwise for very select eyes only.

Here we have a situation where, in particular, child pornography offences and those involved in those cases have special protections, primarily designed to protect the child who is the victim or alleged victim of pornography offences and in those circumstances, if a police officer, a law enforcement person in the court or a court officer is privy to some information that is disclosed in the course of their duties or in the context of an educative role, they need to have some protection. The opposition has no objection to that.

I might say that, in relation to protection for members of SAPOL or others who have expressed concern about protection and who do not want to be in a situation where they unwittingly frustrate legislation or proper law enforcement and child protection as a result of disclosure, they needed that protection and we accept that.

The bill also amends the Criminal Law (Sentencing) Act 1988 to clarify ministerial responsibility. There is also provision for publication of records of the courts after 100 years, so there is provision in this bill to amend the Supreme Court Act 1935, the District Court Act 1991 and the Magistrates Court Act 1991 to facilitate that.

I think this is a welcome initiative for those who are interested in the history of the courts and cases in them. South Australia has a rich history and its legal history, I think, is under-researched and under-published on. I have a sort of quirky interest in the history of the state in lots of different areas—political, particularly—but in the legal world I think there is unfortunately no apparent significant interest in research that goes with some of our history.

Some of the hangings and some of the famous murder cases in this state, particularly of women, are quite notorious. It would be, I think, really important for historians in South Australia to have access to these records to be able to provide some insight into the early South Australian settlement life, some of which was rich in its tapestry of advances for the state and some of which confirms the abhorrent hardship that many early settlers undertook, and no less of that is in the stories and cases about those who faced court action, our mental health institutions or our prisons, or a combination of all three. I hope that the historians of our state will find this a wealth of information to assist them in their research, and it comes with the endorsement of the opposition.

I thank the Friends of South Australia's Archives, who have recommended this advance, and I understand it will also enable the storage problems to be somewhat more relieved. There is also a provision to amend the Evidence Act 1929 to allow the maintenance of audiovisual records in electronic files to be dictated by the rules of the court, within which it is to be clarified that staff of the Courts Administration Authority can carry out the duties whilst adhering to the rules of the relevant court. This really is simply an advance in technology and the legislation that we have protecting the records in this form to be followed, and the opposition endorses the same.

There is also a provision in this basket of goodies to amend the Police (Complaints and Disciplinary Proceedings) Act 1985 to authorise preliminary investigations and to refuse to investigate a complaint. We are about to embark on a new era in relation to the investigation of people in public office with the establishment of the ICAC in this state, and it is expected to commence its operations I think on 1 September this year. We welcome that initiative. We expect that, in itself, will relieve some agencies from some of the work that they currently undertake. It is probably its establishment, and the other statutory bodies that will go with it, that gives me some comfort that this amendment will not deprive people of the opportunity to have some of their matters looked into. In short, with the ICAC Commissioner and the Office of Public Integrity, there will be a whole new regime available to those who have concerns.

Police officers in South Australia have their own levels of accountability with which they are to comply, and that is through the Police (Complaints and Disciplinary Proceedings) Act 1985. Obviously police complaints is an important body to oversee. As a local member of parliament, one of the things I find most common about police complaints is when people feel that they have not been apprised of evidence to suggest that their complaint has actually had any reasonable consideration. So, on the face of it, when I first saw this amendment, which was to refuse the right to investigate a complaint, it filled me with some concern, because one thing members of the public

do not tolerate is when they feel that they are being completely stonewalled and that nobody has listened to their complaint, or that it has been dismissed in an arbitrary way.

So, when we have a structure which in this instance is designed to give the public some confidence in the police force to ensure that if there is a genuine complaint it will receive due consideration, and then we see an amendment on top of that which says, 'Well, this body is entitled to simply dismiss it', it is, on the face of it, concerning. It is reasonable for anybody vested with the responsibility of oversight to have the capacity to identify a frivolous or vexatious complaint and to put it through a process which I suppose has the effect of a summary dismissal. That is reasonable, and I think it really is applied, whether in our courts or lots of other types of entities, where the person in charge can say, 'Look, I clearly find that this is a serial pest who is filing complaints, or a completely unworthy prayer for relief in their summons or complaint,' and that it should receive a summary dismissal.

Usually with those processes there is an opportunity, through an appeal process, to go to a higher form, but it places another hurdle on someone who might be mischievous or just generally wasting people's time and gives us a chance to weed those out. The advent of the new structure—in particular the Office of Public Integrity here—I think will provide some safeguard for that.

If one listens to the complaints that come into our electoral offices, I think there are already cases where people feel as though their complaint has not received sufficient investigation, and I suppose this formalises to some degree what is already occurring. There is also a provision to correct a drafting error in the Graffiti Control (Miscellaneous) Amendment Act 2013 and to further clarify the operation of section 7(5) of the Graffiti Control Act 2001 in respect of proof of identity to be produced by an authorised person.

We do not have any examples from the Attorney as to whether that has actually produced any mischief or unfair denial of an authorised person's capacity to undertake their duties as a result of what currently applies and is being remedied here; nevertheless, that appears to be in order. We also have provision to amend the Summary Offences Act and the schedule of that act to correctly refer to schedule 1 of the act, and that is what I call a genuinely technical matter.

The final area of reform which is buried in the middle of this exercise of tidy-up is a provision to amend the District Court Act 1991 to accord the Chief Judge of the District Court—

The SPEAKER: We need one, don't we?

Ms CHAPMAN: —the status of a Supreme Court judge. This has attracted some interest. The Speaker, helpfully for a change, interjects to suggest that we need a chief judge—no disrespect. Unless you are a candidate, I will not be asking you not to make any further comment. As I understand it, the Chief Judge, His Honour Terry Worthington, is about to retire from the District Court, and I expect that in due course members will have an opportunity to express our appreciation to him for his longstanding service to the law and to the judiciary, in particular in the District Court, so I will not dwell on that here today. But it has not escaped our attention that he is about to retire, and obviously the Attorney-General is busy in his determination in finding a replacement. This amendment therefore comes at a rather curious time but, nevertheless, that in itself does not prevent the opposition from having a careful look at what is being proposed.

Members will be aware that under a previous statutory amendment bill we supported the government's initiative to allow for the Chief Magistrate to have the status of a District Court judge. We dealt with this at a lower level of the court positions, and that appears to have come with the support of the usual stakeholders. Although the Law Society at the time raised some question of potential conflict of interest, that has now been implemented.

What has been concerning to us is the suggestion by the Law Society of this initiative that perhaps this amendment is, in fact, to be a backdoor cost-cutting measure for the government. The second reading contribution says this:

> Consistent with the Statutes Amendment (Court Efficiency Reforms) Act 2012, the District Court Act 1991 is amended to provide that a person appointed as the Chief Judge of the District Court will also be appointed as a Justice of the Supreme Court. As is the case with the Chief Magistrate, the responsibilities and workload of the position of Chief Judge are such that the holder is entitled to the status and conditions of a Justice of the Supreme Court. This will help ensure that the best candidates for this vital role are available. An existing Supreme Court judge might prove to be the most suitable candidate for the position of Chief Judge. Accordingly, the Bill allows a Justice of the Supreme Court to be assigned as the Chief Judge of the District Court.

I don't remember seeing that same language applied when we were considering the elevation of status of the Chief Magistrate to be a District Court judge. I do not know whether that statement by

the Attorney-General is code for the fact, sir, that you're not going to get the job. But it does seem to highlight a new addition to the consideration of appointment of the new Chief Justice.

I do not suggest for one moment that any one current member of the Supreme Court would not make an excellent Chief Judge of the District Court if they were to undertake that responsibility. But it is a curious suggestion or a flagging of the opportunity for Attorneys-General to broaden the opportunity for candidates. If, in fact, it is the Attorney-General's view that for this appointment, or any subsequent appointment—and one that happens to be imminent—the candidature ought to be in the Supreme Court, I do not see any reason why, at present, it would preclude the Attorney from asking a member of the Supreme Court to actually take on that job. There is actually nothing stopping him from doing that.

What the Law Society has pointed out is that it may be some cost-cutting. What has occurred since this bill was introduced is that some consideration has been given to who makes up the Supreme Court in numbers at the moment and it would be interesting to know what is disclosed in the government's own reports in the sense of what is on government agency reports, both annual reports and on the website.

On the research undertaken in another place, I note the following references. Firstly, the Wikipedia page for the Supreme Court of South Australia states that the Supreme Court is made up of 'a chief justice and 12 other judges'. The entry does not provide any reference to that claim. However, the Supreme Court Act 1935 mentions the number of judges which can be appointed to the Supreme Court. The only reference to the number of judges in the act appears in section 7(1) which provides:

> The court shall be constituted of the Chief Justice, the puisne judges and the masters appointed, and for the time being holding office, under this Act.

However, the most recent Judges' Annual Report (year ending 31 December 2011)—I doubt we are waiting for the latest one—published under section 16 of the act lists 13 justices of the Supreme Court, including the chief justice and two masters.

The most recent Courts Administration Authority Annual Report (2011-12) states that there were 13 justices of the Supreme Court, including the chief justice plus two masters. The Courts Administration Authority website only lists 12 justices of the Supreme Court plus two masters. A retirement may well have occurred but it is obviously not up-to-date. It seems that those who are currently working in the court comprise 12 justices. The website is still recording one that is out of date because there has been a retirement since and a replacement. Perhaps the Attorney can fix that up.

It raises some question of credibility of the Law Society's concern as to whether there is a budget cut opportunity here with this legislation rather than just expanding the pool which is already legally available to the Attorney to take advantage of those wise men and women in the Supreme Court in asking that they undertake the job as chief judge of the District Court. We were provided with a prompt briefing on the bill. Obviously there was an opportunity for some consultation, as I have indicated.

We urge the Attorney in future to allow for the opposition to have reasonable time for consultation. It has not been something that has been strong in the past but I place on the record that in recent briefings we have had more fulsome disclosure of submissions and we welcome that from the opposition so that we may properly consider the legislative reform agenda of the government. Where it is good, which it is occasionally, it gets our prompt support and where it is defective, we identify that and remedy it if possible and oppose it if it is simply going to add to the burden of South Australians. With that contribution, I indicate we will be supporting the bill and will not be going into committee.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (12:50): I thank the honourable member for her contribution. I appreciate the fact that the matter, at least in this place, will pass without any delay and that is obviously to the general good. The matter that I want to briefly address before I deal with a couple of amendments that have been filed relates to a letter the honourable member referred to from the Law Society of South Australia, which has recently decided to go into print very frequently. I met with them last night. It appears that some members of the society, or some members of some committees of the society, have spent a lot of their youth watching *The X-Files* and have some sort of conspiracy theory about where things might be going.

Ms Chapman interjecting:

The Hon. J.R. RAU: Pardon?

Ms Chapman: Be nice to the Law Society for a change.

The Hon. J.R. RAU: I was very nice to them last night and I enjoyed their company very much. I want to explain very clearly what the situation is in respect of the chief judge, and some of the remarks I make now will be equally applicable to the amendments, so I will not be repeating myself.

The situation in relation to the Senior Judge of the District Court is this: it is a very, very difficult job. It is, in fact—as you, Mr Speaker, would know better than most here—one of the most pivotal jobs in the whole justice system in South Australia because it is the leader of the main trial court, whose cooperation and assistance in very important matters is of great assistance to the court system and the government of the day in achieving efficiency outcomes which are, of course, very important.

That job carries with it a fair degree of administrative responsibility, so it is not simply a job that a particularly good lawyer would find a natural fit, because there is this large administrative component in the job. Therefore, the pool of people from whom one might usefully select an appropriate person is rather narrow. There are two places from where, traditionally, this person might have been drawn: one is the private profession—presumably the bar, though not necessarily—the other is an existing member of the court.

Ms Chapman interjecting:

The Hon. J.R. RAU: Indeed. The current senior judge, for example, was drawn from the body of the court, as indeed, I think, the previous senior judge was before him. It may be, however, that there is a member of the Supreme Court who has both the aptitude and the inclination to also do the job. In that circumstance, it should be possible for that person to be able to, whilst retaining their styled entitle as a justice of the Supreme Court, in effect, remove themselves from the jurisdiction of the Supreme Court and become the senior judge of the District Court without any disadvantage to their standing or other entitlements. The fact is that the senior judge of the District Court is paid and is in every respect treated the same as a puisne judge of the Supreme Court except for their title, which is that of 'judge so-and-so, senior judge' rather than 'justice so-and-so, Supreme Court judge'.

The purpose of this amendment is purely and simply to provide two opportunities. Firstly, if there were a Supreme Court judge who wished to discharge that function, it would be opportune for that person to be able to be moved. Secondly, there might be somebody in the profession who has their heart set on becoming a justice of the Supreme Court, who would also be really good at being the senior judge, who might for whatever reason prefer not to be the senior judge because they would rather hang out to become a justice of the Supreme Court. It would be a shame to lose the opportunity of attracting that person because of the different title, etc., that is associated with the position.

All of these are hypotheticals because none of them—I can tell the member for Bragg and other members of the parliament—are presently matters that are in progress. In short, can I say to the member for Bragg, this has nothing whatsoever to do with cost cutting in the Supreme Court—nothing whatsoever. In fact, I place on the record, as I said to the Law Society last night, that there is no way on this earth that the job of senior judge of the District Court is a part-time job—it is not a part time job.

So, the person who is doing that job, if they happen to be starting off life as a Supreme Court judge and then go across and become the senior judge of the District Court (while still retaining the title of Supreme Court judge), would be occupied full time in the District Court. They would have no time, other than for the very limited circumstances which are provided for in the legislation. For example, if the Supreme Court was having trouble convening a full bench for an appeal or there was some other peculiar individual circumstance, in that circumstance, and only that circumstance, whilst going through procedures which included, I believe, a gazettal, the Chief Justice of the Supreme Court could request the assistance of the senior judge/Supreme Court judge heading up the District Court to come and form part of a bench for the purposes of a particular appeal.

That is an anomaly which may or may not ever occur but it needs to be provided for because we need some flexibility for the Supreme Court to be able to convene itself, as required, in

extreme and unusual circumstances. So, it has nothing to do with cost cutting. The situation is that this is not a part-time job. If there were a Supreme Court judge who wanted to move they would be moving for the purposes of moving. With those comments, could I quickly move the amendments that have been filed in my name?

The SPEAKER: It would be really good if we passed the second reading before we started to interfere with the clauses.

The Hon. J.R. RAU: Indeed, I think it would be very nice if we had the bill read a second time.

Bill read a second time.

TAFE SA (PRESCRIBED EMPLOYEES) AMENDMENT BILL

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (12:57): Obtained leave and introduced a bill for an act to amend the TAFE SA Act 2012; to repeal the Technical and Further Education Act 1975; and for other purposes. Read a first time.

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (12:58): I move:

That this bill be now read a second time.

The TAFE SA Act 2012 was brought into operation on 1 November 2012. The bill is a consequential bill to the TAFE SA Act 2012, which established TAFE SA as a statutory corporation. The bill has two purposes. The first is to preserve the provisions of the Technical and Further Education Act 1975 that relate to the employment of officers under that act by including them in a new schedule attached to the TAFE SA Act 2012. Under the TAFE SA Act 2012, these officers were transferred to the employment of the chief executive of TAFE SA and are now referred to as prescribed employees.

The transfer of employment was provided for under the TAFE SA Act 2012 in a manner which preserved the terms and conditions of employment which applied to these employees prior to the commencement of the TAFE SA Act 2012. The statutory employment provisions of these prescribed employees will be included in an amended form that ensures that those provisions, without substantive amendment, fit into the structure and mechanisms used in the TAFE SA Act 2012.

The second purpose of this bill is to repeal the Technical and Further Education Act 1975, which has been replaced by the TAFE SA Act 2012. The repeal is a consequence of the establishment of the statutory corporation of TAFE SA, which now provides for the technical and further education needs of South Australia and replaces a system of colleges provided under the Technical and Further Education Act 1975. Passage of this bill will give greater certainty in relation to TAFE SA 'prescribed employees' terms and conditions of employment provided under legislation and will tidy up various associated references in other acts.

This bill will replace the Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill 2012, which the government has been unable to pass through the parliament. In summary, as a consequential bill to the TAFE SA Act 2012, this bill ensures that the transition of the new TAFE SA statutory corporation is as comprehensive and seamless as possible. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *TAFE SA Act 2012*

4—Insertion of Schedule A1

This clause relocates certain provisions in the *Technical and Further Education Act 1975* to the *TAFE SA Act 2012*. The amendments that have been made to these provisions are technical and not substantive. These provisions will deal with conditions of employment for prescribed employees.

Schedule 1—Repeal and transitional provisions

Part 1—Repeal of *Technical and Further Education Act 1975*

1—Repeal of Act

This clause repeals the *Technical and Further Education Act 1975*.

Part 2—Transitional provisions

This clause will provide for transitional provisions relating to various references in other Acts that are relevant to prescribed employees and TAFE SA.

Debate adjourned on motion of Mr Pisoni.

[Sitting suspended from 13:02 to 14:00]

WILSON, HON. I.B.C.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:01): Mr Speaker, on indulgence, as members would be aware, since we last sat the former federal member for Sturt and former minister in the Fraser government, the Hon. Ian Wilson AM, passed away peacefully aged 80. In 1966 Ian Bonython Cameron Wilson entered federal parliament as the member for Sturt, replacing his father, Sir Keith Wilson. He spent over 20 years as a federal MP, serving as minister for home affairs and environment and later minister for Aboriginal affairs and minister assisting the minister for social security. On behalf of the government, I place on record our appreciation of his long and meritorious public service and extend our condolences to his wife Mary, his four children, Keith, Richard, James and Nigel, his extended family and friends.

Mr MARSHALL (Norwood—Leader of the Opposition) (14:01): On indulgence, Mr Speaker, I would also like to acknowledge the life of Ian Wilson, son of a highly respected Liberal politician, Sir Keith Wilson, and, of course, his wife, Lady Elizabeth Wilson. Ian was educated in Adelaide and was chosen as our state's Rhodes scholar in 1955, travelling to Oxford to continue his studies in law. Upon his return to Adelaide he embarked upon a successful career as a solicitor before deciding to enter politics as the federal member for the eastern suburbs electorate of Sturt. He continued to serve the people of Sturt and the people of South Australia with dedication and distinction for more than 20 years in our federal parliament.

He played key roles in the Fraser ministry as minister for home affairs and the environment and later Aboriginal affairs in the early 1980s. Interestingly, he also founded the Young Liberal Movement here in South Australia in 1951, and he will be remembered by many young Liberals both past and future for the contribution he made. During his time in government and in retirement, Ian enjoyed a long association with many charitable organisations, always in a voluntary capacity. That is when I first came to know Ian Wilson in his capacity as chairman of the May Gibbs Literary Trust. This is an organisation which he founded with his wife back in 1999. It provides a range of scholarships to emerging authors and illustrators for children's literature.

However, one of the things about Ian is that not only did he attack everything he did with a lot of vigour and enthusiasm but also a lot of strategic intent. He set up a great organisation, very solid financially, which operates with four properties around Australia and scholarships that are linked to them. In his retirement Ian maintained an active interest in politics. His wisdom, counsel and experience were regularly and actively sought by many. It was always given generously and it was always very gratefully received. Ian was 80, and he is survived by his wife Mary, four children and seven grandchildren. On behalf of the Liberal parliamentary team I extend our most sincere condolences to Ian Wilson's family.

Honourable members: Hear, hear!

CITY FRINGE DEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 22 residents of Dulwich, Rose Park and greater South Australia requesting the house to urge the government to consult with affected residents concerning mixed-use, medium-to-high density multi-storey buildings on Fullarton Road, Greenhill Road and Tudor Street.

O'HALLORAN HILL CHILDCARE CENTRE

Mr SIBBONS (Mitchell): Presented a petition signed by 732 residents of South Australia requesting the house to urge the government to ensure that the O'Halloran Hill Childcare Centre is relocated locally under current management and staff and that the centre remain open until the new facilities are ready.

ANSWERS TO QUESTIONS

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

MOTOR VEHICLE INSPECTIONS

279 Dr McFETRIDGE (Morphett) (17 July 2012). With respect to 2012-13 Budget Paper 4, Volume 3, p. 155—

How many more vehicle inspections were undertaken in 2011-12 to bring a $1.3 million increase in fee revenue?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts): I am advised:

The number of road worthiness vehicles inspections did not increase in 2011-12 compared to the previous year. The increase in fee revenue was driven by a contribution of factors including:

- The annual indexation increase of 2.9 per cent for inspection fees made under the Road Traffic (Miscellaneous) Regulations 1999;
- A variation of activity levels in the mix of inspection types performed with a bias towards higher fee inspections (i.e. an increase in the number of heavy vehicle defects performed in 2011-12 that attracted a higher inspection fee and therefore resulted in increased revenue); and
- The introduction of a prepaid booking fee to ensure inspection appointments are kept which in turn reduced waiting times for inspections

CROWN SOLICITOR'S OFFICE

In reply to **Mr PISONI (Unley)** (20 June 2012) (Estimates Committee A).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers): I have received this advice:

No employee of the Crown Solicitor's Office has been asked to step down from their position as a member of a governing council because the Crown Solicitor believed there to be a conflict of interest.

OCCUPATIONAL HEALTH AND SAFETY LAWS

In reply to **Mr PISONI (Unley)** (20 June 2012) (Estimates Committee A).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers): I have received this advice:

As of 6 July 2012, no advice had been provided.

GRANT EXPENDITURE

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (20 June 2012) (Estimates Committee A).

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers): I have received this advice:

The following tables provide information with regards to grants of $10,000 or more:

2011-12 Attorney-General's Department

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
Aboriginal Legal Rights Movement Inc.	10,608	Drug Court	Y
Andamooka Progress & Opal Miners Assoc Inc.	13,750	Street lighting and CCTV in Andamooka	Y
Australasian Institute of Judicial Administration Inc. (AIJA)	15,697	2011-12 Standing Council on Law and Justice (SCLJ) contribution to AIJA	Y
Australian Bureau of Statistics	19,650	2011-12 contribution to the National Criminal Courts Statistics Unit	Y
Australian Council on Children and the Media (inc Young Media Australia)	40,984	2012 'Know Before You Go' Program	Y
Australian Institute of Criminology	15,776	Criminology Research Grants	Y
Australian Sports Commission	10,000	'Play By The Rules' contribution	Y
Baptist Care SA Inc.	100,000	Crime Prevention & Community Safety Grants Program—Driver Education & Awareness for Refugees Project	Y
BPW Australia	22,324	Grant for BPW Adelaide Hills—Safe Connections Project	Y
Catherine House Inc.	50,000	Catherine House/UniSA/Kym Adye Scholarship Fund	Approved by Attorney-General out of the Victim's of Crime Fund
Children Youth & Women's Health Service	100,000	Provision of Forensic Medical Services to Victims of Rape and Sexual Assault	Y
City of Holdfast Bay	32,000	Graffiti Prevention Initiative	Y
City of Marion	14,500	'Clean Slate' Grant	Y
City of Playford	50,000	'Driving Safely in the City of Playford' project	Y
City of Playford	22,145	'Stobie Pole Stencil' project	Y
Community Arts Network SA	49,450	'Say Something' Grant	Y
Courts Administration Authority	67,854	Committal case conferencing	N—Transfer to another SA Government Department
Courts Administration Authority	85,000	Bail Improvement Project support	N—Transfer to another SA Government Department
Department for Communities and Social Inclusion	60,000	Family Safety Framework for the Office for Women	Y—Letter of agreement between AGD DCSI
Department for Correctional Services	212,000	Street Crime Initiative	N—Transfer to another SA Government Department
Department for Families and Communities	100,000	Port Augusta Youth Support Scheme	Y—MOAA between AGD, DFC and City of Pt Augusta
Department for Transport, Energy & Infrastructure	200,000	Tenure history search services for July to December 2011	N—Transfer to another SA Government Department

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
Environmental Defenders Office (SA) Inc.	93,577	Community Legal Centre Program	Y—SLA between Cwth Attorney-General's Department and Environmental Defenders Office
Flinders University	210,000	'SA Justice Chair in Forensic DNA Technology' grant	Y
Great Southern FM (90.1) Community Broadcasters Assoc Inc	30,000	Crime Prevention Grant	Y
Labs 'n Life	48,805	Transition with Labs 'n Life Program	Y
Legal Services Commission of South Australia	141,221	Drug Court	Y
Legal Services Commission of South Australia	34,337,000	Legal assistance services under Commonwealth & State Law	Y—Subject to National Partnership Agreement and State Legislation
Legal Services Commission of South Australia	1,618,054	Expensive State Criminal Cases	Y
Mission Australia	50,000	U + Me = Us Grant	Y
National Judicial College of Australia	23,936	SA Government Contribution for 2011-12	Y
Northern Community Legal Service Inc	630,699	Community Legal Centre Program	Y
NSW Department of Attorney General and Justice	59,403	Contribution to Standing Council on Law and Justice (SCLJ) Secretariat	Y—SCLG Agreement
NSW Department of Attorney General and Justice	12,770	Indigenous Justice Clearinghouse	N—Agreement by Ministers from all jurisdictions at the SCLJ
Onkaparinga City	35,000	Crime Prevention Program (Graffiti Removal Program)	Y
Operation Flinders	447,000	Operation Flinders Program	Y
Port Adelaide Football Club	97,920	2011 Aboriginal Power Cup sponsorship	Y
Port Augusta Prison—Dept for Correctional Services	20,000	Sierra Program—1 February 2012 to 30 June 2012	Y
Port Pirie Regional Aboriginal Community Centre	22,000	Fair Dinkum Bros Project	Y
Prison Fellowship Australia	40,000	'Life Club' grant	Y
Riverland Community Legal Service Inc.	278,480	Community Legal Centre Program	Y
Road Trauma Support Team of SA Assoc Inc.	74,000	2011-12 grant for Road Trauma Support Team	Y
Royal Assoc of Justices	14,909	2011-12 grant for accommodation	Y
South Australia Police	85,000	Bail Improvement Project Support	N—Transfer to another SA Government Department
South Australia Police	32,625	2011-12 contribution for the National Motor Vehicle Theft Reduction Council	Y—Letter of agreement with SAPOL

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
South Australian Native Title Services—Indigenous Land Use Agreement	708,333	Reimbursement of expenses for 2011-12	Y
South East Community Legal Service Inc.	334,845	Community Legal Centre Program	Y
Southern Adelaide Local Health Network	50,000	Child Protection Service, Flinders Medical Centre	Y
Southern Community Justice Centre Inc.	913,350	Community Legal Centre Program	Y
Stride Foundation	34,750	Ceduna Sporting Complex Mural Project	Y
Surfing SA Inc.	37,500	Surf Futures—Crime Prevention Grant	Y
Uniting Care Wesley Adelaide Inc.	681,522	Community Legal Centre Program	Y
Victim Support Service Inc.	561,000	Domestic Violence Home Safety Brokerage Funding 2011-12	Y—MOU between AGD & Victim Support Services
Victim Support Service Inc.	1,573,000	Annual Grant 2011-12	Y
Victorian Institute of Forensic Science	37,891	2011-12 National Coronial Information System (NCIS) funding	Y
Welfare Rights Centre (SA) Inc.	265,200	Community Legal Centre Program and Homeless Persons funding	Y
West Coast Youth & Community Support	50,000	Family Foundations Program	Y
Westside Community Lawyers	790,003	Community Legal Centre Program	Y
Whitelion	50,000	'Right Turn Driver' Mentoring Program	Y
Women's Legal Service (SA) Inc.	670,961	2011-12 Commonwealth Funding	Y

Consumer and Business Services

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
Anglicare SA	100,000	Tenants Information & Advocacy Services (TIAS) Financial Counselling Service	Y
Australian Government—The Treasury	11,253	2011-12 operating expenses of the Secretariat	Y—Agreement between jurisdictions for the Ministerial Council on Consumer Affairs
Port Augusta City Council	21,000	Secure taxi rank	Y
Taxi Council SA	64,500	Rank Monitor Sponsorship	Y

Multicultural SA

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
Adelaide Lithuanian Society	37,445	2011-12 Land Tax	Y
Croatian Club Adelaide	45,770	2011-12 Land Tax	Y
Ethnic Broadcasters Inc	22,000	Core Grant 2011-12—Radiothon	Y
Fogolar Furland Inc	24,495	2011-12 Land Tax	Y
Glendi Greek Festival	60,000	2011 Glendi Greek Festival	Y

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
Hungarian Club of SA Inc	23,665	2011-12 Land Tax	Y
Migrant Resource Centre	25,000	Core Grant 2011-12	Y
National Accreditation Authority for Translators and Interpreters Inc	50,000	SA Government Contribution to NAATI Agreement 2011-12	Y
Our Home Co-Operative Society Ltd	33,620	2011-12 Land Tax	Y
Radio Televisione Italiana	13,210	2011-12 Land Tax	Y

* Note that Multicultural SA transferred to the Department for Communities and Social Inclusion on 1 January, 2012.

Office for Volunteers

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
Flinders University	50,000	2011-12 Community Voices Program Discretionary Grant	Y
Northern Volunteering SA Inc	14,401	2011-12 Discretionary Grant	Y
Southern Volunteering SA Inc	14,074	2011-12 Discretionary grant—2nd instalment	Y
University of South Australia	50,875	2011-12 Project—Sustainable Online Community Engagement	Y
Port Augusta City Council	12,500	Volunteer Training Grant- 1st instalment 2011-12	Y
Volunteering SA and NT Inc	61,918	2011-12 Funding and service agreement discretionary grant	Y

* Note that the Office for Volunteers transferred to the Department for Communities and Social Inclusion on 1 January, 2012.

Office for Youth

Name of Grant Recipient	Amount of Grant $	Purpose of Grant	Subject to Grant Agreement (Y/N)
Youth Affairs Council	109,023	2011-12 Funding—1st instalment	Y
YMCA of South Australia	20,000	2012 Youth Parliament Program Grant	Y
Multicultural Youth SA	10,000	Funding for Youth Consultations	Y
Port Augusta Youth Centre	80,000	2011-12 funding for Port Augusta Youth Centre—first instalment	Y
Sammy D Foundation	50,000	Youth Connect Grant	Y
Service to Youth Council Inc	40,000	Geared 2 Drive Office for Youth Funding	Y

* Note that the Office for Youth transferred to the Department for Communities and Social Inclusion on 1 January, 2012.

PUBLIC SECTOR EMPLOYEES

In reply to **Mr GARDNER (Morialta)** (20 June 2012) (Estimates Committee B).

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development): I have been advised:

For the Department of Planning, Transport and Infrastructure between 30 June 2011 and 30 June 2012 the following roles were abolished:

Position Title	TEC
Project Manager Navigation Safety	$103,712
Risk and Compliance Manager	$103,712

Position Title	TEC
Manager Rail Safety	$109,782
Business Transition Coordinator	$144,896
Director Special Projects	$144,896
Director Bus Contracts Renewal	$144,896
Project Director Rail	$144,896
Executive Director Government Relations and Reform Office	$200,625
Executive Director Safety and Regulation Division	$200,625

For the Department of Planning, Transport and Infrastructure between 30 June 2011 and 30 June 2012 the following roles were created:

Position Title	TEC
Construction Contract Adviser	$103,712
Due Diligence Manager	$103,712
Manager Client and Lease Management	$103,712
Manager Integrated Transport	$103,712
Manager Operational Readiness	$103,712
Principal Governance Manager	$103,712
Principal Project Officer	$103,712
Project Manager Across Government Facilities Management Arrangements Transition	$103,712
Project Manager Integrated Projects	$103,712
Senior Adviser Special Projects	$103,712
Senior Project Manager	$103,712
Senior Project Manager	$103,712
Senior Project Officer	$103,712
Social Inclusion Manager	$103,712
Business Systems and Assets Coordinator	$109,782
General Manager Information Communication Technology Services	$109,782
Principal Legal Adviser	$109,782
Director Office of the Chief Executive	$144,896
Project Director	$144,896
Deputy Chief Executive Business Services	$200,625

For Renewal SA:

(a) no positions abolished with a total estimated cost of $100,000 or more.

(b) no positions created with an estimated cost of $100,000 or more.

For HomeStart Finance:

(a) no positions abolished with a total estimated cost of $100,000 or more

(b) positions with a total estimated cost of $100,000 or more which have been created between 30 June 2011 and 30 June 2012:

Position Title	TEC
FELS Program Manager	$91,000—$117,000
FELS Business Process Partner	$85,968—$105,084

PUBLIC SECTOR EMPLOYEES

In reply to **Mr MARSHALL (Norwood—Leader of the Opposition)** (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 have been advised:

For the Resources and Energy Division within the Department for Manufacturing, Innovation, Trade, Resources and Energy between 30 June 2011 and 30 June 2012 the following roles were abolished:

Position Title	TEC
Strategic Projects Adviser	$131,489
Manager Land Access	$141,731
Manager Geological Survey	$138,494
Manager Project Facilitation	$108,811
Branch Manager Geology	$140,052
Program Leader Geophysical Operations	$173,010

For the Resources and Energy Division within the Department for Manufacturing, Innovation, Trade, Resources and Energy between 30 June 2011 and 30 June 2012 the following roles were created:

Position Title	TEC
Legal Counsel	$124,638 (role currently occupied at 0.8fte—$99,710)
Director Strategic Project Coordination	$162,810
Deputy Executive Director Mineral Tenements and Exploration Regulation	$167,312
Director Geological Survey	$164,340
Director Mining Projects Facilitation	$162,127
Director Geology and Exploration	$141,362
Director Geophysical Operations	$173,010

REGISTERED CAREGIVERS

In reply to **Mr PISONI (Unley)** (14 November 2012).

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs): I am advised:

All of the 239 outstanding reviews referred to above are now complete. A work allocation system has been implemented whereby reviews are regularly being processed as they are received by the Department for Education and Child Development (Families SA) Carer Assessment and Registration Unit.

No carer registrations were cancelled as a result of this process. It should be noted that it is a rare occurrence for a review to generate the cancellation of a carer registration. This is because a number of factors will influence such a determination and these can occur at various times during an active registration. It is more common that a carer may be placed on hold, or their specific approvals be altered at time of review due to issues that have been raised during the review.

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government Annual Reports—District Council of Coober Pedy Annual Report 2011-2012

By the Attorney-General (Hon. J.R. Rau)—

Summary Offences Act—Dangerous Area Declarations Report for Period 1 October 2012—31 December 2012

By the Minister for Planning (Hon. J.R. Rau)—

Development Plan Amendment—City of Holdfast Bay Heritage and Character

By the Minister for Transport and Infrastructure (Hon. A. Koutsantonis)—

Regulations made under the following Act—
Harbors and Navigation—Ports—Easement Land

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Agreement between the State of South Australia and OneSteel Manufacturing Pty Ltd—Variation of the Indenture under the Whyalla Steel Works Act 1958 15 March 2013

By the Minister for Emergency Services (Hon. M.F. O'Brien)—

South Australian Fire and Emergency Services Commission—Annual Report 2011-12

By the Minister Assisting the Minister for the Arts (Hon. C.C. Fox)—

Carrick Hill Trust—Annual Report 2011-12

GM HOLDEN

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: In March last year, the government negotiated with both General Motors Holden and the federal government an industry assistance package to facilitate the production of two all-new Holden vehicles from 2016. This package totalled $275 million, comprising $215 million from the federal government, $10 million from the Victorian government, and $50 million from the state government. The contribution from the state government was to be paid in two tranches of $25 million, the first in 2016-17, and the second in 2017-18.

In negotiating the agreement, the state government stipulated minimum employment levels, minimum production levels, and minimum local supplier content levels as terms of the agreement. We also required that GM Holden and GM participate in a working group to position the local automotive industry within the GM global supply chain and to assist the industry to diversify.

These conditions, amongst a range of others, were set out in letters between me and the managing director of General Motors Holden, Mike Devereux. The government's terms were agreed to by Mr Tim Lee, President, GM International Operations, by letter dated 20 March 2012. Mr Lee's letter confirmed that, as a result of the government support, GM had decided to proceed with its plan to build two all-new cars at Elizabeth in the second half of this decade with investment from GM of more than $1 billion and that this would result in Holden operating at Elizabeth until at least 2022.

The effect of this letter was set out in a document I tabled in parliament on 28 March 2012. The parties have since been negotiating on the details of the funding agreement, which is yet to be finalised, but the fundamental terms of our agreement are clear and in writing and are expressed in the exchange of letters. Yesterday Mr Devereux announced a reduction in Holden's Elizabeth workforce of 400 employees. This reduction is estimated to reduce the workforce to 1,750 full-time equivalents, putting Holden's in breach of one of the conditions that both parties had agreed to in the exchange of letters.

I am deeply frustrated and angered by the way the announcement of 400 jobs being shed has come about. Our first priority is to support the displaced workers. To that end, I met with senior Holden's shop stewards yesterday, I am meeting with government and industry representatives later today, and this has been a topic of my early conversations with Mike Devereux yesterday and today.

I have also met this morning with the mayors of the cities of Playford and Salisbury, to discuss an assistance program to support the economic and community resilience of the northern suburbs. I will have more to say on this in the coming days. I met with Mr Devereux yesterday, where he conceded that the effect of his announcement was inconsistent with our agreement, and that that the matter will require further discussion. I am meeting with Mr Devereux to commence those discussions later this week.

Mr Speaker, this government remains committed to an advanced manufacturing sector in South Australia, as we outlined in our economic statement. We see the development and production of a new-model Holden manufacturing operation in Elizabeth as an important contributor to this sector, along with the component and other suppliers to Holden's. We will approach our discussions with Holden with a view to continuing this important contributor to our community.

As Professor Barry Burgan reported, their operations support approximately 16,000 jobs in the South Australian economy and contribute up to $1.5 billion of gross state product. However, we will not be providing financial assistance to Holden without stringent and enforceable consequences for failing to meet employment, production and local content targets, as well as other conditions which contribute to a broader economic benefit to our state.

Given we have not paid any funds yet to Holden, I make it clear that we will not do so unless new acceptable terms are reached with Holden, and so this government is willing to provide this support for jobs, support for business, and support for the economy.

The SPEAKER: I call the member for Heysen to order, and warn her for the first time for forced laughter and continual interjection.

WILDERNESS PROTECTION (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (CHEATING AT GAMBLING) AMENDMENT BILL

His Excellency the Governor assented to the bill.

CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (APPEALS) BILL

His Excellency the Governor assented to the bill.

QUESTION TIME

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:15): My question is to the Premier. Is the state's $50 million co-investment deal with Holden on or off?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:15): I thank the honourable member for his question. According to him, it's off. He doesn't seem to want there to be a binding agreement—he is asserting, along with the company that there's been no binding agreement reached between the South Australian government and the company, so it seems his proposition is that the agreement is off.

We won't permit the 16,000 people who rely upon Holden's for their prosperity—both those directly employed at Holden's and those who rely upon this particular company for their wellbeing—to just simply sit there without our advocacy on their behalf. This has been the approach that we've taken at every step of the way in this whole process. As soon as we heard about the possibility of the Holden plant closing back in late 2011, and the need for a co-investment package, my first instinct was to go precisely to the people who could make the decisions about that matter, that is, the chief executive and the leading executives in Detroit, and I did that accompanied by the federal government.

It was my intention, as it is my intention now, to ensure that we have a co-investment package that secures the future of Holden's in South Australia, but not at any cost and not without the interests of South Australians and those workers at that plant being taken into account and respected. We will not be disrespected by any corporate citizen. We will not be disrespected by any corporate citizen, and it's my intention to advocate on behalf of these 400 workers who are worried about their future tonight, as they are wondering which of the 2,000 will be tapped on the shoulder and asked to leave this company. Now they are the people who we should have firmly in our minds at the moment.

Rather than pointscore across this parliament, what they should be doing is joining with us, strengthening our arm, so that when we do have these discussions with General Motors we are in the strongest possible position, not trying to white-ant us for some short-term political interest that they might want to advance. At every single turn, our interests have been about making sure that Holden's remains strong into the future. That's why we committed ourselves to this package, but we also put safeguards in because we weren't going to have the South Australian taxpayers exposed to an open-ended arrangement, and that is what I am insisting on, and that's the way in which my negotiations will proceed with General Motors.

Members interjecting:

The SPEAKER: I call the members for Morphett, MacKillop and the Deputy Leader to order, and I warn the member for Heysen for the second time. There will be no further warnings.

VISITORS

The SPEAKER: I would like to acknowledge visitors to Parliament House—the Christian Brothers College year 11 legal studies class, guests of the member for Adelaide. I would also like to welcome Professor Burdett Loomis of the University of Kansas who is here as a visiting Fulbright scholar, and is in the Speaker's Gallery with a person well known to us, Dr Haydon Manning. Welcome.

QUESTION TIME

INFRASTRUCTURE PROJECTS

Ms BETTISON (Ramsay) (14:18): My question is to the Premier. Will the Premier update the house about major infrastructure projects recently completed, planned and currently underway in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:19): I thank the honourable member for her question. Infrastructure, of course, underpins not only the quality of life but the future prosperity for all South Australian citizens. That is why investments now yield benefits in the future. That is why we are so committed to infrastructure spending. We on this side of the chamber are encouraging investment and infrastructure through a range of measures.

Our planning reforms—and I want to congratulate the Deputy Premier on extraordinary breakthroughs in the planning area, and a relationship with the Adelaide City Council we haven't seen for decades. It has allowed the city to invest in stimulating not only commercial and residential housing but also other infrastructure which generate jobs now and into the future. Creating opportunities for business is also a key goal of the government and that is why high-quality infrastructure creates the circumstances for further investment by the private sector.

We continue to invest in the right infrastructure at the right time in the right places that unlocks investment and boosts this economy, transforming South Australia. This has been the story of the last 11 years and it will continue into the future. I note that we have some support from unusual quarters. The Macquarie Group's Jim Miller, a keynote speaker at the opposition leader's forum/fundraiser, does not think investment in infrastructure is a false economy. In fact, he rates it more highly than a tax cut, because he understands the multiplier effect of investing in high quality infrastructure. I would invite the opposition leader to take notice of the advice that he received.

This government's infrastructure investment brings benefits that make private investment possible. For example, yesterday we saw the opening of Australia's newest four-star hotel, the Quest on Franklin Street which is located in the recently completed $100 million mixed-use development known as 70 Franklin Street. Quest on Franklin Street features 117 brand-new studio one, two and three-bedroom serviced apartments. It is the first of two new Quest properties that will open in Adelaide over the next 12 months, with Quest King William Street due to open in March 2014.

Quest has also said that major projects, including Rundle Mall, the Adelaide Oval redevelopment and the new Royal Adelaide Hospital, are key factors in the company's decision to expand its presence here in this state. It illustrates how government investment in high-quality infrastructure spawns private sector investment in infrastructure. We have also seen a number of other major infrastructure projects open in the past several weeks, including the $385 million Rundle Place development. Rundle Place features 85 shops with over 22,000 square metres of retail space as well as an 11-storey office tower covering 30,000 square metres pre-leased to the Bendigo and Adelaide Bank.

I also had the pleasure of opening the new Rowland Apartments, a $51 million 16-storey project just off Grote Street built by a team headed by developer David Lee. In a different strategy to many apartment projects, the Rowland development was fully funded from the start, with sales beginning once the company had completed the project. It was the first project to take advantage of the Deputy Premier's new planning reforms, even if it was only able to add one storey, for engineering reasons. Nevertheless it did so and it is great to see that beginning. It illustrates the way in which our new approach to planning law is unlocking this investment.

There are more privately funded projects planned or currently underway in Adelaide. The Mayfair Hotel, a $32 million redevelopment, will transform the heritage-listed Colonial Mutual Life building on the corner of King William Street into a boutique hotel, and just last week we saw the DAC approve the Tang Cheng Group's $80 million 18-storey apartment block and 14-storey hotel between Claxton and Selby Streets.

The SPEAKER: Alas, the Premier's time has expired. The leader.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:23): My question is to the Premier. Why is it that the federal government signed a contract for its $215 million contribution to the co-investment package with Holden's and the Victorian government signed a contract for its contribution, but a year after the announcement, our Premier, a former lawyer, had not signed a contract for the $50 million commitment that he had made on behalf of South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:23): The first thing you should do is check with your friends in Victoria, because Mr Devereux told me today that there has been no signed agreement between the Victorian government and General Motors.

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Did you check?

Members interjecting:

The Hon. J.W. WEATHERILL: Well, Mr Devereux doesn't think there is an agreement. In fact—

Ms Chapman: Well, he's reliable. You just told us.

The SPEAKER: Will the Premier be seated? I warn the deputy leader for the first time. We do not want to see an undignified exit of the deputy leader today. Premier.

The Hon. J.W. WEATHERILL: We will see who is accurate about that particular matter, but can I say this: one of the reasons I flew to Detroit was to make sure that I conducted the negotiations on behalf of the South Australian government, not the commonwealth or the Victorian government, and there are elements in our agreement—

Members interjecting:

The Hon. J.W. WEATHERILL: I know that perhaps the preferred approach of the opposition leader might have been simply to roll over. My proposition was that I wanted to see safeguards in the agreement for South Australians. I wanted to see that there were commitments to not only ensuring that the South Australian Holden operation was insinuated into the global supply chain, on the basis that there is no future for us simply supplying vehicles for the domestic market. There is no future in that. We have to be part of a global platform, which means that we are insinuated into that global supply chain.

Further, I wanted to make sure that our component suppliers, who necessarily were going to be affected by the changes that were occurring in Holden, had some clear process of transition to this new global architecture, because unless our component manufacturers were efficient and capable they would not find a place in Holden's global supply chain. So, we entered into a specific agreement, which was a material term, with the executives at General Motors Holden about ensuring a working party was set up to transition those suppliers into that global supply chain.

This was going to be an extensive exercise. It would involve lifting the capacity of existing component suppliers. It might actually involve transitioning them out of the manufacturing sector if they couldn't reach the standards that Holden needed, but Holden was going to work with us on a working party for that purpose. I also raised the question of new and enhanced ways of supporting workers who could actually find other roles for themselves in the manufacturing sector when inevitably there would be a smaller but more secure manufacturing sector.

These were the essential terms of the matters we put into the agreement, so we had a much more detailed agreement that we were promoting on behalf of South Australia, because we have an ambition to keep a manufacturing sector in South Australia and we also have an ambition to not lose the skills and capabilities that exist in this sector so that we can transition to an advanced manufacturing future. We took advice on the approach that we took from Professor

Göran Roos, and these are all set out—these are no secrets—in the advanced manufacturing strategy and the economic statement.

There is a clear continuum between what we have set out, what we said we would do and what we have done, and we advanced those things in negotiations. We have reached, on all the fundamental matters, a clear understanding with General Motors. I understand what they advance, but it is absolutely clear. We have an exchange of correspondence.

Mr MARSHALL: A supplementary?

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

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:27): The Premier has just outlined to the house all of these great things that were going to flow from this agreement that he negotiated. Given it was such a great agreement, why did he actually not get around to signing it?

The SPEAKER: Yes, I think that is a supplementary. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:27): The agreement is evidenced by an exchange of correspondence—

Members interjecting:

The Hon. J.W. WEATHERILL: —both of which were signed. It is orthodox—

Members interjecting:

The SPEAKER: I warn the member for Morphett for the first time. I call the member for Unley to order. Premier.

The Hon. J.W. WEATHERILL: It is orthodox for agreements to evidenced by an exchange of letters, both signed by both parties. This is orthodox. It is also orthodox for there to be later more detailed implementation agreements, which in fact happened in relation to the Cruze model, and I am advised that it took over 12 months to negotiate the final detailed arrangements in relation to that implementation agreement.

Look, there is an air of unreality about this. General Motors stood up in Canberra along with the Prime Minister and myself and said they were going to spend $1 billion and that the Detroit boardroom had signed off on the expenditure of $1 billion. Are you seriously suggesting that they did that without reaching an agreement with the South Australian government, the Victorian government and the commonwealth government?

The Hon. I.F. Evans: So Victoria does have an agreement.

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

SWIMMING POOL SAFETY

Mr SIBBONS (Mitchell) (14:28): My question is to the Minister for Planning. Can the minister please inform the house about proposed changes to backyard swimming pool safety standards?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:29): I thank the honourable member for his question. Last week, the President of the Local Government Association, Mayor Kym McHugh, joined with me to release a discussion paper aimed at improving swimming pool safety. I am advised that, on average, one child per year dies in South Australia as a result of drowning in a backyard pool.

That is one death per year that is completely avoidable. I am also advised that for every drowning death there are 14 emergency room admissions and four admissions for a stay in hospital as a result of the immersion. Of course, sadly, some of those children are permanently damaged by reason of that event. Pool drownings are one of the biggest causes of accidental death in children aged under five years.

The discussion paper released last week proposes consideration of the following measures: consolidating compliance options for pools; introduction of mandatory requirements for inspection via appropriately qualified inspectors and certification of compliance; a database of

swimming pools; adequate council policies for swimming pool inspections; and many other measures. Fundamentally, the changes we are looking to make are about saving lives, and in particular very young lives.

We recognise that what we are looking at has an impact on families, business and local government, as well as on the state government. That is why I encourage the public, pool owners and councils to respond to the paper so that we can get this important reform right. The consultation is open until 31 May this year and it is my aim for changes, whatever they might be, to be in place in time for next summer. For more information, including the discussion paper, I invite anybody interested in doing so to go to sa.gov.au/planning/buildingconsultation.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:31): My question is to the Premier. Will the Premier now release his correspondence with Holden that he says has been breached, and if he won't release it, why not?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:31): I am happy to answer both of those questions. It's a job lot, two questions for the price of one. I am more than happy to release the correspondence; it is just that the company has an agreement with us about the confidentiality of those documents. I would be more than happy to release them, in fact. They insist on that. In fact, I asked as recently as just before coming into this parliament whether they would waive that agreement and they are violently opposed to doing that. So, I would be more than happy to release the documents.

I must say that I think on 28 March 2012 the South Australian Parliament in fact had a detailed recitation of elements of a number of the terms of those agreements, including a paraphrasing of a crucial letter, which was I think a letter of 20 March 2012 and which is set out in that document. It makes it clear that there is an agreement that has been reached and it will be subject to a later implementation agreement to be executed between the parties. So, that is clear. I did not hear on that occasion, back on 28 March when we had this debate in parliament, this point being made. Shrieks of silence from those opposite about the fact that we had laid this out, that an agreement had been reached and that it was going to be subject to a later implementation agreement.

No points were raised about whether we actually had an agreement, because it was manifest to all those who were actually witnessing the events that were occurring at the time. You had essentially the head of Holden's in Australia standing up and pledging on behalf of this company that he was committing a billion dollars of investment. Of course agreements had been reached and of course there were more detailed implementation agreements that would follow.

The critical issue—and this is not an issue that is in dispute with Holden—is that they accept that what happened yesterday means that we have to revisit the agreement. Leave everything else aside—all your tricky legal points about funding agreements and the implications they have. Just look at that fundamental fact: General Motors acknowledged they need to sit down with us in the light of what happened yesterday.

That is the proof of exactly what the nature of the relationship is, and we are prepared to have that conversation because this has been a longstanding and positive relationship between the South Australian government, the South Australian community, the South Australian workforce and this company.

My uncle started working there when he was a 15 year old and left at 65. There are many people who can trace their roots back to this important company. I support this company: I drive a Holden, as many of you do here. Seventy-four per cent, in fact, of our state government fleet is Holden, and if other states did the same thing we would be in much better shape.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:34): Supplementary: given that the Premier has said that he will not release the correspondence between the government and Holden but he still maintains there has been a breach of this deal, agreement—whatever you want to call it—can the Premier at least update the parliament on the nature of the breach that has occurred?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:34): I thought that was well understood: that we stipulated minimum employment levels at General Motors Holden at Elizabeth and the announcement yesterday falls beneath those minimum employment levels.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:35): Supplementary question: what were those minimum requirements?

The SPEAKER: That is not a supplementary but we will give it to you as another question.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:35): I have made it clear that I am not prepared to devolve any of the matters that we bear on the—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, on the last occasion we had this debate—it is a bit like Groundhog Day—when we were in parliament back in March 2012, I did as much as I could. I prepared a document that essentially extracted all the relevant terms as far as I could go without including proprietary information. I put all that out there. It was there. We set it out. The South Australian parliament got that. I said I was not prepared to put material which might give an indication of matters which would be proprietary in nature. I refused to do that because I do not want to damage a relationship that is already under some strain. I want to restore this relationship in the interests of those workers and the South Australian community.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:36): I have a supplementary again. I would like to ask the Premier: at what point does the public interest override this excuse that he is giving to every question we are asking? When does public interest—

The SPEAKER: The leader is out of order. That question is not in order. He might like to reformulate it so that—

Mr Marshall: Well, the Premier wants to answer it.

The SPEAKER: The Premier is keen to take the question. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:36): In the spirit in which that question was asked, I would like to find out when the Leader of the Opposition is going to promote one positive idea for the future of South Australia.

The SPEAKER: Both the question and the answer are out of order, but consent is sufficient.

REPATRIATION GENERAL HOSPITAL

Mrs VLAHOS (Taylor) (14:37): My question is to the Minister for Health and Ageing. Can the minister tell the house about the new age rehab clinics, 4th Generation clinics, which were opened last week at the Repatriation General Hospital?

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) (14:37): I thank the member for this important question. Last Friday, the federal Minister for Health and Ageing, Mark Butler MP, and the parliamentary secretary to the Premier, the member for Taylor, opened the $6 million state-of-the-art rehabilitation service at the Repatriation General Hospital funded by both the federal and state Labor governments.

The service, known as 4th Generation clinics, will integrate teaching and research into a clinical service where older people and those with a disability can use health professionals all at the same location. The clinics have high-tech equipment to assess walking, falling and driving and are equipped with new robotic equipment, video games, simulators and a gait laboratory.

Older people and those living with a disability will be able to use therapists, rehabilitation physicians, geriatricians, physiotherapists, occupational therapists, speech therapists, psychologists and dieticians for assessment and treatment. In one visit, people will be able to

receive assessments from doctors and therapists about conditions that affect their functioning, such as falls, walking and their ability to drive.

I am told that the guest speaker at the opening, Annette, shared her life-changing experience of having to care for her husband Gerry when he had a stroke. For Annette and Gerry, having a supportive and co-ordinated rehabilitation service is important in helping Gerry's recovery.

The 4th Generation clinics will provide a new centre for excellence in the delivery of team-based recovery for older and disabled South Australians, offering new approaches to clinical care. The integrated model of care is a prototype for the future and will help more people with injuries who need rehabilitation, as well as older people, to live independently in their home.

Funding is also being provided by the government to place teaching spaces into the clinics, which will be managed by Flinders University. We can all be pleased that Adelaide is now home to one of the most advanced rehabilitation centres in Australia. I understand that the Repatriation General Hospital was the first public hospital in Australia to offer this high-level technology.

GM HOLDEN

The Hon. R.B. SUCH (Fisher) (14:40): My question is to the Minister for Finance. Can the minister inform the house about the purchase of Holden cars for use in the state fleet by expanding on the reference made in question time by the Premier on this point?

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) (14:40): As the Premier pointed out, currently 74 per cent of the state government passenger fleet is sourced from Holden, Elizabeth. I think that is up from about 68 or 69 percent 12 months ago, so our commitment to Holden is on the increase. The member for Fisher may be interested to know that in December the Prime Minister appointed an auto industry advocate, Mr William Angove, former GM for Ford Indonesia, to approach the state governments, particularly the New South Wales and Queensland governments, to see whether they would make a commitment to the Australian auto industry.

Mr Angove's other function was to approach other fleets in the private sector to see whether they would also increase the number of Australian vehicles that they were running in their fleet. My namesake, Michael O'Brien, is the Victorian Treasurer. Whenever I have a meeting with Michael O'Brien, I like to point out that Michael O'Brien talks a lot of sense. Yesterday he made the comment in the Victorian media that he would like to see this issue progressed. I think it would be fair to say that both the Victorian and South Australian governments would like to see the level of activity by Mr Angove increased substantially in the light of yesterday's announcement.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:42): My question is to the Premier. What is the total number of jobs that will now be lost across South Australia as a result of 400 job cuts at Holden?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:42): I thank the member for that question; it's an important question. That's not presently capable of being known, although there will be an effect on component manufacturers. We are trying to gather that information as I speak. I have some anecdotal information about at least one component supplier, who had already rerated their lines to accommodate the lower production numbers that were already being produced by Holden because of the reduction in the number of days and the lead days that were being taken.

You've got to remember that Holden has been finding other ways to make economies over an extended period now, and it's got to this point where it's made this rather dramatic decision. So, some of the component suppliers have rerated their connection, if you like, to Holden in a way that means that this shouldn't cause any further reduction because they are already working at a reduced rate. That was very substantial component of manufacturing. I'm not aware of the effect on other component manufacturers, but we will be making those inquiries and I will be meeting with representatives, the peak bodies, of those component suppliers to try to find ways of minimising the effect on those particular workers and businesses as well.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:43): Supplementary question: given that the Premier says that it is extremely difficult to make that analysis of what number of jobs will be lost across the entire manufacturing sector here in South Australia, would it be fair to assume, though, that if a quarter of the jobs at Holden are gone a quarter of the 16,000 jobs that he's repeatedly referred to—4,000 jobs—are in jeopardy because of this decision?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:44): Not necessarily, because I think there's a tipping point where some of these organisations without a principal contractor won't be able to sustain themselves. A number of these businesses actually get business from a range of other sectors other than the automotive sector. In fact, that's the very work that we are undertaking now.

If the honourable member was serious about informing himself about these matters he would be aware that even Holden themselves received an enormous shock during the global financial crisis when they found that around the world those component suppliers that were solely reliant upon General Motors almost all fell over when General Motors had to essentially scale back its operations. It found that a precarious position to be in, so it has rethought its global component supply strategy, wanting to make sure that it deals with strong partners that have a diversified customer base. If 90 per cent of your work is with Holden's and Holden's drops off, you can kill your component supplier in a way that means that they are not there next time when you want to expand.

That is part of the work that we have been proposing to do and are doing with Holden's, through the working party, of actually trying to diversify and strengthen the component supply chain so that they are able to be resilient in the face of very fluctuating economic conditions. Remember what we are facing here. We have an extraordinarily high Australian dollar. Other countries are essentially engaged in a currency war which is having a dramatic effect on South Australian manufacturers. What that means is it is even more urgent to carry out the work that we set out in the economic statement to diversify our state into an advanced manufacturing future.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:45): I have a supplementary question.

Members interjecting:

The SPEAKER: Before the supplementary, I call the members for Chaffey and West Torrens to order. Leader, supplementary.

Mr MARSHALL: The Premier raised the issue of the government's economic statement. Can he advise the house whether the closure of the Holden plant in South Australia was envisaged in any one of the four scenarios that he outlined in that economic statement last month?

The SPEAKER: That is not a supplementary, but I will give it as a question.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:45): If the member actually took the time to study that document, he would be aware that it was the long-term projection on four different scenarios of growth in the South Australian economy. What it said was that, under any of those scenarios, including the scenario that we face at the moment, with very substantial shocks to our economy, the economy grows under any scenario.

We know that there is a particular effect on the manufacturing sector that occurs as a consequence of a high Australian dollar, which also goes hand in hand with a strong resources sector. So, we are seeing creation and destruction at the same time. Just on Friday—

Mr Marshall interjecting:

The SPEAKER: I will listen carefully to what the Premier has to say.

The Hon. J.W. WEATHERILL: Just on Friday, we saw an announcement by Liebherr, a mining services company, that actually announced the creation of 125 new jobs in South Australia off the back of the mining services sector. The high Australian dollar, the very factor which is playing such an important role in placing pressure on our manufacturers, the very thing that is causing—

The Hon. I.F. EVANS: Point of order.

The Hon. J.W. WEATHERILL: It is directly relevant.

The Hon. I.F. EVANS: The Premier is not answering the substance of the question, which was, 'In any of the four scenarios outlined in the government's economic statement, did any of those four take into consideration the closure of Holden?'

The SPEAKER: I rule against the point of order. The Premier is clearly speaking to his economic statement and he is offering the house information, albeit information that perhaps one side of the house does not wish to hear. The Premier.

The Hon. J.W. WEATHERILL: For those opposite to make sense of what I am talking about, in each of those scenarios there are obviously upsides and downsides associated with the resources boom. The resources boom gives you growth in employment in that sector, but it also provides a high Australian dollar that places pressure on manufacturing. That is the very thing that we are seeing at the moment. The economic statement is predicated on this continuing, under the four scenarios. One of the scenarios—

Mr MARSHALL: Point of order, sir.

The SPEAKER: The Premier will be seated. The point of order is frivolous and, accordingly, I call the leader to order. The Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. The point about referring to Liebherr is that it is precisely the sort of company that actually demonstrates the sense of having each of these particular scenarios creating benefits in some respects and detriments in others. So, we have the very same pressures on Holden, which are placing pressure on them, also giving opportunities to a mining services company that has decided to set up its business here in South Australia as a mining services hub for the nation.

They are placing their logistics centre here in South Australia, creating all of these jobs, an $85 million investment which will create its own employment effect, and then 125 extra workers, as they provide the logistics hub for, essentially, open cut mining for the nation. They are supplying mines in New South Wales, Western Australia and Queensland. I know that a good news story sticks in the throat of those opposite, but this is directly relevant to the scenarios we have set out in the economic statement. There is strength in one sector, detriment in another and vice versa.

If the mining boom was to have a terms of trade shock, there would be an increased proposition in the manufacturing sector, and that comes from a balanced economy; that is what we have achieved over the last 40 or so years, and very substantially in the last 10—a diversified, strong economy of which we should be proud. We are working to ensure that we transition the Holden's workers and that Holden's plant into a positive future.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:50): Does the Premier now accept that a cost-benefit analysis should be undertaken for any further investment of taxpayers' money?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:50): The cost-benefit analysis was laid out very clearly to the South Australian parliament. We set out the terms and conditions of the arrangement that we met, we showed what the cost was (the loss of over 16,000 jobs), we set out what the benefit was (a billion dollars of infrastructure investment here in South Australia), and we also set out the particular contribution that the South Australian community was asked to make, which was $50 million. I don't know how much clearer than setting out all of the costs and all of the benefits in a written document—

Mr Gardner: The third word is 'analysis'.

The Hon. J.W. WEATHERILL: It was backed up by analysis by the University of Adelaide. We published the University of Adelaide's analysis about the number of jobs that would be in jeopardy if we didn't invest in the future of Holden's. We knew what would happen without the investment: it was the closure of Holden's. We were able to measure that. I don't know how much more the opposition needs. Of course, what they want to do is to walk both sides of the street, because they actually don't—they have people running around in the Liberal Party who actually don't—support investing in Holden.

The Hon. I.F. EVANS: Point of order: debate.

The SPEAKER: The member for Davenport's point of order is correct, and so I call the Premier to order. The leader is on his feet, so he can ask another question.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (14:51): If the Premier has finished, I would like to ask a supplementary. He said, 'What more does the Liberal Party need in South Australia?' We repeatedly asked for this to be dealt with in a bipartisan way by the Industry Development Committee. Will the Premier commit to running any further package through the IDC so that we can deal with this in a bipartisan way?

The SPEAKER: We finally did get to a question there; congratulations, Leader of the Opposition. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:52): This is a new definition of bipartisanship: offering the hand of friendship and then snidely attacking the government at every opportunity to undermine the nature of this relationship.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, you raised bipartisanship.

Mr PISONI: Point of order: this is imputing improper motives on others in the parliament.

The SPEAKER: Well, actually, member for Unley, it isn't imputing improper motives; it may be something else that offends standing orders, but imputing improper motives is not it. The Premier is answering the question in the spirit that it was asked. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. We did better than allowing a committee of the parliament to analyse this arrangement. We did better than a committee of the parliament—

The Hon. I.F. Evans: No you didn't.

The Hon. J.W. WEATHERILL: We let the whole parliament analyse the arrangement. We didn't—

Members interjecting:

The Hon. J.W. WEATHERILL: We didn't settle for a committee of the parliament: we actually committed the whole parliament to look at this matter, and—

Members interjecting:

The Hon. J.W. WEATHERILL: —that, of course—

Members interjecting:

The Hon. J.W. WEATHERILL: I am sure one thing we won't get before the end of question time is one single positive idea to advance the interest of those Holden's workers.

Members interjecting:

The Hon. I.F. EVANS: Supplementary question, Mr Speaker.

The SPEAKER: Since the last question was almost entirely a statement, I am really interested in what this supplementary will be.

GM HOLDEN

The Hon. I.F. EVANS (Davenport) (14:53): Given the Premier has said that he had provided all the information for the whole parliament and that's why he didn't have to refer it to the IDC, my question to the Premier is: can he confirm that, by not referring it to the IDC, it prevented the members of the IDC from asking questions about matters that are commercial-in-confidence, which is the exact purpose—

The SPEAKER: I will—

The Hon. I.F. EVANS: The IDC was established—

The SPEAKER: Yes, you have asked your question; I will allow it as a separate question, not as a supplementary. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:54): I thank the honourable member for his question. I mean, the heart of this is that the opposition don't respect the role of the government in negotiating these arrangements with private companies, and they don't respect—

Members interjecting:

The Hon. J.W. WEATHERILL: —they don't respect their request—

Members interjecting:

The Hon. J.W. WEATHERILL: Look, I am sorry, but they wanted to deal with the government. They didn't want to deal with you: they wanted to deal with the government in relation to this matter. Now that is a matter for them and their decision. They didn't want confidential details being made available to you. I can't help that. That is their decision. I have offered to actually release confidential details now. I have offered to ask them to waive that. They've refused to do that; they regard that as proprietary. They don't want you to look at it. I'm sorry about that, but the whole of the parliament was given all of the information I could, in good faith, give the parliament without breaching my undertakings.

EDUCATION AND CHILD DEVELOPMENT

The Hon. P. CAICA (Colton) (14:55): My question is to the Minister for Education and Child Development. Can the minister inform the house about the development of the Department for Education and Child Development's blueprint program, and what changes will be made to the way our young people are educated and cared for?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:55): Since coming to government, we've made the development, education and safety of our children a priority. This government has shown it is open to innovation and new ideas. The Every Chance for Every Child strategy has been based on advice we received from the world's best thinkers in childhood development and education—Fraser Mustard, Martin Seligman and Carla Rinaldi.

Our aim is to ensure children have the best start in life, that parents are encouraged and involved in their children's learning and that families are strong and safe. This government has a strong commitment to public education and to supporting teachers and principals. We also acknowledge parents as the most important educators in a child's life, and that is why we've undertaken a consultation process that involves approximately 3,000 teachers and parents around our state.

The new reforms that have been announced will build on our system. They will set higher standards of achievement and improve the health and wellbeing of children and young people; provide better family and carer support; and provide stronger community-led engagement. Under these reforms, the Office for Education will focus on raising academic performance in public education, teacher quality, leadership development and accountability.

The Office for Children and Young People will focus on population planning to direct resources for children and their families to areas of greatest need. The Office for Child Safety will focus on implementing a family-focused child protection system. These changes are aimed at providing resources at the local level.

We will establish networks of preschools and schools led by a lead principal, so that there is collective responsibility for the achievement of all children and young people. This model will also build leadership capacity and enable educators to focus on what they do best—provide education and care to our young people. We will partner preschools and school networks with local communities and the agencies servicing them to build sustainable integrated service hubs in the reach of local families.

We will develop new approaches to support children to remain with their families when it is safe to do so. We will establish one plan for every child and young person, guiding their education and development across each domain, age and stage of their development. We will equip our workforce with the skills necessary to achieve the required outcomes for children and young people through a redesign of workforce development.

Yesterday, 300 staff across the agency and more than 60 people from service providers and other agencies and community organisations attended the launch of the blueprint for change. We have a good system of public education in this state. We have great teachers. These changes reflect their advice and their commitment to doing even better for our children.

EDUCATION AND CHILD DEVELOPMENT

Mr PISONI (Unley) (14:59): Supplementary, if I may sir?

The SPEAKER: Yes.

Mr PISONI: The minister referred to a new restructure in her department in her answer. Why has the government restructured the education department nine times since coming to office?

The SPEAKER: That is not a supplementary. Would you like a question, leader?

Mr Marshall interjecting:

The SPEAKER: Oh, you will have that as a substitute question? Minister.

The Hon. J.J. Snelling: How many times have they changed leaders?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:59): Yes, that's right.

Members interjecting:

The Hon. J.J. Snelling: How many times have you changed leaders?

The Hon. J.M. RANKINE: Exactly. I think that was six times. You might like to explain that to the South Australian people. We have made a commitment—

Mr Pisoni: You're saying six, are you? Put six on *Hansard*.

The SPEAKER: Minister, would you be seated.

Mr Pisoni: Put six times on *Hansard*.

The SPEAKER: The member for Unley is warned for the first time—and for the second time, and will go out if he utters another noise out of order. The minister.

The Hon. J.M. RANKINE: Thank you, sir. We have made the development of our children and their education, as I said, an absolute priority. We are open to new ideas. There is absolutely no doubt that, as the community changes, the demands change, the requirements change and the needs of children and their families change.

What we know is, when we inherited the education system and the child protection system, it was in crisis. We support our teachers here. We do not believe that public education is rotten to the core, as has been espoused by the shadow minister for education. We think we need to support teachers, we need to listen to families and we will do what we need to do to make sure we give children the best chance in life.

EDUCATION AND CHILD DEVELOPMENT

Mr PISONI (Unley) (15:01): A supplementary, sir, if I may. The minister in her answer said that there were not nine restructures of the education department. Can she advise the house how many there have been, then?

The SPEAKER: I'm sorry, what's the question?

Mr PISONI: The question is: can the minister advise the house how many restructures of the education department there have been in the term of this government?

The SPEAKER: Yes, I will grant that as a supplementary. Minister.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:01): On a point of clarification, sir, the shadow minister actually said that I said there had not been nine restructures of the department, but let me just make this point: the one thing I know about the shadow minister is that you have to check his numbers because he gets them wrong all the time.

Mr PISONI: Point of order, sir.

The SPEAKER: I call the Minister for Education to order. Does the member for Unley have anything further to say?

Mr PISONI: My point of order, of course, is that it was debate. The minister was entering debate.

The SPEAKER: You know, the member for Unley may well have been right. The leader.

GM HOLDEN

Mr MARSHALL (Norwood—Leader of the Opposition) (15:02): My question is to the Premier. Is the federal government's $215 million contribution to the co-investment package at Holden contingent on South Australia contributing $50 million?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:02): No, I do not understand that it is.

Members interjecting:

The SPEAKER: I think the answer was, 'No, it's not contingent.' The member for Waite.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:02): My question is to the Premier. Does the Premier have crown law or other legal opinion to support his claim that Holden's 400 job cuts breach the $275 million federal-state co-investment agreement or is Holden right in stating that the decision to cut 400 jobs 'is not linked in any way with our government assistance announcements. The assistance from the federal and state governments surrounds our next-generation of products'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:03): No. Just because you ask the same question in solemn, stentorian tones does not mean it is a different question. The answer is no. I have already set this out in my ministerial statement.

Mr Hamilton-Smith interjecting:

The SPEAKER: Would the member for Waite like to ask another question or would he prefer to continue interjecting?

Mr HAMILTON-SMITH: I am dying to ask another question, at your pleasure, Mr Speaker, again to the Premier.

The SPEAKER: Splendid.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:03): Has the government in fact broken its promise made on 22 March last year to 570 Holden workers who have lost or face losing their jobs in the last five months by stating, 'Today, we have secured the future of the Elizabeth plant as well as the thousands of workers and their families in this state who rely on the automotive sector for their livelihood'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:04): No.

OIL AND GAS SECTOR

The Hon. L.R. BREUER (Giles) (15:04): My question is to the Minister for Mineral Resources and Energy. Can the minister please inform the house on developments in oil and gas exploration in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:04): South Australia's standing as a world-class exploration destination for oil and gas has been confirmed. Only recently, we saw the global energy giant Chevron partner with a great South Australian company, Beach Energy, to progress opportunities in the state's rich unconventional gas sector. We are now seeing significant national and international demand, with the latest onshore acreage attract bids worth $142 million submitted to access the Cooper and Otway basins.

Five bids have been received for the latest petroleum acreage release, and the two successful bidders will be announced after formal offers are accepted. The bidding period, which closed on 4 April 2013, attracted three bids for the 392 square kilometre Cooper block and two bids for the 5,657 square kilometre Otway block. The competitive bidding for these two blocks reflects South Australia's international standing as a destination for investment in exploration.

South Australia attracted combined spending in mineral resource and petroleum exploration of more than $600 million in the 12 months to March this year. Almost half of that total was spent on petroleum exploration in this state. These latest bids show South Australia continues to attract strong interest from explorers. The Cooper Basin is Australia's largest onshore oil and gas province, supplying major south-eastern markets with gas for more than 40 years and oil since 1982, while the Otway Basin is seen as the state's second most prospective onshore oil and gas province.

A bid-receiving team from the Department for Manufacturing, Innovation, Trade, Resources and Energy's internationally recognised petroleum and geothermal division will now assess and rank all bids based on the selection criteria. Selection criteria include successfully demonstrating the technical expertise and financial capacity to carry out projects.

The Cooper block comprises two areas close to the basin's western margin where several oil accumulations have been discovered in recent years. This government welcomes the sustained investment in our state's rich resources sector, a sector that has gone from strength to strength over the last decade from industry working together with government, backed by a strong community.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:06): My question is for the Premier. What has his Labor government actually secured, if anything, for Holden workers and this state since he announced the $275 million federal-state co-investment package, given yesterday's announcements by Holden?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:07): It must be disappointing for the member for Waite to be put into the second half of the—I mean, he does it so much better, doesn't he?

Mr GARDNER: Point of order.

The SPEAKER: A point of order, Premier. Be seated. The member for Morialta, who by the way has been interjecting under the radar all through question time. I congratulate him on his volume setting. The point of order?

Mr GARDNER: The point of order is number 98, sir. The Premier is clearly debating and not even attempting to get to the substance of the question.

The SPEAKER: The Premier will come to the substance of the question.

The Hon. J.W. WEATHERILL: They were just preparatory remarks. I was just commenting on the fact that the member for Waite seemed to present with so much more gravitas.

The Hon. P.F. Conlon: You just can't say something nice about someone, can you?

The Hon. J.W. WEATHERILL: Exactly; some people just won't be prepared to accept a compliment. Look, it is all set out. The nature of the co-investment package is all set out in the document we put before the South Australian Parliament on 28 March 2012. I did at some length deal with some of these matters in the course of the contribution I made, but I would have thought that the existence or otherwise of Holden's is rather a rich fact that would have been obvious to somebody in the northern suburbs as they drive along the road. The absence of Holden's would have been noticed, I think. In fact, it is suggested that 16,000 other people would have noticed the fact that—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, the truth of the matter is this: but for this—

Mr Marshall: I drove past the airport the other day. Thank goodness you were here, otherwise that would have been gone. Sorry, sir, but that was the worst argument I've ever heard in this place. It was hopeless.

The SPEAKER: I warn the leader for the first and second time. Just in case the member for Davenport was wondering, while I was formulating the first warning, the leader continued to interject, hence he got the second warning. The same applied to the member for Unley.

The Hon. I.F. EVANS: Well, now you've raised it, Mr Speaker, I will take that point of order, because how does the member know that he has infringed enough to get a first warning if he doesn't get his first warning until you give him his second warning? As a practice, as a matter of natural justice, the person should be warned first so they have the opportunity to correct their behaviour, Mr Speaker. It is an unfair practice and I ask you to reflect on the matter.

The SPEAKER: Yes, thank you. I dispense summary justice. Now, where were we? The Premier.

The Hon. J.W. WEATHERILL: I was being asked what had been secured by the Premier. It was a commitment by Holden's to actually spend a billion dollars. In some people's language that would be regarded as material. I know those opposite live in a slightly parallel universe, but a billion dollars of investment in South Australia—

The Hon. A. Koutsantonis: Private investment.

The Hon. J.W. WEATHERILL: —private investment—leveraged by $50 million of the South Australian government, most people would regard as a pretty significant arrangement. All we are insisting on is that the agreement that we negotiated is actually faithfully implemented, and that is the nature of the discussions we are now going to have to have with General Motors.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:10): My question is to the Premier. Why has his government repeatedly issued press releases over recent years announcing that Holden's future is secured? Releases which include headlines as follows: 'Holden's future secure'—

The SPEAKER: Member for Waite, I don't think we will need what is really a kind of pretend explanation.

Mr HAMILTON-SMITH: I need to explain.

The SPEAKER: I think I have got the idea. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:11): I think the pretty simple point is that we are entitled to rely upon the commitments that are made by international corporate citizens when they reach arrangements with us. I think that we have done no more or less than set out the facts. They have made it clear to us if they did not re-invest from 2016 to 2022 Holden's would shut. We were duty bound to tell the South Australian community that, because if we did not tell them that and that had transpired then we would have been derelict in our duty.

In circumstances where we reached an agreement with Holden's for them to reinvest a billion dollars and guarantee that they will be here to 2022, it is natural that we would actually tell the community about that. I mean, there was an alternative option: we could have snuck off to Detroit and not told anyone and committed $50 million without telling anyone, but we thought we would take the orthodox route, and that is explain to people what we were doing with their $50 million and what they got in return for it.

The Hon. P.F. Conlon: Somewhat different to the Motorola deal—

The Hon. J.W. WEATHERILL: Exactly.

The Hon. P.F. Conlon: —which is how they did industry assistance.

The Hon. J.W. WEATHERILL: That's right, in stark contrast to the side deals that were so much the province of the previous government. There is no doubt that it was a matter of controversy that we proposed a $50 million investment. Indeed, the Leader of the Opposition questioned us putting money into the Holden co-investment package. He was running around talking about the carbon tax, so there was a lively debate about whether this was a sensible contribution of public money to this purpose. Of course, that has been thoroughly debunked. No serious person is advancing the carbon tax as the reason we have done this, although—

Members interjecting:

The Hon. J.W. WEATHERILL: No serious person. The company does not even advance it as a reason they are seeking the co-investment. We did at that time, at some political risk, propose a $50 million co-investment package. There are people within the community, including in the federal Liberal Party, who do not actually believe in supporting Holden's. They do not believe in co-investment. They think that this should just disappear into the ashes.

Members interjecting:

The SPEAKER: Is the Premier finished?

The Hon. J.W. WEATHERILL: Yes.

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:11): My question is again to the Premier. Is the government's strategy outlined in its recent economic statement to 'grow advanced manufacturing' contingent and dependent upon Holden's continued presence in SA? If Holden's goes, does your strategy go with it?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:14): That is a good question, because the truth is that we made a judgement that protecting the future of Holden's was an important component of our advanced manufacturing strategy. It does not mean that the advanced manufacturing strategy disappears. In fact, if anything it makes it more urgent, given the risks associated with Holden's. We took the view, on advice, that we needed to have a manufacturing sector which transforms itself. That is the means by which you transition from old to advanced manufacturing.

The devastation that would occur and the loss of skills and capability that would occur in local businesses here in South Australia would be such that it would seriously damage our advanced manufacturing strategy. That is why we have pursued so strongly the co-investment. Of course it does not rebut it. If anything, it just underscores the importance of it: that these businesses that are in the manufacturing sector competing in high Australian dollars, struggling to compete on the basis of cost, have to go up the value chain and now compete on the basis of value.

ABORIGINAL AFFAIRS AND RECONCILIATION DIVISION

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:15): I table a copy of a ministerial statement entitled, Aboriginal Affairs and Reconciliation Division, administrative changes made earlier today in another place by my colleague the Hon. Ian Hunter.

STATE/LOCAL GOVERNMENT RELATIONS PORTFOLIO

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:15): I table a copy of a ministerial statement relating to machinery of government changes made earlier today in another place by my colleague the Hon. Gail Gago.

FISH AND MARINE ANIMAL DEATHS

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:15): I table a copy of a ministerial statement relating to fish and marine animal deaths made earlier today in another place by my colleague the Hon. Gail Gago.

GRIEVANCE DEBATE

GM HOLDEN

Mr HAMILTON-SMITH (Waite) (15:16): I rise to talk to the house about the strategy adopted by the Premier and Treasurer on the matter of Holden. I think it has been a very shallow strategy. I think it is a response which is failing and doing nothing but adding to Holden's woes. It is a different approach to that which has been taken by his federal Labor colleagues in the commonwealth government and a completely different approach to that taken by the Victorian government. Both of those governments have taken a more measured and more sensible approach.

It is worth reminding the house of the dire circumstances Holden faces. These have been spelt out eloquently by the company itself but also by Labor ministers in the commonwealth government. It is catastrophic. The rise in value of the Australian dollar combined with action by governments in the United States, Europe and particularly Japan to devalue their currencies that has seen billions of dollars of taxpayers' money thrown at interventions designed to cheapen their manufactures for export purposes is striking and destructive to Australian manufacturing.

Mr Devereux and Holden are competing against a cocktail of problems over which they have no control. This has seen a $20,000 Japanese car now available to be landed on the docks in Australia for $15,000 as a result of those currency transactions. Governments around the world are intervening using billions of taxpayers' dollars to advantage their car manufacturers over our own here in Australia. It is a dire set of circumstances.

On top of that we have carbon taxes. We have generally poor business conditions thanks to federal and state Labor. There are hundreds of reasons for businesses not to buy motor vehicles at the moment. All of these factors coming together are crushing the company. One of the most sensible comments I have heard has been from John Camillo, the secretary of the Federation of Vehicle Industry Unions, who said:

> For example, we want to look to see if something can be done to reduce the cost of aluminium castings that Holden currently imports from cars that it makes in Australia. Holden has to pay heavy import duties on its imported castings but Toyota doesn't have to pay any duties on the castings it imports from Thailand because they come in on a fully assembled vehicle.

There is a host of barriers caused by government and currency that this company is facing, and the government's approach has been to go out and belt the company. That is not the approach that the Victorian and federal governments have taken.

We also have before us clear evidence today that our Premier, a lawyer, does not understand the difference between an agreement, a contract and an exchange of letters. Completely unenforceable exchanges of letters provide no guarantees for workers in this state.

Fact 1: Holden's problems are to do with production of the Cruze and Commodore today—current models. Sales are crashing—absolutely crashing—by up to 38 percent in the case of the Cruze because of the factors I have mentioned. That is why they are cutting the workforce today. Fact 2: the $275 million package to support Holden from the commonwealth and from the Victorian and South Australian governments has to do with tomorrow's models; it has to do with beyond 2015-16 about what is to come. Fact 3 is that the Premier clearly doesn't understand those two facts or the issue and does not understand what does and does not constitute an agreement.

I previously said that Mike Rann, the former premier, was King Kong when it came to industry development issues. Well, certainly, as I have said before, the current Premier is the son of Kong. He is trying to use the Rann approach—toughen up, hairy chested, belt up the company—instead of approaching the issue maturely and sensibly. Mike Rann and Kevin Foley would have done better on this. The old guard would have handled this in a much more sophisticated way.

What this Premier has done is added to the problem, made the issue worse for Holden, upset a whole lot of workers at Holden, and not only that, he kicked an own goal by drawing attention to himself. He's made his $50 million contribution to the package the issue. He could have handled this far, far better. Very poor effort. F for fail for the Premier around the board.

COMMUNITY FOODIE PROGRAM

Ms THOMPSON (Reynell) (15:21): Today we have heard quite a bit about how difficult government is. The Minister for Health has recently been faced with some difficult decisions as well. I think we all know that balancing the health budget is going to be a challenge for many years to come and has been for some time. The ministers have generally tried to take expert advice on how to better deliver health services. Just before he retired the previous minister for health sought advice on some of the ancillary services that health provides.

One of those was Community Foodies. This was one of the matters considered by the McCann review, which found that he was not able to find specific evidence to demonstrate that programs such as Community Foodies are having a positive impact. The response to that was widespread. Community Foodies stood up for themselves and demonstrated how they provide value to the South Australian community.

I was quite surprised last week when I was visiting the Nepabunna Aboriginal community (or the Nipapanha, as they prefer to be called) to speak to the chair of the community council,

Ms Judy Johnson. I asked her about services that were working and services that were not working. The first thing she said is that Community Foodies has been fabulous, but we are losing it. So I was very pleased to be able to tell her that in fact she will not be losing Community Foodies, as indeed my community will not be losing their services, and no communities, we hope, will be losing their services, because the Minister for Health, the Hon. Jack Snelling, has found a way of preserving this valuable service.

It was very heartening to see the way Community Foodies stood up and spoke out for the value of the services that they provide. In this regard, I wish to particularly commend Ms Ronwyn McNicoll, who really was the face of the Save the Foodies campaign. It seemed to me she was very often and ably supported by Ms Sonya Kling, one of my valuable constituents. I, like many MPs, received many letters from people involved with Community Foodies, but one that particularly struck me came from Jonathan de Sadeleer of Morphett Vale. He says that he was a client of a youth service in the south and was referred to the Community Foodies program. They told him how it was about healthy and affordable food for people on a budget. It also gave information about food storage and hygiene in the kitchen, which was really helpful. He said that the funding enabled the program to provide them with a basic cooking utensil each week, such as a spatula, a wooden spoon, or a grater. He says he had nothing of this kind, so that was really useful. It was also good to meet other people and do some socialising.

Jonathan was so impressed by the work of Foodies that he became a Foodie and has now helped out with budget cooking programs with Anglicare, particularly for their clients receiving emergency food parcels. They did cooking sessions using some of the food that clients received as emergency food to make it more likely that clients would be able to make good use of the food. He participated in programs for older people which were fantastic, programs run from the local community centre, and in community events for the whole population.

He said it has been really positive and rewarding to be part of the program. His confidence has grown and he now knows some really great people. He also mentioned that when he was 18 he used to drink a lot of soft drink and eat unhealthy food and was told that his blood sugar was getting too high. Since then he has reduced the amount of junk food that he eats and has learnt how to prepare and enjoy healthy food. His health has really improved. He also notes that there is a belief that young males are not always particularly hygienic in the kitchen and are subject to food poisoning as a result, but he has not been. I commend all the Foodies for their campaign.

WATER INDUSTRY ALLIANCE

Mr WHETSTONE (Chaffey) (15:26): I rise today to speak on a very important issue in my electorate and that is Water Industry Alliance funding that is so vitally needed by our economy. On Sunday 28 October 2012 Premier Weatherill travelled to the Riverland to announce that $265 million of investment in River Murray communities had been secured for South Australia. Under the Water Industry Alliance's River Murray improvements program, the breakdown of the funding was announced as $180 million for irrigators to improve efficiency and productivity of water use and management along the river, and $85 million for research, regional development and industry development in the state. In return, 40 gigalitres of water would be provided by the irrigators to the commonwealth environmental water holder.

In the Riverland there is concern that the guidelines to access funding would make it very difficult or near impossible to obtain. I need not remind this house that South Australia, and in particular Chaffey, has an impeccable record of water efficiency dating back 40 years. As the then water minister would understand, in many ways the state has been focused on being ahead of the curve on water efficiency. In so many places, sound infrastructure is already in place and what we should be doing now is looking at innovative funds and finding efficiency gains.

The guidelines almost appear as though they have been formed with other less advanced states in mind. What Riverland businesses need is to access funds for diverse projects such as plantings or property purchases for economies of scale, rather than funding for basic infrastructure that most businesses already have in place. I have had a number of growers, food producers, using state-of-the-art infrastructure contact my office with questions over how they will be able to access the Water Industry Alliance funding, given that they have already spent thousands of dollars upgrading their water infrastructure.

While I understand the guidelines on how to access the water are still being established, I already have concerns about the $265 million funding supposedly available. In a letter to members earlier this year, the Water Industry Alliance chief executive stated that up to $60 million would be

available through a new $85 million national partnership agreement between the South Australian and the Australian governments for research, regional development and industry development.

It appeared that under the latest revelation $25 million of this funding was not accessible. During question time last month in another place, the Hon. Jing Lee asked the River Murray minister, Ian Hunter, about the missing $25 million in commonwealth funding. While providing responses which gave no further knowledge about what had happened to the $25 million, Mr Hunter said:

> This investment in South Australian industry will assist our irrigators to further improve infrastructure and practices and consolidate our state's position as international best practice irrigators.

Well, I have news for the minister: South Australian irrigators are already very efficient, and have spent money from their own pockets to have the world's best irrigation practices. The minister also said:

> The proposed program will provide South Australian irrigators with an opportunity to be rewarded for their previous responsible behaviour by investing in the future sustainability of the industry and the region.

Without the government relaxing guidelines, there may be no reward for Riverland irrigators who have already invested the time, money, effort and risk to upgrade their properties to peak efficiency. In response to my concerns voiced in *The Murray Pioneer*, minister Hunter responded by stating that another $25 million on top of the $240 million available for this pool of money is going towards regional development research programs in the South Australian River Murray region.

So, the question still remains: why did the WIA CEO claim there was only up to $60 million of the $85 million available for research, regional development and industry development? The anomalies with this new water minister are a very regular occurrence. I would like to remind this house that we cannot afford to see this $25 million disappear as part of budgetary cutbacks as part of the implementation of the Murray-Darling Basin Plan. Riverland communities need to benefit from all the funding that they can access, remembering that the Riverland will have to give up another 40 gigalitres off their economy's bottom line.

ICE FACTOR PROGRAM

Ms BETTISON (Ramsay) (15:31): I rise today to share with parliament a very exciting program for youth at risk of disengaging from school and from education. It is called the Ice Factor program, which is a collaborative program between the South Australian Ice Sports Federation, the Adelaide Ice ArenA, school communities and local businesses. It was first established in 2005, and last week I had the opportunity to go along and present certificates to those people participating in this term's engagement.

There are currently 12 teams competing: Roma Mitchell Secondary School, Windsor Gardens High School, Temple Christian College, Bowden Brompton Community School, Willunga High School, Pasadena High School, Le Fevre High School, Para Hills High School, Valley View Secondary School, Freemont-Elizabeth City High School, Para West Adult Campus, and Aberfoyle Park. One of the key people involved in this project, and who does a lot of fundraising and organisation, is Marie Shaw QC, a former district court judge who retired in 2010. Marie is there as part of the federation and also the management group of the Ice ArenA.

I went along to hear about what these students are doing. The students are put forward by their teachers, who have identified them as being at risk and are not engaging in or coming along to school. This program teaches these students and develops and incorporates life skills through sports. Obviously, the Ice ArenA is quite a unique venue, because ice hockey is not generally something that many of us play.

In fact, the last time I was at the Ice ArenA was for a 14th birthday party in the 1980s which had a disco theme. Ice hockey has a much different way; these young people learn how to skate and how to play hockey, but at the same time, they are learning team management skills, keeping statistics, producing a newsletter, raising funds to support these activities and developing promotional material.

This program also teaches students a significant among of vocational skills, development of literacy and numeracy, as well as life skills such as teamwork, leadership and relational skills. One of the things I saw when I went along to their presentation was encouraging the participants in public speaking. Many of them would not have been putting up their hand to participate in many activities at school. Through their 10-week course, this is a way for them to develop those skills.

One of the things that makes this program quite unique is that, I guess, like in many Indigenous communities where there is a rule of no school, no pool, students must commit to attending school to be able to participate in the Ice Factor program. I would really like to thank those that sponsor the Ice Factor program: the Government of SA though the Be Active program; VIP Home Services and Power Play Sports who supply the players with equipment and skates, and I would like to note that VIP Home Services is the major sponsor of the program; Bunker freight lines; Clubs SA; COPE sensitive freight; Centro Hollywood and Homestead Homes.

There are several other people who have been involved in the development of this program including Don Anderson, who was the original liaison from Parafield Gardens High School, a high school in my electorate, and they were the first people to start this program in 2005 when it was a pilot program; John Botterill, the General Manager of IceArenA and Head Coach of the Adelaide Assassins; Chris Hall, IHA Women's Director and part of the management group of IceArenA; and Christine Manning who is a youth worker and was fundamentally involved in the establishment of the Ice Factor program. I also got to meet Sami Mantere, who is a head coach and, if I remember rightly, he was originally from Finland and is a little more experienced on the ice than maybe many of us in Australia.

I was really delighted to be able to go along to the program. I guess what I learned more than anything is that sometimes being innovative and thinking out of the square is the best way to engage people and children, particularly those who are not currently engaged in school, and we have to look at how we can be creative in encouraging them to stay on. We know very clearly from the statistics that unless someone finishes year 12, they are much more likely to experience unemployment in their life.

Time expired.

KIDSAFE

Mr VAN HOLST PELLEKAAN (Stuart) (15:36): I rise today to inform the house of a very important organisation working in community safety in South Australia called Kidsafe. It is a small but very important organisation and, in my capacity as shadow minister for community safety, I had a meeting with them approximately two weeks ago and was very impressed with the work that they do. Kidsafe is a national, non-government, not-for-profit organisation, with the Acting CEO, Ms Holly Fitzgerald, in charge at the moment. She is currently acting on behalf of Ms Helen Nobbet who has been the CEO of Kidsafe for approximately 20 years. Ms Nobbet is actually unwell at the moment so my thoughts go out to her, but she should feel comfortable in the fact that Ms Holly Fitzgerald is doing a fantastic job and is a wonderful advocate for Kidsafe.

Kidsafe is an organisation that concentrates on preventing accidental injuries to children, and they focus on the birth to two year old area. They are not focused on abuse or criminal activities. It is very much about trying to avoid and reduce accidental injuries. Prevention is, of course, very important, and to try and prevent these injuries they undertake an enormous amount of training—in fact, antenatal classes—so, right from pre-birth, trying to teach people about safe infant guidelines and other issues like that. They are very focused on trying to prevent falls, burns, scalds, drownings, playground injuries, and a whole range of other avoidable injuries, including those sustained by infants in car crashes.

Driveway safety is another area on which they concentrate a lot. People would know that there have been many very unfortunate situations in Australia and in South Australia where parents, typically, have backed over a child in the driveway—which is dreadfully sad for the whole family and the whole community.

Kidsafe works with many partners. They work with local councils when it comes to issues like pool fencing and playground inspections, and other issues that councils are involved with. They work with Surf Life Saving on beach safety for infants. They work with the RAA when if comes to issues like proper fitting and installation of car seats to avoid injuries to children in the unfortunate event of a car crash.

They do training on the Aboriginal lands and in other Aboriginal communities, which is very important. Anybody who has had anything to do with Aboriginal communities would know how incredibly highly valued children are in Aboriginal families, particularly in traditional Aboriginal communities. Kidsafe does a lot of work and go to a lot of effort to try to do some training and education. I also recommended to Ms Fitzgerald that Remote and Isolated Children's Exercise (RICE) would be a very good partner for them, a group that does a lot of fantastic work in the outback.

Much of Kidsafe's work is to do with research and trying to identify trends so that they can look at the accidents that are happening now and, potentially, the accidents that seem to be growing in frequency, to try to stop them before they become more prevalent. Their funding of course like that of many organisations is exceptionally tight. They get approximately 30 per cent of their funding from the health department and I certainly appreciate that that funding is coming from the government, but really the other 70 per cent of their funding is coming from a range of sources, including retail sales.

They work very hard in a small shop in the Women's and Children's Hospital to raise funds. They have fundraising events. They have corporate sponsorship which is largely in the form of donated or heavily-subsidised advertising for their campaigns and they do a lot of grant applications as well. As I am sure all members of this house would know, grant writing is a very time-consuming exercise, so they work extremely hard to get their funding to do this important work on behalf of the whole community.

One thing that Ms Fitzgerald said to me is that public awareness of their organisation, of their campaigns and of the issues about which they are trying to educate people and promote changes in behaviour is extremely important, so I have taken this opportunity today to advise all members of this house of the work they do and I hope that every single member of parliament in this place will go out and support the work that Kidsafe does in their broader communities. I certainly intend to do that as shadow minister for community safety, and I hope that I can count on all my colleagues here to do exactly the same, because the work that they are doing in trying to prevent injuries to children from birth to two years old is exceptionally important.

HOUSING

The Hon. S.W. KEY (Ashford) (15:41): I rise today to talk about the process of consultation and discussion that is happening in our communities with regard to housing diversity development plans. I had the opportunity to attend the public meeting at the West Torrens council on 12 March and similarly the public meeting at the Unley council on 18 March. I was also made aware of some of the concerns of local residents, particularly in what is titled 'Area 18' because more than 97 constituents have sent a petition to the West Torrens council raising their concerns about proposals for Cross Road, Anzac Highway, the tramline and the Allan Scott racecourse.

Some of the changes that are being proposed include eight storeys along Anzac Highway from the city to Marion, residential buildings of up to six storeys in parts of Marleston, Kurralta Park, Plympton and on Anzac Highway from Marion Road to Morphett Road. It was very interesting that although there were a number of written submissions received by both councils, there was also an opportunity made available by both councils for people from the community and also professionals and representatives from the community to address council about some of their concerns and issues.

After the public meeting on 12 March in the West Torrens council, I was heartened to hear that West Torrens mayor John Trainer has listened to what I must say were excellent submissions and is very much hoping that the council, in its consultation period over the next few weeks, will take on the issues that have been raised. It would be fair to say that, despite there being two different council areas, a number of issues were raised by members of the community, some of whom told me they have never spoken in public before, and you would not have known that by the quality of the submissions or the professional way in which they handled themselves.

The common issues that have been raised concern changing heritage areas and whether there will be enough room for the community with some of the proposals that are being put forward. Really big issues of concern for the number of storeys or levels that would be proposed were in relation to shadowing of backyards and front yards, the effectiveness of solar panels, whether vegetable gardens would get enough sunlight to actually be efficient, whether people would be able to see the sky and natural light (which I think is a fairly reasonable proposition), whether there would be space for everyone and particularly children to move around in, traffic problems and what the streetscape would look like.

There was a lot of concern raised with regard to minor roads and streets feeding into busier, high volume roads and how that would work. In one case, there was a submission made about facilities and services, particularly to do with water pressure. This particular constituent in West Torrens claimed that the water pressure in his street was pathetic, and he just wondered about having even more people in that small space and what plans had been put in place to look at not only water pressure but also all the other services that are available.

Noise and air pollution was raised, and at the Unley contribution, Dr John Crowther, who is an academic in public health, talked to us about some of the health risks that are associated with increased traffic. So, I must say that I am really impressed with the ability of both the communities surrounding Unley Council and West Torrens Council to have their say, and I just hope that they are listened to.

RETIREMENT VILLAGES

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) (15:47): I move:

That a Select Committee be appointed to inquire into and report on the Retirement Villages Act 1987, and in particular—

1. Whether—
   - (a) the objectives of the Act remain appropriate;
   - (b) the current definitions within the Act remain appropriate;
   - (c) the Act makes clear the obligations of residents and administering authorities;
   - (d) the Act provides for adequate contractual disclosure to enable residents to make an informed decisions about entering a retirement village and whether standardisation of contracts would increase transparency and assist residents in their decision-making process;
   - (e) the Act ensures sufficient contractual disclosure and transparency of feeds a resident will be responsible for when leaving a village;
   - (f) the Act provides adequate certainty, accountability and transparency for residents about their financial obligations;
   - (g) the Act provides sufficient transparency and consultation with residents on recurrent charges, increased in these charges and other costs for which residents are responsible;
   - (h) the Act provides sufficient provisions to protect the interest of residents in the event a village enters financial difficulties and whether there are sufficient provisions to enable the continued operation of a village which is in financial difficulty or which is being mismanaged;
   - (i) the Act provides a timely, informal and cost-effective process for resolving disputes between administering authorities and residents;
   - (j) the Act provides sufficient powers of investigation and compliance to the body responsible for its administrations; and
2. The relationship between the Act and other South Australian and Commonwealth legislation, including the Aged Care Act.

As Minister for Ageing, I move to establish a select committee of this house to review the Retirement Villages Act 1987. The Office for the Ageing administers the Retirement Villages Act 1987 and the Retirement Village Regulations 2006. The object of the act is to provide a balance between the rights and responsibilities of residents and retirement villages and administering authorities. There are 522 registered retirement villages in South Australia, with about 24,400 residents.

Discussion papers were released in July 2011 seeking consideration from all interested parties about the possible amendments of the regulations. The Office for the Ageing received 353 individual submissions to the paper. These submissions were discussed as agenda items at the Retirement Villages Advisory Committee Meetings in March and June 2012 and in January 2013.

Following these discussions, it became clear that many of the proposed amendments could not be fully achieved through the regulation review. An increase in tribunal hearings, from 18 in 2010-11 to 51 in 2011-12, a 183 per cent increase, has also shown that several areas in the act lack clarity. In addition, after Fernleigh Gardens Retirement Village entered administration in 2012, further shortcomings in the act were exposed.

Confining reform to the regulations would not address matters with the act raised by the Government Investigation Unit and Crown Solicitor's Office about villages in financial difficulty or their being potentially mismanaged. Regulatory amendment would also not resolve the matters of greatest concern to residents. These include matters such as exit costs associated with

remarketing, management fees and capital replacement funds. Residents also frequently complained about auditing annual surplus and deficits, as well as contract disclosure.

The government believes reviewing the act should result in more transparency and simplicity for prospective and current licensees as to their rights and obligations. It should also strengthen protections to residents and plainly state the obligations for any administering authorities.

I expect the review will strike a balance between the needs of consumers and operators, providing protections to make sure these villages remain an attractive option. I encourage all interested parties to get involved in the select committee process and to submit their concerns and suggestions. I commend the motion to the house.

Dr McFETRIDGE (Morphett) (15:50): The opposition supports this motion. I inform the house that the member for Heysen and myself are the nominees from the Liberal Party to go on to this select committee. There is a need for a review of this act. It has been around for a long time. It was written in 1987. I saw recently that the Retirement Village Association and the Property Council of Australia merged and they are actually opposing a review of this act. I have not had a chance to speak to them personally, but I am sure they will present to a select committee and it will be interesting to hear their views on the future of this act and the retirement village industry in South Australia.

This is a huge industry and a very important industry for South Australians, not just for those who own the villages but more importantly I would say for the people who actually live in these villages. My mother, who is now 85, is living in a retirement village out at Elizabeth Vale, and she is enjoying herself out there. My father died a few years ago now, so mum is enjoying the company of the people that she is with in that village.

The history of retirement villages is interesting though. They have been around for a long time, and the Royal Freemasons were the first providers of Australian retirement accommodation back in the 1860s. The number and size of retirement villages has obviously grown immensely since then. I understand that recent figures show that there are about 160,000 Australians living in retirement villages and that there are about 800 retirement villages. I do not know what the figures are exactly in South Australia, but I am sure a select committee will be able to determine that.

From reading the Property Council's website about the history of retirement villages, I was able to glean that South Australia was the last state to form an association of retirement village owners. I would like to think that we will be the leaders in legislation that is going to benefit both those who are putting their money into these sorts of investments—by that I mean the people who actually own the villages—but also those who are residing in the villages.

It should be very clear to all of us that this needs to be a viable industry and an industry with a triple bottom line approach, where the people who decide to go and reside in one of these villages, whether at Elizabeth, Glenelg in my electorate of Morphett—there are a number of villages down there—or any other place in South Australia enjoy the amenities that they expect from these villages.

We have heard some allegations about some charges that are being levied and some exit and entry fees that were unexpected. On the Property Council and Retirement Village Association's website there is a section talking about consumer protection. It points out that legislation in each state and territory is different and defines what is and what is not a retirement village. Other communities that fall outside the legal definition of a retirement village, such as a manufactured home park, are not regulated in the same legislation as retirement villages.

This would probably be one of those pieces of legislation where you would think that harmonisation across Australia is something that we should all be aiming for. While I am a state's rights person—I have spoken on numerous occasions in this place about not devolving the power of this parliament—I think there is room for a move towards consistency of legislation across the nation. Certainly with retirement villages, I am surprised that there is not something a bit more consistent than what I have seen in the preliminary reading that I have done on this issue.

The issue of fees and charges obviously is one that is right up the front for all people who are considering going into a retirement village. All of us will be involved in some way, whether personally or with relatives who are wanting to go into or are living in a retirement village. Certainly entry fees, service or maintenance fees and exit fees, also known as departure fees or deferred management fees, are the three at the top of the list. Entry fees incorporate a resident's right to

occupy a unit in a retirement village and it typically takes one of two forms: a loan or lease agreement or a freehold title.

In Australian retirement villages, a typical loan/lease agreement provides for lifetime (99 year) occupancy of a chosen villa or apartment and use of the community facilities. Community facilities may be gyms, gardens or communal recreation areas. It just depends on the type of village and the location in many cases, whether it is beachside or more urban.

The up-front entry fee paid is usually not subject to the payment of stamp duty or any GST. However, with freehold titles there are some other encumbrances in the same way that traditional residential property is handled. So, entry fees do vary. I will be interested to see what the actual state is there; however, what I understand to be more contentious is service or maintenance fees. Again, reading from the Property Council's retirement living website about service and maintenance fees, it states:

> Village residents have the convenience of paying one monthly or fortnightly service or maintenance fee or charge that covers the costs associated with the...lifestyle they enjoy at the retirement village of their choice. Depending on the state or territory in which the village is located, this fee can also be called a general services charge or recurrent charge.
>
> Operators charge service fees on a cost recovery basis. The retirement village's legislation in most states contains protections and controls to ensure that residents are kept informed about the costs included in the service fees and changes to those costs over time...In freehold title retirement villages, residents may be required to pay owners' corporation levies or body corporate levies in addition to the service or maintenance fees.

So, different horses for different courses there. The issue with exit fees is outlined once again on the association's website:

> As the service fees are for the recovery of cost only, you do not need to pay the village owner—

this is directed at people who are looking at going into retirement villages—

> any additional amount representing the owner's return for building these facilities and providing to you the outstanding lifestyle available at the retirement village until you actually leave the village. This amount is paid as an 'exit fee', which can also be referred to as a 'departure fee' or 'deferred management fee' (DMF).
>
> The DMF payable by a resident is usually calculated with regard to the number of years of the resident's occupancy at the village (for example, 2.5% per year of occupancy)...The annual DMF percentage can range from 2.5% to 6%.

I am sure the committee will be able to look at this fee because there is some degree of concern about it. In fact, I have been provided with information by the South Australian Retirement Villages Residents' Association. Some of the concerns that they have expressed—and I do not know whether these are general concerns or concerns of individual villages or individual residents—are that they want clarification as to whether retirement village residents are owners or leaseholders. If they are leaseholders they should not have to pay the owners to sell their own houses. The residents' association says that this was probably not the intention of the act but, due to loopholes, owners and administrators have been able to interpret it that way. The residents' association also states:

> Public Information Documents and contracts should be in separate documents. The PID should be given out when prospective residents pay their second deposit, to enable them to obtain legal advice well before they arrange to move into the village.

The residents' association also states:

> All fees and charges payable at the time of settlement should be documented in the Act and the PID.

That is the public information document. The residents' association has about 16 different issues that it has outlined that the committee, I am sure, will look at, and I am sure that the residents' association will want to present to this select committee. I look forward to learning more about the retirement village industry, both from the industry's point of view and more so from a resident's point of view.

As I said, my mother is in a retirement village at the moment. I visit her not as often as she would like and not as often as I should but, when I do visit her, certainly the other residents in the place seem very comfortable with their lifestyle. My mother is more than happy to participate in the village community.

We must remember that it is a community within a community, and we should make sure that those communities are able to function as effectively and efficiently as they possibly can for all those involved, whether they be the owners or whether they be the residents. With that, I can tell

the house that the opposition is supporting the motion. We look forward to the setting up of the committee and a fruitful report coming to this place so that we can amend the Retirement Villages Act if required, so that those involved in the associations—both the residents' and the owners' associations—can have confidence that their sector will continue to prosper and provide a vital service for all South Australians.

The Hon. S.W. KEY (Ashford) (16:01): I rise to support the motion and to say that, judging from the inquiries and issues that have been raised at the Ashford electorate office, this is a very important review. Many of our constituents, and also the retirement villages' management themselves, were very keen to participate in the review that minister Snelling has just mentioned with regard to those regulations. In the Ashford area we put in our submission, which was a collation of all the issues that have been raised by individuals, groups or villagers themselves and also owners and management; so, I think this is going to be a very important select committee.

I would also say, just on a personal level, that my friends and I used to joke about setting up our own retirement village. We thought that it might be in our best interests to do that. As time has gone on, they are now also talking about the nursing home that we might need to set up as well; so it just goes to show, depending on where you are in life, what ends up being a priority. I am very pleased that this select committee is going to happen and also that the opposition is supporting this further investigation.

The Hon. I.F. EVANS (Davenport) (16:02): As the member for Davenport and the paired member for Fisher I rise to support the setting up of a select committee into the Retirement Villages Act. Sam Duluk, the Liberal Party candidate for Fisher, has done a lot of work with retirement units within that particular electorate. We will be meeting with the various residents' associations within Fisher (and I will handle Davenport) with regard to this matter because there have been a lot of issues raised by Mrs Jill Kennard, who is the secretary of the state residents' association and who lives in Fisher.

It goes to a number of issues which the member for Morphett has raised, but particularly entry and exit fees and the capacity to charge for land. In one case I understand the allegation is that they were charged for land that was by agreement council land where the retirement village operator by agreement was to pay all the rates and charges and upkeep on that land and then that operator then passes those charges onto the residents. That was a matter of some court action and is still to be resolved totally. With the ageing population and more people moving into retirement village-type accommodation and with community expectations about the quality of the units, the transparency of costs and operations, we think it is important that this select committee is formed and meets. As I say, with the hardworking candidate for Fisher, Sam Duluk, I look forward to various—

The Hon. J.J. Snelling: Who? Sammy Duluk?

The Hon. I.F. EVANS: Sam Duluk; remember that name. We look forward to putting in submissions so that the residents' concerns can be properly dealt with by the committee.

Mr GRIFFITHS (Goyder) (16:04): I also wish to support this motion. I was advised late on Friday afternoon that it appeared on the *Notice Paper*, and I must admit my initial thought was that we would say yes to that, so I was pleased that, when the Hon. Rob Lucas took carriage of it and a paper was presented and considered at the range of meetings we held yesterday, that was a recommendation, and it was unanimously supported, too.

As a regional member, I have been contacted on a reasonably regular basis by people who are looking for some level of update of the regulations in the bill that controls this. I am lucky enough to come from an area that is seen as a great opportunity to retire to. It has been serviced predominantly by not-for-profit organisations to create facilities for aged care services, but there is an increasing trend where business activity has been recognised and investors have come in and constructed properties. One I know of is about 75 different homes in the Moonta area, where it is wonderful; truly wonderful. If I was old enough and could move there, I would.

Mrs Redmond: I am.

Mr GRIFFITHS: The member for Heysen says she is. We should put on the record that it was her birthday yesterday; happy birthday for that too.

Mrs Redmond: You only have to be 55 to go into that too.

Mr GRIFFITHS: That's right. With the baby boomer generation—and that is anybody from 1946 onwards to about 1964—an increasing number of people are considering what their futures are. Some are choosing to stay in the communities in which they have been long-time based; some are choosing to move a bit or to be close to younger generations in their family. It is creating opportunity, and where opportunity is created it is important that the state also ensures that the regulations and the laws that control those developments, the management of them and the fee structures that are in place for them, are appropriate.

I have also been contacted by the association that the member for Morphett and the member for Davenport have referred to, and I have offered to meet with them because I am interested in some of the concerns that they have, and from a consumer affairs and a residential tenancies tribunal point of view I am interested in that. As a local member, I believe it is very important that this motion is supported and that we have good people on the committee who have the capacity to understand the issues and the capacity to ask the right questions and to make the right recommendations for improvements to occur.

I was particularly pleased when the member for Heysen and the member for Morphett were nominated by the Liberal Party to serve on this select committee as part of the work that it will do, because I have total faith in—I think there was a term given for their inquisitive nature, youthful vigour and intelligence. I might have ad-libbed a little bit on some of those things, but collectively the people who will be in that group will make sure that the work is done so that South Australia in the future can have some confidence, not just from those who choose to live in those units, but those who chose to invest in them and the construction and management of them to provide opportunities for South Australians too.

There are several sides to this argument. It is important to find some level of middle ground that will give some surety to all sides of the argument to ensure that the industry prospers in South Australia, that it has a great future and that South Australians can choose to live in, and are able to live in, very comfortable facilities that provide for their physical needs, and importantly their social needs too. I look forward to the passage of the motion.

Mrs REDMOND (Heysen) (16:07): It is my pleasure to rise to support this motion and indeed to be one of the Liberal Party nominees to the committee. I was very surprised when I heard on the radio this morning that this is the first review of this legislation in 10 years, because I remember when the member for Ashford invited me to participate in an initial review back when she was the minister, and I believe the current Premier engaged with me in a further review, so there have been at least two tranches of reviews in the time that I have been in this parliament over this very legislation; and rightly so, because it having been introduced in I think about 1987, things have changed and moved on a great deal.

There are very many aspects to consider and I believe that, although we have looked at the legislation in some detail on two previous occasions that I have been involved in, there are many aspects that are still most unsatisfactory. The reason for my enthusiasm for being on this particular committee is that before I became a member of parliament in this place I was quite involved in two particular areas, one a retirement village run by the Stirling District Hospital, where I served as a board member for 28 years. That retirement village had been created by local interests as a not-for-profit but was failing financially. It was taken over by the hospital and was run very well thereafter. It continues to be run very well and has been expanded. That is, I think, a good model of what goes on. But, another particular retirement village up in Stirling was a source of great difficulty.

Under the Retirement Villages Act as it stands, if you have a dispute that you cannot resolve within the confines of the village, the matter is then heard in the Residential Tenancies Tribunal. In a period of six months in one year, there were 19 matters around the state that went before the Residential Tenancies Tribunal under the Retirement Villages Act, and, of those 19 around the state, 13 came out of this one village in Stirling. I know that because I acted in all of them.

There was a great deal of financial detriment to a lot of people because of some of the provisions of the legislation. For those who are not familiar with it, most retirement villages operate on the basis of what is called a 'licence to occupy', where you purchase the right to occupy a unit but you do not actually own it; so, it is not like owning a strata titled unit in a block of flats, you own merely the right to occupy a unit. Typically, what happens is that you have a retention fee charged up to, I think, a maximum of 20 or 25 per cent of what you have paid over the period, and then

once you get beyond a certain number of years there will be no further money taken—that is the typical mechanism.

So, by way of example, if you, for instance, years and years ago bought a unit for $100,000, each year that went by there might be 4 per cent deducted from what you would have returned to you if you sold out or moved on to a nursing home or whatever it was. At the end of the time, if you had been there for, say, four years, then four years at 4 per cent would be 16 per cent; they would sell the unit and you would get back whatever the unit was sold for less the 16 per cent retention.

The particular units in Stirling that became a problem operated on a different basis. Some units are done by way of a loan, but their basis in particular said, 'Rather than giving you back an amount of the new resale price less the retention amount, we will guarantee to give you back the amount you purchased for, but the administrator of the village will keep the whole of the benefit or profit on the resale value.'

The disputes that arose in that village largely came from the fact that the new value that it was being sold for was not actually returning the owners enough money, and so they decided they would then charge what was effectively a depreciation, so that, instead of giving people back 100 per cent as they had promised to do, they were giving them back 100 per cent less what they declared to be the depreciation of the value of the premises.

We had quite a number of court cases involving that, so a number of issues were thrown up for me in relation to these various matters in which I acted, not the least of which, of course, was the fact that, but for the fact that I never made much money out of being a lawyer and did not charge people what they probably would have been charged by others, they simply were not able to pursue their claims and get justice.

There are some fabulous retirement villages around the state, but I think we need to bear in mind that there are retirement villages which are run, like the one run by Stirling Hospital Board, which is a not-for-profit sector where there is no intention to do anything in terms of making a profit. Then, there is the other group that are run for specifically the business of making a profit for the proprietors. I think the first major issue is going to be distinguishing the intent of those things.

The member for Ashford mentioned the baby boomers. Indeed, like the member for Ashford, my friends and I often think about becoming the Golden Girls as we get older and sharing some nice accommodation somewhere. I cannot imagine having too many of us in our village, and I suspect it will be a very private affair; I do not think many people would put up with us. But, there are some fabulous accommodations.

I had the privilege of going to the US on a study tour and I was particularly studying the issue of ageing. I studied at the Catholic University of America and did a couple of units on a certificate in ageing there. On the way home, I called in and lectured at the University of Hawaii medical school on ageing in Australia. Through that connection, I then managed to visit some retirement places over there.

Let me tell you, they offer a lifestyle that is unbelievable; they are like 5-star accommodation, and, indeed, they are based on a concept which we would understand as timeshare, where you have time there, but if you want to go and visit your friends or family in Pennsylvania, then this same organisation had hundreds of these complexes around America, and you could simply move to Pennsylvania and visit your family there, while still having the same facility. But, they are run on an entirely different basis from that which we have here. Nevertheless, they have a happy hour every day. You did not need transport because they had a continual double shuttle bus going to wherever it needed to go. Everything was taken care of.

There are some fabulous lifestyles and, indeed, my observation of places that I have visited around our state has been that, particularly as the baby boomers come through, there is an increasing expectation as to what people are going to want, and many of them want to have their retirement village set by a golf course, or nice bowling greens, tennis courts, swimming pools and other facilities, because the motivation, I suspect, for people going into a retirement village is going to be multiple.

Some people want to go in because they want to feel more secure. We do not have many gated communities in this state at this stage but it does offer a level of security and it also offers a level of enjoyment of community with others who are at a similar stage in life, so those lifestyle and community issues come into it. For some people, of course, there is a financial issue as they may

not have been able to afford to buy a house and, typically, buying into a retirement village unit has been cheaper than buying one's own house. That is not always the case and there are examples of retirement village accommodation which are more expensive than the average house price anyway.

I think the big questions will arise in relation to how are disputes sorted within the village, and if they cannot be sorted within the village, how are they then reasonably addressed outside the village? To give an example, one of the cases in which I acted many years ago ran for a week in the Residential Tenancies Tribunal, which is not really equipped to have a case that runs for a week—they do not have transcribing and court reporting facilities—but the other side—that is, the administrators of the village—engaged not just a solicitor but a barrister at considerable expense.

We won the case. My clients were awarded over $40,000 in further compensation that they were owed by the village, but in terms of the costs, there was a question as to whether or not my reasonable legal costs would be paid, and they were restricted to only Magistrates Court even though it was well beyond the jurisdiction of Magistrates Court costs. But, more importantly, those administrators having engaged a solicitor and a barrister at considerable expense for the week, and having lost their case, then decided to take the bill from those legal costs and apply those as part of the costs of the village that the remaining residents of the village had to then pay.

There are lots of issues that are going to come up that I am sure will be live questions for this committee. I am going to be delighted to participate because I have held a long-term view that it is an issue that we are going to need to address, and we are going to need to keep this legislation under review consistently. I am delighted to be invited to participate and I look forward to the deliberations of the committee.

Mr GARDNER (Morialta) (16:18): I am very pleased to have the opportunity to speak this afternoon in favour of the establishment of a select committee to inquire into and report on the Retirement Villages Act and, in particular, a number of issues which I will go into briefly, and also the relationship between the act and other South Australian and commonwealth legislation including the Aged Care Act.

In Morialta, as many members do, I have a number of retirement villages and so a number of constituents of mine for whom these are very live issues. I am very pleased that the select committee will see representation from this side of the house from the member for Morphett, Dr Duncan McFetridge, and the member for Heysen, Isobel Redmond.

I commend to anybody who is casually reading the *Hansard* of the debate in this chamber the speech just given by the member for Heysen, and those reading the *Hansard* would not be able to tell that she gave the speech entirely without notes for 10 minutes. I thought it was an extremely thoughtful contribution and an example of why she has such a strong grasp of the issues facing this sector and issues confronting residents in this sector, which I think provoke the significant benefit to the community of this select committee taking on board the views of residents and those who invest significant capital and significant personal risked wealth in establishing these facilities and, of course, those from the charitable sector and everyone else who is a stakeholder in this area. It is terrific that this review is taking place.

As I said, I have discussed this issue with a number of my constituents, and one of them in particular wrote to me a little while ago and has kindly given me permission to quote directly from her point of view, which I think is representative of a number of the other residents in retirement villages in the area. It goes directly to the point, so with the indulgence of the house, I will read this letter which is from Mrs J. Francis of a retirement village in Rostrevor, one of a number of retirement villages in the Morialta electorate:

> At a recent Members' Meeting of the South Australian Retirement Villages Residents Association Inc. (SARVRA) it was agreed to submit a Report to the Office for the Ageing making a recommendation that the Retirement Villages' Act 1987 be opened for review by the Government.
>
> I am writing to you as our Liberal Member for Morialta to advise you of this recommendation, and to request that you take up and carry forward with fellow Parliamentarians the issues as listed below whereby it is hoped a Review of the Act will be conducted prior to the State election early next year.
>
> Issues that residents would like addressed and resolved are as follows:
>
> 1. The Act came into being in 1987—26 years ago.
>
> 2. At the time the Act was introduced retirement villages were mainly operated by church and charity organizations.

3. Today they are operated by big business and conditions which were acceptable to residents in the early days are not as acceptable by residents of today.

4. The Act was last reviewed in 2006 at which time the Premises Condition Report was added to the Regulations.

5. Some sections need to have much clearer interpretation as the wording is open to a variety of interpretations.

6. The use of funds needs to be clearly set out—what they are to be utilised for, etc.

7. Retirement Village residents need an Advocacy Service, similar to the Aged Rights Advocacy Service (ARAS) so that residents may receive authoritative advice when needed. We need to push for this service.

8. As it stands, the Act appears to favour village operators.

I would be very much obliged if you would accede to my request to look into the matter of a Review of the Retirement Villages' Act in the near future.

I hope to hear from you shortly.

I have discussed the matter with Mrs Francis and also a number of my colleagues on this side of the house. Having discussed it with the shadow minister for ageing (Hon. Rob Lucas), the shadow minister for consumer affairs (Mr Steven Griffiths) and indeed the member for Heysen as well, I had no hesitation in thinking a select committee would be a very worthwhile initiative. I think that the Minister for Ageing, in taking this recommendation that has come from SARVRA and bringing it to this house, has expedited affairs in a very positive way and I thank him for that work.

There were a number of other issues that were not mentioned in the letter that I have just quoted that SARVRA has raised, and a number of them are in fact dealt with by the motion. While the letter that I quoted puts a particular point of view from residents, and that has provoked the issues, it is important that all points of view are heard and, in taking evidence, the select committee will do that, and I think that hopefully it will very wisely be able to work together.

I support those members in doing that and I hope that they will be able to come together with a set of recommendations unanimously supported that will contribute to the considerations of the parliament. I commend the motion to the house. I look forward to its passage and I look forward to the deliberations of the select committee.

Mr PEGLER (Mount Gambier) (16:23): I rise to support this motion. I think a select committee inquiring into and reporting on the Retirement Villages Act 1987 is a great step forward for this parliament. In relation to the formation of this committee, no doubt the results will be that it will make recommendations on how we can make changes to the act. These changes should not be seen as threats to either the residents of retirement villages or the administering authorities.

I think it is time that this act was looked at properly. As has been said before, it is some 26 years since the act came into being, so it is a great step forward. I certainly support the fact that there has to be adequate certainty, accountability and transparency for residents about their financial obligations. I also strongly support the fact that both the residents and the administrating authorities must know what their obligations are to each other and to the corporate body. We have several retirement villages in my electorate of Mount Gambier, and I quite often have residents come to see me that have concerns about how their constitution and management committees work. So, I would also recommend to this committee that they look at some draft constitutions that spell out very succinctly what the powers are of those management committees in setting fees and their voting processes in those management committees, so that everybody knows exactly where they stand.

I am sure that if we consult widely with the community, and particularly those people that live in or administer retirement villages, we can come up with an act that will suit everybody and certainly give transparency and accountability to the community. I certainly support the formation of this committee.

Mr PENGILLY (Finniss) (16:26): I rise to indicate my support, as well. It is a matter of a good deal of importance to me. I would have happily gone on the committee, if it is successful in getting through the house, which it will be of course, but not everybody can go on it. I have a number of substantial retirement villages in my electorate. I have many hundreds of residents in those retirement villages, particularly in Victor Harbor and Port Elliot, and I also have some over on the western side of the Fleurieu.

The last couple of years, I have not had a lot of angst come out of those villages. We did have a fair bit to deal with two or three years ago, but things seem to have settled down. They operate particularly well, but there are a number of issues that surface from time to time. One that I have been dealing with lately, which the committee might want to have a look at, is in regard to water billing and the billing that the residents are charged. There are things like rate issues, ownership issues, and there is dispute resolution.

I would ask that, when the committee is formed, if they wish to do a regional visit, they may consider having a regional hearing down in my electorate, perhaps at the Victor Harbor council chambers or something like that. I am sure that there are residents who would like to give evidence—

Mr Gardner: The Finniss electorate office.

Mr PENGILLY: No, we won't fit in there. I think it would be useful, as indeed the select committee on farming has held regional meetings and continue to. So, I would invite the committee to come down. I think it is probably a good thing to review this particular act. It has been in place for a long time, and as has been said in this place and other places, it is a way of living for many, many retired South Australians. They are extremely active within the villages, some of them. I know that Elliot Gardens is a very comprehensively run facility and the residents of that village are very actively involved in the wider community in things like bowls clubs, but they are also focused on activities within their villages.

I enjoy meeting with the residents from time to time, but, as I say, there have been some dramas in the past and there probably always will be as long as people are involved in these things. But, I look forward to hearing the findings of the committee after it is completed and brought back to the parliament, and I wish every member on the committee the best of luck and hope that they come back with some useful findings. I support the motion.

Mr BROCK (Frome) (16:29): I also rise to, first up, congratulate the minister for bringing this to the house. I think it is a tremendous idea, and certainly as the member for Goyder and other members here have indicated, it is a growing trade. When I say trade, it is a growing request out there for people to go into lifestyle villages, retirement villages and things like that. In my electorate of Frome I have numerous retirement villages. In fact, one from Moonta came to Port Pirie and set up there. It is a very popular location. Everything is supplied for you and there is security and all of that.

The opportunity to have a select committee to look at anything at all I think is a great idea. I have been on a couple of select committees and even on standing committees. We have the opportunity to look at things in great depth without any time constraints. It is always done in a bipartisan way of looking at it, and I hope that this select committee will do exactly the same thing.

I will refer to some of the issues on this notice of motion, 'that a select committee be appointed to inquire into and report on the Retirement Villages Act 1987, and in particular' certain items. One thing the minister has put on is 'whether the objectives of the act remain appropriate'. This act has been in place for 26 years and is it still appropriate?

Do the current definitions within the act remain appropriate? That is a big issue. I think the member for Mount Gambier referred to the adequate contractual disclosure to enable residents to make an informed decision about entering a retirement village. That provides peace of mind not only for the people going into retirement villages but also for their families who are very passionate about looking after their parents who are going into the retirement villages.

The other point is whether the act provides sufficient provisions to protect the interests of residents in the event of a village entering financial difficulties. I think that is very important. We need to protect those people who go in with good faith and we need to ensure that we look at all opportunities. The last point that the minister has identified is the relationship between the act and other South Australian and commonwealth legislation, including the Aged Care Act. We have to ensure that everything gels and that everything relating to everything is there. Again, I congratulate the minister for bringing this motion to the house and I certainly will be fully supporting it.

Mr SIBBONS (Mitchell) (16:32): I also rise briefly to support this motion and certainly thank the minister for establishing the select committee. Like many who have spoken here today, we have all had a number of constituents who have contacted our offices. They are very confused and concerned with some of the legalities that they go into when they enter into these contracts

and so on. It is a very complex area for them and it can be very frustrating and very time consuming for them as well.

I am hopeful that this committee will give many an opportunity to identify some of these concerns and hopefully remedy some of these issues. I am hopeful that the minister will name me very shortly as a member of the select committee.

The Hon. J.J. Snelling: It will cost you a chocolate frog.

Mr SIBBONS: A chocolate frog. I certainly would be honoured to be on the committee to understand this issue more. I do have a very strong advocate who lives in my electorate. His name is Brian Mowbray. I thank Brian for his advocacy and knowledge when it comes to retirement villages. He has certainly been talking to me for the last 16 months about this particular issue and about getting action around retirement villages and so on. I certainly thank Brian and I am sure he will be very pleased today with this announcement. I am sure many other South Australians will also be very pleased that parliament is taking an interest. Hopefully the recommendations that come out of the many hearings will be very fruitful to the state and the people who live within it. With that, I very much support this motion.

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) (16:34): I thank all members for their contribution to the debate and I thank both sides of the house for their support. Following up on the comments from the member for Mitchell, I indicate that really it was a meeting with me, the member for Mitchell, the member for Ashford and Mr Brian Mowbray that was actually the instigation for this motion to establish a select committee. So I would like to pay tribute to the member for Ashford, the member for Mitchell and Mr Brian Mowbray for coming to see me about this important issue and to ensure that it was progressed. I would like to thank all members for their support of the motion.

I indicate that I will move that the committee report by 28 November, but I would expect that the committee would report much sooner than that to enable legislation to be drafted and hopefully introduced to the parliament very quickly.

Motion carried.

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) (16:35): I move:

That the select committee consist of Ms Breuer, Mr Sibbons, Mr Brock, Ms Redmond, Dr McFetridge and the Hon. J.D. Hill.

Motion carried.

The Hon. J.J. SNELLING: I move:

That the select committee has power to send for persons, papers and records and to adjourn from place to place and to report on 28 November 2013.

Motion carried.

The Hon. J.J. SNELLING: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the house.

The DEPUTY SPEAKER: I have counted the house and, as an absolute majority of the whole number of members is not present, ring the bells.

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

Motion carried.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO. 2) BILL

In committee.

Clauses 1 to 6 passed.

New clause 6A.

The Hon. A. PICCOLO: On behalf of the Attorney-General, I move:

Page 4, after line 22—insert:

6A—Amendment of section 10—Sentencing considerations

Section 10(2)—after paragraph (d) insert:

(e) in the case of an offence involving a firearm—the need to protect the safety of the community by ensuring that paramount consideration is given to the need for general and personal deterrence.

This amendment reinserts section 10(3)(a) of the Criminal Law (Sentencing) Act 1998, introduced by the Statutes Amendment (Serious Firearms Offences) Act 2012, which was unfortunately and unintentionally removed when the Criminal Law (Sentencing) (Guilty Pleas) Amendment Act 2012 came into operation on 11 March 2013. The provision ensures that paramount consideration is given to the need for general and personal deterrence in sentencing, emphasising the need for public protection from the use of firearms.

Ms CHAPMAN: The government agrees that it was an accidental removal and agrees that it should be remedied by this amendment.

New clause inserted.

New clauses 6B and 6C.

The Hon. A. PICCOLO: On behalf of the Attorney-General, I move:

Page 4, after line 23—Insert:

6B–Amendment of section 11—Chief Judge

Section 11(3)—delete subsection (3)

6C—Insertion of section 11AA

After section 11 insert:

11AA—Acting Chief Judge

This amendment comes in response to concerns raised by the Chief Judge that there is no provision for an acting chief judge in the event that the office of the chief judge becomes vacant. Currently, the District Court Act 1991 makes provisions for an acting chief judge only if the chief judge is absent. In the absence of the chief judge the District Court Act 1991 currently provides that the responsibility for the administration of the court devolves on a judge appointed by the Governor to act or, if no such appointment is made, on the most senior of the other judges who is available to undertake the responsibility. Insertion of 11AA merely extends this to circumstances where the office becomes vacant.

Ms CHAPMAN: I have a couple of questions on this. We have a proposed provision here that if no such appointment is made then it is the most senior of the other judges who is available to undertake those responsibilities. My question is: is the seniority determined by the time served by the judge, the age of the judge, the qualifications, or is there some other manner in which that is identified?

The Hon. A. PICCOLO: I am advised that it is by time served.

Ms CHAPMAN: It was noted that during the debate on the appeals bill the Attorney-General's office provided advice that there was no seniority rule in South Australia, so my question is: is this the only reference to appointment, which I appreciate is in default, based on seniority?

The Hon. A. PICCOLO: I have to take that question on notice and get back to the member.

New clauses inserted.

Clauses 7 to 19 passed.

New clause 19A

The Hon. A. PICCOLO: On behalf of the Attorney-General, I move:

Page 9, after line 4—Insert:

Part 9A—Amendment of Spent Convictions Act 2009

19A—Amendment of section 13—Exclusions

(1) Section 13(3)—delete 'The exclusions' and substitute:

Subject to subsection (3a), the exclusions

(2) Section 13—after subsection (3) insert:

(3a) Subsection (3) does not apply in relation to the operation of clauses 1, 3 and 4 of Schedule 1.

In making arrangements for the commencement of the Spent Convictions (Miscellaneous) Amendment Act 2013 (the amending act) discussions were held with SAPOL. Through these discussions it came to the department's attention that, once the amending act commenced, the effect of the amendment would result in a court not being able to have access to a defendant's full criminal history, in particular, convictions where a sentencing court has ordered that no conviction be recorded. It is vital that the courts are aware if an offender has previously been given the benefit of no convictions being recorded, otherwise a court may make this choice in sentencing a second or third time without realising it.

Ms CHAPMAN: The opposition notes that the unintended consequence of this reform is that judicial officers, justice agencies and the Parole Board would no longer be aware when a person had been the subject of a non-recorded conviction. The opposition entirely accepts that these are bodies that should have that information disclosed to them and supports the amendment.

New clause inserted.

Clauses 20 to 23 passed.

New clause 23A.

The Hon. A. PICCOLO: I move:

Page 9, after line 30—Insert:

23A—Substitution of section 10

Section 10—delete the section and substitute:

10—Acting Chief Justice

(1) If—

(a) the Chief Justice is absent or, for any reason, is unable for the time being to carry out the duties of the office; or

(b) the office of the Chief Justice becomes vacant,

the Governor may appoint a puisne judge of the court to be Acting Chief Justice until—

(c) the Chief Justice returns to official duties; or

(d) a person is appointed to the office of the Chief Justice,

as the case requires.

(2) Any power or duty attached to the office of the Chief Justice by or under this or any other Act—

(a) on the appointment of a judge to be Acting Chief Justice—devolves on the judge so appointed; or

(b) if no such appointment is made—devolves (during the absence or inability of the Chief Justice, or until the vacancy is filled) on the most senior of the puisne judges available to undertake those responsibilities.

This is a consequential amendment introducing section 23A and the substitution of section 10—Acting Chief Justice. The explanation is similar to amendment No. 2; this amendment makes provision for an acting chief justice in the absence of the chief justice or if the office of the chief justice becomes vacant.

Ms CHAPMAN: The opposition notes the provision in this case for the acting chief justice procedure that is to apply. We do note that, again here, the reference is to the most senior of the puisne judges, and I assume, from the information provided earlier, that that is on years of service.

The Hon. A. PICCOLO: That is what I understand. If it is incorrect, I will advise the member.

New clause inserted.

Remaining clause (24) and title passed.

Bill reported with amendment.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:47): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW (APPLICATION) BILL

Adjourned debate on second reading.

(Continued from 6 March 2012.)

Mr WHETSTONE (Chaffey) (16:47): I rise and let the house know that I will be the lead speaker on this. I would like to start my contribution by giving some background. I believe that in 2009 COAG agreed to provide national regulation for rail, road and marine, and essentially it has claimed this will be simpler, cheaper, better and more consistent.

Rail was established in 2011-12 and the headquarters are now in Adelaide. Road was introduced and passed recently in Queensland and is yet to be introduced in other states. Marine was passed in the federal parliament in 2012 and is progressing at various stages in other states. I believe it is progressing very slowly. The marine bill was introduced on 5 March 2013—which is a great day.

An honourable member interjecting:

Mr WHETSTONE: A birthday actually. So, in standing to speak on the Marine Safety (Domestic Commercial Vessel) National Law (Application) Bill, I support the notion to apply commonwealth national law in each state. There will be a number of benefits for South Australia to have the national legislative scheme regulating domestic commercial vessels, and the bill to commence on 1 July will apply to the existing estimated 2,000 domestic commercial vessels in South Australia and will extend to the 230 crown vessels and 50 industry vessel operations, which include rescue, research and community vessels for training and for hire.

There are currently eight different marine safety regulatory systems involving the commonwealth, six states and the Northern Territory that govern the operation of domestic commercial vessels here in Australia, with a single national maritime regulator and a national safety system for domestic commercial vessels. Those people in our state who want to use our waterways, ports and harbours will have clarity and consistency on the regulations they must follow.

I think more people will need to be trained to obtain the coxswain certificate. I have consulted with many of the boating industry associations and interest groups, and one of the main concerns they have raised is the cost of the coxswain certificate. It is not just about the cost, it is about how they will have to do that. To gain a coxswain certificate, it involves a trip either to Port Lincoln or Port Adelaide. I think it is worth noting that it takes up to a week to obtain that certificate, so it will be a burden to those who are going to have to travel over to the West Coast or to Adelaide.

The domestic commercial vessels include ferries, fishing boats, trade ships and houseboats, but not recreation boats, foreign boats or defence craft. Just in saying that, one of the briefs we received mentioned a Scheme O—Other vessels. Vessels that will not be included include waterski and wakeboard towing vessels with inboard engines, and this concerns me. What is the difference between a waterski or wakeboard towing boat with an inboard motor or an outboard motor? There is no difference, so I think we need to get some clarity there.

Permanently moored vessels—a lot of vessels that are permanently moored can be commercial accommodation, so there also needs to be some clarity as to whether those commercial vessels will have to comply if they are permanently moored, or if they can actually be powered down to the waste transfer station or effluent stations. There is some concern there.

There are some novel vessels where the national standard for commercial vessels does not include an appropriate technical solution. I know of a particular vessel in the Riverland that is

being used as accommodation for backpackers, but it also has a commercial venture as a tourist attraction, so there is an issue as to whether that vessel (*The River Queen*) will have to come under this scheme.

This bill will allow current approvals to continue until 2016. To gain a coxswain certificate, or for those vessels to be put under survey, there will be a transition period until 2016. Will that survey come in under more regular scrutiny? Again, that is something that we need to look at. Is the coxswain certificate ongoing? If not, how often does it have to be updated once you have achieved that accreditation? What sort of a burden will those operators come under?

We have consulted multiple departments, organisations and governments and asked whether there are any concerns raised by volunteer marine groups regarding new regulations and costs. Will some of those marine groups that I have spoken to, the like of surf lifesaving groups, have to be regulated? If so, obviously noting that Surf Life Saving SA has different crews for different times of the day, how many of those operators will have to have certificates of coxswainship? Will every operator who goes out on a commercial jet ski that is used for rescue also have to be accredited? Will those vessels have to have an operator who has a coxswain's certificate?

In my electorate of Chaffey, we have volunteer organisations that are using private vessels to do bird counts and tree counts and the like. Will they have to conform to regulation? I guess many of these questions that I am asking now will obviously be raised in committee stage but, again, it is about just exactly who will be impacted. Again, under this national system, the domestic and commercial vessels will be required to meet the same nationally agreed safety standards—so are the standards here in South Australia any different to standards interstate, or is this national accreditation going to have one rule fits all?

The people who design and build commercial vessels in one jurisdiction do not need to get their vessel re-certified each time they travel into another jurisdiction so, if commercial operators are travelling up the River Murray and they go from Victoria into New South Wales and then back into Victoria and into South Australia, will that accreditation roll from state to state? Will there need to be any different requirements? Companies that have national businesses and operate vessels in more than one state will not have to deal with the different laws and regulations. I think that is a great thing, so that if we can have a national standard, it will take a lot of the uncertainty out.

It is a bit like the fishermen, particularly on the River Murray. If you are a South Australian, you can fish freely in South Australia, but if you go to Victoria, you have to apply for a licence, and then if you travel into New South Wales you have to apply for another licence. So, at the moment, we have three different states with three different rules, and that is adding to the complexity. I guess we will see that this will provide national consistency and transparency and, as I have said, I think this bill will create much more clarity and transparency for all the operators up and down the river.

I would like to touch on the South Australian Houseboat Hirers Association, whom I met with, and that association generates about $8 million in hire fees alone. It is offering houseboat holiday experiences, and I want to be sure: when those houseboat operators are hiring out their investment—their million-dollar houseboat—to an operator or to a hirer, is there any accreditation? Is there any regulation that will be put on that operator?

As I see the law at the moment, they have to have a car licence, but they do not have to have a boat licence or a coxswain's licence. They are in charge of a vessel some 60 feet long, in charge of, in some cases, 10 or a dozen people, dealing with other river traffic. That is a concern because, as a regular river user, I watch many of these holidaymakers come up, and they really do raise people's eyebrows as they journey up the river with very little knowledge of just exactly what is before them.

Obviously, the Houseboat Hirers Association Incorporated is a not-for-profit organisation, formed in 1982 and incorporated in 1987. The association represents about 100 members and consists of about 160 houseboats. That goes all the way from Murray Bridge to the Victorian border and they are recognised as the only industry body. In consultation with them, they were very happy with this bill. They saw that it did not inhibit their business or jeopardise people coming up to the region and experiencing that houseboat holiday or houseboat experience.

I think overall the houseboat hirers industry has warmly welcomed this initiative. In the overall houseboat industry, there are approximately 800 hire-and-drive houseboats under

commercial survey in South Australia and the vessels are inspected on a two-year basis out of the water on the slipways. Again, will this new regulation require any more regular surveys or will it be business as usual? Surveys are being conducted as we speak on a regular hire-and-drive business; every two years they have their boats surveyed. Will those regulations and rules change coming under a national scheme?

I would like to just touch on particularly heritage vessels. I was in touch with Friends of the PS Industry up at Renmark. They are very proud of what they have achieved up there with the PS *Industry*. It was designed and built at Goolwa in 1910, and launched in August of that year. The vessel was handed over to the South Australian Engineering & Water Supply Department way back in 1911. It was purposely built to de-snag the river, if you like—to pull out fallen trees, logs and anything that got in the way and made the river unnavigable. It also helped in the construction and the maintenance of the locks, weirs and barrages, particularly of note in South Australia with our seven locks and our barrages down at Goolwa. Back in 1970, it was handed to the town of Renmark as a floating, static museum, as it had come to the end of its life.

I would like to put on the record that the friends of the *Industry* have maintained it impeccably and have only recently upgraded the boiler. They always proudly say that it is the fastest paddle steamer on the River Murray, so that is another feather in South Australia's cap, as far as a river vessel being faster than any of those in the Eastern States.

In 1995, as I have said, after much expense with the upgrade of the *Industry*, it was licensed to carry passengers. The coxswain's certificate, as I understand it, has a schedule II certificate. The operators of the *Industry* very proudly say that they have done better than that, they have a schedule IV and V, so I do not think this legislation will impact on them, but right next to the PS *Industry* we have the Argo Barge.

The Argo Barge was a floating barge that was built in around 1915 or 1916 in Mannum. That barge was a non-powered barge. It was designed so that the barge would move up and down the river, and that barge had a pumping facility. It was able to pump water directly from the river and into irrigation properties so that people would have a mobile irrigation pump, if you like, and, in doing that, it was also purposely built for the South Australian government to perform irrigation and drainage by the engineering department.

Other than being a floating pumping station, it was a multipurpose barge and it was originally used to help dig irrigation channels, and many of you in here would recognise the huge amount of work back in yesteryear, in the early 1900s. Much of the channel country was dug by hand, or by horse and cart and plough. It was very flat country, and being a flood plain you could not just dig a channel and leave the dirt, clay or anything that was dug away on one side of the bank. It was about removing that clay or dirt so that you could actually have more productive country.

Again, the Argo was one of the largest barges built on the River Murray and proudly resides in the town of Renmark. In 1993, this barge was purchased by the Renmark council and the barge lay, sadly, on the bottom of the river at Renmark until the Friends of the Argo restoration committee formed in 1998. They were able to refloat and repair that barge, and it still floats proudly right next to the PS *Industry* as I speak.

Again, the heritage vessels are proudly demonstrated regularly up and down the river and we are always seeing some of the private barges and some of the community-owned barges, but they are all coming at a cost and ageing. It is a piece of our history that I must make mention of in this house that must be retained, and we need the ageing volunteers who look after our river history to pass that down. We do not need any more burden for the younger community volunteers who look after those heritage vehicles than we currently have.

In South Australia, we have about 230 crown vessels and approximately 50 industry vessel operations that will be captured under this new system. These include the ferries and obviously the widely reported Cadell ferry that was almost put on the non-existent heap. The importance of the Cadell ferry was made loud and clear by the communities of not only Cadell—the good member for Stuart here was front and centre in putting the case forward to the state government—but also the communities in the Riverland, and the deputy leader and I went up to Cadell for our public meeting to note its importance.

It is not just about the importance of that ferry to the town but also its importance to the surrounding communities, industry and the farmers who rely on moving their plant and equipment from one side of the river to the other. It is that national thoroughfare for people travelling on a

highway. It is essentially used as a gateway to the Flinders Ranges and to the West Coast for those people who are travelling along the Sturt Highway and deviate to take the short way to the west side of the state.

Mr van Holst Pellekaan: To get kids to school.

Mr WHETSTONE: Of course. As the member for Stuart says, it is a tool to get kids to school. It is also used for emergency services. The ambulance operators have regularly used it while performing ambulance duties. Doctors and nurses have come to me saying that they have used it in times of emergency. It is about the Cadell ferry being kept in service, as well as the many ferry services up and down the river, such as Morgan, Waikerie and Lyrup, which need to be put under survey.

I have noted that the department and the committee that was formed around the debacle with the Cadell ferry are looking at the age of the ferries. The significance of age of those ferries has now come into question. It is an ageing fleet. Just how do we address upgrading, restoring and replacing that ageing ferry fleet? It is a vital tool within the river communities and it affects the wellbeing of all the people who use those ferry services. How will this new legislation impact on those ferries, the operations and the maintenance? They are an ageing fleet.

These vessels that are currently regulated as recreation vessels should be commercial vehicles. In saying that, I will move on. We have talked about surf lifesaving boats and vessels that perform a duty. We have talked about ski schools. They are a commercial boat that is used commercially. Will those ski boats and wakeboard boats have to be surveyed? I did see that they were put under 'vessel O', which was an optional vessel, but we have not dealt with any of those commercial operations.

We have a lot of volunteers, particularly in the river communities, who do great work with bird counts and doing duck numbers. They travel the river to do tree counts. They update the departments and provide a lot of the statistical data that we need to underpin whether we have a duck season or a salinity issue in certain parts of the river. These volunteers are the eyes and the ears of a lot of the environmental population, who take it upon themselves to be good river watchers and good land managers. They really are a very important part of what we need to have as a volunteer base, but will they be impacted with this marine safety bill?

If we look at the competition side of things, there are waterski competitions and tournaments. Will those tournament boats have to be surveyed? Will they have to have operators that have coxswain's certificates? Again, they are being used for a commercial enterprise. If we look at the wakeboard competitions, will those wake boats have to be surveyed and have an operator? Remember that we do not always have people who sit in those boats all day, every day. We have a variety of volunteers out of those clubs or groups who share the burden of sitting in a craft all day and who regularly take up the responsibility of towing competitors up and down the river or around and around in lakes. Again, that is an issue.

If we look at race boats, there are several formats of race boats, particularly on lakes and on the river. We can start off with power boats. Those power boats in some cases are private and some are fully sponsored. If they are brought into a competition as a demonstration or as a crowd pleaser and are paid to go to those events, are they deemed as a commercial operator and will they be impacted on?

Waterski racing is something that is very dear to my heart. I competed at all levels for many, many years. Again, those boats are racing competitively, and in some of the bigger races we might have up to 200 boats in a race. I do not want to see any impact on that, because any motorsport is always under siege with the impact of regulation, insurance, regulatory constraints—

Mrs Redmond: And the cost of fuel.

Mr WHETSTONE: And the cost of fuel, yes. I must say, I do not think the race boats are anything, after being on a big seagoing pleasure craft last weekend. We have had many fundraising events. We have had many fleets of boats coming up and down the river raising money for charity, raising money for great causes. In recent times we have had the Novita river run, which is a great concept. We have a contingent of boats that start at a certain part of the river and travel down, raising money for charity. In many instances they are governed by commercial boats that help them navigate their way down the river. However, if they are out there raising money for charity, if they are out there raising money for the wellbeing of a constituent body, are they deemed as being a commercial exercise? That is something that I think will be raised as time goes on.

We see the *Coorong Explorer*—if I have that right—that travels the length of the River Murray. That is used for tourism. Again, will that boat have to have any change in its existing regulatory requirements to continue as an operator? Those boats, as I have already said, are used for historical re-enactment. Will those boats need any further regulatory requirements or will those operators have to have any change in their certificates of operation?

I think there are significant issues with every operator that comes up and down the river. As I say, this national regulation needs to be there to help operators. It needs to be there to obviously regulate so that people conform to a national standard. However, it is about the burden that this is going to put on these people. This is a bill that I support, but I do not want to see any abnormalities come into the fray that would put at risk particularly sports-orientated boats that use our rivers and our waterways, particularly the River Murray. So there is a bit of clarity that I will be asking for in committee. I think we need to look at just exactly how some of these vessels will be impacted.

I will just touch on scheme O in closing. Scheme O is a proportion of these government and privately owned newly captured vessels which would be deemed as being an other vessel. This is a category of new existing vessels for which there is no nationally agreed standard or regulatory treatment. So will there be any impact on those vessels of scheme O? In closing, I will hand over to another member, who I am sure will have some significant input.

Mr VAN HOLST PELLEKAAN (Stuart) (17:18): I will be fairly brief with my comments. It might surprise a few people to know that the electorate of Stuart does include some significant sections of waterway in South Australia. There is nearly 100 kilometres of coastline between Port Pirie and Port Augusta where this would apply and also, very importantly, a section of the River Murray from between Waikerie and Cadell through to between Blanchetown and Mannum. So I do have a particular interest in this issue on behalf of the people I represent.

I would also like to congratulate the member for Chaffey on being the lead speaker for the first time in this place and doing a very good job, raising a lot of important issues. No doubt he will continue to do that through the committee stage as well.

I will not go over many of the issues that the member for Chaffey has already ably addressed. I will certainly reiterate that the Liberal opposition supports this move and, from my perspective, supports it for a couple of reasons: because it is a good idea to streamline some rules and regulations and also, very importantly, the shadow minister for transport assured our party room that, from the briefing she received from the government, this would not be an additional cost imposition on operators of vehicles.

There might be some people who need a coxswain's licence, who did not before, but for people who are already operating under these guidelines, under a state jurisdiction, shifting to this broader national jurisdiction will not add any extra cost to them. I think that is exceptionally important. It is on that basis that I certainly give my support to this issue.

I do note that the new licences, whether it be a survey for a vessel or whether it be a coxswain's licence for an operator, would be valid in all waters around Australia once this kicks in. I would like to briefly add that it begs the question as to whether it is appropriate for us to have national road rules that would apply in every state and whether it would be appropriate for us to have driver's licences which would apply in every state as well. I am sure that seeing how this is implemented and seeing how successful this will be down the track and judging that in hindsight will contribute to that discussion.

I did have the opportunity to ask the Minister for Transport briefly, before I started my contribution, about houseboats. Houseboats on the Murray are very important. On the first reading of this it could be easy to just divide this up and say it applies to commercial vehicles and not to private vehicles. The member for Chaffey has raised an enormous number of different examples, which are important to go through, but I did just want to check about houseboats. The minister has assured me that houseboats for hire will not require any additional licence; so, essentially, a car licence is still okay.

So, while they are technically commercial vessels, because they are being hired out, so they are therefore in commercial use, as long as they are being used by the hiree for private use then there is no additional imposition on those people, which is obviously quite important in terms of just mums and dads and families enjoying the opportunity to rent a houseboat occasionally. It is not something that many people do on a regular basis, but is important that they get to do that. Of course, it is also very, very important for the hirers of those vessels that their business is not impeded because it has become too difficult for people to do that.

The opposition supports this move in broad terms. We will certainly have questions through the committee stage. A lot of my interest in regard to questions in the committee stage will be about volunteer coastguards. There is a volunteer coast guard operating at Port Augusta, and they do a fantastic job. Fortunately, they are not required very often, but when they are required we are very lucky to have them. I would just put a question on notice for the minister and hope that he can come back with an answer with regard to how additional costs to these volunteer organisations might be met, and will there be a government contribution, increased commensurately with the additional cost that the volunteer organisations would incur, by meeting, as I understand it, some additional obligations under this new regime.

I will leave it at that. As I say, the member for Chaffey has done a fantastic job. The shadow minister for transport will also, no doubt, make a very important contribution as she always does, but for me, on behalf of the people of Stuart, I put my support on the record largely based on the fact that we are told there will be no increase in cost to the operators of these vessels.

Mr TRELOAR (Flinders) (17:24): Thank you for the opportunity to contribute today. This is a particularly important bill, and it relates very much to the electorate of Flinders and the extensive coastline and seafood industry we have. As has already been mentioned today, there are over 2,000 commercial vessels in South Australia, and I would guess that a significant number of those are resident around the coastline of Eyre Peninsula and the West Coast. What this bill will do, of course, is apply national commonwealth law to each state and it will provide some consistency.

Not that many of our vessels travel interstate, but of course with such a mobile workforce these days those who have coxswain's tickets are able to travel, and they will know that there is some consistency in application in what they do right across the state. I understand this new legislation will capture some new vessels at least that have not previously been required for registration, particularly the crown vessels. About 230 of those vessels will need to be registered and surveyed under this new law.

Sea rescue will also come into consideration. I know that we have vessels based in Thevenard, Tumby Bay and Port Lincoln as well which will come into consideration under the new rule. Obviously, if there are new vessels that come into consideration, those who operate those vessels will need to obtain a coxswain's certificate. That is a cost, but of course it is not a huge cost. It is some $450 or $500 and that will be available in our part of the world through TAFE in Port Lincoln. I cannot see any real issues with that. It captures those who were not previously considered and provides consistency, as I said.

I notice the member for Chaffey is our lead speaker. Congratulations to him on a fine job. I thought you might be sitting down here, mate, for that one, but anyway it is up to you. I have no doubt you will be asking some searching questions of the minister should the time come. It is not the first legislation to deal with national consistency across transport. Here a couple of years ago we passed a national law regarding rail. We established a national rail regulator. I remember the minister at the time, the member for Elder, as we stood up and contributed one after the other, said that he enjoyed our contributions because he knew everybody loved trains. I think the same applies here, member for Elder: everybody loves boats, particularly in my part of the world, so I know there are more contributions to come.

The member for Chaffey mentioned the historical boats. I will not keep the house long, but I want to take a couple of minutes to mention one particular historic vessel in Port Lincoln, that is the *Tacoma*. In fact, the *Tacoma* really pioneered the tuna fishing industry on—

Mr Whetstone: There was a special on at the weekend.

Mr TRELOAR: —Eyre Peninsula. The member for Chaffey is quite right; it featured on *Landline* just Sunday last, and no doubt it will be repeated. It was a documentary put together by Ian Doyle. I was privileged to have a preview of that shown at Ross Haldane's home in Port Lincoln, along with Ian Doyle himself and quite a few other fishing industry notables. It is a tremendous story. The boat was built in Victoria, in Port Fairy, 60-odd years ago and was sailed or steamed by three brothers, the Haldane brothers, and their families—really quite young families—all the way to Port Lincoln.

It was given some support by the then government in South Australia, the Playford government, to explore, exploit and develop the tuna fishing industry in South Australia. The opportunity was there in Port Lincoln to do that. Their initial efforts were using a purse seine net.

That proved unsuccessful and it was not until a couple of Americans were invited out and demonstrated and advocated for the poling of the tuna fish that the industry really took place.

The interesting thing about the boat the *Tacoma* is that it was a North American design. It hailed from Washington state, hence the name *Tacoma*. Tacoma was the town in the US where the designs were originally drafted and the many sister ships were built. The Haldane brothers were able to acquire some plans from the North American company. They built the boat in Port Fairy; in fact they were boatbuilders rather than fishermen.

They built a truly lovely vessel which still potters around in Port Lincoln. In fact quite recently it did a trip with a few on board to try to pole some tuna in the old-fashioned way. I understand that was successful. Everybody on board had a good time and they got the allowed number of tuna for the trip. Congratulations to them, and congratulations to the Tacoma Preservation Society and the Haldane family for pursuing the heritage that is involved with this vessel. Once again, the former minister, the member for Elder, is well aware that the *Tacoma* is looking for a permanent home. No doubt I will be corresponding with the current minister about this.

We do hope to find a permanent home for the *Tacoma* within the waterways of Port Lincoln. It is obviously a historic vessel, and it is a treasure not just to Port Lincoln and the tuna industry, but to the state itself. I just thought I would make that brief mention in recognition of the *Tacoma*. Of course, that is one boat that will come under the new national safety laws, along with the many other vessels that fish in and around the west coast and Eyre Peninsula. With those few words, I commend the bill.

Dr McFETRIDGE (Morphett) (17:30): I rise to speak on the Marine Safety (Domestic Commercial Vessel) National Law (Application) Bill 2013, which is:

> A Bill for an Act to provide for a national legislative scheme regulating domestic commercial vessels...

I read from the front of the bill because I want to make sure that everybody understands that, once again, this parliament in South Australia is giving a seal of approval to national legislation. I have spoken in this place many times about the risks we run as a sovereign parliament in the state of South Australia of devolving our powers to COAG and to other national legislation.

I remember speaking for a long period of time about the perils of national legislation—which, in the end, did not become national legislation—when I spoke about the regulation of medical practitioners. That was put to this place as being part of national legislation that was going to offer seamless movement of health practitioners across Australia between states and territories.

As I was able to show in my speech then, it was consistently inconsistent right across all of the states and territories. There were anomalies, changes and amendments, there was some mirror legislation, there was some legislation that was just being adopted, and there was a consistently inconsistent approach to national law which we saw not only with that legislation, but we are again seeing it, as I understand, with this legislation. Some states are looking to amend this legislation, and it will not be a seamless, one-size-fits-all piece of legislation across the nation.

I just spoke a few moments ago on a motion in this house about retirement villages, where we looked at the inconsistencies between retirement village legislation. That is why a select committee has been set up to look at what is happening in South Australia. I said in that contribution that I think we should have legislation which does allow consistency across Australia.

That does not mean to say, in any way, that we devolve the powers of the parliament of this state to make changes as we see fit for the people of South Australia. We have seen what that has done to countries in the European Union and the perils of having European Union legislation overrule sovereign national legislation. I think there are many countries that would now love to get out of the EU because they realise it has not been the best way forward for their particular nation.

I am not saying this legislation is not a good way forward. We should be doing all that we can to improve the safety of domestic and commercial vessels. But, when we put this legislation through, let us make sure that there is going to be some review of the legislation, whether it may be in three or five years' time, to make sure that this legislation is truly working and is consistent with the rest of Australia. I understand that we are amongst the first legislators to actually look at this piece of legislation.

It is very important that we do this. I speak from personal experience, having been out on vessels a number of years ago which were quite unseaworthy. Some of those were commercial

vessels, and others were privately owned. I think safety at sea is something that you cannot ever take for granted; you should never underestimate the power of the sea.

Having been out in 50-knot gales for hours and hours with no ability to get into a port because of the structure of the port, it is a pretty ordinary experience being out there and knowing that, if you are not prepared—and we were prepared—you could die. People do die if they do not take their safety and the safety of their passengers as seriously as they should. You cannot get out and push. The member for Elder once had an unfortunate incident when the batteries on his boat—

The Hon. P.F. Conlon: Not my boat.

Dr McFETRIDGE: —on a boat he was on—were not fully charged and he had to be towed in and, unfortunately, that is one of those things that happens with some vessels when you are dealing with salt water and electrical systems. None of us would ever wish for any of us to be put at peril, never mind the other residents of South Australia or the nation.

This particular legislation, though, is going to cause some issues for boat owners. I think the member for Chaffey has pointed out quite well in his contribution—and I congratulate him on being the lead speaker for this piece of legislation—that there are going to be imposts: $463 plus one week's training may not be a lot of money to some people, but to people who are running marginal businesses involving the hiring of vessels, where they are putting all their money into making sure those vessels are up to survey, and are being kept as safe as they possibly can, that could be just another impost on them.

I would imagine a lot of those people would already have a coxswain's certificate. Now whether they need to have those upgraded, I am not sure, but that might be something the minister can tell us about—who that will apply to and whether there be any exemptions. I think the member for Chaffey asked about the situation where, if you own a ski boat and you drive that ski boat for somebody, and the boat has to be under survey, whether in that case you have to have a coxswain's certificate to drive that boat besides your normal boat licence. I do not know.

Obviously we want people to be kept safe. We do not want people to be out there being put in peril but, the issue is, let's make sure that the legislation as is being put to us now is going to be consistent across Australia, and let's make sure that it is going to do the job that we intend it to do, that is, to make sure that the commercial vessels are being looked after so that nobody is going to be put in any danger at all.

I think there are 110 pages of legislation, and I have not read all of it and, certainly, we have not seen the regulations yet, which will make interesting reading for all of those in the industry, and all of those who will be affected by this. I hope that the regulations are going to be made available—even the draft regulations—as soon as possible to all the stakeholders so that they can see what they are up against.

Certainly with the facilities levy that is going to be applied, and the facilities fund, I would like to know exactly what the regulations, or the guidelines, are going to be for the use of the facilities fund, and the changes to the levy in the future. Will CPI apply? Are there going to be arbitrary increases? What is going to happen, and how broad is that levy going to be? The fact that we have a wonderful state, a wonderful coastline—I often boast to people that we have more navigable islands than the Whitsundays, more hours of sunlight than the Gold Coast, and a greater range of marine flora and fauna than the Great Barrier Reef. We have a few sharks there as well.

This is a wonderful place to go boating. We have a lot of people and, in my electorate of Morphett, we have a number of charter operators with pleasure boats, with party boats as we call them, which take people offshore to fish and to enjoy themselves. We have dolphin tours going up and down there with *Temptation*, the big catamaran, and a number of fishing charters as well operating out of the Patawalonga. Now with the change in my boundaries, I pick up the Adelaide Shores from the member for West Torrens.

The Hon. A. Koutsantonis: Not yet you haven't!

Dr McFETRIDGE: We will be picking the Adelaide Shores up, and I will be making sure that I start to represent the people of West Beach as well as I have, hopefully, done my job in the electorate of Morphett. The Adelaide Sailing Club and Adelaide Shores is a very important part of the local industry there. I certainly will be making sure that I am in there, making sure those business proprietors and charter vessel operators who use that facility, and the Sea Rescue Squadron and the volunteers down there, are able to do what they want to do, that is, enjoy Adelaide's wonderful coastline and the gulf. If this legislation goes some way to making sure that

they are able to do that as they should, but with maximum safety, then I think we should be doing all we can to make sure it is passed by this place.

The SPEAKER: The member for Bragg.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:40): Thank you, Mr Speaker. What an honour it is to have you here with us during this important debate. I rise to contribute to the Marine Safety (Domestic Commercial Vessel) National Law (Application) Bill 2013. I place on the record my appreciation to the member for Chaffey for his excellent contribution to the debate—and other speakers, of course, who have contributed—and also for his management of his first bill in the house. There is often some trepidation but he has embraced it and is obviously ready for more, so I thank him very much for that contribution.

The application of national regulatory procedure follows the 2009 COAG agreement to provide national regulation for the rail industry, both for passenger and freight services in this state and also for heavy vehicles in road transport. Rail has been passed and South Australia is now the headquarters for that. Heavy transport on the roads seems to have hit a bit of a hurdle, but it is slowly progressing through some of the states that are considering it post Queensland's introduction for that purpose, and in due course they will provide the headquarters if it is passed in each of the states.

The concept of having national regulation is not one that usually fills me with joy but as our other speakers have said, the opposition will be supporting the bill. We are ever hopeful that all of the promises of national regulation will deliver what is promised, in particular that things are going to be quicker, cheaper, faster, more streamlined, more efficient and they are going to provide harmony and everyone will be standing shoulder to shoulder to provide a better and more consistent regime. For me, that has rarely been implemented. It rarely achieves the promises that abound, but we live in hope.

It was interesting that, for example, when we did the rail amendments to provide for federal regulation, there were all sorts of promises. I was then briefed more recently in respect of rail regulatory processes and the person who provided the briefing who was not from government but from industry said, 'Look, we welcome the new national commission requirements and the headquarters here in South Australia because the national regulation, we think, is a lot stronger and will in fact provide higher standards and we have welcomed that.'

Interestingly, when I got a briefing on that bill, South Australia was allegedly picked as the headquarters because we were so brilliant at what we did here with the South Australian model which was so fantastic and which we were following, so I could not have had more diametrically-opposed sets of information but we live in hope that that has been established and we hope that that will provide certain sets of standards.

Sometimes, there is a whole lot of attention put on the regulation of industries—or in this case transport services—with little attention to some of the really big issues and, frankly, for train drivers, a big issue is suicides on tracks. These types of things never seem to get the attention that all the investigation and preparatory work and reform are given, especially it seems at these COAG meetings, towards how we are going to streamline the rules that are going to give us money. In this instance, whilst we have a new regime, of course the government took the opportunity (all governments who are signed up to this deal) to say, 'Well, who else can we bring into the net?' Who else can we expand this to who will be required to be regulated, who will need to pay annual fees—

The SPEAKER: Surely, 'whom'.

Ms CHAPMAN: —who will need training? The Speaker interjects to give me some counsel on grammar: 'Surely you mean "whom"', and I apologise for that, Mr Speaker. How will this be applied for the purposes of providing a benefit to those who are now going to be captured under the system? Always the shout is, 'This is for safety reasons, and this is important for ensuring that we have a whole new set of rules which are going to protect these people, because we need to bring all these extra ones in because we think they are important and they need to be protected.' Well, if that was the argument, every maritime vessel would come under regulation.

To some degree, there are provisions in state law still. For example, you cannot drive from a tinny to a large vessel under the influence of alcohol. There are certain standards there and the police monitor that, and they will continue to have that role, but here we are going to have a whole lot more people who are going to be captured, not in the application of conduct and behaviour of

those operating vessels, but in the training. Always with these things we say training is this great panacea of prevention that is going to be effective in reducing deaths or injury, in this instance in the maritime industry. I am not as convinced.

I freely admit my experience in operating marine vessels is much more limited than that of many others here in the house. Sure, I can operate a tinny, and I have most of my life. The safety obligations that exist for being even a passenger in a small vessel like that over the years have mounted and we now need to have flares and all sorts of other things. All of these things are introduced for safety reasons. We have a boat licence procedure, but now, for the operation of a whole lot more vessels, we are going to need to have training, as I say.

My experience otherwise has been at the board level for the *One and All*, and it does concern me that the resolution of the historic vessels has not been completed and we are having to debate this bill without those issues being resolved. It just makes me feel very sad that vessels which have provided extraordinary benefit to South Australia in training and in adventure activity, namely, the *One and All* and also the *Falie*, are now moored up getting cobwebs down at Port Adelaide. It just breaks my heart to see such magnificent vessels underutilised in this state.

I have even written to the minister about this, and the former minister, who is obviously riveted by this debate. I have sent copies of that correspondence to the member for Port Adelaide in respect to the future of the *One and All* vessel. It does concern me that here we are having to deal with legislation now which will cover vessels which are left I think practically abandoned by this government.

I say this as well: South Australia has a proud maritime history. We probably would not have been able to establish even as a colony or establish our first industries in fishing, whaling and sealing, for example, if it had not been for the seaworthiness of vessels, the capacity for them to be able to traverse the oceans, skilled shipwrights and navigators and of course the safety procedures both on vessels and onshore. We in South Australia had the benefit of the marine and harbors board. Interestingly, I have a little overlap of that in my life, because some members might be interested to know the marine and harbors board was headquartered for about 70 years in a building in Victoria Square in which I now have an interest and which is now legal chambers.

There are historic photographs of this building at the South Australian Library, and what might be of interest to members is that apparently the first female public servant in South Australia was employed by the harbors board. She is photographed, circa 1907, at the front of the building with others—of course, all men—who are the senior members of the Public Service in that area. So, it has a very distinguished history I think in South Australia. It has historically had a high level of prominence in government departments in respect of the marine operations in this state, and for good reason. Even today industry is very much dependant—and recreational activity and tourism and the like—on ensuring that we have all of those couplings of safety of vessels, seaworthiness, etc.

My biggest concern with this legislation is that it is substantially expanding. Those who provided briefings from the government on this bill have provided a summary of where other jurisdictions are in respect of dealing with this. The statement made in the briefing in respect of the extent of vessels to be regulated was that:

> The majority of these vessels are already being regulated as recreational vessels under the SA Harbors and Navigation Act 1993, but should really be regulated as commercial vessels. They are work vessels and have similar operational risks as commercial vessels.

For some of the categories that are being introduced I would agree with that, but there are very large and substantial vessels subject to scheme O, which, frankly, I do take issue with as to whether it is necessary for them to be involved. I know that the member for Chaffey has raised some of the concerns about the application in those areas. My view is that the government has decided to take the opportunity in nationalising this to expand the revenue base and to bring in a whole lot of parties, a very substantial number of which will add very significant cost to state agencies.

It is not just those who might be tourist operators or those that might be in trust, for example in the management of historic vehicles. It also incorporates a number of volunteer marine rescue vessels, which of course are owned by government agencies and will place a financial burden on those departments which, under the current regime of treasurers in the last two years have insisted that they streamline. I think there is some inconsistency there in respect of the costs that are about to be placed on other government agencies to comply with this regulation.

I was also provided post the briefing with a schedule of the fees. Whilst there has been some consideration of the expansive (under this regulation) use of the obligation for a coxswain's certificate to be obtained for an increasing number of activities and classes of vessels used, I was a little surprised to see that some of the costs that are currently imposed under the Harbors and Navigation Regulations of 2009 are quite massive. We are not talking about a few hundred dollars. We are talking about very serious and substantial costs of annual fees of well over $1,000, for example. The survey costs are in the tens of thousands of dollars of cost for the regulation, and surveying, of course, is to provide for the inspection and obligations that flow from that.

I am concerned that this ultimately will be quite a significant revenue base difference. I think it is reasonable for the minister to disclose to the parliament what the expected increase in income will be from the revenue of all of those that this will apply to in the first full year of operation of this bill. As I understand it, we are pressing this bill through the parliament fairly quickly; we were asked to do so and we are happy to accommodate that, to ensure that there can be effective operation from 1 July 2013. Nevertheless, I think the government needs to explain that to us.

I am not convinced that the safety obligations here are the highest priority for the provision of marine services. I accept that they are an important part of our industry and our recreational activities in South Australia, and long may that reign. I am told that the existing providers for TAFE training are at TAFE at Port Lincoln and the Australian Fishing Academy at Port Adelaide, and there are opportunities for others to come in. Doubtless, we will have interstate training arrangements that come in to provide an opportunity for that service in the future.

I am sorry to see that the emergency services department, the primary industries department, the environment department and the police department are all going to carry some extra burden with this, not the least of which is the obligation to send off their personnel for extra training to comply with all of these new rules. If it is of benefit and we have some demonstrable improvement on safety, to be reviewed at least 12 months after the implementation of this legislation, I will be pleased, but I will not hold my breath.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (17:56): I would like to thank the Deputy Leader of the Opposition and lead speaker for the opposition. Given the time, I am not sure we have time to go into committee, not that I want to reflect on the operations of the house. It was the intention, member for Bragg, to go into committee but, given the time, I suspect that we will leave that for another time.

I will keep my remarks brief and perhaps when we reconvene we can go straight into committee. I just want to thank all the contributors. As we have heard, the Marine Safety (Domestic Commercial Vessel) National Law (Application) Bill 2013 is a bill to apply the commonwealth national laws as the law in South Australia and it extends coverage to the national law to cover any gap in the commonwealth constitutional reach. I would like to congratulate the former minister, the Hon. Pat Conlon, on negotiating this important piece of national reform and look forward to its speedy passage in the parliament on another occasion.

Bill read a second time.

SECURITY AND INVESTIGATION AGENTS (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendment indicated by the following schedule to which amendment the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 31, page 18, line 27 [clause 31, inserted section 23R(2)(a)]—Delete 'the holder of a security agents licence that' and substitute 'a security agents licence'

ADVANCE CARE DIRECTIVES BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 3, page 6, lines 30 to 35 [clause 3(1), definition of *medical treatment*]—Delete the definition and substitute:

> *medical treatment* means the provision by a medical practitioner of physical, surgical or psychological therapy to a person (including the provision of such therapy for the purposes of preventing disease, restoring or replacing bodily function in the face of disease or injury or improving comfort and quality of life) and includes the prescription or supply of drugs;

No. 2. Clause 5, page 7, lines 22 to 27 [clause 5(2)]—Delete subclause (2)

No. 3. Clause 10, page 9, line 36 [clause 10(e)]—Delete 'autonomy can be exercised' and substitute 'a person can exercise their autonomy'

No. 4. Clause 12, page 12, lines 7 to 9 [clause 12(2)]—Delete subclause (2)

No. 5. Clause 23, page 16, line 19 [clause 23(4)]—Delete 'Subject to an express direction to the contrary in the advance care directive' and substitute:

Despite any provision of an advance care directive to the contrary

No. 6. Clause 36, page 21, after line 28—Insert:

(1a) Despite subsection (1), a health practitioner may refuse to comply with a provision of an advance care directive if the health practitioner believes on reasonable grounds that—

(a) the person who gave the advance care directive did not intend the provision to apply in the particular circumstances; or

(b) the provision does not reflect the current wishes of the person who gave the advance care directive.

Note—

This subsection does not, however, authorise a health practitioner to provide health care. If health care is to be provided, consent must be given in accordance with the *Consent to Medical Treatment and Palliative Care Act 1995*—see, for example, Part 2A of that Act.

No. 7. Clause 37, page 22, lines 6 to 18—Delete clause 37 and substitute:

37—Conscientious objection

Despite any other provision of this Act, a health practitioner may refuse to comply with a provision of an advance care directive on conscientious grounds.

No. 8. Clause 41, page 23, line 10 [clause 41(1)]—After 'in accordance with' insert:

, or purportedly in accordance with,

No. 9. New clause, page 25, after line 33—Insert:

46A—Guardianship Board to give priority to wishes of person who gave advance care directive

Without limiting Part 2, the Guardianship Board must, in performing a function or exercising a power under this Division—

(a) seek, as far as is reasonably practicable, to give full effect to the wishes of the person who gave the relevant advance care directive; and

(b) without limiting paragraph (a), to limit the intervention of the Guardianship Board as far as is reasonably practicable in the circumstances.

No. 10. Clause 50, page 27, line 21 to page 28, line 3 [clause 50(1)]—Delete subclause (1) and substitute:

(1) If, on the application of an eligible person in respect of an advance care directive, the Guardianship Board is satisfied that a person appointed as a substitute decision-maker under the advance care directive—

(a) is a person who cannot be a substitute decision-maker pursuant to section 21(2); or

(b) is no longer willing to act as a substitute decision-maker under the advance care directive; or

(c) has been negligent in the exercise of his or her powers under the advance care directive; or

the Guardianship Board may—

(d) revoke the appointment of the substitute decision-maker; or

(e) if the person who gave the advance care directive is competent—with the consent of the person, make any variation to the advance care directive the Guardianship Board thinks appropriate (including by appointing another substitute decision-maker); or

(f) if the person who gave the advance care directive is not competent, and if no other substitute decision-maker was appointed under the advance care directive—revoke the advance care directive.

(1a) If, on the application of the Public Advocate, the Guardianship Board is satisfied that, because of a change in the personal circumstances of—

(a) the person who gave the advance care directive; or

(b) a substitute decision-maker under the advance care directive,

it is no longer appropriate that a particular person be a substitute decision-maker under the advance care directive, the Guardianship Board may make any of the orders contemplated by subsection (1)(d), (e) or (f).

No. 11. Clause 50, page 28, line 14—Delete 'subsection (1)(e)' and substitute 'this section'

No. 12. Clause 50, page 28, line 21—Delete 'subsection (1)(e)' and substitute 'subsection (1)(f)'

No. 13. Clause 55, page 30, lines 8 to 10 [clause 55(3)]—Delete subclause (3)

No. 14. Clause 55, page 30, line 17 [clause 55(4)(c)]—Delete paragraph (c)

No. 15. Clause 55, page 30, lines 18 and 19 [clause 55(4)(d)]—Delete 'in relation to the advance care directive'

No. 16. Schedule 1, page 34, lines 10 to 19 [Schedule 1 clause 3(6), inserted definition of *medical treatment*]—Delete the definition and substitute:

medical treatment means the provision by a medical practitioner of physical, surgical or psychological therapy to a person (including the provision of such therapy for the purposes of preventing disease, restoring or replacing bodily function in the face of disease or injury or improving comfort and quality of life) and includes the prescription or supply of drugs

Note—

See also section 14, which extends this definition for the purposes of Part 2A to include other forms of health care.

No. 17. Schedule 1, page 37, after line 33—Insert:

(3a) Section 13—after subsection (1) insert:

(1a) Subject to this section, a medical practitioner may lawfully administer medical treatment to a person (the *patient*) despite a provision of an advance care directive given by the patient comprising a refusal of medical treatment if—

(a) the patient is incapable of consenting (whether or not the patient has impaired decision-making capacity in respect of a particular decision); and

(b) the medical practitioner who administers the treatment is of the opinion that the treatment is necessary to meet an imminent risk to life or health and that opinion is supported by the written opinion of another medical practitioner who has personally examined the patient; and

(c) the medical practitioner who administers the treatment reasonably believes that the provision of the advance care directive is not intended to apply—

(i) to treatment of the kind proposed; or

(ii) in the circumstances in which the proposed medical treatment is to be administered; and

(d) it is not reasonably practicable in the circumstances of the case to have the matter dealt with under Part 7 of the *Advance Care Directives Act 2012*.

(3b) Section 13(2)—delete 'subsection (1)' and substitute 'subsection (1)(b) or (1a)(b)'

No. 18. Schedule 1, page 47, lines 28 to 34 [Schedule 1 clause 16(7), inserted definition of *medical treatment*]—Delete the definition and substitute:

medical treatment means the provision by a medical practitioner of physical, surgical or psychological therapy to a person (including the provision of such therapy for the purposes of preventing disease, restoring or replacing bodily function in the face of disease or injury or improving comfort and quality of life) and includes the prescription or supply of drugs;

At 18:01 the house adjourned until Wednesday 10 April 2013 at 11:00.