HOUSE OF ASSEMBLY

Thursday 12 September 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:31 and read prayers.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE (PRESIDING MEMBER) AMENDMENT BILL

Dr McFETRIDGE (Morphett) (10:32): Obtained leave and introduced a bill for an act to amend the Aboriginal Lands Parliamentary Standing Committee Act 2003 and to make related amendments to the Parliamentary Remuneration Act 1990. Read a first time.

Dr McFETRIDGE (Morphett) (10:32): I move:

That this bill be now read a second time.

The Aboriginal Lands Parliamentary Standing Committee Act 2003 was given royal assent on 24 July 2003. The intentions of the formation of this committee and the passing of the act have been absolutely first-class and always without question by anybody in this place. It is a committee of the upper house and has membership from the upper house and lower house (Legislative Council and House of Assembly). The peculiarity of this committee, however, is that the presiding member is the Minister for Aboriginal Affairs, and herein lies a very serious problem with this committee.

The committee currently consists of seven members. One must be the minister, who is a member of the committee ex officio. Three must be members appointed by the House of Assembly, of whom two must be members nominated by the minister, one must be a member nominated by the Leader of the Opposition in the House of Assembly and three must be members appointed by the Legislative Council, of whom one must be appointed by the minister, one must be a member nominated by the Leader of the Opposition and one must be a member who is neither a member of the government nor opposition or, if no such member exists, a member nominated by the Leader of the Opposition in the Legislative Council.

We have had a number of members over many years from the Greens, the Democrats, the Independents in this place and, obviously, Liberal and Labor; and, can I say, without exception, it has been a multipartisan committee that has tried its very best to advance Aboriginal affairs in South Australia. We have questioned people within the Aboriginal stakeholders groups and certainly we have sought information and had witnesses from a range of areas, from federal governments, state governments and local government, and various individuals, both Aboriginal and non-aboriginal witnesses.

A lot of information has been gleaned and a lot of travel has been undertaken. This committee has quite a large budget for travel, and when you consider that the Aboriginal lands across South Australia, from Mount Gambier to Yalata, over to the West Coast, right up to Pipalyatjara and Kalka in the far north-west and across to the Riverland to the Gerard community and Point Pearce—there are so many to mention that I will not go through all of them now—but this committee has visited every community a number of times over a number of years. In most cases it has been fly in and fly out of the different remote communities, because that is the best way to ensure you have maximum time in the communities.

When you consider that the APY lands are 103,000 square kilometres, and driving from Adelaide to Pipalyatjara is further than driving from Adelaide to Sydney, you realise how far away these communities are. Flying around the place is criticised by some people—fly in, fly out: you don't see them for long—but it is impossible, unless you are able to corral members of this committee, which is very difficult when you have members from both houses and from different parties, to get them together to travel vast distances by vehicle and to spend quality time in communities is very difficult.

This committee has been a hard-working committee, a committee that has produced reports with valuable information, and we have examined a number of acts and other pieces of legislation and regulation associated with Aboriginal people in South Australia to make sure that we are advancing their welfare and enabling them to achieve their goals and ambitions.

There are about 30,000 people of Aboriginal descent in South Australia. There is a large number of people who are of Aboriginal descent. The focus in many cases is on the 2,500 people

in the APY lands, but this committee has focused on Aboriginal people all over South Australia, both in the Adelaide metropolitan area and in the regions. The money that is spent on Aboriginal affairs in South Australia and on Aboriginal people through the various portfolios is quite staggering—$1.3 billion a year.

It is very disappointing for me, having been first involved with Aboriginal families in Port Augusta in the early 1970s, to go and see now in some communities that some of the conditions I saw back then have not improved significantly. We have seen some improvements. My first trip to the APY lands was with the then member for Stuart, the Hon. Graham Gunn, the member for MacKillop and the member for Schubert, and to say that I was gobsmacked when we drove through those communities is an understatement. To see citizens of South Australia living in what could only be described as fourth world conditions was absolutely atrocious. The opportunities were there to make massive changes over many years, but for some reason those opportunities have never come to fruition.

This is why the Aboriginal Lands Parliamentary Standing Committee is such an important committee. The make-up of the committee has been hamstrung by the fact that the minister is the presiding member. You would think that having the minister as the presiding member would give it a bit of extra power, but when you find that the committee is asking the presiding member to write to the minister, in other words the minister is writing to themselves and then they write back to themselves—the time involved and the problematic arrangements in place because of this structure have not benefited the committee in any way, shape or form.

I am not in any way casting aspersions on any of the ministers who have been presiding members of this committee, but the late Terry Roberts was an outstanding presiding member: he came on every trip that I can remember in those early days, every trip. As presiding member we have had the late Terry Roberts, the current Premier, Jay Weatherill, minister Portolesi, minister Caica and the current presiding member, minister Hunter.

An honourable member interjecting:

The SPEAKER: The member will refrain from using members' surnames and Christian names.

Dr McFETRIDGE: Thank you, Mr Speaker. Their ministries have changed such that they may not be recognised—

The SPEAKER: It is the convention of the house that we prevent quarrels by referring to people's ministerial title, or former ministerial title, or their electorate.

Dr McFETRIDGE: I won't do it again Mr Speaker, not in this speech anyway. The current minister and I were working on the polling booths at Glenelg Primary School on Saturday afternoon and I had a discussion with him about this amendment that I am moving here. He wholeheartedly agrees with the changes that I am putting and I understand the government has agreed to my bill.

The bill is going to slightly change the structure of the committee. I suppose the biggest change though is removing the minister as the presiding member and the presiding member will become a member from the upper house. The reason for that, as I said, is that it was a ridiculous situation where the minister was writing to himself to seek information and then writing back and it just did not work. Getting the minister to come on trips—because ministers are so very busy—has been a real issue.

The number of members on the committee will not change overall. However, the change to having a presiding member who is not the minister will mean that the presiding member will receive a 14 per cent increase on their base parliamentary salary for being a presiding member as, I understand, is the same with all other committees. As it is, all members of committees receive an extra 10 per cent (I think it is) of their base salary for being on committees, but the presiding member receives 14 per cent as it will be under my proposed legislation.

The quorum at the moment of the seven members is six. For annual reports and for other reports we do, this has been a problem because members of parliament are very busy people and it is not always possible to get six out of seven turn up. So I am reducing that to a quorum of five, particularly for the approval of the annual report, which, in many cases, has been delayed because we were unable to get a quorum to approve the annual report.

The bill itself is pretty straightforward. If there are any issues with it, I would be more than happy to discuss them with members. I understand it is being supported by the government—the

government does not have any problems with it. It will not come into force until the next parliament so it will not change the arrangements now.

I look forward to any contributions from other members who have been on this committee as to what they think about the way the committee has worked and whether these changes will improve the committee as I hope they will because it is so important that this—

The Hon. L.R. Breuer: Will it still be an upper house committee?

Dr McFETRIDGE: As the member for Giles quite rightly points out, it will still be an upper house committee. They seem to have a bit more money than we do in the lower house for these committees and it is vital that the budget for this committee is being maintained.

With that, I look forward to the support of the government and my colleagues with these changes so that we can do what we all want to do, and that is advance the welfare and opportunities for our South Australian citizens of Aboriginal descent.

Debate adjourned on motion of Mr Sibbons.

FOOD (LABELLING OF FREE-RANGE EGGS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 July 2013.)

Mr GARDNER (Morialta) (10:45): I was quite interested to be presented with this bill, because the member for Finniss and the Hon. Tammy Franks struck me as an odd couple to bring a bill to parliament together. They probably disagree on a few things across the range of matters that the parliament deals with, so it immediately struck me that this bill was worthy of some consideration. On environmental and farming matters, the member for Finniss is a very proud former farmer, representing a rural conservative constituency—

Mr Pengilly: Still a farmer.

Mr GARDNER: Still a farmer, of course, as he says—and the Hon. Tammy Franks is a member of the Australian Greens and probably could not be characterised in the same terms. As much as I respect her as a fine member of the Legislative Council, I do not think she is a farmer from Kangaroo Island and she has a different perspective to the member for Finniss, and they have both passionately presented this to the respective chambers as an identical bill. So, looking at it, I was interested to see what they had to say.

I have to say that I was very surprised to learn that there was, in fact, no definition for what a free-range egg was. The supermarket shelves are full of eggs labelled with all sorts of different things. Over the course of my life I have noted that free-range eggs have become the dominant label. I do not think, when I was a child, that people paid so much attention to the matter, but now it seems that most eggs in the supermarket are labelled free range.

I do not buy eggs too often because I do not eat them, but I know that when people do purchase them they often take their own personal views into account. As the Hon. Tammy Franks said in her second reading explanation in the Legislative Council, there is a great deal of confusion, because there is no legal definition of free range. People who purchase eggs thinking that they are going to be free range do not necessarily know what that is going to mean. Meanwhile, there is a plethora of different labels that are used: barn raised, barn laid, caged, free range, environmental—I am quoting from Tammy Franks here—eco, farm fresh, vegetarian or organic.

I was wondering about the vegetarian eggs, and I have recently seen vegan eggs advertised, which apparently are not actually eggs, but look like eggs. No animal was harmed in the production of these eggs. It struck me as a surprising choice, but for those who might make a lifestyle choice as a vegan and want to eat eggs, I guess it makes sense.

Mr Pederick: I bet they are GMO.

Mr GARDNER: Presumably some sort of soy product is involved. The ethical considerations that people take into account when making purchasing choices are entirely their own choice and people are justified to expect that their ethical choices are going to be respected. Honesty in labelling is important. Of course, my electorate covers both metropolitan and regional parts of the near-Adelaide area and there is a divide. There is a divide in this chamber when different members come from completely different perspectives. There is a divide across our

community. They say—or they certainly used to say—that our country rides on the sheep's back, but there is a disconnect.

There are many people in our city of Adelaide who spend no time in the country at all and no time with animals. From my electorate's point of view, this was really borne out to me recently when the Black Hill Pony Club was shut down, because that club gave people and kids from metropolitan Adelaide an opportunity to spend time with animals which, frankly, was the only opportunity that many of them had. Growing up in the city, riding the bus to school, spending time looking after a horse that was agisted in the near-urban area was a fantastic opportunity for them. Unfortunately, thanks to the government's cruel eviction of that club from the land—

The SPEAKER: The relevance to the price of eggs is?

Mr GARDNER: The relevance, sir, is in the fact that free-range eggs being labelled accurately and appropriately goes to the trust that city consumers may have, who might otherwise be disconnected from the rural lands on which they are grown, and the disconnect between the urban individual and the land is worthy of note. I am concerned about those things that do increase and add to that disconnect, and the Black Hill Pony Club, and the government's treatment of them, was one of those, and therefore the labelling of eggs is entirely connected in this way. At any rate, animal welfare is a significant concern for many people who do not spend much time with animals, was the next line that I was going to say, and it might have made more sense for me to argue with the Speaker with that line. Animal welfare is important for people.

I have to say that the farmers of Australia get a bit of a bad rap sometimes in metropolitan settings, unfairly so, because the farmers that I know are significant conservationists. The farmers that I know have a better understanding of their animals than many of the people who would claim all of the moral outrage in the world but do not actually spend any time looking after the animals. The farmers of Australia do not deserve that bad reputation, but they are vulnerable when corporations can potentially take advantage of the lack of definition in a situation like this; they are vulnerable to being presented in the wrong way. Public confidence in the farmers of Australia is important, and the public are more likely to have confidence in our farmers when labelling can be trusted, when labelling makes sense. Does this matter? Of course it matters. It matters that people can have confidence in what they purchase.

What this bill seeks to do is to demand that a person must not, for the purpose of effecting or promoting the sale of eggs, etc., etc., cause the eggs to be advertised or packaged in a way that describes eggs for sale as free range unless the egg producing chickens are maintained in accordance with 'not kept or housed' at more than 1,500 per hectare and not having their beaks trimmed—and there are various penalties involved. Free range suggests that eggs are going to be borne by hens that are raised and live in a natural situation, they are free to walk about. Currently, there are eggs labelled as free range where there are 20,000 chickens per hectare. That is going to make it impossible for a chicken to fossick, to live, to lay, to eat, comfortably or in a way that would be remotely sustainable in a natural environment; and that is important.

People who make a choice—an ethical choice, or an environmental choice, or a health choice, whatever reason is behind their choice—to purchase free-range eggs would expect that a much less dense environment for the chickens that lay those eggs would be available to them. The bill suggests 1,500 chickens per hectare. The member for Morphett who, of course, has a veterinary background, spoke in some detail about how that is a much more suitable level for the hen's health. The Liberal Party, of course, does not object to chickens being placed in a more dense situation, but we just do not believe they should be labelled as free range. If they are caged hens, if they are barn hens, then that can be done in a way that is humane and suitable for the animals, but label them as such, because people who buy those eggs would not think of that as free range.

So it is totally appropriate for a free-range egg to be labelled as free range and, therefore, I urge all members to support the bill. I commend the Hon. Tammy Franks and I particularly commend the member for Finniss who has represented his electorate and those free-range egg producers in his electorate extremely well in bringing this matter to the attention of the parliament.

Mr PENGILLY (Finniss) (10:54): The sad reality of this bill is that those hens that were laying eggs when I introduced this bill are no longer laying eggs and have been put to rest. It has been that long that it has been sitting in the house. I also have a conflict of interest. We have let our hen numbers run down to seven, but we have still got Kevin the rooster, and he was named after a former member of this place, I might add. However, I am disappointed that the government came

into this place some weeks ago now and announced that they would not be supporting this bill. They have had months and months and months. The briefing that I had many months ago, over a year ago, indicated to me that they were not going to support it. I think they were done over by the bureaucrats. The government had plenty of time to go off to the now former federal government and have this matter dealt with by the federal consumer affairs legislation.

I understand, and have understood for quite some time, that the reality is now that there is very little we can do about this in the South Australian parliament because of the federal consumer affairs legislation. The Labor government here has dismally failed the free-range egg producers in South Australia. I do not trust the Australian Egg Corporation further than I could kick them and I know that that view is shared by other members, on this side of the house anyway. The member for Hammond and I were cajoled by the Australian Egg Corporation and basically threatened in a meeting in this place, which I found outrageous and disgraceful. They threatened to go to the press and we said, 'Well, you go. I couldn't care less if you go or not, quite frankly.' I think they are a mob of shysters and my view will not change.

Recently, the Attorney-General came into this place and talked about, and made some media comment about having a code of practice. Well, a code of practice is actually not worth the paper that it is written on. It is a nonsense. It just does not work because you have in the egg industry a different range of egg producers. The member for Hammond, in a former capacity, and I have never had any problem with caged egg producers. That is not an issue and that has not been an issue at all; if they are looked after humanely, that does not come into it. We were simply trying to limit the amount of free-range hens for free-range egg producers and have some sensible outcomes put on that so that the industry—and, again I say, those shysters in the Egg Corporation cannot run around and put their hands on things just to suit themselves.

I know that the vote will go down in this place; that is a pity. I think members in this place could have risen to the occasion and supported the bill. It would have been a good thing to do and it would have given some surety to the egg producers in South Australia—those who choose to produce free-range eggs. I am very grateful for those in the house who spoke to the bill and supported my legislation, both members of the Liberal Party and Independents in this place. I know that government members were stymied on it by circumstances, and I am not going to lose any sleep over the fact that they have fallen over on this, but it just shows that they really have not come to grips with issues in regional areas.

They do not understand regional areas and they never will, and they can run around and call themselves country Labor or whatever but they would not have a clue what they were talking about, quite frankly. So, the issue is that I put the bill up in good faith, and it has taken months and months to get to where we are now, which is disappointing. However, in the best interests of business in this place, I will conclude my remarks, but I am pleased that I had the bill up and, again, I am pleased that members spoke to it, and I await the outcome of the vote.

The house divided on the second reading:

AYES (19)

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

NOES (24)

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

NOES (24)

Thompson, M.G. Weatherill, J.W. Wright, M.J.

PAIRS (2)

Marshall, S.S. Vlahos, L.A.

Majority of 5 for the noes.

Second reading thus negatived.

LIQUOR LICENSING (SUPPLY TO MINORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June 2013.)

Ms BETTISON (Ramsay) (11:06): This government is committed to addressing the harms associated with risky alcohol consumption. I am pleased that the member for Morialta shares this commitment. Target 81 of the South Australian Strategic Plan addresses this point specifically, setting this state a goal to reduce the proportion of South Australians who drink at risky levels by 30 per cent by 2020. The government is seeking to address issues related to the abuse of alcohol and alcohol-related violence across our community in a number of ways.

Recently we have introduced a late-night code to curb issues in and around venues that operate late at night. The code includes measures that require certain late-night venues to use metal detectors, high definition CCTV, and drink marshals, as well as providing an early morning ban on glassware, happy hours, shots and doubles. Under this code, venues will not be able to accept new patrons after 3am. This does not mean they will close; it just means no bar hopping. The government is also undertaking a safe night out campaign to address issues with alcohol-related violence.

In September last year, the Premier announced that government would work in partnership with the Sammy D foundation and other NGOs on a $1 million community education campaign. As part of this initiative, a $200,000 funding agreement between the government and the Sammy D foundation was negotiated for them to provide a youth consultation and questionnaire, and a broader community consultation. More broadly, it is anticipated that the remaining funding will be spent developing and implementing a media campaign to reduce alcohol-related violence in and around entertainment settings.

Lastly, the government has a bill to amend the Liquor Licensing Act 1997 in the parliament. The bill seeks to provide the Commissioner for Liquor with stronger powers to impose conditions on a venue's licence. This is not simply an issue of late-night venues, but seeks to remedy issues across communities in South Australia where access to alcohol has a detrimental impact on people, including minors.

The bill will also increase the amount of expiation notices to $500 for offensive and disorderly behaviour, up from $160. The definition of intoxication has changed to include those who are displaying antisocial behaviour and are under the influence of drugs, which will make it easier to prosecute venues that are breaking the law. Once again, I am pleased that the member for Morialta shares the government's commitment to this area. The government understands the neurological and social risks of underage drinking and supports any practical measures that could reduce the impact of this worrying culture.

Secondary supply of alcohol to minors is a law enforcement issue that is certainly worthy of consideration. The government is, however, concerned that this bill, if it were to pass in its current form, may have some unintended consequences. These concerns were outlined by the member for Mitchell last year when the bill was first introduced, and many still need further consideration.

We have been advised, for instance, that there are a number of concerns over the regulatory impact of the proposed new offences. In particular, there are concerns over the impact these proposed new offences could have on minors and other young people who could, as is common, supply alcohol to younger family members or friends in a social setting. This could be difficult to enforce and lead to a significant increase in youth contact with the criminal justice system.

These proposed new offences could also impact on a person's willingness to take responsibility or to call police or other assistance in times of need at a social event where minors are consuming alcohol. The government has also been advised that the bill, in its current form, could confer police the power to enter private premises without a warrant. It is prudent that these potential issues and others are examined in further detail and solutions found to minimise any unintended consequences.

Whilst we agree with the intent of the bill, it would also be prudent to examine any available evidence from other jurisdictions that relates to the introduction of these new measures. I am advised that similar legislation in other states has not yet been evaluated, and there has been no detailed assessment of the measures' success. That is why, this afternoon, I will give notice to move that the bill be referred to the Social Development Committee of parliament, to consider the bill and its impact in further detail.

We agree that measures to reduce binge drinking are worthy of action—that is why this government has worked so hard to introduce the measures I have previously outlined. However, the amendment proposed by the member for Morialta requires more detailed consideration. It is important that any legislation in relation to the secondary supply of alcohol to minors is as simple and enforceable as possible, not only for law enforcement but also in terms of its practical application by parents and guardians.

It is our duty to make sure that legislative changes do not unnecessarily and unintentionally impact the operations of our law enforcement officers and the everyday activities of South Australian families. So, too, we must make sure that legislation passed by this parliament is evidence based and leads to meaningful and practical results for the people of South Australia. I trust that an examination by the Social Development Committee of the evidence, and of any way to strengthen the bill's enforceability, will lead to better outcomes for South Australian families.

Mr VAN HOLST PELLEKAAN (Stuart) (11:12): I rise to support the member for Morialta on this bill that he has put forward. I think it is a very responsible approach. I am pleased to hear that the government agrees with the intent of the bill. I understand that the member for Morialta is appreciative of the decision to recommend it to a standing committee, but he will speak more on that himself.

I would like to add, of course, that I hope that the government does not take nearly as long to refer this bill to the standing committee as it has to fulfil its commitment to me and to this house that it would undertake a full, open and frank inquiry of country health by the Social Development Committee. I still wait for that, more than two years after that commitment was given.

With regard to this bill, the issue that I wanted to touch on, because it has been discussed very fully, is that of the ability for parents and families to provide alcohol in a responsible fashion and how that links into the access to the appropriate liquor licence for a function. It happens all over the state that families or schools or associated organisations want to put on functions for some celebration or other. It might be end of year at school, it might be an 18th birthday, it might be a 21st birthday—something like that—and, very typically, the organisers want to give alcohol away.

As we would all know, liquor licensing is attached to the supply of alcohol. It is not actually linked to the sale of alcohol, and that is completely appropriate. Whether you want to sell alcohol or whether you want to give it away, you need a liquor licence for some specific function.

I think particularly of rodeos, where rodeos in the north of the state—and there are five of them in the electorate of Stuart—have had an absolutely dreadful time dealing with the liquor licensing commission with regard to getting their licences, but more directly related to this bill is families and I use an example of an 18th or a 21st birthday party. They want to invite friends of their son or daughter, typically, to come and have a function at home or in a town hall, as happens very regularly in the part of the state that I live; a town hall or perhaps the footy clubrooms.

They go about their business responsibly and they invite people along—typically other parents are invited as well—and they put in an application to the Liquor and Gambling Commissioner for a licence to supply alcohol to their guests. That application has to be in no less than 21 days before the event for the Liquor and Gambling Commissioner to have enough time to consider it. That is fair and reasonable, but regardless of how far in advance of the event the application is put in, almost always the family trying to organise the event will not get confirmation of the licence back until one or two or three days before the event is due to take place.

Even if they put their application in two months or three months or six months in advance of the event, they are still made to wait until just a couple of days, typically, before the event is to be held before they get their licence back, before they can fully confirm to all of their guests, their family, their son or daughter who is having an 18th or a 21st birthday party, that it is actually on.

These are good people trying to do the right thing, trying to get a licence, comply with the law, understand that they will not be supplying alcohol to anybody under 18 and that they will provide reasonable supervision and, as I said, particularly in the country it is very normal for the parents of the birthday person (for lack of a better word) and the friends' parents to be there because it is a strong community event. There are often grandparents, aunts and uncles there, all sorts, but they do not know that they have actually got the licence until the very last minute. That is something that has to change. It is something that absolutely must change.

The same is true for very large organisations trying to organise their events, like rodeos or races or field days; they all have to wait until the last possible minute, regardless of how early they get their application in. The rule that says you have to get an application in no less than 21 days before the event, by definition, proves that the application can be processed in 21 days, so if you give two or three months' notice, why do you still have to wait until the very last moment?

This is an issue that affects events all throughout country South Australia and, I am sure, from time to time in the city as well. It is very closely linked to the member for Morialta's bill because it is about the responsible service of alcohol at events like this to young people who are not your own children; who are guests at this event.

Of course, it is going to be much easier to go about that responsible service better if you know more than a few days in advance that it is actually on. It is about trying to get permission. The member for Morialta is not trying to say that you cannot supply alcohol to your children's friends, he is saying just get the permission of the parents or responsible guardian. How do you go about really trying to make that happen if you cannot even fully confirm that the event is on until a few days beforehand because you do not have your liquor licence until a few days beforehand?

I fully support the member for Morialta. I am pleased that the government has said that it supports the intent of the bill and that it would like to refer this to the Social Development Committee, but I would like to make the very strong point that if the Liquor and Gambling Commissioner could contribute to this issue in this way by saying, 'If you get your licence application in early, we will get you a response back early,' that would also help enormously with this issue.

Debate adjourned on motion of Mrs Geraghty.

POWERS OF ATTORNEY AND AGENCY (INTERSTATE POWERS OF ATTORNEY) AMENDMENT BILL

Second reading.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:20): I move:

That this bill be now read a second time.

Powers of attorney and agency are dealt with by the Powers of Attorney and Agency Act 1984. This important piece of legislation enables one party to appoint another (or more than one) to act on their behalf during any absence or incapacity.

A number of rules and obligations, particularly of the donee, are set out so the person who might be appointed as a power of attorney has certain obligations and responsibilities to act diligently to protect the interests of the donor and if they do not, they can be liable to pay compensation and the like. It is frequently used as people now may anticipate some deterioration of their own capacity to conduct their own affairs and it is an important voluntary instrument that people can enter into.

A case arose in Mount Gambier within the whole state constituency of legislative councillor the Hon. Michelle Lensink several years ago. It came to her attention that a resident in Mount Gambier had experienced problems when their father-in-law, who had come from Victoria, entered into an aged care facility in South Australia. The Department of Veterans' Affairs refused to pay the facility because they did not have a valid enduring power of attorney. Indeed, they declined to recognise the power of attorney which had been prepared in Victoria.

It is quite foreseeable, of course, that this situation could arise in any circumstance where people might decide to retire from one state to another but this was a particular instance that was found. That circumstance was able to be remedied in another way, but it raised the legal question of how we deal with the lack of mutual recognition of powers of attorney that have been lawfully established in another jurisdiction.

This bill is designed to amend section 14 of the principal act. It will provide for an enduring power of attorney to be valid as long as the powers given under the law of the originating state or territory can be given under the South Australian act. Furthermore, any restrictions made to an interstate enduring power of attorney under the law of the originating state or territory shall apply in South Australia. The three other aspects of this amendment to section 14 provide that an interstate EPA cannot confer any powers on an attorney in South Australia beyond those of a South Australian EPA.

Again, that just provides that, even if the rules surrounding EPAs in the originating state are more generous, they are then, if they are to be applied in South Australia, applicable with the same restrictions that our law applies. Any interstate EPA prescribed by regulation will not be recognised in South Australia and any South Australian legal proceedings or signed documents which adhere to the requirements of the interstate EPA under the laws of the originating state or territory will be considered proof of an enduring power of attorney.

The purpose of this is to ensure that we reduce the risk for individuals and family members who might choose to retire in South Australia, as one example, but who, in any event, currently may be left without any legal advocate to provide for them should they become mentally incapacitated.

Members would be aware that a power of attorney, generally, is the granting of a power to exercise responsibility on the part of another but the general law provides that if the donor becomes incapacitated then the power of attorney cannot be affected, so there is a specific provision for enduring powers of attorney which enables the continuation of the attorney relationship to continue to endure during the period of incapacity of the donor.

This was an important initiative by the Hon. Michelle Lensink. I am pleased to report that, on her corresponding with the Attorney-General on this matter late last year, he responded on 5 February this year to confirm that he would be supporting the bill in the event that there had been no development of legislation that he was considering himself in respect of reform of the Powers of Attorney and Agency Act. He identified a number of areas that had been under consideration by the government, and one of those was to make provision for interstate mutual recognition of enduring financial powers of attorney. To complete that, I should say that, to date, the Attorney has not introduced a bill to cover these matters.

There were a number of other matters canvassed. Members will recall that there was a very extensive inquiry and review conducted, I think from memory by Mr Martyn Evans, on the whole question of powers of attorney and advance care directives. That culminated in legislation to deal with advance care directives which relate to the medical treatment or lack thereof, etc., but did not proceed with the reform in respect of financial powers of attorney. I, for one, was disappointed that that did not occur. It is a complex area and I appreciate that it may need some further consideration but I think it is regrettable that that did not advance. I do not make any criticism of the Attorney on that; another minister had the conduct of that matter.

As I say, all of the financial power of attorney reforms and the like were not proceeded with and only the medical and advance care directive matters were attended to. These matters remain unresolved—a number of issues—but this one in particular is one that the Attorney-General confirmed that he would agree to in the event that they had not advanced their more comprehensive reform.

I commend the bill to the house. It is an important piece of reform, and we look forward to receiving, hopefully soon, from the government another bill to cover some other important matters that the Attorney has foreshadowed that he will cover, most of which I have read, and if they are included in his letter of 5 February, ultimately, then I can at least indicate that they will be welcomed by the opposition.

Ms BETTISON (Ramsay) (11:28): This bill passed the Legislative Council with the support of the government. The need for law reform in the area of financial powers of attorney, including enduring powers of attorney, has been raised over a number of years. Last year cabinet

approved the drafting of a bill to reform the laws regarding financial powers of attorney. Instructions were provided to parliamentary counsel and a new bill has been drafted.

The draft bill includes a provision for mutual recognition of interstate enduring powers of attorney. The government appreciates the difficulties faced by South Australians such as adult children managing one or both of their parents' financial affairs in their elderly years. The amendment proposed by the Hon. Michelle Lensink provides for mutual recognition of interstate powers of attorney and, therefore, provides a practical solution to a problem facing South Australians—a problem already identified by this government. On that basis, we do not oppose the passing of this bill.

Mr PEGLER (Mount Gambier) (11:29): I rise in support of this bill. It is an extremely important piece of legislation for the people in my electorate, particularly as we are close to the Victorian border. Many of the people that do business in Mount Gambier actually live in Victoria. Aged people will often come to Mount Gambier to retire, and their powers of attorney are normally registered in Victoria, so they have no jurisdiction in South Australia. I certainly support this bill, as proposed by the Hon. Michelle Lensink, and the mutual recognition of interstate powers of attorney.

Bill read a second time.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BLUE GUM FORESTRY

Mr PENGILLY (Finniss) (11:32): I move:

That this house notes the environmental, social and economic impact of blue gum forestry in South Australia.

It is with very mixed feelings that I move this motion today. I say that because in a past life in local government I was part of the planning and development committee which approved the planting of multitudes of blue gum forests on Kangaroo Island, at that stage. These were schemes that came into place under the managed investment scheme of the government at the time, and I think it is fair to say that the managed investment schemes have, to all intents and purposes, proven to be a disaster, and none more so than with blue gum forestry when it is planted in the wrong place.

I sat there with other members of the council at the time, including the mayor of the time, mayor Janice Kelly. We reluctantly, in the main, had to approve the granting of the applications because our development plan clearly approved forestry; it was an approved industry under the general farming zone. Indeed, on the one occasion where we did reject one of the applications, there was an appeal, and that appeal was won by the proponents, and, basically, that finished off the job.

What has happened now, though, is it has had an enormous effect, and I am being purely parochial about my electorate with this. I did have 1,100 hectares of blue gum forestry—the former Adelaide Blue Gum that went broke—on the Fleurieu and some 13,000-odd hectares (the figure seems to be a little bit up in the air) on Kangaroo Island. On the Fleurieu, they were small plantations, a number of them being sold off privately. Indeed, the Hon. Robert Brokenshire in another place, his family bought one small plantation. They levelled it and it has been returned to pasture. If you go down Hindmarsh Tiers Road, you will see that there are plantations there that have been levelled and re-pastured. Ultimately, I think probably all of the 1,100 hectares on the Fleurieu will go that way.

Just recently, I had a few days in Western Australia driving down in the south-west, because I wanted to have a look at the forestry industry down there. I went past hundreds of kilometres of blue gums, hour on hour on hour, many of them owned now by the receiver or the current owner—whoever that may be, I am not sure—but with the Great Southern Plantations sign up there. Great Southern were also the main buyers and growers of blue gums on Kangaroo Island.

The big difference is that in south-west Western Australia, they have the opportunity to export the blue gums through ports there, and it is a completely different situation. However, I go on to say that even there it is a vexed issue with the farming community. Similar to my area, the south-west of Western Australia is high-rainfall, productive country, and many of these blue gum forests over there may be there for a long time. They have actually put them in marginal land, as

well, and are growing nowhere near as well there as in some of the lusher parts of the south-west of Western Australia.

I need to return to the issue of the motion, which is peculiar to South Australia, and I would like to talk about the impact of blue gum forestry on Kangaroo Island. In short, it is a disaster. It is an economic disaster, it is a social disaster and it is an environmental disaster. I am spoken to very regularly by my constituents about what is going to happen, and I will come to that in a minute, but let me say that a number of people who sold their properties and were put into blue gums in the nineties and early 2000s actually got out of their farming properties with a bit of dignity and a few dollars. Now, that may not have happened otherwise.

There were some people there who thought it was the best thing that had ever happened to them. I have respect for the fact that they did get out, but there are other properties that other people sold for blue gums, and they were offered enormous amounts of money at the time—money which all fell over, I might add, with the collapse of Great Southern. They were high-producing farms; I know one business there had a number of properties and they were turning off thousands of lambs, wool, cattle and heaven knows what else.

The situation now is that (and I stand corrected if necessary) with blue gums, when they get to about 11 or 12 years old, they turn from soft wood to hard wood, and if you cannot pulp them, they then have hard wood that is not much use unless it is harvested for some other use. A number of the trees on the island now have reached that stage. There are other much younger trees which are suited for pulping, but the issue is that it is totally, completely, absolutely economically unviable to harvest the trees, pulp them and get them off the island. It just cannot happen.

Even tomorrow, I am meeting the new owners who have secured the trees. I think they have secured pine trees, as well; I will find out more later. Even with the pine trees, the pine mill has fallen over again. So now we have these tens of thousands of productive, high rainfall land in trees. When you get out past the township of Parndana—which I will also return to in a moment—you meet a wall of trees, with the odd farm in the middle of it.

What has happened, and what is continuing to happen, is that it has killed the west end of the island socially and it has killed the west end of the island environmentally, I believe, with the amount of these trees. On the environmental side they are sucking up such huge amounts of water that creeks are not flowing anymore; they are not flowing down through to the south coast. One farmer, Rick Morris—who is down in the Karatta area and still farming there with blue gums everywhere around him—has noticed that the amount of water that he is receiving now, his run-off coming down from the northern plateau area, is abysmal compared to what it used to be. They are having that effect. What have we heard from the department of environment? Absolutely stuff all, quite frankly. They are not doing anything about it.

I shudder to think what is going to happen with these trees. I am not being alarmist; I am being realistic about this, because as we get into spring and summer the north coast of the island is conducive to a lot of thunderstorm and lightning activity, multitudes of lightning strikes. What I can see happening is an enormous conflagration with these trees when they go up—

Mr Venning: It might solve the problem.

Mr PENGILLY: I understand, member for Schubert, but I do not want to see it happen; don't get me wrong. It is impacting on the schools. The Parndana school's numbers are reducing rapidly; that means that people move out of the town, there are not enough kids going to the school. It is impacting on the sports clubs; the Western Districts Football and Sports Club and the Parndana clubs are battling for numbers. It is a sad sight to go into the two shops in Parndana; they have nothing on the shelves anymore because—

Mrs Geraghty: I was there a couple of days ago and bought stuff.

Mr PENGILLY: The Parndana supermarket, that used to be bustling, has little on the shelves, if you go down the grocery end. It is a sad indictment of what is happening with the community. People are most distressed over what is going on with it.

I do not suggest that there any easy answers, but I need to bring it to this place. There have been talks about using the trees for biomass power production and what not, but that is a no go because you cannot get the power off the island; the cable is not big enough to get it back the other way. My view is that they should all be knocked over and returned to farming land, quite frankly, but that is far easier said than done. It has enormous impacts on land values. I suggest it

would take some form of a government scheme, similar to the land settlement scheme, to do that. It would bring large amounts of land back in for sale; it would require an enormous effort.

However, if something does not change, whether it be by the current or a future state or federal government, I do not know what will happen. I do not have all the answers to it, but I say to the house that it is an appalling situation, absolutely appalling. Of course, in the middle of all the blue gums you have all the natural vegetation, which would spring back. I found it necessary to bring it to this house. As I said, it is causing distress and it is something that is going nowhere.

I just wonder where it will all end up because, quite simply, on top of the fact that these trees are continuing to grow unabated they are absolutely full of vermin. Wild pigs and deer are getting in there, koalas eat blue gum and they are through there, kangaroos and wallabies; the numbers are out of control. The pigs are completely out of control, from what I am told by locals. I know the local pig shooters are having the time of their life. You do not easily get into a blue gum plantation and find your way out; you need to know what you are doing in there.

They were being managed appropriately, but there is one person left looking after 13,000 hectares of blue gums; one person. The fences have fallen into disrepair, the gates are down, the pigs get in, the roos and wallabies and everything else get in, the koalas get in. I do not think anybody could tell you exactly what numbers of animals are back in those blue gums and what will happen with them.

I am upset about it and, as I said initially, I take my share of responsibility for the fact. However, I also need to say that even with the best intent of the council of the day, when you try to change the development plan, you are met with a brick wall by the bureaucrats of the time in Adelaide and the government planning authorities. It just takes so long to change a development plan. It is ridiculous. By that time all the land is sold. It created a lot of employment at the time for tree planters, labourers and whatnot. That was all fine, but what a hell of a mess we have now. It is just appalling.

I considered long and hard about whether I should bring this matter to the house. I felt it was necessary to bring it to the house. We have members in this place who come from the South-East of the state, and blue gum forestry is a completely different issue down there. They have the Port of Portland where they export but, even then, they may contribute; I do not know. However, to put 13,000 hectares or so of blue gum forest on Kangaroo Island with a strip of water between there and the mainland and no hope of getting them off is, quite frankly, economic sabotage. The amount of stock that could be run on those properties if it was farming country again would be astronomical. The number of people that that would employ, the numbers that it would put back into schools and into sports clubs, keeping them going, would be marvellous.

I am interested to hear what other people in this place have to say on this particular motion. There may be some people who disagree with me. At the outset I said I am peculiarly parochial about this because, when I am on the island, I cannot go anywhere without having this matter raised with me. I go to the football and to sports and whatnot. Last Saturday I was at the football on the island and I got belted about it. I got an email this week about it. I have a group of people who live out that way who want to speak to me about it. They are upset about the matter because no-one seems to be doing anything. So I raise this matter in here as a priority for my electorate. As I said earlier, it is something that is not going to go away. Quite simply, if it goes on, I do not know what will happen.

It is all very well to promote the island as a great tourist destination but, quite frankly, I think it is being overpromoted to the elitist end of tourism and we are forgetting about families, but that is another debate entirely. To pour $6 million or so into marketing the island for tourism is one thing, but doing absolutely nothing about this environmental social and economic disaster that is blue gums on Kangaroo Island is another. I look forward to hearing what other members have to say, but I think I have said enough for now.

Mr PEGLER (Mount Gambier) (11:48): This is a very important issue for us in the South-East. I think there are about 175,000 hectares of blue gums in the Green Triangle region. The blue gum industry basically came about from an initiative of the federal government to give massive tax breaks to companies to plant the trees. A lot of prospectuses came out that were a fair bit over the top as far as what the predicted yields and returns would be and a lot of people got their fingers burnt. Of course, farmers who were getting to retirement age, etc., who sold their properties did quite well out of it, so there was an upside to that.

Many of the blue gums that were planted were planted in the wrong places: where the rainfall was too low, where the soil types were wrong and, of course, where they were too far away from ports. Kangaroo Island is a classic example of where there was no port to even take those chips out. In the South-East and west of Victoria, the trees that are further away from the Port of Portland have to have extremely high yields per hectare or they are completely unviable. I would suggest that out of those 175,000 hectares, probably a half to two-thirds of those trees in the areas they are in will be completely unviable.

The vermin were mentioned. The blue gum forests are now becoming full of foxes, deer and pigs, and of course they are also having trouble now when they are harvesting the blue gums with koala being in those trees and they have to go through a fair old program to try to relocate the koalas before they start harvesting.

The other effects are on the water table. Wherever those trees have been planted where the water table is within six metres of the surface, the trees themselves are sucking that water table right down and there are now cones of depression in the South-East under those trees, and they have become a major consideration in formulating water allocation plans. Where they have been planted to such vast areas, it has had a large effect on many of those small towns, communities, schools, churches and sporting clubs because they no longer have the number of people within those communities.

There are some great benefits in the blue gum industry where they are planted and farmed properly and they are close to the ports, but unfortunately too many of them have been planted where they shouldn't have been. Of course, the other thing is that it will cost a fortune for that land to be converted back to farming and grazing; even if you get the land for nothing, especially where it is marginal. I don't know that some of that country will actually be converted back and it will then cause a problem way into the future.

Unlike pine trees, blue gums have to be harvested somewhere between 12 and 15 years and, if you leave them any longer, the quality of the chip deteriorates very rapidly and then they become worthless. With a pine, if the market is depressed for up to five years you can leave the trees there and the quality of the timber only improves, but unfortunately with blue gums it just gets worse.

I certainly support this motion that the house notes the environmental, social and economic impact of blue gum forestry in South Australia. I feel that probably the federal government were the ones that put the initiative in to plant all these trees and perhaps they should show some responsibility on what we are going to do about those environmental impacts where those trees are no longer viable.

Mr WILLIAMS (MacKillop) (11:53): I am delighted to speak to this motion and I thank the member for Finniss for bringing it to the attention of the house. I want to go back a little bit in my contribution into some of the history behind this. I don't quite share all of the thoughts about the impacts of the blue gum industry that the member for Finniss does. I think the impacts in my electorate have been somewhat different in many cases; in some cases the points that he raised are relevant.

The reality is that this country has a substantial forestry industry but we are a huge net importer of forest product. Something in excess of $2 billion a year is spent by the Australian community importing forest product from overseas. A lot of that comes out of endangered rainforests throughout Asia and I am not too sure that ethically we should be doing things to continue that particular import. I think we need to be cognisant of that when we talk about forestry and impacts in the immediate region and we need to look at it on a world scale to some extent.

The commonwealth government, probably 15 years ago under the Howard government, came out with a forestry vision which was to double the area of plantation forestry in this nation by the year 2020. That was a very worthwhile vision and one which I certainly supported, representing an area which is probably the birthplace of plantation forestry in this nation and still at the forefront of plantation forestry.

Mr van Holst Pellekaan: Wirrabara.

Mr WILLIAMS: I'm talking about Mount Burr, not Wirrabara. But, certainly, forests were planted in Wirrabara prior to being planted at Mount Burr but they were much more successful at Mount Burr and turned into a magnificent industry.

The other thing I think we need to be cognisant of is that the blue gum industry was predicated on the MIS (managed investment schemes). It was driven by a tax break for city-based people who had incomes which created tax problems for them and they needed to look for somewhere to park their money. That sort of incentive always will send the wrong economic signals and, I think, where there have been problems created by the plantation of, particularly, Tasmanian blue gum (*Eucalyptus globulus*), it has been because of these flawed economic signals which have been delivered through the managed investment schemes.

Let us not forget those two important factors that were behind our vision to increase our plantation forestry. Not only was that driven by the need to address our desire for forest product when we did not have the capacity to meet demand within our own forestry industry in Australia, but a large portion of our forest industry still relies on native forests and I think we all would agree that has a very limited life. The governments in New South Wales, Victoria and, indeed, Tasmania, are seeking to move their substantial timber industries from operating in native forests across to plantation forests.

That, again, puts the nonsense to some of the policies that we have adopted or are about to adopt here in South Australia with regard to forests, because those states are going to continue down the path of creating more plantation forests to accommodate that shift out of their native forests. That is another thing we need to be cognisant of in the whole forestry sector across Australia.

I am absolutely certain there are more blue gum plantation forests, and probably softwood plantation forests, in my electorate than any other electorate in the state. There have been probably 40,000-odd hectares of blue gums planted in my electorate. They have virtually all been planted in the last 15 or 18 years, and they have created social upheaval, there is no doubt about that. On the other hand, it had a positive effect on a significant number of farmers (a lot of them returned servicemen, soldier settlers) who were stuck on a farm which was barely viable and were not able to afford to get off that farm and get themselves into a decent retirement.

The advent of the blue gum industry allowed a lot of those farmers to get an inflated price, or a price which was above what otherwise would have been the then market value, for their property and get off and have a decent retirement—to move into one of the local towns or to the coast and build themselves a retirement home or purchase an existing retirement home and have a decent retirement. That was one of the significant advantages for the people who sold their farms to the blue gum plantation companies.

One of the other things I think we need to be aware of is that the blue gum industry is predicated on making woodchip. It is probably the very low value end of the timber industry. The high value end is saw log and the blue gum industry is predicated on creating woodchip, mainly to be exported into Asia and China (Korea and Japan) for conversion into paper. If that area that has been turned over to blue gum forest were growing saw log, it would be a much more valuable industry.

The South-East economy relies on a sawmilling sector in the softwood plantation forestry sector utilising primarily *Pinus radiata*, which grows exceedingly well in that climate. It is my understanding, as we go forward, that a large portion of the area currently planted to blue gum forests will indeed be converted in second and subsequent rotations to pinus. Interestingly, that can only happen because the blue gums were planted there in the first place. The member for Mount Gambier talked about the use of water in these forests and how they have drawn down the watertable—they certainly have.

In that area, the hundreds of Short and Coles to the west of Penola, the standing watertable prior to the blue gum plantations going in there was just below the ground surface in the winter. Those blue gum forests have drawn down that watertable to, probably, six or eight metres, and some people are complaining that that is bad. The reality is that, now that the watertable has been drawn down to that level, as individual blocks of blue gums are being clear felled and harvested, with that lower watertable some of that land can now be replanted to *Pinus radiata*, which is a much more valuable forest product to grow.

I believe that in the medium to long term we will see a considerable conversion away from replanting of *Eucalyptus globulus* (Tasmanian blue gum) in the South-East towards pinus on that same land. We will see a significant portion of those lands, as the member for Mount Gambier said, return to general farming, because some has been found to be unsuitable for blue gum and it will

be unsuitable for pinus as well. In the medium to long term we will see a shift, and that will, in my opinion, add greatly to the *Pinus radiata* plantation sector and industry in the South-East.

One of the things I have argued in the whole time I have been in this place is that we need to increase the forest estate in the South-East, or in the greater green triangle region, which extends right across into Victoria, to underpin the very important and very valuable sawmilling and value-adding industries in and around Mount Gambier.

The forest estate has not grown very greatly in the South Australian portion of the green triangle for many years, but I think we will see a step change into the future with the conversion to pinus. It is not all bad news, and I agree with a number of things the member for Finniss has said about the lack of management of some of these forests, and they do need to be managed. Maybe there is a role there for the state, particularly through the Department of Environment, to look at that. It is not all bad news, and certainly in the South-East, where the vast majority of these plantations have been put in in my electorate, it is not all bad news and I suspect there will be some very good news as well.

Mr PEDERICK (Hammond) (12:03): I rise to address this notice of motion moved by the member for Finniss, 'That this house notes the environmental, social and economic impact of blue gum forestry in South Australia'. Certainly it has been a roller-coaster ride for blue gum forestry. It shows, when you only use one driver for an industry, that it just does not work. I appreciate the words from the member for MacKillop, when we talk about the scheme put up by the Howard government to try to increase plantation forestry in this country.

We always see the protests that rightfully go on when there is talk about clearing native forests, and we should be farming more plantation forestry—that is the way we should be going in this state and country. You cannot just rely on one economic driver to make it work, as we have seen with the managed investment schemes across the state. You actually have to have a market at the end of the day, so a lot of these plantations were put in in hope, and that is about where we have landed—in the great world of hope.

People I know saw an opportunity. They bought earthmoving equipment. They went out contracting, putting in these blue gums and they spent hundreds of thousands of dollars on equipment. They certainly created jobs and hired a lot of people, but all of that has fallen away and I believe that some of those people, sadly, lost their main farming properties because the work just ran out.

Having worked down in the South-East (mainly in the shearing sheds over time) I have seen where the blue gums have expanded further and further north from the Mount Gambier and Millicent areas, heading up towards areas like Callendale and Lucindale. I believe that some of those plantations further north may be single-rotation crops.

I also take note of the words of the member for MacKillop where there may be some opportunities for some of these plantations—once the first initial harvest of blue gums has taken off—to go into pine because that is where we need to expand and it would give an opportunity for that. To a degree, it does break my heart when I go down to one of the properties that I used to work on out at Callendale—it was Dean Baker's, brother of the former agriculture minister Dale—

Mr Goldsworthy: God rest his soul.

Mr PEDERICK: Yes. It was a great grazing property down there. I went through there in the last 18 months and called in and right up to where the sheep yards used to be, the posts are still there but they have ripped the panels off because they are not running sheep on that property anymore—it is wall-to-wall blue gums. I look at it and I think what a waste because there is no substantive, economic market for that product at the minute. That is an interesting place to be when you look at the issues where people are protesting against harvesting native trees and native forests. So, it has to have an economic outcome.

We have seen the discussion in the South-East with the proposal of a billion dollar pulp mill—that has not happened, but there is some timber that gets pulped and exported out of Portland in Victoria. Obviously, with the price of pulp coming down, that is not as successful as it could be and there are a whole lot of infrastructure issues around that matter.

I believe that some of this land that has gone under blue gums will be a one harvest and that gets down to the simple fact that, essentially, it will have to be cleared again and, thankfully, it is a bit easier to clear country than it was 100 years ago—we are not out there with an axe and a horse.

I note that there are some earthmoving companies around the place, and there are some in Victoria, that specialise and advertise that they are there to clear blue gum plantations—they grind the stumps and they say that they are experts at it. That is because of a need to get this land out of blue gums. Some of it is going back to farming land, but I note that there could be opportunities to go into pine, which is sorely needed.

Mr Venning: 'Sorely'—that is a good pun!

Mr PEDERICK: No pun intended, Ivan. So, what we have seen over time (especially with regard to forestry) is the sale of a South-East forest by the Labor government for a paltry $670 million. We talk about foreign investment in this country and that was sold to foreign investors—a north American superannuation firm, and they got an absolute bargain that was putting at least $43 million annually into the state's budget. Now we have a government that has to prop up industries in the South-East, I believe to the tune of tens of millions of dollars so they can diversify the product.

We also have an issue in this state now, and I believe it is directly attributable to the forward sale of forests, where fence posts have just gone through the roof. It is close to $10 a post for a four to five-inch post. That has put another cost on landholders. Apart from that, because now there is only one operator doing it, you can barely get the darn things. I needed some for my fencing contractor a few months ago and I was fortunate and managed to get a batch before they went up to that ridiculous price. This is what happens with very poor decision making.

What I have seen in the Victorian initiative is where they are trialling blue gums to be used in posts. I hope that they do have some success with that, because it would be a real pity to see some of this land essentially just chained and cleared, and then raked up into heaps—apart from the cost—lit up and be a wasted resource. There are opportunities, certainly, if this post operation gets going. There are also opportunities to use it as firewood, but it is a huge job for someone to take on. There is some land that is several thousand dollars per hectare, and it will cost several thousand dollars per hectare to essentially harvest this timber for whatever you want to use it for.

I acknowledge what the member for MacKillop was talking about when he said it did give opportunity. It certainly did give opportunity for people to make plenty of money. There were properties sold for two and three times their farming value, and that was a great boon for people. I know a major operator who had quite a bit of land in the Callendale area who is now down on King Island growing King Island beef, because he could see an opportunity and he capitalised on the outcome. Mind you, I still do not think it was a good idea to put blue gums there.

We have certainly seen from the member for Finniss's contribution the absolute farce that the industry has been on Kangaroo Island. Kangaroo Island is a beautiful place, but there is that big strip of water between it and the mainland, and that is an issue, as the member for Finniss well knows, for everything that goes on on Kangaroo Island. He said that there could be an opportunity for generating power, but the cable is not good enough to transmit back to the mainland. You would have to have a big enough operation so that you could do that, because you would generate far more power than the island needs.

This is a real issue. It certainly needs addressing. If there are commercial opportunities for people to use this blue gum timber, well and good. Where it is appropriate—where the rainfall is wet enough. There used to be zones where they would only come so far north, but it is interesting that, over time, as people thought they could see opportunities, they have come further north towards Lucindale in regard to the South-East. There may be opportunities for pine to go in there, and that would be great, but the blue gums still have to be got rid of, and certainly, I believe, there will be opportunities to go back to productive farmland. This is a big issue and it shows that you need a market for a product and you just cannot have an incentive scheme. You have to have a viable market, and it has proved itself time and time again. As much as it has helped some people along in life, blue gum plantations in this state have also broken many hearts.

The Hon. R.B. SUCH (Fisher) (12:13): I will be brief because other members want to speak. First of all, I declare an interest. I do not know whether I still own one of these plantations in Western Australia. I do not know whether anyone knows whether I still own one, but it is in Western Australia, and whether it is worth the paper—

Mr Pengilly: I probably saw it a couple of weeks ago, Bob.

The Hon. R.B. SUCH: I am not sure. Theoretically, I could potentially, possibly have a forest in Western Australia, but I am not holding my breath and I am going to keep on working for

my super—no, I do not have to. I commend the member for Finniss for bringing this motion to the parliament. He was a little bit apologetic and he should not be—this is what parliament is for. The fact that Kangaroo Island may be different to the South-East in terms of this issue does not detract from the importance of the community and the government trying to deal with this issue. This is clearly a problem on Kangaroo Island, as outlined by the member for Finniss. There are a lot of other issues affecting rural areas but, in particular, this one is clearly having a negative impact on the people of Kangaroo Island.

The Tasmanian blue gum is a magnificent tree in the right place. If my memory serves me correctly, it is *Eucalyptus globulus*, and it starts off and changes colour and its leaf structure changes. As in the case of Kangaroo Island, where it may not be the best place to plant it, some people in Adelaide planted them close to their front door years ago, and that is not the best place either. All I want to say is that there is an issue there. I do not have a specific answer. I have heard what other members have said, but I think something needs to happen.

One would hope that there would be some experts, people in government, in the wider community, who could help deal with this issue where it is a problem. If we have got productive farmland that is being rendered ineffective because of these blue gum plantations, then we need to do something about it. I am particularly concerned about the decline in a whole range of services and facilities in country areas, and that is the substance of a motion coming up in a few weeks time. This matter needs to be addressed, and maybe it is a question or issue for a special task force to have a look at.

Mr GOLDSWORTHY (Kavel) (12:16): I wish to make some comments in relation to the motion that the member for Finniss has brought to the house. I have listened to the contributions made by other members here this morning, and I think they all raise very valid and worthwhile points. This is a contentious issue. As the member for Fisher said, it is the responsibility of the parliament to raise issues that are contentious and talk about them so that those who have responsibility for these matters do look to them and pay the relevant attention.

The member for Finniss—and I obviously listened to his contribution—touched on the issue of development plans and the manner in which, if a council wants to change a development plan, there is a really, long, protracted and arduous process it is exposed to in looking to change development plans through the DPAs.

I know that in my district it has taken up to five years, approximately, to have a development plan changed, back and forth to the government departments. A lot of agencies obviously have to oversee and make a comment in relation to the proposals in the development plan. There is a real, live example in my electorate concerning the different development plans within neighbouring councils, and I have spoken about that in the house previously in relation to a proposal.

I am digressing somewhat, Mr Deputy Speaker, but it is relevant, it is germane to the issue that the member for has Finniss raised. Just across the council boundary of Mount Barker there is a waste water treatment plant being proposed to be built in the Murray Bridge council district to treat waste water from the housing developments taking place in Mount Barker township. That is a real example of the issues with development plans.

The member for Finniss certainly raises some very important points in relation to his electorate. As we all know, we respect that each individual member in this place certainly knows best, has first-hand knowledge and experience, of those issues that relate to their own electorates; but I do have some knowledge of the issues that the member for Finniss raises, particularly in relation to these plantations on Kangaroo Island. It was only a couple of years ago that, on the invitation of the member for Finniss, I visited the island and had a meeting with the local council.

My wife and family came along on that trip and we had some spare time so we drove to the western end of the island, down around the area where the blue gum plantations are located. I saw firsthand the effect that fire has on these areas of dense vegetation, particularly the blue gum plantations. We have spoken about that severe Kangaroo Island fire that occurred a number of years ago and how it came out of a national park and into the blue gum plantations, and great tracts of the blue gum country were severely affected by that fire event.

I understand what the member for Finniss is talking about having travelled around that part of the country, particularly on the western end of Kangaroo Island. Also, other members talked about the issue of the effect these plantations have on the water resource. The member for MacKillop talked about the lowering of the watertable, and I also clearly remember the many public

debates which have taken place and the issues which have been raised here in the house in relation to the impact of these plantations on the water resources in the respective areas, to the point where, it is my understanding, that the regulatory regime has changed as a consequence of the impact of blue gum plantations on the water resources.

Also, members have spoken in relation to the investment schemes that were promoted concerning the blue gum plantations enterprise. I have had constituents come to talk to me, seeking some advice in relation to this and, being a banker in a previous career, I am pretty cautious in relation to schemes that to me look too good to be true; and it is the old adage of the conservative banker: 'if it looks too good to be true, then it is'. The marketing that was put out there in relation to the forecasts of returns on the investment were unrealistic, and we have seen it come to fruition that the forecast for the returns on these schemes were certainly unrealistic.

We have seen the inflated price of the land that was sold—good productive farming country that has been planted into blue gums—and, as the member for Finniss stated, on the Fleurieu Peninsula some of that land has been bought back by farming families and returned to normal conventional farming operations. I understand that there is a similar occurrence in the South-East where some entrepreneurial farmers have identified the deflated land price as a consequence of these schemes not working and have bought blue gum country and, if they have not already, they are looking to push those blue gums over and return it to grazing country or other pursuits in relation to more conventional farming.

Members also raise the issue concerning vermin and how vermin thrives in this environment. I can tell the house that it is not just blue gum plantations where the vermin issue is a real problem. It is obviously a problem where there is land with dense vegetation. In my electorate, there are small pockets of conservation parks where the adjoining farming neighbours have complained to me about the impact of the increasing kangaroo populations within those parks and the impact it has on their farming activity, and I have written to the Minister for Environment and Conservation in relation to that.

Also, in relation to vermin thriving in ForestrySA country, particularly in the Adelaide Hills, we have had a recent debate in this place, and a parliamentary committee has looked into the issue of the management of foxes and the increase in fox numbers, particularly in the Adelaide Hills. There was a debate some time ago where the use of 1080 was raised and the fact that there was some concern about the use of 1080 in ForestrySA country in the Adelaide Hills. I put on the record then, and I have continued to do that, that I think that potentially the worst decision that could be made is to abolish the use of 1080 in ForestrySA country because we all know that foxes are well adapted to that sort of country. It is thick, deep, dense vegetation.

Time expired.

Mr TRELOAR (Flinders) (12:26): I rise also today to make a contribution on this motion from the member for Finniss. The motion is:

That this house notes the environmental, social and economic impact of blue gum forestry in South Australia.

I have listened very carefully to the contributions thus far, and I have to confess that it is not an area where I have a great deal of experience or knowledge, although in my electorate of Flinders—

An honourable member interjecting:

Mr TRELOAR: I really think that I should let that comment go through to the keeper. I inform the house that we have one small area of hardwood forest in the electorate of Flinders, that being adjacent to the Wanilla township, down the southern end of the peninsula. That was planted in the very early days of the last century (20th century), the idea being to supply railway sleepers for the railway that was expanding across Eyre Peninsula. It is a small area. But as far as investment into blue gum forestry goes, we have escaped thus far.

However, I think that there is a bigger issue here, and that is the issue of misguided government directives. We have heard today on a number of occasions from a number of speakers that the investment and development of the blue gum forestry industry really was as a result of a management investment scheme which was developed by the government of the day to give tax breaks and tax incentives to various individuals and companies, and it really allowed for speculative investment into an industry which was quite immature and which ultimately proved to be spectacularly unsuccessful. I think that the message here is that, when governments get involved in the marketplace, it is fraught with danger and ultimately is doomed to failure.

We have heard about the impact of blue gum forestry on Kangaroo Island and the Fleurieu, which is within the electorate of Finniss, whose representative raised this issue in the house. We have also heard from three members who represent a portion at least of the South-East. I understand that there is also investment and development of blue gum forests in Victoria and Western Australia, and I have been reliably informed that large areas of the blue gum forests in Western Australia at least are being chain pulled and put back into agricultural production—traditional farmland, if you like—mostly for grazing, because it is generally higher rainfall areas.

We have heard about the environmental impact of the establishment of blue gum forests, and there is no doubt that, in this huge, vast and sometimes demanding landscape in which we live and farm, it is a challenging task to manage the environment. We have made many mistakes in the past. We are making fewer mistakes now, but maybe the introduction of an establishment of blue gum had environmental impacts that we could not foresee at the time. It is just one more of the unintended consequences of government directives.

I do not think there is any place for people who sit in high-rise city offices to make decisions about how people should be investing, particularly with regard to primary production. I think the marketplace should always decide about what land use should evolve, should develop. Ultimately the most profitable land use should be encouraged and generally comes to the fore.

I have a theory—and this is not without exception—that for the most part the most profitable land use and production systems are also the most sustainable; by definition they are sustainable. Most primary producers in South Australia and right across this nation take a long-term, even generational, view about their sustainability and profitability. It is this long-term vision that is so critical to our landscape management in Australia.

I am a little surprised that at some point in this discussion the issue of food security has not come up. It may have been touched on by a previous speaker; I am not sure. If that is the case, I apologise to that member. Often food security is thrown up as an issue, as a framework within which to debate land use. I do not actually think that is the issue that some others do. There is plenty of food in the world.

Admittedly there are problems with the distribution of that food. A lot of it is wasted. Up to a third of the food that we produce right across the world is wasted. You only have to think in this country how much food we throw out, each and every day. Think of your own refrigerators, what you throw out when it has reached the use-by date. Think of what is thrown out at the end of every day and at the end of every week from the supermarkets right across this country, and think of all the food that is wasted in food halls and restaurants right across the nation, right across the Western world each and every day.

I think that is one of the great tragedies of our modern world. That is probably a discussion for another day, but my argument of course is that food security itself is not an argument for a particular land use or not. There are many people in the world today who are hungry, but they are hungry because they are poor, not because there is not enough food.

There will be challenges in the future, but I think our production systems will rise to that challenge. I go back to my original point. The point I really want to make in this debate is that governments of any ilk, at any time really have no place in trying to guide investment or production. It is an area they should stay out of, because otherwise the social, environmental and economic upheaval can be quite severe.

Mr VENNING (Schubert) (12:33): I will speak very briefly. I am inspired to make this speech because of the great speech by the member for Finniss. I support the motion and all the speakers who have spoken since. This is very concerning for our state; it really is. These MIS schemes have caused huge problems right across our state, not just in these blue gums; they did the same thing with the wine industry. People were actually planting vines when we could not sell the grapes. They kept on going because of these schemes that they had signed up for, purely about this tax deduction. All these people put money in because it was a quick buck. Well, look where we are. It is a serious problem They have caused huge problems; speculators and poor investment went rife.

These are direct decisions of government. I can recall going to Canberra on several occasions to try to pull this scheme in relation to the wine industry. It fell on deaf ears, because the wine industry at the executive level would not hear of it. It was all attractive to them, because they wanted more grapes cheaply. No doubt about it, there is politics in decisions like this, and now we

are paying a huge price for this. There is no consideration at all, when these things happen, of market forces.

As the member for Flinders just said, everything we do should be driven by the potential market force at the other end. These decisions were made and, of course, they are just not sustainable—they never were. Luckily, there are no blue gums in my share portfolio. It is probably more good luck than good management, I think. Anyway, my wife does that, not me, so I do not have to declare anything. All I do is feel very sorry for a lot of people who lost a lot of money in these fly-by-night schemes.

We have had the same problem with the grape plantings, as I said. That is now generally under control, but it should have been stopped two or three years before it was. Eventually, they agreed and stopped it, but people like Leo Pech were telling me and the government for years where that was going to take us, and he was exactly right. If people saw Leo coming, they would avoid him, uncomfortable because he was dead right. He is now retired, with his vineyard sold.

These schemes should never be revisited, and the damage caused really ought to be the responsibility of government. The blue gums need to be got rid of. When the member for Finniss was speaking, I said to him, 'Why don't we burn them?' I think the only real answer in the end is to get rid of them and burn them. Certainly, it would want to be very controlled burning. You would have to be very careful because there would be one heck of a fire.

We need this land in this state. We have not got very much productive land and we cannot have all these tracts of land under useless trees, soaking up all the water. I think it is a matter not just of the loss of production but of the water we are losing as well. I think it is time we bit the bullet, or bit the bark, and said, 'Right; enough,' took direct action and fixed it. It is probably going to take 10 years to fix it.

I think that, every year, we should take out 10 per cent of these trees and try to bring the land back to production, and I believe the government should play a large part in that. I commend the member for Finniss for this motion, and I agree with the member for Fisher that this is the sort of stuff that we want brought to this house. It is a major concern and we should all get together and try to find a solution. I support the motion.

Debate adjourned on motion of Mrs Geraghty.

WORKCOVER

Mr VENNING (Schubert) (12:37): I move:

That this house condemns the government for the continuing poor performance of WorkCover, the worst performing workers compensation scheme in Australia.

WorkCover is the regulatory body responsible for the workers compensation scheme here in South Australia and, since 1 January this year, Employers Mutual, along with Gallagher Bassett, have appointments to provide claims management services. Prior to this year, Employers Mutual was a monopoly claims manager for the previous 10 years, and it has been an absolute disaster in terms of the management and performance of the scheme.

Our workers compensation scheme is the worst performing in every aspect. The levy payable by business, the funding rate and the return to work rate are the poorest in the country. South Australia's average WorkCover levy rate remains the highest across the Tasman, according to the Safe Work Australia 'Comparison of workers' compensation arrangements in Australia and New Zealand 2013' report.

WorkCover SA has the worst funding rate of schemes throughout Australia and New Zealand at 67 per cent, compared to the Australian and New Zealand average of 112 per cent—that is an appalling figure. Apart from South Australia, all other jurisdictions are either fully funded or almost fully funded.

I am quite staggered by this. This is not an area of my natural expertise but, to sit on the committee and hear this information coming over, it just floored me. This has been going on for so long. We all know what the problem is, yet we have got to this situation.

The WorkCover unfunded liability has exploded from $56 million in 2001 to $1.4 billion—an increase of 2,380 per cent, and we just do not do anything about it. South Australia's average levy rate is 2.75 per cent, compared to the Australian and New Zealand average of 1.76 per cent. Why

should South Australian business suffer the highest WorkCover costs in Australia? How can our businesses be competitive?

The 2008 amendments to the Workers Rehabilitation and Compensation Act 1986 were apparently intended to reduce levy rates, but we have not seen this result. In South Australia the return to work rate has consistently been below the national average and is currently the lowest of any state or territory. The scheme's unfunded liability is the highest in the nation. Additionally, South Australia has a high average claim length, high average claim cost and low stakeholder satisfaction ratings. The return to work rate in South Australia for 2012 was at 80 per cent, 6 per cent lower than the national average of 86.

The scheme was apparently in a healthy position more than a decade ago with respect to both financial stability and reputation for forward thinking, as represented at various seminars and conferences. How times have changed after 11 years of mismanagement by this government. Last year on radio an expert in workers compensation policy said:

> WorkCover has been badly managed for a long time. WorkCover has lost control of the return to work process...it's probably going to get a bit worse...the organisation appears to be increasingly rudderless. They've dropped the ball on return to work. We have consistently seen poor results there.

The state government has lost control of WorkCover. There has got to be fundamental changes by the government and WorkCover to stop the ballooning unfunded liability, give business some relief for the highest WorkCover premiums in the country and improve the return to work rates.

The Minister for Industrial Relations, in announcing in early August changes to the WorkCover charter to limit the number of people drawing on the scheme, as was reported in *The Advertiser* on 9 August 2013, conceded the scheme was being run inefficiently and was not proactive enough in seeking to return people to work.

> The arm's-length approach that WorkCover has historically had with claims management is not good enough. There needs to be more intervention and oversight.

We on this side of the house have been arguing this point for a long time. I have been here a long time and it has been an issue almost all of that time, but why did it have to get to this point before something was done? As I said earlier, I am a member of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation, ably chaired by my Labor friend, and we published a very good report on 27 November.

An honourable member interjecting:

Mr VENNING: I didn't want to name her; I'm trying to be careful, sir. We published a very good report on 27 November 2012 entitled, 'Inquiry into vocational rehabilitation and return to work practice for injured workers in South Australia.' I wonder how many members have actually read this. If you have not, you should. The report was very comprehensive and contained 23 recommendations aimed at improving the system. A timely return to work following a workplace injury is crucial to reducing the unfunded liability. I ask: how many of these recommendations has the Labor government acted upon to reduce the ever increasing unfunded liability?

There are many simply solutions outlined in this report that could be implemented to improve return to work rates and reduce the unfunded liability. Considering the makeup of this committee, the way it was chaired, the information that came to us and the access to information that we had, I just cannot believe that we have not seen some more action on this. The points were:

- A review of the 2008 legislative changes be conducted so we can see if the step-down payment scheme is making any difference to our currently worst return to work rate in Australia.
- An alternative remuneration arrangement for rehabilitation providers incorporating a fee for outcome component from WorkCover that is carefully monitored.

I note that Janet Giles provided evidence to the committee which demonstrates the need for alternative remuneration arrangements for rehab providers to be implemented, and I quote:

> I have been in the position of having an injured worker at my own organisation where somebody rang me up every Monday and it wasn't until I saw the schedule of fees that I worked out why they were ringing me every Monday. There is no need to ring me every Monday. We were managing it quite well. She didn't even need a rehab provider. She was back at work. She had an injury in her hand. All she wanted was her medical bills paid for, but they would have billed WorkCover for every call.

That was from the *Hansard* of Janet Giles's evidence to the committee meeting of 3 August 2011. The next points were:

- WorkCover review and report on all aspects of self-insured schemes. Self-insured schemes can work extremely well, we found out. Local government is but one example. Their self-insured scheme results in a 96 per cent return to work rate. More self-insurance schemes would reduce reliance on the WorkCover scheme.
- WorkCover implement a method of monitoring rehabilitation provider performance.
- Case managers make referrals to the providers who demonstrate better return to work outcomes. This really is a no-brainer.

Finally, can I urge the house to assess this motion and support it because I found on the committee there was a lot of goodwill and a lot of common sense, but we do not seem to be able to move anywhere on it because we are all going to be paying a price that is huge. We know what the problems are and we do not seem to be able to address them.

It is ridiculous to notice the monopoly power that some of the providers had in this and nobody was asked in the scheme. The assessment was done by themselves, so the thing was flawed from the start, but now I think is the time to say, 'There is the report.' On an apolitical basis we should say, 'Okay, we'll implement this. We must bring this to heel.'

I commend the chair for the way she has chaired this. I think it was a little bit difficult for her sometimes and in some places, but all I can say is, all power to you. You had the courage of your convictions and it is certainly noted and appreciated by me.

Dr McFETRIDGE (Morphett) (12:46): I rise to support this motion brought forward by the member for Schubert that this house condemn the government for the continuing poor performance of WorkCover, the worst performing workers' compensation scheme in Australia. I remember a few years ago when I was a shadow minister for industrial relations, there were some significant changes being proposed for the WorkCover scheme by the government. There was some significant angst amongst members of the government who were very concerned that the changes that were being introduced were going to severely disadvantage workers.

The sad fact is that WorkCover was in a very good state when the Liberal Party was last in charge in this place with a total unfunded liability of about $60 million. I think it was $61 million or $62 million, that's all. I understand that the unfunded liability now is well over a billion dollars—$1,000 million—and for the state of WorkCover to be as it is is just an absolute disgrace. It is an appalling disgrace, as the member Schubert says.

What we are seeing, though, is workers being disadvantaged by the current scheme. We are seeing protracted legal argument. We are seeing a system in complete disarray, but the big thing that we are really noting is that the unfunded liability is compounded by the highest WorkCover rates in Australia. I talk to businesspeople every day in my electorate of Morphett and around this state who complain about the conditions of doing business in South Australia and, without fail, each and every one of them talks about the issues with WorkCover.

It is a significant disincentive to doing business in this state when you are having to pay the premiums that people are paying for WorkCover. Work safety and occupational health are significant issues and very important issues, so we all do not want to shirk our responsibilities in those areas. However, when it comes to paying an insurance premium—which WorkCover levies are—to cover injured workers, that premium should not only be a fair levy but also be competitive with what might have been charged by private organisations.

I should mention here that, for the self-insurers such as the big companies like Holden and some of the big mining companies and indeed the government, their comparable levies are far less than the WorkCover scheme levies. They are able to manage their claims much better, much more efficiently and much more fairly than we see under WorkCover. There are many examples of workers being dragged through the mill through the WorkCover scheme.

We have seen the single case manager now go out to two. We see the legal management of WorkCover cases being handled by a major firm, which I do not think is the best way of managing WorkCover.

I spoke to private insurers when I was looking at policy for WorkCover, way back in 2008-09, and people said to me they could take over the WorkCover scheme; they were happy to

take on the unfunded liability and they could reduce premiums without reducing workers' entitlements. To me, that was more than enlightening, it was startling—that they could say to me that they could do that.

The sad fact is that the government is hanging onto this scheme. It is determined to try and tough it out. We are seeing the $1 billion unfunded liability continuing to increase and, in the meantime, we are seeing levies rising. With my new portfolios of disability, social inclusion, volunteers and a few others, I am talking to groups that are paying WorkCover levies which are, as I said before, a huge impost on them doing their work, doing their business in South Australia. Whether it is the local crash repairer or other businesses or whether it is the NGOs, WorkCover really needs to be reviewed, reworked and the levies reduced if we possibly can.

I will just give you an example of some of the increases in WorkCover levies that have been imposed on some of the NGOs who are working in the disability sector. These people are trying to do their very best to help some of the most disadvantaged people in South Australia—and there is a list of them here. The most significant increase in the past 12 months was 116.75 per cent. The WorkCover levy of this particular business has gone up 116 per cent in the past 12 months. There are other businesses here where premiums have increased by over 20 per cent and the comment here is:

> This will affect bottom line and overall competitiveness; trying to get it reduced slightly; looking at claims that may be recoded as secondary.

'Reviewing industry classifications' is another comment made there. There is another NGO here whose comment about WorkCover is, 'WorkCover is intending to double our levies to over $1 million by 2016.' They are seeking legal avenues and discussing it with the media to try to put pressure on the government to reform the WorkCover system and reduce the imposts. Another comment was that the WorkCover levy had gone from $125,000 to $165,000. They said:

> Will be reviewing over the next 6 months whether organisation will be providing services in the future.

This organisation is considering closing because of the increases in WorkCover. We certainly know that business costs in South Australia, besides WorkCover, are very high. WorkCover is, in this case, the straw that is going to break the camel's back.

Another comment from another business is that their WorkCover levy has gone up 38 per cent to $44,000 and they are unable to find the extra $35,300. They just do not have it in their coffers to pay the extra levy so they are going to have to talk to WorkCover about how they are going to be able to pay their levies. This scheme is really damaging people, both the people they are supposed to be helping through injured workers but also the companies and businesses who are trying to provide employment and growth here in South Australia.

Another comment stated that they were notified of new systems and new schemes back in mid-2012 but the rate has gone up significantly. They said that their previous rate was $160,000 a year (or a little bit over) and their current rate is $241,000 (or just a little bit over) now, so it has gone up significantly. The comment they have here is that they may need to make staff redundant to pay for this. So, we have businesses threatening to close down or being forced to close down and we have businesses that are considering staff redundancies, plus a 116 per cent increase in levies.

This is a system that is not working. It is not working for the workers and it is not working for the businesses. Surely you would sit down and look at what is going on. We know that there are reviews going on now and let us hope that any reviews that are going on are going to come up with some sensible outcomes because this is not a fair system for anybody.

I know there are members on the other side who are really torn between supporting the Labor Party and supporting the aims of the WorkCover scheme. My heart goes out to those people because I know what a bind they are in. They are in a no-win situation. However, we have an opportunity now to revisit this. There are some reviews that are being undertaken at the moment and I just hope, for everybody's sake, that we get some commonsense, because we cannot continue to allow the scheme to be imploding the way it is.

Debate adjourned on motion of Mrs Geraghty.

[Sitting suspended from 12:57 to 14:00]

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Members, House of Assembly—
Register of Members' Interests—Registrar's Statement June 2013
Travel Entitlements Annual Report 2012-13

UNREGISTERED BIRTHING SERVICES

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) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Today, I joined with Meredith Hobbs, Director of Maternity Services at the Lyell McEwin Hospital, to announce that the South Australian government will move to make it unlawful for unregistered practitioners to provide birthing services in South Australia. Under this proposal, it will be an offence for any other person to undertake the care of a woman during the three stages of labour and childbirth.

This important measure is to protect our mothers and children, by limiting the harm that can come from someone who may not have the appropriate training and qualifications providing birthing services. It also responds to the recommendations of the Coroner after the deaths of three newborn babies between 2007 and 2011.

A consultation process was held earlier this year to seek feedback on proposed changes to the legislation, with most of the 33 submissions received supporting more regulations for birthing services. I would like to make it clear to the house that this will not limit the choices of mothers.

- We will continue to deliver safe home-birthing services through our public maternity services.
- Fathers, birthing partners, and counsellors will still be allowed to be present and involved during the birthing process at the direction of the qualified registered birthing manager.
- Indigenous birthing customs and practices will continue to be respected.

We have all heard stories about the unexpected onset of labour resulting in babies being delivered by fathers (it never happened to me, fortunately), police officers, taxi drivers or ambulance officers before the mother reaches hospital. These emergency circumstances will not be affected.

By registering under the Health Practitioner Regulation National Law, the birthing manager or practitioner will agree to work within approved national standards of practice and have demonstrated that they have the appropriate skills, knowledge and experience to make childbirth as safe as it can be. Registered health practitioners will be required to provide women with accurate information about the risks involved in each birthing situation, allowing the mother to make an informed decision about care. Under my proposal penalties for breaching these laws could be a fine of up to $30,000 or up to 12 months' imprisonment.

These changes close the gap, and are about making sure that babies get the best start to life and that mothers receive the care and support they need. I hope to introduce a bill to the parliament when we next meet and, with the cooperation of the house, have it enacted by the end of the year.

VISITORS

The SPEAKER: I welcome to parliament Woodcroft College legal studies students, who are guests of the member for Mawson; students from Immanuel College (the Leader of the Opposition's old school), who are guests of the member for Morphett; students of Westminster School, who are guests of the member for Elder; and students from Saint Ignatius College, who are guests of the member for Morialta.

QUESTION TIME

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:06): My question is to the Premier. How many new jobs are there in South Australia since the Labor government promised to create 100,000 new jobs almost four years ago?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:06): I thank the honourable member for his question. There is no doubt that in the period since we made that commitment we have been in the middle of an unprecedented global financial crisis, which has—

Members interjecting:

The SPEAKER: The member for Heysen is called to order.

The Hon. J.W. WEATHERILL: —gripped the world, and which has been deeper and more sustained, with the flow-on effects being more substantial, than anybody could have forecast. There is no doubt about that, and that is accepted as a fact.

Jobs growth in South Australia is something that, as a government, we are absolutely committed to, and all our energies and resources are directed at that matter. Since March 2002 we have seen 120,000 jobs created during the life of this government, including more than 65,000 full-time jobs. That is in contrast with the last Liberal government, when 5,800 full-time jobs were created during that period.

We have set ourselves an ambitious jobs target, and we are not afraid of setting those challenges because that goes to our core project as a Labor Party and a Labor government. The target we set for our state was based on an optimism about our state, and there are grounds for belief that that optimism is well placed. We are a more diversified—

Members interjecting:

The Hon. J.J. SNELLING: Point of order, sir: the Premier is having to face a barrage of gabbling from the opposition. I ask you to call them to order.

The SPEAKER: It is opportune that you should do so, because I have a list. The member for Finniss is called to order; the member for Morphett is called to order and warned a first time; the member for Heysen is warned a first and second time, and that is her final warning; the member for Morialta is called to order; the member for Hammond is called to order; and the member for Unley is called to order.

The Hon. J.W. WEATHERILL: Just in the last few months alone, we have seen positive data in relation to business confidence, we have seen positive data in relation to retail spending, we have seen positive data in relation to housing approvals and housing finance, and we have seen positive data in relation to state final demand. All of those matters that have been reported in the last reporting period have been strong indicators of very positive forecasts for the South Australian economy. We also have forecasts of one of the best crops for South Australia on record, both in terms of its volume and its value. These all reflect the strength and diversity of the South Australian economy.

There is no doubt that it has been hard going over the last few years. Something in the order of 5,900 jobs have been created since we were elected to government over this period. There is a very substantial amount of work to be done if we are to reach that target, but we are determined to pursue jobs growth. Within our forward estimates, we have a very strong commitment to public infrastructure spending, which those opposite describe as the false economy but we know underpin at least 8,500 new jobs in our economy.

At a time when those opposite are urging austerity, we are continuing to maintain our investments in public infrastructure, not only for the long-term benefits of our economy but also to sustain the economy at this important time when it needs our assistance. This has always been the South Australian way of actually lending a hand—

Mr Marshall: Are you going to answer the question?

The Hon. J.W. WEATHERILL: I have; I've answered the question.

Mr Marshall: 'How many jobs have you created since the last election?' was the question.

The Hon. J.W. WEATHERILL: I have already told you, 5,900.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Before we move to a supplementary, it is with a heavy heart that I warn the member for Hammond for the first time.

An honourable member: Ever.

The SPEAKER: No, he has been warned before, particularly earlier in the week when he was monumentally disruptive.

Mr van Holst Pellekaan interjecting:

The SPEAKER: And the member for Stuart is called to order. Supplementary.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:12): My supplementary is to the Premier. Does the government stand by its promise to create 100,000 new jobs by 2016, which would require 3,500 new jobs per month between now and the target deadline?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:12): We certainly stand by pursuing that target. In the last few months, we have seen Red Lion Australia sign a $4.6 million contract with a company based in Fujian Province in China, and four other businesses have signed MOUs for future trade opportunities. Spring Gully has a plan to exit administration and return to health and grow.

Lion brewing will spend $70 million redeveloping the West End Brewery, with the creation of 30 jobs. Gemtree Wines has done a deal to see premium wine going to China. We have Electrolux receiving a $9 million contract to expand its operations in Dudley Park. After receiving support from the state government, E&A Contractors in Whyalla has been working on the construction of new wind towers with Siemens. Intercast & Forge has—

The SPEAKER: Premier, there is a point of order.

Mr MARSHALL: The point of order is relevance. I just want to know whether the government stands by its promise to create 100,000 new jobs by 2016.

The SPEAKER: Leader, the Premier is being completely relevant and offering information to the house about the creation of new jobs. The point of order is completely wrong. Premier.

The Hon. J.W. WEATHERILL: Can I say that, in addition to those particular jobs that I have mentioned, satellite company NewSat will expand at Mawson Lakes, creating 15 new high-tech jobs over the next few years. Liebherr-Australia has the construction of the expansion now underway, creating 180 jobs by the time it is finished. Smart Fabrication provides planning, design, construction and insulation of a wide range of steel fabrication products. REDARC does research, design, redevelopment and manufacturing of electronic voltage converters.

In the mining sector, there is the Four Mile Project in the state's Far North-East. Santos has put into operation Australia's first unconventional gas well which global giant Chevron has bought into with a deal with Beach. Senex has announced a major upgrade in its proved and probable reserves in the Cooper Basin. Rex Minerals has increased the estimate of the reserve of copper at Hillside project by 50 per cent, plus secured around $550 million in funding from Chinese investors.

Murray Zircon has opened its mineral sands projects at Mindarie in the Murray Mallee. Mining explorer Cooper Energy is relocating from Perth to Adelaide. The Quest on Franklin has opened and construction of the Quest on King William Street south is underway, and it is considering Whyalla and Port Adelaide. If I have time, I am happy to elaborate.

The SPEAKER: A minute and 22 seconds.

The Hon. J.W. WEATHERILL: That is ample time to elaborate on the remarks that were made by the representative from Quest, who said these words. This is the Quest chairman on the future of South Australia, because he has made a big investment decision:

> If I go back 15 years, SA was really a leisure state. There was the Barossa and the wineries, there was a road experience where you'd go out for a day to somewhere like Hahndorf.
>
> It was great but it was all leisure-driven. There was no real corporate interest here.

The only big corporate was Santos and most of their business was outside SA.

Then there was Olympic Dam up at Roxby Downs.

But over the last 15 years the government has set an agenda so the state doesn't only harness the festival-style events.

It's looked at industries and said 'what are we going to invest in.'

So SA had invested in the education market which not only brought revenue from international students but attracted parents to stay.

This was coupled with facilitating private investments in the resources industry and in bidding for major defence manufacturing contracts and latterly world-class medical research.

So what has happened—a businessman who has put his money where his mouth is has backed the South Australian government's economic strategy.

EMPLOYMENT FIGURES

The Hon. I.F. EVANS (Davenport) (14:16): A supplementary.

The SPEAKER: Before the supplementary, the leader asked a question about whether the Premier stood by a particular jobs target. The Premier then listed a range of job-creating projects. The leader may regard that as tedious, but it is germane. Therefore, it cannot be ruled out of order. A supplementary from the member for Davenport.

The Hon. L.R. Breuer: You shouldn't drink red cordial at lunch time!

The SPEAKER: Was the member for Giles' remarks addressed to anyone in particular?

The Hon. L.R. Breuer: The other side, sir.

The SPEAKER: Could the member for Davenport please be seated. I don't think the member for Giles is entitled to make an imputation that the entire opposition bench is sozzled, so I would ask her to withdraw it.

An honourable member: She has to be more specific!

The Hon. L.R. Breuer: Certainly, sir, I withdraw that. I was just warning them not to drink red cordial at lunch time, but if they object to it, then I won't say it again.

The SPEAKER: Sage advice! Member for Davenport.

The Hon. I.F. EVANS: Thank you, Mr Speaker. I wasn't worried about the comment, I was observing that when we make a comment we get warned; when they make a comment, they don't get warned.

Members interjecting:

The Hon. I.F. EVANS: My question is to the Premier. Why won't the Premier answer the question whether the government will stand by its 100,000 job target or not?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:18): It may be a hearing issue, but I thought that was the first thing I said when I got up and gave the answer. Maybe if you go back and look at the *Hansard*: I have answered that question.

YOUTH UNEMPLOYMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:18): My question is again to the Premier. Why has the South Australian youth unemployment rate risen to 41.6 per cent, the highest of all states in the country and the highest in 16 years?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:19): Thank you, Mr Speaker. The opposition continues to perpetrate this furphy about youth unemployment. The truth is that we are talking about the cohort of 15 to 19 year olds.

Members interjecting:

The SPEAKER: The member for Morphett is warned for the second and final time. Premier.

The Hon. J.W. WEATHERILL: The true figure—and a moment's thought would allow you to realise that most of those young people of that age are actually studying. So, if you look at the proportion of those young people actually looking for work, of the whole population of young people of that age, it is 4.3 per cent. So, the unemployment rate for 15 to 19 year olds is 4.3 per cent. The national average is 4 per cent.

Ms Thompson: Really?

The Hon. J.W. WEATHERILL: Yes. So this is the nonsense that those opposite perpetrate. Because they like the statistical sound of 41 per cent, because they want to shock and talk down the South Australian economy every time, they use that—

Mr Pengilly: Point of order.

The SPEAKER: I am sorry?

Mr PENGILLY: Standing order 98, sir, in my view, and I ask you to concur.

The SPEAKER: I will listen carefully to see if the member for Finniss's view is correct.

The Hon. J.W. WEATHERILL: What is interesting is that the opposition fails to mention that the number of young people unemployed in this state has reduced dramatically since this government has been in power. Instead of the record of those opposite, in the last unemployment figures released under the Liberal government, there were 7,900 young people in South Australia who were unemployed and looking for work—significantly more than now: 4,600 in the August figures.

They use the statistical device, ignoring the fact that most young people are actually studying, and it is almost half the number of young people unemployed under our government compared with what was left under their government. So, how dare they come in here and feign outrage about the unemployment figures that exist in this state at this time? It is simply the misuse of data to create a political advantage and, in so doing, complete their regular theme of talking down this state.

When I speak to young people, what I hear them say—when they see the cranes around the city, when they see the magnificent iconic buildings going up on North Terrace, they say, 'This is a fantastic place to be; I wouldn't want to leave.' That is what they say to me. When they see the SAHMRI building, they say, 'It looks awesome,' to use the vernacular. When a young woman was speaking to her mother the other day about what she was going to do when she left university, she said to her mother, 'I can't leave now because there's so much happening in Adelaide.'

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:22): My question is to the Premier. Why have 27,000 South Australian full-time jobs been lost in the past three months?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:23): I do not accept the opposition leader's analysis of the data, but can I say—

Mr Marshall: The Australian Bureau of Statistics.

The Hon. J.W. WEATHERILL: No, well, we have seen your use of statistics, but what I can say is this: there is no doubt that this is an economy in transition, that has been incredibly resilient in the face of global financial forces. Can I say that one of the impulses that has been put into the South Australian economy that has actually sustained employment—and we would be looking at catastrophic falls in employment levels in this state—is the public investment in this state, public investment described by those opposite as a false economy. They are prepared to bang on about debt and deficit, but they are not prepared to reveal their secret plans for getting it down and cutting further into jobs and employment.

Mr MARSHALL: Point of order: debate.

The SPEAKER: The Premier is not responsible to the house for the opposition's policy. Premier, is there anything further?

The Hon. J.W. WEATHERILL: No.

FARMING CODE OF CONDUCT

Mr BROCK (Frome) (14:24): My question is to the Minister for Small Business. Can the minister please advise of the introduction of the government's farming code of conduct and how it will benefit small business in South Australia?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:25): After the pioneering work of the Minister for Transport and Infrastructure in getting the Small Business Commissioner set up, he has set about his work and is undertaking wide consultation. His first one, of course, follows from the work of the member for Light who pioneered the work in this place on the agricultural sector. As a result of the work that he did, flying in face of opposition from members of the opposition, I might say—people who did not seem to think it was worthwhile helping out people working in rural areas—the commissioner came up with the first code which was around farming.

What it does is give the Small Business Commissioner the opportunity to require people to come into mediation rather than go through a whole process after a dispute and go to court. Two businesses—a farmer being a business and a tractor salesman, for instance—may be in dispute. The farmer may bring that dispute to the Small Business Commissioner who can require a mediation process. He can also require one or both of the businesses to provide him with information. He can then require them to go into mediation and solve the dispute from there. He can issue fines for noncompliance, and he can also refer to a court for further fines in the event of serious breaches of the code.

This code reduces red tape and makes it easier for people to resolve disputes that sometimes are intractable. It is done with the help of $257,000 out of the budget as part of our small business package, and it is an excellent innovation, largely as a result of the work of the former minister and one that I am very, very proud to continue. It has been widely consulted on right throughout the primary industry sector, including the South Australian Dairy Farmers Association, the South Australian Sheep Advisory Group, Primary Producers SA, South Australian Seafood Industry Federation, Food South Australia Inc., Grain Producers South Australia, Wine Grape Growers Australia, and various regional chambers of commerce, as well as regional local councils, amongst others. The farming code regulations are out for consultation and they are open for 28 days, from yesterday, until 11 October. People wishing to make a contribution may do so with the Small Business Commissioner, and I urge them to do so.

PUBLIC SECTOR RENEWAL PROGRAM

Ms THOMPSON (Reynell) (14:27): My question is to the Premier in his role as Minister for the Public Sector. Can the minister describe the progress of the government's plans to renew the public sector and any barriers to their achievement?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:27): Earlier this year, we started our program of these 90-day projects as part of the public sector renewal program, Change@SA, and we have recently started the third round of those projects. Through this program we aim to make significant projects in 90 days that might otherwise have taken quite a long time; and many of these reform projects in the past have got stuck.

Examples of what we have achieved to date include ensuring healthy patients can go home from hospital earlier, offences are heard earlier in our courts, connecting passengers to public transport in real time, and we have reduced the number of excess employees by almost 60 per cent in the last two years, delivering savings of $18.3 million. We are making other sensible efficiencies while protecting front-line services. That is why in the last three years, as a percentage of the workforce, there has been a 3 per cent increase in front-line workers and a 2 per cent decrease in back-office staff.

The South Australian public sector consists of 103,649 people, or 85,727 full-time equivalents. I believe that, as Minister for the Public Sector, it is incumbent on those putting themselves forward to be elected to high office that they should be clear about what the future is for the South Australian public sector. We have been clear about our policies. This week, though, is a very important anniversary. It is a year since the Liberal Party announced its decision to slash 25,000 public sector jobs. It is a year since—

The Hon. A. Koutsantonis interjecting:

Mr PISONI: Point of order: the Premier is not responsible for the Liberal Party.

The SPEAKER: Yes it's true, but I will listen further to see if it is a violation of standing orders. While I do so I will call the member for West Torrens to order.

The Hon. J.W. WEATHERILL: It is a year since the member for MacKillop confirmed that the Liberal Party was of one mind in cutting the Public Service and they were very consistent with the views of everybody in the party room.

Ms CHAPMAN: Point of order: how can the Premier at all be responsible in respect of matters of the opposition? This is just a nonsense. This is debate and, poor as it is, it ought to be brought into line.

The SPEAKER: It is the opposition's question time. These points of order occupy so much of question time. I will listen carefully to what the Premier has to say, and perhaps the deputy leader could light votive candles and hope that it will only be four minutes.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. This week also marks another milestone. It is seven months since the current Leader of the Opposition promised to release a policy on the public sector in the coming weeks.

Ms CHAPMAN: Point of order.

The SPEAKER: I don't think the Premier has got a clause out since your last point of order.

Ms CHAPMAN: Indeed. I haven't heard your ruling on the other two, but you simply allowed the Premier to continue without any indication, and I would ask you to rule on whether the statements and claims of conduct in relation to opposition members are any responsibility of the government and, therefore, out of order.

The SPEAKER: I am listening carefully and I have not yet detected a violation of standing orders, but I will listen. Premier.

The Hon. J.W. WEATHERILL: Mr Speaker, in March this promise was whittled down to a direction statement and then we had an audit commission which is now changed; because that is such an ugly word 'audit commission', they changed it to the productivity commission.

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: The member for Stuart.

Mr VAN HOLST PELLEKAAN: Mr Speaker, the question was very specifically asking the Premier to tell the house about his plans to renew the public sector, and he is straying from that under standing order 98.

The SPEAKER: I will read the *Hansard* and I will rebuke the Premier if necessary if the question is as you say it is. At the moment, the Premier—

Mr VAN HOLST PELLEKAAN: Can I ask for the question to be re-read?

The SPEAKER: No, you can't. Premier.

The Hon. J.W. WEATHERILL: I am addressing the question because one of the barriers to the achievement is, I think, the morale and uncertainty that have dived since the speculation about the future security of their employment. We know that it is commonplace between both parties that the 'no forced redundancy policy' will go. I think these 100,000-odd workers do want to know what their future is.

We'll continue to renew the public sector and focus on accelerating better quality and more innovative services. I think it is incumbent upon the opposition leader to tell us, and to come clean about where he intends to make cuts to the South Australian public sector. That is in the interests of the public sector to know where their future lies so they can make an assessment for themselves about how they address themselves in their workplace.

The Hon. I.F. EVANS: Supplementary.

The Hon. A. Koutsantonis: Happy anniversary!

The SPEAKER: I warn the member for West Torrens for the first time.

The Hon. I.F. EVANS: In 11 years! Mr Speaker, my question—

The SPEAKER: No. The member for Davenport will be seated, and I call him to order. The member for Colton.

Mr MARSHALL: Sorry, I had a supplementary for that question as well.

The SPEAKER: Well, we'll come back to it.

Mr MARSHALL: It will break the flow, sir.

The SPEAKER: Yes, I am all in favour of flow but the flow has been interrupted by the gratuitous remarks of the member for Davenport.

The Hon. I.F. Evans: It might have been the start of my question, Mr Speaker; you just don't know.

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

COURTS PRECINCT

The Hon. P. CAICA (Colton) (14:33): My question is to the Attorney-General. What impact will the plans to transform the Supreme Court precinct in Victoria Square have on the delivery of justice?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:33): I thank the member for Colton very much for that very important question. The government is committed to the delivery of significant improvements to the justice system.

I was very pleased today, accompanied by the Premier and the Minister for Transport and Infrastructure, to attend at the dilapidated and tired looking Supreme Court building for the purpose of announcing to the assembled multitudes that the beginning of the process for the renewal of the courts precinct is actually rolling out. The Minister for Transport and Infrastructure is actually handling that aspect of the matter, and he is handling it extremely well, but I want to talk about the implications inside the building rather than the physical environment.

Our vision is that South Australia should have the best courts precinct of its kind in Australia. Underpinning this is a state-of-the-art building and, hardwired into that building, contemporary infrastructure such as all the modern communications equipment and so on. The transformation of the courts precinct will strengthen the efficiency reforms that we are currently working through and complement them with new opportunities.

Last year, we delivered on our guilty pleas reform to reduce the inefficiencies in the criminal justice system. Furthermore, the government is working with the Chief Justice to reform civil litigation, and we are open to all avenues to improve service delivery in the justice sector. In fact, $1 million was allocated to the justice improvement project in the last budget. This flows directly into this project.

The most recent Report on Government Services shows improvement in benchmark rates and, in particular, finalisations and clearance rates, but we recognise that we can and must still drive for further improvements in the justice system. The courts must cease, ultimately, to be judge-centric and refocus on serving the people of South Australia with swift, effective and efficient justice. That is why we are developing and redeveloping the higher court facilities that are in dire need of upgrading.

These upgrades will improve the delivery of justice in South Australia and complement the other reforms we are undertaking. We know that South Australians want our courts to deliver fast and fair justice. This government is committed to delivering the best possible outcome for the taxpayers of South Australia, and a justice precinct that is focused on providing an efficient service for all South Australians is central to that.

PUBLIC SECTOR EMPLOYMENT

The Hon. I.F. EVANS (Davenport) (14:36): My question that I was going to ask the Premier, I will reword.

The SPEAKER: That would be good.

Members interjecting:

The Hon. I.F. EVANS: Well, I didn't get to finish the question last time. My question to the Premier is: can he confirm that, across the forward estimates, this government is reducing the Public Service by 5,000 FTEs?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:37): I'll check that number. It is in that order of magnitude. It depends what the starting point is, but it is in that order of magnitude.

EMPLOYMENT FIGURES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:37): My question is again to the Premier. Why has South Australian unemployment increased by 30 per cent under Premier Weatherill?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:37): I think I've addressed this question at length before. I am more than happy to traverse some of the factors that are bearing on the South Australian economy, perhaps beginning with the international forces that come through a high Australian dollar.

It has moderated recently but, over much of the period that we've been discussing—the period of the last few years—we've had a very high Australian dollar, and the South Australian economy is particularly focused on manufacturing, where you have one of the largest proportions of manufacturing within the South Australian economy. That has, of course, affected our trade exposed sectors by changing relative prices in a way which makes imports cheaper, and then the import competing businesses find that difficult. Exporters, of course, also find it difficult, and that's had a very substantial bearing.

Of course, probably the single most important issue is the loss of confidence that's occurred in Australian investors, and South Australian investors in particular, as a consequence of global financial conditions and the way in which they have affected asset values, whether it be superannuation accounts or their housing accounts. So, people are looking at the valuations of their houses.

They are seeing that they are not going up or, in some cases, are going down. They are looking at their superannuation accounts and seeing negative numbers instead of positive numbers. Thankfully, all that's changing in the most recent set of numbers but, over the last year or so, that's what they were seeing. So, correspondingly, what you have seen is a massive increase in the savings ratio as people deleverage—that is, pay down their debt—or save, because they are worried about the future.

When people are worried about the future, they stop spending. When they stop spending, retail figures go down. Also, they stop making the largest purchase of their life, which is their home. We've seen a very substantial fall in housing construction activity, which is a very substantial proportion of the South Australian economy.

As difficult as this has been, the South Australian economy has been resilient during this period. It has continued, albeit slowly, to show signs of growth. We know in the most recent data there are very strong prospects that the next financial year will be much stronger than the last financial year. The question in politics is not so much standing up and actually describing what is; it is actually describing what you are going to change to make it better, and on that mark, those opposite fail miserably.

Members interjecting:

The SPEAKER: Well, of course the last bit was out of order.

CHILD PROTECTION INQUIRY

Mr PISONI (Unley) (14:40): My question is to the Minister for Education and Child Development. Will the minister advise how many departmental staff adversely named in the findings of the Debelle inquiry will face disciplinary action, and what disciplinary action will be taken?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:40): As the member for Unley well knows, that is a matter that is being dealt with by the chief executive officer—

Mr Pisoni: You haven't been briefed?

The SPEAKER: The member for Unley is warned.

The Hon. J.M. RANKINE: Can you allow me to answer the question, or do you just want to make up your own story, as you normally do?

Members interjecting:

The Hon. J.M. RANKINE: Sir, the issue—

The SPEAKER: The minister will not respond to interjections, and she also is called to order. That was the member for Unley's first warning.

The Hon. J.M. RANKINE: Thank you, sir. As the member for Unley well knows, disciplinary action in relation to public servants is the responsibility of the chief executive officer. As I have advised the house previously, there were 11 people that had been corresponded with in relation to their naming in the Debelle inquiry, and as I understand it, those processes are yet to be completed.

CHILD PROTECTION INQUIRY

Mr PISONI (Unley) (14:41): My question is to the Minister for Education and Child Development. Has the director of the office of the CEO of the Department for Education, whose role, according to the Debelle report, was to 'inform the minister of critical incidents', now been appointed as the director of the Incident Management Division of the department?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:42): Yes; prior to his departure, I understand that Mr Keith Bartley appointed that person in that position.

CHILD PROTECTION

Mr PISONI (Unley) (14:42): Supplementary if I may, sir?

The SPEAKER: Yes; supplementary, if it be a supplementary.

Mr PISONI: Why didn't the director of the office of the CEO advise the education minister of the rape of the seven year old that is at the centre of the Debelle inquiry?

The SPEAKER: That is not a supplementary; we will come back to it.

GLENSIDE HEALTH SERVICE

Ms BEDFORD (Florey) (14:42): My question is to the Minister for Health and Ageing. Can the minister please inform the house on the government's safety measures at Glenside Health Service?

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) (14:42): I thank the member for Florey for her interest in mental health issues in our state. The government has invested heavily to modernise our state's mental health services, including at the Glenside Health Service. Mental health services have been transformed, with more than $300 million of investment under this Labor government, and our work is continuing.

We have transitioned the state away from an outdated asylum-style of care to a modern and flexible environment. This is providing South Australian mental health consumers, their families and staff with a space to promote healing and recovery. The government is continuing its investment at the Glenside Health Service site with $3 million to strengthen fire safety measures. This investment includes an advanced fire sprinkler system across the site and modification to the duress alarms to improve the safety of consumers and staff, and the protection of infrastructure.

The current fire safety system already meets building codes and provides a good level of protection to staff and consumers. Following a review of a recent fire on the site, we have decided to make this investment to ensure that the safety of consumers and staff, and the protection of this important infrastructure, are enhanced to the fullest extent. These improvements will allow the complete transition to the Glenside Health Service to be complete in December this year.

I can also update the house that implementation of recommendations from the independent review of mental health bed capacity and flow is progressing well, following a period of consultation with interested parties. My priority as health minister is to ensure that we have the best possible

services available to South Australians, and that safety and security is maintained at all our facilities for all our patients and hardworking health professionals. This government is committed to continuing to improve mental health services in this state.

CHILD PROTECTION

Mr PISONI (Unley) (14:44): My question is to the Premier. Did Kate Baldock advise the Premier or her minister, the member for Hartley, when she became aware in February 2012 of the rape conviction of the western suburbs out of school hours care worker at the centre of the Debelle inquiry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:44): I want to address what has been going on in this house, in both houses, over the last few days. No-one ever before has come into this place or the other place and questioned the findings of a royal commissioner—never. It just hasn't happened. There is a reason that it hasn't happened—

Mr PISONI: Point of order, sir. The question was not about the royal commission. The question was about Kate Baldock advising the Premier or her minister, the member for Hartley.

The SPEAKER: Yes, I will listen to what the Premier has to say and see if he will join up his remarks to your question.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker, and I will in due course. We have a Leader of the Opposition who was content to say that this select committee that has been established in the other place was about matters arising peripheral—things that needed to be dealt with outside of the royal commission. He was happy with the royal commission. He thought that was a good bit of work, yet he permits a senior shadow minister of his to go into the other place and make the most outrageous allegations under parliamentary privilege, which directly contradict the findings of a royal commissioner.

There is a good reason why we refer matters to a royal commissioner: because they are beyond reproach. They are beyond reproach, and when you question the findings of a royal commission, what you are questioning are the findings of a former Supreme Court judge, who is a long-standing QC and a long-standing Supreme Court judge, and should not have his competence questioned. He engaged in an extensive exercise that canvassed in the most extreme detail: 239 days, 8,000 pages of evidence, $1 million worth of expenditure and 328 pages of report. Anyone who has read that report—

Ms CHAPMAN: Point of order.

The Hon. J.W. WEATHERILL: —would have seen—

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

Ms CHAPMAN: It is a very long, circuitous route joining the dots between what was started here and what the question was. The question was about—

The SPEAKER: Yes, I know what the question was and I think—

Ms CHAPMAN: It has nothing to do with the Debelle inquiry.

The SPEAKER: —the Premier is about to tilt towards it. Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. No-one before—the Leader of the Opposition has admitted this, and he should be here to actually account for this. The Leader of the Opposition—

Ms CHAPMAN: This is not a question about the Debelle inquiry. This is a question about a specific—

The SPEAKER: Would the deputy leader and the Premier both be seated. It is not a good practice to reflect on votes in another place. It is not a good practice to reflect on the presence or absence of members of the chamber. We are all here at all times in the view of the house. I now ask the Premier to address the question that was asked.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. I will address the question, because it goes fundamentally to the question of the findings of the royal commissioner. The reason that we send matters to the royal commission is so that people can have public confidence

in the institutions of government. It is the rarest thing that a politician, for some short-term political advantage, puts that above those important public institutions.

Ms CHAPMAN: Now the Premier is suggesting that there—

The SPEAKER: Is there a point of order?

Ms CHAPMAN: Well, are you listening to my point of order?

The SPEAKER: I am listening to it. I am waiting for a point of order.

Ms CHAPMAN: Standing order 127.

The SPEAKER: Which is?

Ms CHAPMAN: Imputing improper motive.

The SPEAKER: I don't think—

Ms CHAPMAN: It is a direct allegation against the Leader of the Opposition's purpose in raising questions. That is—

The SPEAKER: No, I think—

Ms CHAPMAN: —reflecting on the questioner, who is not even asking the question.

The SPEAKER: Well, I don't think that standing order has been breached. There may be others, but not that one. Premier—the Premier is finished. The member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (14:49): The Premier did not actually answer the substance of the question, but I will try another question—

The SPEAKER: The member for Unley will be seated. The member for Ramsay.

COURTS PRECINCT

Ms BETTISON (Ramsay) (14:49): My question is to the Minister for Housing and Urban Development. Will the minister update the house on the development of a new court precinct in Adelaide's CBD?

Members interjecting:

The SPEAKER: Oh, another take, splendid!

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:50): Thank you very much, sir; plenty to go around. Today the Premier announced the commencement of the expressions of interest process for the proposed courts precinct on Victoria Square. Expressions of interest are now being sought from private sector developers in helping to transform the Supreme Court precinct in Victoria Square into a vibrant legal and commercial precinct.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: That is very unfair of you. Developers will need to demonstrate the financial, design, construction and operating capacity and capability to successfully deliver the courts precinct urban renewal project. It will be an interactive and collaborative delivery process, which signals the next phase of the state's Big Build, and builds on a massive investment in the CBD, which includes:

- the redevelopment of the Adelaide Oval;
- the new Royal Adelaide Hospital;
- the SAHMRI;
- the Convention Centre; and, of course,
- the Riverbank footbridge.

These are key infrastructure projects that some in this house have called a false economy. On this side of the house we believe in the role that major infrastructure projects play in economic stimulus

now and into the future. The beginning of this EOI process will see a raft of consultants—including architects, planners, engineers and accountants—working within tendering consortia to help develop proposals. Preliminary investigations indicate that a privately financed project of this scale has the potential to deliver significant economic benefits and up to 1,500 construction jobs.

With the Adelaide Magistrate's Court on the opposite corner of Victoria Square, I am confident that we can create one of the best court precincts of its kind in the country. The vision for the project is that it will offer architecture and landscaped architecture that:

- meets recognised standards of design excellence;
- respects and celebrates the existing architecture of the site;
- embodies the values and uniqueness of Adelaide, reflecting its cultural diversity; and
- celebrates the physical environment, both natural and built.

This would be a fully integrated precinct that would continue to leverage further private investment into the area. The call for expressions of interest—

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: That's not very nice.

The SPEAKER: The Minister for Transport is warned for the first time.

An honourable member: The second time.

The SPEAKER: The second time, I'm sorry. So the bases are loaded for you, minister.

The Hon. A. KOUTSANTONIS: Yes, sir. The call for expressions of interest will be an opportunity for the private sector to demonstrate what they can bring to the process of transforming this important part of the city. For the information of the house, expressions of interest will close in November 2013, with a request for proposals planned for later this year. Expressions of interest are being called through the SA Tenders and Contracts website at www.tenders.sa.gov.au.

The SPEAKER: I thank the tell-tale tits on the government side who reminded me that it was the Minister for Transport's second warning.

CHILD PROTECTION

Mr PISONI (Unley) (14:53): My question is to the Premier. Has the Premier asked if Kate Baldock had any discussions with Simon Blewett, Jadynne Harvey or any other government adviser or minister when she became aware, in February 2012, of the rape conviction of the western suburbs out of school hours care worker at the centre of the Debelle inquiry?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:53): The honourable member is again asking a very familiar question; it is a question that we have been hearing, in one form or another, for some months. The question is basically this: why is it that everybody on the opposition side is so disappointed about Mr Debelle? The answer to the question is that when they read Mr Debelle's report they discovered that he had examined Mr Blewett's record—

The Hon. I.F. EVANS: Point of order, Mr Speaker: I ask you to direct the minister back to the question. The minister has actually asked himself a question and is answering his own question. We want him to answer the member for Unley's question, which is the purpose of the opposition's question time.

The SPEAKER: I will listen carefully to see whether the Deputy Premier joins up his remarks to Kate Baldock at some stage.

The Hon. J.R. RAU: Mr Speaker, I will not allow the question I asked myself to deflect me from answering the question asked by the member for Unley. The answer to the question is this—

The SPEAKER: Which question?

The Hon. J.R. RAU: The original question posed by me but I am harking back to the original question from the member for Unley, and the answer is this: Mr Debelle, who was clothed in the powers of a royal commissioner and who interviewed all of the people concerned and was able to compel witnesses and had the assistance of the forensic people in the police department,

thoroughly explored all of these matters; and all of the answers to all of those questions, which were independently examined by the royal commissioner, are in the report.

CHILD PROTECTION INQUIRY

Mr PISONI (Unley) (14:55): My question is again for the Premier. Was Mr Debelle given the email sent from Keith Bartley to department directors noting, and I quote, that 'Ms Baldock was aware on 14 February 2012', and the email was in relation to the rape conviction of the western suburbs out-of-school-hours care worker?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:56): Again, what Mr Debelle had regard to and what he was provided with by way of access to material is contained within his report. He made it very clear in his report there was nothing, particularly in relation to Mr Blewett or Ms Baldock, that he was denied. He made no complaint about any of this at all.

The Hon. I.F. Evans interjecting:

The SPEAKER: The member for Davenport is warned for the second and final time. Member for Unley.

CHILD PROTECTION INQUIRY

Mr PISONI (Unley) (14:56): Supplementary: doesn't the fact that the Premier has been unable to answer any questions today validate the upper house's inquiry?

The SPEAKER: The question is entirely out of order but the Deputy Premier seems very enthusiastic to answer it.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:57): Yes, I do. This one was supposed to come from this side, Mr Speaker. Since the upper house inquiry has been opened up, it is okay for me to answer the question, so I will. There were two possibilities for the upper house inquiry. One was it was genuinely established for the purpose of ascertaining whether there were problems associated with the State Records Act. If that was what it was on about, as I said yesterday, and I will say again, they had me at 'Hello,' because there is a problem with the State Records Act, and I have said that several times.

An honourable member interjecting:

The Hon. J.R. RAU: Do we want to go down memory lane? Down memory lane, 55 days.

An honourable member interjecting:

The Hon. J.R. RAU: Perhaps that can be the next question I answer, about the 55 days, because I've got some answers on that one, too. It is conventional wisdom that people write to the ministers to get public servants to brief them, not to the public servant who then has to send a letter to the minister, which takes several days, but, anyway, let's not go there.

So, what actually is the upper house inquiry about? It is clearly not about proving to the satisfaction of me or my colleagues here that the State Records Act needs attention because, as I said, you have got us. You had us at 'Hello.' So the question must be something else. What is the question? Nobody has been able to articulate that. It is some sense of gross disappointment that, in spite of Mr Debelle forensically going through everything for a considerable time and presenting a report, there is nothing there that satisfies them. The reason there is nothing there that satisfies them is there is nothing there to be found.

So what we have now is the Kath and Kim effect where the 11 people who are coming up next year are saying, 'Have a look at me, have a look at me.' That is what this is about. It has absolutely nothing to do with anything of any merit because, on the merit bit, we have already said, 'Yes, you've got us.' We tapped them out on that one and we are underway with Mr Moss. So this is just a blatant stunt. And, so, member for Unley, I do not think it warrants any serious consideration because it is what it is, and you on the other side—all of us know what this is: it is a piece of theatre.

CHILD PROTECTION INQUIRY

Mr PISONI (Unley) (14:59): A supplementary, sir: did Kate Baldock give evidence under oath to Mr Debelle?

The SPEAKER: I would have thought that would be readily obtainable from public documents, but again the Deputy Premier seems keen—

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:49): That is my answer. Mr Speaker, you have anticipated my answer.

CHILD PROTECTION INQUIRY

Mr PISONI (Unley) (15:00): A further supplementary: could the minister please inform the house as to whether Kate Baldock gave evidence under oath—

The SPEAKER: Would the member for Unley be seated. It is contrary to standing orders to ask questions, the answers to which are contained in a bleeding obvious way in a publicly accessible document.

Members interjecting:

The Hon. I.F. EVANS: Mr Speaker, just so the opposition is clear what you are instructing us to do in future, does that mean, for instance, if someone asks about an announcement that has been made, it would be out of order for the government to come in and spend two Dorothy Dixers—

The SPEAKER: Yes.

The Hon. I.F. EVANS: —speaking about a press release they put out this morning?

The SPEAKER: Well strictly it could be, yes.

The Hon. I.F. EVANS: It must have been missed, that standing order, then.

The SPEAKER: Does the member for Unley have another question?

Mr PISONI: No.

Members interjecting:

The SPEAKER: I warn the member for Torrens for dissent.

Mrs Geraghty: I didn't say anything!

The SPEAKER: The member for Little Para.

CHERRYVILLE FIRE

Mr ODENWALDER (Little Para) (15:01): Thank you, sir. My question is to the Minister for Emergency Services. Can the minister inform the house about the investigation he called for in relation to the Cherryville Fire of May 2013?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01): I thank the member for Little Para for the question and I would like to acknowledge the ongoing interest of the member for Bragg and the member for Morialta in this particular issue and the fact that they were on the ground while the fire was in progress.

As members are aware, on 9 May 2013, a fire started at Cherryville in the Mount Lofty Ranges. The ignition of the blaze occurred outside the official fire danger season which ended in the Mount Lofty Ranges on 30 April 2013. It has been established the fire spread from a private burn-off and police investigated the cause of the fire and decided no charges could be laid or would be laid. The weather and ground conditions were such that the fire burnt 620 hectares of bushland and destroyed one home and some fences before it was ultimately contained.

I again put on the record my appreciation for the management and volunteers of the Country Fire Service who worked diligently and efficiently to control and extinguish the blaze, and I think we are all aware, particularly the member for Morialta, that they came from all over the state. I saw fire appliances on the ground in the Cherryville area from locations very far distant from the metropolitan area.

I can inform the house that, in the weeks after the fire, I referred the matters I just mentioned to the State Bushfire Coordination Committee, which is established under section 71 of the Fire and Emergency Services Act. The SBCC formed a special subcommittee comprising eight

of its members and shared by a member representing local government. The special subcommittee has completed its report which was accepted and endorsed recently by the full subcommittee.

The key findings of the report are that there was no justification for a declaration of a total fire ban for the Mount Lofty fire district on 9 May 2013 because the fire danger index was forecast to be 33, well below the declaration trigger of 50. Secondly, there was no justification for any extension of the fire danger season beyond 30 April 2013 for the Mount Lofty fire ban district. However, the committee also found that the process used by the state's nine bushfire management committees in developing recommendations for the commencement and cessation of the fire danger season is inconsistent across the state.

The committee has tendered advice to government that the process should be improved by using a prescriptive and documented approach for data assessment. The committee has also recommended that codes of practice be developed for agricultural burning, pole burning and appliance use where those activities occur outside the prescribed fire danger season, and I think that is probably the most salient and important recommendation that has come out of the subcommittee. The government has accepted the committee's recommendations and wishes it to commence work immediately on the propositions it has put forward. I can inform members that the report is available on the CFS website and copies can also be obtained.

MODBURY HOSPITAL

Dr McFETRIDGE (Morphett) (15:05): My question is to the Minister for Communities and Social Inclusion. As the minister responsible for the Office for the Northern Suburbs, was he consulted on the decision to close the Modbury Hospital paediatric unit prior to cabinet consideration?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:05): That part of the north is actually not part of my ministry.

ADELAIDE OVAL

The Hon. I.F. EVANS (Davenport) (15:06): My question is to the Minister for Transport and Infrastructure. Can the minister advise the house if there is a bonus to be paid to the principal contractor of Adelaide Oval to complete the project on budget?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:06): Yes, the government has arranged to have a commercial contract where the contractors are paid incentives for completing the project on time and on budget.

GRIEVANCE DEBATE

CHILD PROTECTION

Mr PISONI (Unley) (15:07): Next month will mark the first anniversary of the parents at a western suburbs school finally being told that their children had been in the care of a rapist. The unelected Premier is still under the spotlight, and it is the thousands of parents of South Australian school children who are shining it at him and demanding answers. This line of questioning will continue until the parents and the public have their questions answered.

It will continue until those responsible for the cover-up and the concealment of a succession of sad and grievous crimes against children are called to account. Parent after parent wrote to Labor MPs and ministers wanting to know why they were not told the truth. The Liberal Party dragged this government kicking and screaming to have an inquiry. Further information has come to light since that inquiry concluded and it is information that should disturb all well-intentioned people.

I heard things in the corridors this morning about Kate Baldock and about the failures of this uninspiring, unelected Premier. People are talking and Labor people are plotting. Let's face it: Don Farrell is not a happy camper this week. First, he made concessions to the left for the premiership, then he made concessions to the left for the Senate and he is now unemployed. The Premier still refuses to answer questions—

The SPEAKER: Point of order, the Minister for Transport.

The Hon. A. KOUTSANTONIS: The member for Unley has said that Senator Farrell is unemployed. He is not.

The SPEAKER: Will the member for Unley be seated. The member for Unley may be wrong and, indeed, he may be misleading the house, but he is not misleading the house about a matter before the house, in connection with a bill or motion.

Mr PISONI: Destined for unemployment, sir. Thank you. The Premier still refuses to answer questions and—

The SPEAKER: Point of order: minister.

The Hon. A. KOUTSANTONIS: Votes are still being counted by the independent Electoral Commission and the member for Unley is making predictions about the outcome.

The SPEAKER: That is not a point of order—a valid one anyway.

Mr PISONI: You have warned and actually removed me from this place for frivolous points of order, sir. I ask you to be consistent. Was Professor Freda Briggs playing politics when she said on 30 August that issues arising from the royal commission demanded further examination, including a mystery email chain from within the Premier's office? Is it the Premier who is playing politics by not remembering or failing to act against those who have let down the parents of the people who once trusted this government? Is it the Premier who is playing politics? It is because it is the only game he knows how to play. Playing politics is the only way he can prevent Labor's faceless men from removing him, just like they did to Mike Rann.

It is about time the Premier took charge, said no to his puppet masters, and blew this ugly affair are wide open for all to see. He needs to 'fess up to his own failures. He needs to ask questions of his own ministers and his own staff about 'Kategate'. Why did Kate Baldock hide behind her $100,000-plus salary and not come forward and admit that she knew about the rape at the western suburbs school a full month before minister Portolesi said her office knew?

To whom did Kate Baldock speak about this matter? To her own boss, to the Premier's staff, to Simon Blewett, to Jane Harvey, or maybe to the Premier himself? The Premier needs to apologise again to the parents of South Australia's schoolchildren. He needs to apologise to Mr Debelle for failing to provide him with all the relevant information needed to conduct a thorough inquiry. He must commission Mr Debelle to reopen his inquiry.

What other documents are missing? Who else is involved in the cover-up and did not come forward? People demand answers. We are approaching three years since the incident that began this tawdry affair, and we are yet to see any of those who failed in their duty held accountable. It starts and finishes with a failure of leadership, the Premier's leadership. The Premier cannot say he takes responsibility and then refuse action. He says he has counselled Mr Blewett and Mr Harvey but they are still—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Point of order. The member for Unley will be seated. The Minister for Transport has a point of order.

The Hon. A. KOUTSANTONIS: Standing order 127:

> ...a Member may not...impute improper motives to any other Member [and/or] make personal reflections on any other Member.

I put to you, sir, that that is exactly what he is doing to the Premier of South Australia.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley will be seated while I consider the point of order. The clock is stopped; there's time on. I did think along the same lines as the Minister for Transport, so I would ask the member for Unley to be careful not to violate the standing orders in his contribution. Member for Unley.

Mr PISONI: When the Premier doles out punishment to his friends he flogs them with no more than a wet lettuce leaf, but it is the parents searching for answers and searching for justice who are paying the real price for this cover-up. He refuses the scrutiny of a parliamentary committee inquiry relating to the Debelle royal commission, which is seemingly incomplete after his government failed to hand over all documents and provide all witnesses.

Fair-minded people would see what the Premier clearly does not. This is not about him or his political future: this is about doing the right thing, which he still refuses to do. The Premier said a parliamentary hearing would be a pre-election circus designed to hurt him, but at a circus the real leaders are usually the fearless lion tamers or the death-defying trapeze artists. At this circus, the Premier fears his—

The SPEAKER: The member's time has expired.

Mr PISONI: You said I was going to get more time. Have you gone back on that, have you?

The SPEAKER: Well, you did. The clock was stopped. The member for Davenport queried one of my rulings about why a question from the member for Unley was out of order. I refer to page 300 of the 22nd edition of Erskine May:

> ...Moreover, questions requiring information set forth in accessible documents such as statues, treaties, etc., have not been allowed when the member concerned could obtain the information of his own accord without difficulty.

I took the view that whether Kate Baldock did or did not give evidence to the royal commission will appear in the royal commission report; but, as chance would have it, I discovered another ruling in Erskine May from page 362 of the 24th edition; that is, questions are not permitted about royal commissions. It states:

> Questions have been ruled inadmissible which referred to the evidence of witnesses or other matters before a Royal Commission.

But I am not enforcing that point of order; I am allowing questions to be asked about the Debelle royal commission.

Ms CHAPMAN: A point of clarification, Mr Speaker. I hear your ruling and thank you for giving that consideration. I seek some clarification because the questions today, to the best of my knowledge, did not relate to any evidence given at the royal commission and, in fact, I think it was very clear from the comments made today and the questions and answers that the assertion that the subject of the question, which was a certain person, apparently did not appear at all in the commission, so the relevance of her evidence or potential evidence was actually never traversed in today's question time.

So, regarding the reference to her name not being in any report of a royal commission, whether it was an omission or whether that was the public record, I am asking you to determine if it is still reasonable for the opposition to ask questions about whether certain persons have been made available to give evidence at a particular royal commission?

The SPEAKER: That may all be so but I am not enforcing that ruling of the House of Commons. I am not enforcing it to say you cannot ask about a royal commission but I just draw it to the house's attention. The member for Unley has a point of order.

Mr PISONI: I asked you, sir, if you could clarify whether that ruling regarding a royal commission was in reference to a royal commission that was in session or a royal commission that had been completed.

The SPEAKER: And that is a fair question and I will look into it. Minister for Education.

CHURCH OF THE KOIMISIS TIS THEOTOKOU

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:16): Can I acknowledge today that members of this chamber are wearing yellow ribbons in honour of childhood cancer. I think there can be no greater cause that we could all support, and I think there is probably not a person in this chamber who has not known a family or been affected by someone who has suffered cancer, so I am very pleased that we are all wearing those yellow ribbons today.

Today I want to offer a sincere apology to the congregation of the Church of the Koimisis Tis Theotokou in Croydon. The commemoration and Feast Day of the Dormition of the Most Holy Theotokos is one of the 12 great feasts in the Orthodox Church. It commemorates the repose of the mother of God and her assumption bodily into heaven and is celebrated on 15 August for those of the Gregorian calendar and 28 August with the Julian calendar.

In Greece it is a public holiday and a day held in great reverence by the Orthodox faithful worldwide. Church services are held each day leading up to the holy day, and all-night vigils are

held. Strict fasting is observed and it is a time of sombre reflection. Akin to Good Friday, an Epitaphios is richly adorned with flowers and carried in procession depicting the Theotokos' funeral. An embroidered cloth icon portraying the Theotokos lying in state is placed in the sepulchre and the faithful venerate it amidst hymns of lamentation.

In South Australia, we are honoured to have the Church of the Koimisis Tis Theotokou in Croydon. Mr John Lesses, President of the Greek Orthodox Community of South Australia Inc., was quoted as saying, 'It is one of the most important events in the Orthodox calendar.' Four bishops were officiating in the church—a gathering not seen before—and a time to observe reverence and dignity. I was honoured to attend this very important event mid-morning on 15 August along with you, Mr Speaker, their local MP. The Hon. David Ridgway was present as was the member for Unley and the Liberal candidate for Adelaide, Carmen Garcia.

Upon arriving, I was stopped by journalists and camera crews. At first members of the congregation thought the media had attended because of interest in the special day and invited them into the church. But clearly that was not the case. The member for Unley had arranged them to do a media conference at the church to run a story about an email that had been provided to the Debelle inquiry. What ensued was a chaotic scene in the driveway of the church.

Mr PENGILLY: Point of order, sir.

The SPEAKER: Time on. Member for Finniss.

Mr PENGILLY: Can I ask whether this is, indeed, not imputing improper motives on another member?

The SPEAKER: No.

The Hon. J.M. RANKINE: For the member to invite the media to this event was inappropriate and disrespectful to the Greek community. I would have happily answered any questions in the city but, no, he did not think about the spiritual importance of the day; he did not think about the parishioners praying inside; he did not think about the children; he did not think about the pilgrims who had travelled to be there; he did not think of the lack of respect shown to the four bishops and clergy officiating inside; he just did not think.

The member for Unley showed absolutely no consideration for how this may have affected the parishioners, nor of the impression he created on the clergy visiting from overseas. As Minister for Multicultural Affairs, and on behalf of the vocation of politicians, I am apologising that this very special day was interrupted, and I apologise to those present and to the Greek Orthodox Community of South Australia Inc.

Having called a news conference immediately outside the church and asked the media to lie in wait for me, the member for Unley then entered the church and stood with other elected representatives and aspiring candidates on the solea—the altar in front of the iconostasis, next to the cantors' box.

The member for Unley and the Hon. David Ridgway then tapped out, sent, received and read text messages during the holy liturgy; in particular, during the Orthodox equivalent of the Canon of the Mass—the solemn second half of the service, after the elements are brought to the altar. Although they were admonished to stop, they resumed during the administration of Holy Communion in the no doubt thrilling aftermath of what they had staged immediately outside the church.

The member for Unley is entitled to hold militantly secularist opinions and to express them, but to conduct himself in this way when he is a guest of the Greek Orthodox Community, on the solea, during the most solemn moments of the holy liturgy, is to bring shame on the vocation of member of parliament. In extending my apology to this devoted and faithful community, I want to express my appreciation to those media representatives who did realise the inappropriateness of what unfolded, and I want to acknowledge their graciousness in apologising to the church community.

This simply is another example of the member for Unley's hunger for a headline. This is the man whose candidate for Liberal preselection was Carmen Garcia. This is the man who accompanied her throughout the campaign. She must now be asking, 'Was it all worth it?'

The SPEAKER: The member for Finniss.

LOCAL GOVERNMENT WATER ASSETS

Mr PENGILLY (Finniss) (15:21): Thank you, sir.

Members interjecting:

Mr PENGILLY: Have I the floor, sir?

The SPEAKER: The deputy leader and the Minister for Education are both called to order.

Mr PENGILLY: I would just like to today draw to the house something that has occurred out of the parliament's changes to the water act in this place some time ago now, whereby local councils were put in a position where they could sell off their water management scheme assets. What has transpired in my electorate with the District Council of Yankalilla has been something of an eye-opener to observe.

The council, which is a pretty small council, has a certain amount of debt and is seeking to clear some of that debt and to make the appropriate moves towards spending more money in their community. They had some work done on the possibility of selling their waste management scheme. I think they did it with the best intent, I might add. I believe that, to a certain degree, they went into it with their eyes open; however, I believe they and the district were nearly taken for a very severe ride.

They were in negotiations with a company, which I have trouble finding out too much about, and they were offered a price on their waste management scheme. They went through the process and they took on some community consultation and, not to put too fine a point on it, all hell broke loose.

I have never seen the degree of angst and uproar in which the community rose up about it. There were public meetings and campaigns in the local press. It became extremely heated and pitted neighbour against neighbour but, more particularly, the public meetings were widely attended from the District Council of Yankalilla area. Ultimately, what happened was that the council backed off and decided not to proceed with this.

The worry for me is that there could well be companies that want to get their hands on councils' assets around the state and make a big quid out of them at the expense of the community—that worries me. I am not sure whether the legislation is tight enough and whether it does not need revisiting by a parliamentary committee (such as the ERD Committee or some such committee) to have a look at this and find out more about it, because it could have gone pear shaped in a big way. It could have dramatically impacted on the community, and it could have left some very red faces.

It was picked up by a gentleman called Mr Paul Newman, who used to be a member of that council. He is an extremely astute fellow and he did copious amounts of work to make sure that his case was rock solid in encouraging the council to give it away. I am very pleased that he did; he ran a campaign which was very professionally done by him, and he had a number of people supporting him.

The long and the short of it is that, in the future, this may well happen again. Some well-meaning local government authority may get caught and may hand over their assets at a vastly discounted price to what they actually should be. This is what nearly happened out in Yankalilla, in that they nearly got done over.

I bring it to the attention of the house so that members will be aware, and they can file it away for further use and keep an eye on it. I think it is potentially extremely damaging, particularly in rural councils. I can get more information to members if they wish, or, indeed as I pointed out, one of the committees may want to have a look at it. It was a worry; it did not happen, which I think is in the best interests of that district, but I felt it important to bring to the attention of house.

GM HOLDEN

Mr SIBBONS (Mitchell) (15:26): I rise today to commend the very difficult decision made by workers at Holden last month. Holden workers voted in favour of a variation to their enterprise bargaining agreement, agreeing to changes in shift and working hours, as well as forgoing a 3 per cent pay rise. These are the same workers who, just a few years earlier, in a groundbreaking agreement between the company, the workers and their unions, agreed to shorter working weeks and decreased pay to help prevent redundancies.

In June, Holden publicly announced that, due to 'unprecedented economic challenges', it was seeking support from workers to help achieve significant annual cost savings. After a long eight weeks of negotiations, as well as intense media scrutiny, the workers agreed to these changes. They have done their bit to secure the future of vehicle manufacturing in South Australia and they are owed our thanks for that decision.

There is no doubt that the Australian vehicle industry is under enormous pressure. Of the nations which have the capacity to design and build automobiles, every single one provides government support. Australia has one of the lowest per-capital government co-investment models of any vehicle-building nations. Our vehicle market is one of the most competitive and open in the world. So, there is no doubt that the decision by the new Abbott Liberal government to rip out $500 million of committed funding from the Automotive Transformation Scheme sent a shiver up the spine of automobile manufacturers in Australia.

Holden could not have been clearer about the role that withdrawal of this government support would play in determining its future. General Manager Mike Devereux said:

> Holden has to be globally competitive and so does the country's industry policy. As a local manufacturer, Holden is asking for a fair go. Australia must be able to compete fairly on the world stage.
>
> We need clear, consistent and globally competitive government policy to help secure a long-term future for automotive manufacturing.

In spite of this, Prime Minister-elect Tony Abbott continued to knock industry support, saying, 'It is possible to do sophisticated motor manufacturing in this country without a government handout.'

This shows just how completely naive this new government is to the plight of Australia's vehicle industry. They seem to have a strange aversion to transport of any kind, with their buying up the boats, cutbacks on cars, and now they have ripped out spending on train infrastructure. What's next? It is also important to acknowledge the role played by their unions and the major union at Holden in securing this agreement, the Australian Manufacturing Workers Union and its state secretary, Mr John Camillo.

One of the great unfounded myths peddled by conservatives is that unions are detrimental to job security and overall prosperity. John Camillo's negotiations at Holden show that this is complete and total nonsense. The primary concern of any union I have known is to ensure the job security of its members. Improvements in wages and conditions are negotiated and are often directly related to the profitability and stability of the enterprise at any given time. For without employers, there are no employees, and without employees, there are no unions. This is self-evident.

The Abbott government needs to understand and commend the workers and their unions for the difficult decisions they have made in the interests of keeping the vehicle industry in Australia alive. They have preserved employment, not only for themselves but for the tens of thousands of others indirectly employed in the vehicle sector and wider community. It would be an act of economic treachery if the federal government turned its back on these workers after the unselfish sacrifices they have made.

Prime Minister-elect Tony Abbott needs to act now to secure the 16,000 jobs in South Australia, the $1.5 billion in economic activity and the estimated $83 million in state taxation revenue that is generated by Holden. Let's hope that the efforts of Holden workers are not in vain.

CHILD PROTECTION INQUIRY

The Hon. I.F. EVANS (Davenport) (15:31): The corridors are talking about Premier Weatherill's mishandling and misjudgement—

The SPEAKER: The member for Davenport will be seated. The member for Davenport will not refer to the Premier by his surname. He will refer to him by his office, and the member for Davenport has been here long enough (20 years on my calculations almost) to know that. The member for Davenport.

The Hon. I.F. EVANS: I wish to comment today on the matter of the corridors are talking about the misjudgement of the Premier in regards to the handling by his office of the Debelle inquiry. The reality is that there are many people within the Labor government who are shaking their heads at how the government could get itself into this position so close to the March 2014 election. Many of them are saying that this would not have happened under the leadership of the former premier and his staffer Ms Bottrall. The reality is that the Weatherill

government, the Labor government, if I can put it in that term, has mishandled this position, and that is a view held by members of the Labor Party.

The Premier complains about an upper house committee being set up. His own side are asking the question: what would he expect when the Premier refuses to reopen the royal commission, when it is obvious to everyone that there is information that has since become available that was not available to the royal commission at the time? It is quite within the rights of the parliament to open an inquiry.

The Premier's claim today that there has never been a criticism of a royal commission in this house or in the other place I think bears scrutiny by the media. There have been some quite significant royal commissions over time in South Australia. The sacking of the police commissioner, Mr Salisbury, many years ago I think might have attracted some attention to the state and some criticism, and there are a number of others throughout the history of the state.

It is crystal clear that the Premier is mishandling this issue. There is no better example of the nervousness within Labor in that the three leadership contenders rolled up to the courts building today to do an announcement about the next step of the court development at Victoria Square. Then we come back into parliament, and the Premier is having his run with his questions, and what do we get?

We get two of the three alternative leaders, the Attorney-General and the Minister for Infrastructure, both being asked Dorothy Dixers about the same project and about the same press release. They are trying to get equal share. It is a bit like the media during an election campaign; they are trying to be fair to all sides within the caucus. It is pretty clear that within the government the corridors have started to talk about the Premier's handling of the Debelle inquiry.

As mentioned earlier, I have been around the place for nearly 20 years, and my experience tells me one thing: when Premiers start suing people, suing media outlets and suing journalists, it generally indicates that they are under significant pressure. The Premier came into the parliament as the white knight on the big white stallion; he was going to be the white knight and set a new standard for the parliament. 'Serious questions deserve serious answers,' the Premier told us, except if the parliament dares to set up an inquiry where the Premier has said that he simply will not cooperate. In the public's mind that raises the question: what are they trying to hide?

GILES ELECTORATE

The Hon. L.R. BREUER (Giles) (15:36): I am not sure what is wrong with the opposition today but its members have done nothing but whinge and complain all day, so I will talk about some good news in my electorate and lift the tone of the place.

First, I want to talk about the opening I attended last week of the Minya Murray project in Whyalla at Stuart High School. Stuart High School is an amazing school in my electorate. It has a principal, Veronica Conley, who does wonderful work with the students there, many of whom come from very hard backgrounds. The children there are nourished, they are encouraged, and they are able to develop way beyond what anybody would ever comprehend. It is a very good school.

Last week they opened a project called the Minya Murray project, which is a replica of Australia's River Murray. The replica was built to allow students to learn about natural plant life, as well as animals such as Murray cod and yabbies. I know the school's Assistant Principal, Steve Walker, was very instrumental in getting this going, because he believes that the benefits to the students, and the way they would learn, would be vastly improved by this project. The learning resource for students was high because the high-end kids would be able to do things such as water sampling, water chemistry, flow rates, pressure pumps and that sort of thing while other kids might just want to enjoy it for its ambience, or pot a few yabbies or do a bit of basic biology, depending on the student's abilities.

The project's coordinator is Tamy Pond, and she has been working as hard as she possibly can getting this project going, encouraging people, getting the students there and keeping them there, keeping them going. So I want to congratulate Stuart High School for a wonderful project, something that is different. It will be working in conjunction with their aquaculture and horticulture projects there, and I look forward to going back in a few months to see the plants that are growing there, which will include bush medicine.

A couple of weeks ago I also attended the opening of the Gabmididi Manoo Children and Family Centre that was opened by the Minister for Education. Again, that was an exciting day. The Barngarla people are the local people in our area, and this centre, which is a children's and family

centre, is a wonderful achievement. I omitted to mention that Senator Alex Gallacher also attended the opening.

It is an amazing place, and I thought the decor was wonderful. It was designed, and a lot of the artwork was done, by local Aboriginal artists. It is a wonderful centre for our Aboriginal community to attend, and a wonderful example for our community of how we can work together in reconciliation as a community. The Centre director is Kellie Bails, and I want to congratulate her on the centre's appearance and decor, the way it is operating and the fact that numbers are increasing every week.

I also attended during the break a wonderful photographic exhibition at the Middleback Theatre, which was set up by our local Whyalla Photography Group, which the President, John Murray, hosted. A lot of people from the community attended that exhibition because it was a world-class photo exhibition. There was a vast range of subjects, including people, places, our local scenery and historic photos. I was extremely impressed with the whole project. I thought it was wonderful. I know they sold a lot of photographs. I bought two, myself, on the night. I wish them well. Of course, it was held in our first-class Middleback Theatre in Whyalla.

I also noted with interest the Whyalla Pink Spirits Breast Cancer Support Group has established its wig library. What on earth is a wig library? This is for people who have cancer and are having chemotherapy. Of course, one of the side effects of chemotherapy is that people very often lose their hair. Losing their hair has a shocking impact on them and their family, and brings home the enormity of the cancer diagnosis, so it is obvious to everyone that you are unwell. Being able to use the disguise of a realistic wig helps remove the obviousness of the illness and treatment, as well as providing a much-needed boost to self-esteem.

Most members of our local Pink Spirits Breast Cancer Support Group are survivors of breast cancer. They do wonderful work in our community. They have established this off their own bat. They have a number of wigs, and they are also available to men as well as women. I want to congratulate them on the wonderful work that they do. Finally, I want to recommend to everyone that they read the letter from Bishop Eugene Hurley to Tony Abbott regarding the plight of refugees in Australia, and I will discuss that another time.

Time expired.

PARLIAMENTARY COMMITTEES (NATURAL DISASTERS COMMITTEE) (NO. 3) AMENDMENT BILL

Received from the Legislative Council and read a first time.

COMMUNITY HOUSING PROVIDERS (NATIONAL LAW) (SOUTH AUSTRALIA) BILL

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:44): Obtained leave and introduced a bill for an act to apply as a law of this state a national law relating to the registration of community housing providers; to make other provision for community housing providers and community housing; to make consequential amendments to the Intervention Orders (Prevention of Abuse) Act 2009, the Local Government Act 1999, the Residential Tenancies Act 1995 and the Water Industry Act 2012; to repeal the South Australian Co-operative and Community Housing Act 1991; and for other purposes. Read a first time.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:45): I move:

That this bill be now read a second time.

The Community Housing Providers (National Law) (South Australia) Bill 2013 introduced on 11 September 2013 underpins reforms to the South Australian community housing sector and established a solid foundation for its continued operation and development. The key aims of the bill are to:

- introduce a nationally consistent approach to the regulation of registered community housing providers;
- provide a platform for registered community housing providers to operate more easily across jurisdictions;
- clearly establish the separation of the government's dual roles of both funder and regulator;

- enable greater flexibility for new and innovative funding arrangements;
- secure government's financial and non-financial interests in the community housing assets;
- and provide clarity and surety for stakeholders interacting with the community housing providers, e.g. financiers, developers, benevolent organisations and other regulators.

It is a bill that has been developed in close consultation with the community housing sector and also the community sector more broadly.

I would like to take this opportunity to thank those who have been involved in dealing with this bill, in particular my staff Alison Kimber and Kelly Biggins and my ministerial staff. I would also like to thank the Community Housing Council of South Australia, Shelter SA, the Housing Appeal Panel, the Local Government Association, Common Equity Housing, Junction Housing and Anglicare SA, as well as other members of this sector who have participated in discussions in the development of this bill. Their advice, guidance and counsel have been essential in the formation of this bill.

I now commend the bill to the house and I seek leave to have the remainder of the second reading explanation and explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

I am pleased to introduce the Community Housing Providers (National Law) (South Australia) Bill 2013 ('the Bill') to Members.

The community housing sector in South Australia has evolved significantly in scale, sophistication and services since the proclamation of the original SA Co-operative and Community Housing Act over 20 years ago. In recent years it has become broadly accepted that Australia is facing a housing shortage and particularly that there is a need for increased affordable, safe and supported housing for low-income and high-need South Australians. The State's not-for-profit sector has become an important supplier of affordable housing, now providing over 6,000 homes for households on lower incomes and it is important that we have a strong legislative and regulatory base which supports this growing sector and provides a firm basis for the future.

Jurisdictions around Australia have committed to the creation of a national system for the regulation of community housing providers. This is being introduced through template legislation to be passed in each participating jurisdiction. New South Wales passed legislation on 22 August 2012 and is hosting the system. All States and Territories have been extensively involved in the development of the National Law. South Australia confirmed its commitment to implementing the national system by signing the Inter-Government Agreement for a National Regulatory System for Community Housing Providers, on 31 August 2012.

The introduction of a national regulatory system will address a number of deficiencies which have resulted from disparate State-based systems. It also provides consistent mechanisms to assure government, tenants and applicants for housing along with private investors and other partners, that community housing providers are well governed, accountable and financially sound. This system will provide a legislative regime which is outcomes-focussed so community housing providers can operate in an autonomous fashion whilst being held to a high standard of service delivery.

Implementation of the National Regulatory System requires the repeal of any existing systems which duplicate or contradict the scope and purpose of the National Law to ensure that community housing providers are subject to consistent regulation irrespective of which jurisdiction they operate in. This Bill will therefore supersede the *South Australian Co-operative and Community Housing Act 1991*.

Significant consultation has been undertaken with key stakeholder organisations which expressed strong support for the introduction of the national regulatory system as well as the proposed reforms to the administration of community housing in South Australia.

This national reform presents South Australia the unique opportunity to introduce new modernised legislation to govern the community housing sector, which recognises the changing needs of the sector and provides a solid foundation for future sector development.

I turn now to key provisions of the Bill.

The Bill is essentially split into two keys parts: the provisions to introduce the National Regulatory System for Community Housing Providers, through application of the National Law; and provisions to establish and effect funding of community housing providers in South Australia previously covered by the *South Australian Co-operative and Community Housing Act 1991*.

The Bill recognises that community housing services are being, and will continue to be, delivered by a wider range of not-for-profit organisations than currently registered housing co-operatives and housing associations. There is no longer a need to distinguish between different types of entities delivering community housing based solely on their corporate structure but rather there is a need to align regulatory responsibilities and requirements to the scope of activities and services delivered by community housing providers. These organisational performance requirements are outlined in the National Regulatory Code at Schedule 1 of the National Law. As a result the incorporation of Housing Co-operatives and associated management requirements will in future be covered by

mainstream legislation as is the case in other jurisdictions, specifically the *Associations Incorporation Act 1985* or *Co-operatives Act 1997*.

Clause 11 provides for ministerial appointment of an independent Registrar responsible for monitoring the performance of registered community housing providers. The Registrar will be supported by an office staffed by current Housing SA employees, comparable to arrangements that have successfully operated in the New South Wales community housing sector for many years. This supports a strong view held by existing South Australian registered community housing providers, that greater separation and transparency is required between the funding and regulatory roles and responsibilities.

Existing provisions relating to the protection of government investment into community housing in South Australia are carried forward into this Bill, including the ability to register a statutory charge on the title of a community housing asset. It will also be a requirement for community housing providers to enter into a legal contract with Government, known as a community housing agreement, in order to retain existing funding and/or secure future government investment for the purpose of community housing.

New provisions have been included to ensure that tenants' rights and social housing outcomes are both protected when community housing providers seek authorisation to sell their community housing assets.

In summary, the key aims of the Bill are to: introduce a nationally consistent approach to regulation of registered community housing providers; provide a platform for registered community housing providers to operate more easily across jurisdictions; secure Government's financial and non-financial interests in community housing assets; clearly establish the separation of Government's dual roles of funding and regulation; and to provide greater public and commercial confidence in the capacity and professionalism of registered community housing providers.

I conclude by highlighting that this Government has seven key priorities for action where we can make the most difference to the lives of everyday working people and the most difference to the future prosperity of our State. One of these seven priorities is 'An affordable place to live' ensuring that South Australians have access to affordable housing choices.

The introduction of this Bill is a major step forward in fulfilling this Government's commitment to the creation of an integrated multi-provider housing and homelessness system, improving choice and quality of service for those people who are disadvantaged in our community.

A nationally consistent system of regulation will provide greater confidence that community housing is delivered by robust, accountable and socially responsible organisations. Providers will be held to a high standard of governance and financial viability and will be accountable for the quality of services delivered such as tenancy management, community engagement, and asset stewardship.

Greater public and commercial confidence in the community housing sector, stimulated by this once-in-a-generation national reform, will further encourage innovative public/private partnerships as well as third party investment in and charitable contributions to the sector. This in turn will maximise Government investment and help create more affordable housing choices for South Australians.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This measure will commence on a date to be fixed by proclamation.

3—Interpretation

This clause sets out the interpretation of certain terms used in the local application provisions of this measure (those provisions of this measure, other than the *South Australian Community Housing Providers National Law*).

Terms used in both the local application provisions of this measure and in the *Community Housing Providers National Law (South Australia)* have the same meaning unless otherwise indicated.

Part 2—Application of *Community Housing Providers National Law*

4—Application of Community Housing Providers National Law

This clause applies the text set out in Schedule 1 of the measure (the *Community Housing Providers National Law*) as a law of South Australia and states that in so applying may be referred to as the *Community Housing Providers National Law (South Australia)*.

This clause also provides that if the National Law (as passed by the New South Wales Parliament) is amended by that Parliament, then a corresponding amendment may be made to the *Community Housing Providers National Law (South Australia)* (as set out in Schedule 1 of this measure) by regulation. These regulations may make additional provision including a modification of an amendment made by the New South Wales Parliament, or to provide for related or transitional matters, that may be necessary to ensure the amendment has proper effect in South Australia.

5—Meaning of certain terms in Community Housing Providers National Law for the purposes of this jurisdiction

This clause sets out the meaning of certain terms used in the *Community Housing Providers National Law* for the purposes of this jurisdiction. This includes *Appeal Tribunal* which is defined to mean the Housing Appeal Panel established under the *South Australian Housing Trust Act 1995*.

6—Exclusion of legislation of this jurisdiction

This clause disapplies the *Acts Interpretation Act 1915* to the *Community Housing Providers National Law (South Australia)*. (Clause 4(3) of the National Law provides that it is to be interpreted in accordance with the *Interpretation Act 1987* of New South Wales.)

7—Community housing legislation

This clause declares the provisions of this measure that are to be taken to be 'community housing legislation' for the purposes of the National Law.

8—Community housing assets

This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, a 'community housing asset', in addition to the meaning given to the term by the National Law, also includes an asset identified as such in an agreement between a community housing provider and a Housing Agency, or any asset or class of assets declared by the regulations to be a 'community housing asset'. The Minister may also by notice in the Gazette, exclude an asset or class of assets from the ambit of the definition of 'community housing asset' for the purposes of this jurisdiction.

9—Housing Agency

This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, the Minister or the South Australian Housing Trust (SAHT) is declared to be a 'Housing Agency'.

10—Relevant Minister

For the purposes of the *Community Housing Providers National Law (South Australia)*, the 'relevant minister' will be the Minister responsible for the administration of this measure.

11—Registrar

The National Law allows for each jurisdiction to appoint a registrar for the purposes of the *Community Housing Providers National Law* as it applies in that jurisdiction. This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, the Minister may appoint a public service employee as Registrar. The functions of the Registrar set out in section 10 of the *Community Housing Providers National Law (South Australia)* are limited to exercising those functions in relation to the administration and operation of the National Law.

12—Delegation of functions by Registrar

Section 11 of the National Law allows for the declaration of persons or class of persons to whom functions of the Registrar may be delegated for the purposes of this jurisdiction. This clause provides that for the purposes of the *Community Housing Providers National Law (South Australia)*, this may be a person employed by the Department, an authorised officer or a person prescribed by the regulations.

13—Fees

This clause provides that the fees for an application for registration as a community housing provider are to be prescribed by regulations.

14—Appeal Tribunal—related matters

This clause provides for appeals to be made to the Appeal Tribunal (the Housing Appeal Panel established under the *South Australian Housing Trust Act 1995*) for the purposes of an appeal under the *Community Housing Providers National Law (South Australia)*. The clause sets out the powers of the Appeal Tribunal and procedural matters in relation to such an appeal. A party to proceedings before the Appeal Tribunal, may with the permission of the Supreme Court, appeal to the Court against a decision of the Appeal Tribunal under this clause on a question of law.

Part 3—Additional South Australian provisions relating to community housing

Division 1—Interpretation

15—Interpretation

This clause sets out the meaning of terms such as '*community housing agreement*' that are used in the additional provisions that apply in South Australia in relation to community housing, as set out in this Part.

Division 2—Administration

16—Functions and powers of Minister

This clause sets out the functions and powers of the Minister in relation to community housing. These have been adapted from the current *South Australian Co-operative and Community Housing Act 1991* to take into account the national registration scheme for community housing providers. These include to support the activities and

promote the best interests of community housing providers (so far as appropriate), to promote the development of community housing in South Australia, and to oversee the activities of community housing providers in connection with the administration of this measure.

17—Power of Minister to delegate

This clause provides that the Minister may delegate his or her functions under this measure to the SAHT, to a particular person or body, or to a person holding a particular position or office.

18—Functions and powers of SAHT

This clause sets out the functions of the South Australian Housing Trust (SAHT) in relation to this measure. These have been adapted from the current *South Australian Co-operative and Community Housing Act 1991* and take into account the national registration scheme for community housing providers. These functions include to assist the Minister in relation to the administration of this measure, to report to the Minister on matters relating to community housing providers and to manage funds that come under SAHT's control in connection with this measure.

19—Power of SAHT to delegate

This clause provides that SAHT may delegate any of its functions and powers under this measure.

Division 3—Community housing agreements, property and financial matters

20—Community housing agreements

This clause provides that SAHT may require a registered community housing provider to enter into an agreement (*a community housing agreement*) where SAHT provides funding, land or other property to the community housing provider, or SAHT provides assistance in relation to the acquisition, construction, development or improvement of land for the benefit of a community housing provider. A community housing agreement may include provisions requiring a community housing provider to meet certain standards and targets in relation to community housing services and programs, and ensuring that funding, land, property or other assistance is used for the purpose for which it is provided. An agreement may also cover the sale of land in which SAHT has an interest by the community housing provider, and provide for the imposition of a charge or other security over land to secure money that may be payable under the agreement. An agreement may also set out conditions or other requirements that must be complied with on the cancellation of the registration of the provider under the National Law. If a community housing provider fails to comply with the agreement, the agreement is voidable at the option of SAHT (in which circumstance SAHT may take steps to enforce any relevant charge over the land and recover any outstanding funds). This clause also provides that the regulations may make provision in relation to community housing agreements including the terms and conditions that must be included.

21—Community housing agreement binding on community housing providers

This clause provides that a community housing agreement is binding on the community housing provider whether or not that provider remains registered.

22—Creation of charge

This clause provides for the imposition of a charge over real property by SAHT by notice to the Registrar-General, who must, on receipt of the notice (along with any required documents or instruments) enter the appropriate notation in the Register Book. While a charge exists over real property, the Registrar-General must not register an instrument that affects the property unless the instrument was executed before the charge was created, or the instrument is of a prescribed type, or SAHT consents to its registration or the instrument relates to the transfer or sale of real property in relation to the enforcement of a charge under clause 23.

23—Enforcement of charge

This clause sets out the process for enforcing a charge if a community housing provider fails to comply with the terms of a community housing agreement. Steps to enforce a charge under this clause must not be commenced until any process that is set out in the community housing agreement to resolve the matter are complied with. Under this clause, SAHT must give the community housing provider written notice of the breach to be remedied. If the breach is not remedied in the time specified (which must be at least 1 month), SAHT may apply to the Minister for an order that steps be taken to transfer the property to another registered community housing provider. However, if the Minister considers that this is not reasonably practicable or appropriate, then the Minister may order that steps be taken to transfer the property to SAHT or to sell the property on the open market. It is an offence for the community housing provider to fail to comply with an order within reasonable time, and failure to act may result in the Minister taking such steps as may be necessary to give effect to the order. If property is transferred under an order to another community housing provider or to SAHT (which will be taken to be at market value), then any amount that is payable to the community housing provider under the community housing agreement on account of assets or money provided by that provider must be paid to the provider. If the property is sold on the open market, the proceeds of sale must be applied in the order of precedence as set out in this clause.

24—Dealings with land in which SAHT has an interest

Under this clause, a community housing provider must not sell, transfer, assign, mortgage or otherwise deal with land in which SAHT has an interest, or that is subject to a charge under this measure, unless it has the consent of SAHT. SAHT must not unreasonably withhold consent. However, consent may be withheld if SAHT is not satisfied that the net proceeds of the dealing with the land will be applied to the further acquisition or development of community housing. SAHT must also be satisfied that significant detriment will not be suffered by any tenants of the property as a result of the dealing. SAHT may require that money obtained from the dealing with the land to which it

has consented be paid to SAHT, but subject to the terms of a community housing agreement, any prescribed principles and following the discharge of any encumbrance that may rank ahead of any relevant charge under this measure.

25—Appeals

A community housing provider that is aggrieved by a decision of the Minister to issue an order under clause 23 or a decision of SAHT to withhold consent to a dealing with the land under clause 24, may appeal to the District Court.

Division 4—Transfer of property etc

26—Transfer of property etc

This clause provides that the Minister may with the agreement of the Treasurer, by notice in the Gazette, transfer an asset, right or liability of the Minister to SAHT. Similarly, an asset, right or liability of SAHT maybe transferred to the Minster, the Crown or another agent or instrumentality of the Crown or another prescribed body in prescribed circumstances.

Part 4—Miscellaneous

27—Appointment of authorised officers

This clause provides for the appointment of authorised officers for the purposes of this measure, as the Minister thinks fit.

28—Powers of authorised officers

Authorised officers may exercise the powers set out in this clause for the purpose of investigating a prescribed matter. A prescribed matter is defined to mean any matter relevant to ascertaining whether the provisions of this measure or the *Community Housing Providers National Law (South Australia)* have been complied with. It also includes any matter that in the opinion of the Minister, SAHT or the Registrar requires investigation for the proper exercise or performance of a power or function under this measure or the *Community Housing Providers National Law (South Australia)*. It also includes any matter that relates to the operation or enforcement of the terms or conditions of a community housing agreement or any other matter prescribed by the regulations. The powers of an authorised officer include requiring a person to furnish relevant information, to answer questions, or produce relevant books, documents or records. An authorised officer may examine, copy or take extracts from, or take possession of, any such books, documents or records or information produced. It is an offence to hinder an authorised officer or to refuse to comply with a requirement.

29—False information

Under this clause, it is an offence to provide information that a person knows is false or misleading or to provide or produce any document that the person knows is false or misleading in a material particular, in connection with a requirement under this measure or the *Community Housing Providers National Law (South Australia)*.

30—General power to grant extensions and exemptions

This clause provides the Minister with the ability, on the application of a community housing provider, to extend any limitation of time under this measure, or to exempt a community housing provider from the obligation to comply with a provision of this measure.

31—Evidentiary provision

This clause provides that a document purporting to be a copy of any document registered or lodged under this measure and certified by the Minister as a true copy, is to be accepted in any legal proceedings as a true copy of that document in the absence of proof to the contrary.

32—Continuing offences

If, after a person is convicted of an offence against this measure, the person continues in the act or omission that constituted the offence, the person is guilty of a further offence and liable to an additional penalty for each day on which the act or omission continues of an amount not exceeding one tenth of the maximum penalty for the offence of which the person was convicted.

33—General defence

It is a general defence for an offence against this measure for the defendant to prove that in the circumstances, there was no failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

34—Remission from taxes etc

This clause provides that a registered community housing provider that is liable for the payment of rates charged with respect to community housing owned by the provider, is entitled to claim a remission of rates under the *Rates and Land Tax Remission Act 1986* equal to any remission of rates under that Act that a tenant or resident occupying the premises could claim in respect of those premises if he or she were the owner. Under this clause the Treasurer may, by notice in the Gazette, exempt SAHT in connection with any matter or circumstance arising under this measure, or instruments to which the Minister, SAHT or a community housing provider is a party from a tax, duty or other impost.

35—Service

This clause provides for the methods of service in relation to a notice or document required or authorised by or under this measure.

36—Fees in respect of lodging documents

This clause provides that a document will not be taken to have been lodged under this measure if any fee required is not paid. However, the Minister has the power to waive or reduce fees and refund in whole or in part, any fee payable under this measure.

37—Regulations

This clause provides that the Governor may make regulations in relation to the local application provisions of this measure, or in relation to any matter that the *Community Housing Providers National Law (South Australia)* requires or permits to be prescribed by the regulations.

Schedule 1—Community Housing Providers National Law

This Schedule sets out the provisions of the Community Housing Providers National Law. These provisions may be summarised as follows:

Clause 1 sets out the name (also called the short title) of the National Law.

Clause 2 provides for the commencement of the National Law in a participating jurisdiction to be as provided for by an Act of that jurisdiction.

Clause 3 provides for the objects of the National Law.

Clause 4 defines certain terms for the purposes of the National Law, including *community housing* which means housing for people on a very low, low or moderate income or for people with additional needs that is delivered by non-government organisations. *Primary Registrar*, in relation to a particular unregistered entity or registered community housing provider, is defined as the Registrar for the primary jurisdiction of the entity or provider.

Clause 5 defines *primary jurisdiction* in relation to an unregistered entity or a registered community housing provider. Generally, this will be the participating jurisdiction in which the unregistered entity or registered community housing provider provides (or intends to provide) the majority of its community housing. The Registrars of the participating jurisdictions may agree to a different primary jurisdiction in relation to a particular unregistered entity or registered community housing provider.

Clause 6 provides for the Register established under the National Law to operate as a single National Register.

Clause 7 provides for the extraterritorial operation of the National Law.

Clause 8 provides that the National Law binds the Crown in right of a participating jurisdiction.

Clause 9 requires there to be a Registrar appointed for each participating jurisdiction.

Clause 10 sets out the functions of the Registrar which include maintaining the Register of community housing providers, registering entities as community housing providers and monitoring compliance of registered community housing providers with the National Law and the other provisions of the jurisdiction declared to be community housing legislation.

Clause 11 enables the Registrar of a jurisdiction to delegate the Registrar's functions under the National Law to other Registrars or to persons specified in the community housing legislation of the jurisdiction.

Clause 12 establishes the National Register of Community Housing Providers and specifies the information that is to be recorded on it.

Clause 13 enables an entity that provides or intends to provide community housing to apply to the primary Registrar for registration as a community housing provider under the National Law or a variation of registration. If the application is made to a Registrar who is not the primary Registrar, the Registrar to whom the application has been made must refer it to the primary Registrar.

Clause 14 requires the primary Registrar to approve an application for registration if satisfied that the application has been duly made and the requirements of the National Law and the community housing legislation of participating jurisdictions (including the conditions of registration) will be complied with.

Clause 15 requires a registered community housing provider to comply with the conditions of registration and sets out those conditions. The conditions include that the provider must comply with any applicable requirements of the community housing legislation of a participating jurisdiction in relation to the transfer of, or other dealing with, any community housing assets of the provider and that the provider must have provision in its constitution for all its remaining community housing assets in a participating jurisdiction on its winding up to be transferred to another registered community housing provider or to a Housing Agency in the jurisdiction in which the assets are located. There are also conditions relating to the provision of information to a Registrar, compliance with certain provisions of the National Regulatory Code set out in Schedule 1 to the National Law and the keeping of a list of all of the community housing provider's community housing assets.

Clause 16 enables the primary Registrar for a registered community housing provider to cancel the provider's registration if the provider applies for cancellation or it has been wound up or has otherwise ceased to exist. The primary Registrar may also cancel the registration of a registered community housing provider if the primary Registrar has issued a notice of intent to cancel registration, has not been satisfied by the provider that the registration should not be cancelled and has notified the provider of the proposed cancellation.

Clause 17 provides that action may be taken under the proposed Part by a primary Registrar for a registered community housing provider if the Registrar reasonably believes that the provider is not complying with the community housing legislation of a participating jurisdiction.

Clause 18 enables the primary Registrar for a registered community housing provider to issue a notice of non-compliance to the provider identifying the matters that are to be addressed and the period for doing so to avoid cancellation of the provider's registration.

Clause 19 enables the primary Registrar for a registered community housing provider to issue written instructions to the provider specifying the manner in which the provider is to address any matters that are the subject of a notice of non-compliance.

Clause 20 enables the primary Registrar for a registered community housing provider to issue a notice of intent to cancel registration if the provider has not addressed the matters identified in a notice of non-compliance or in the written instructions within the required period or if the failure to comply is serious and requires urgent action.

Clause 21 provides that the primary Registrar may appoint a statutory manager of a registered community housing provider to conduct specified affairs and activities of the provider that relate to the community housing assets of the provider. That action may be taken only after the issue of a notice of intent to cancel registration or if the Registrar forms the opinion that the failure to comply is serious and requires urgent action.

Clause 22 contains provisions relating to the appointment of, and exercise of functions by, a statutory manager.

Clause 23 declares proposed sections 19 and 21 to be Corporations legislation displacement provisions for the purposes of section 5G of the *Corporations Act 2001* of the Commonwealth. The effect of the declaration is to enable those proposed sections to prevail despite any inconsistencies with the Commonwealth Act.

Clause 24 provides that there is no compensation payable by or on behalf of a State (which includes the Crown in right of a participating jurisdiction) in connection with the operation of the proposed Part.

Clause 25 provides a right of appeal against certain decisions of a Registrar under the National Law.

Clause 26 imposes a duty on a Registrar and any delegate of a Registrar not to disclose information obtained in the course of the administration of the National Law except in specified circumstances.

Schedule 1 contains certain requirements relating to the conduct and management of the affairs of a registered community housing provider.

Schedule 2—Internal disputes

This Schedule sets out provisions in relation to procedures for dealing with internal disputes between registered community housing providers and tenants and members in particular circumstances.

Schedule 3—Repeal, related amendments and transitional provisions

This Schedule repeals the *South Australian Co-operative and Community Housing Act 1991*, makes related amendments and sets out the transitional provisions in relation to the measure and the application of the National Law in this jurisdiction.

Debate adjourned on motion of Mr Pederick.

DISABILITY SERVICES (RIGHTS, PROTECTION AND INCLUSION) AMENDMENT BILL

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:47): Obtained leave and introduced a bill for an act to amend the Disability Services Act 1993. Read a first time.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:47): I move:

That this bill be now read a second time.

The process of having this bill brought to this parliament started some time ago and it was actually a commitment made by the previous minister to introduce this act which was delayed because of the introduction of DisabilityCare Australia.

What I can advise the house is that I sought to engage the disability services sector and the sector more generally, in the preparation of this bill to ensure it reflects the current needs of people living with a disability.

I held a consultative round table on 27 June to seek opinion on key issues which are of importance to the South Australian disability sector and how it can be reflected in a legislative framework. I can advise the house that a number of disability advocates, including service providers and peak organisations, were involved in that round table to share their views.

As a result of that round table, my agency went away and looked into the various issues raised to see how it could be converted into legislation. A second round table was held on 7 August where we went through the possibilities and what could be converted into legislation. As a result of that, a further feedback session was held just yesterday and I can indicate to the house that a draft bill was actually discussed and obtained the support of those people who work in the disability sector—they were happy with it.

I indicate my thanks to my departmental staff, Dr David Caudrey, Barbara Weis and Joe Young, who assisted with the preparation of this legislation. I would also like to thank a range of disability service providers and peak organisations, and acknowledge the contribution of the Health and Community Services Commissioner, the Public Advocate and the Equal Opportunity Commissioner, who have provided advice and participated in the round table. I would also like to acknowledge Our Voices Consumer Group, who put views on behalf of people with disability, and also a number of other people who have helped in giving advice to bring this bill before parliament. I seek leave to have the remainder of the second reading explanation and explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

I am pleased to introduce the Disability Services (Rights, Protection and Inclusion) Amendment Bill 2013 ('the Bill') to the House.

This Bill seeks to amend the *Disability Services Act 1993* to provide greater legislative protections for people with disability.

The amendments will ensure that people with disability are able to exercise greater choice and control over their lives and ensure appropriate protections of the rights of people with disability.

The Bill seeks to promote the rights of people with disability and ensure they enjoy adequate safeguarding protections and inclusion.

The following provisions are contained in this Bill:

- Referencing the United Nations Convention on the Rights of Persons with Disabilities
- Enshrining the right of people with disability to exercise choice and control in relation to decision-making
- Referencing other national and state discrimination legislation
- Mandating a requirement for disability service providers to have accessible and well publicised complaints and grievance procedures
- Protections for those who complain or report bad treatment
- Mandating a requirement for disability service providers to have in place safeguarding policies and procedures
- A power to enable the Minister for Disabilities to make regulations covering the issue of reporting on outcomes with a view to monitoring and action on a lack of appropriate performance by government and government-funded agencies

The former Social Inclusion Board undertook two years of consultation on issues of importance to people with disability, their families and carers. This work culminated in their 'disability blueprint' for South Australia. South Australia has made significant strides in driving disability reform. In a number of areas we have surpassed the goals laid out in the disability blueprint. With the introduction of the *National Disability Insurance Scheme (NDIS) Act 2013*, the disability services and disability legislation landscape has been significantly changed.

In recent months, the government has hosted two consultative roundtables to discuss the South Australian disability legislative framework with key people with disability, disability advocates, carers and sector representatives. A common theme arising from these consultations is that, while the current legislation does not cause any impediments, there is a desire, on the part of people with disability and the wider community, to see the rights of people with disability enshrined in legislation, and for there to be a greater focus on safeguarding people with disability. We are not talking about the need for a whole new Act. There are a few key issues that people with disability have stated that they want legislated in this Bill.

I now turn to key provisions of the Bill.

Referencing the United Nations Convention on the Rights of Persons with Disabilities

This Bill explicitly acknowledges Australia's commitment to, and support of, the principles enshrined in the United Nations Convention on the Rights of Persons with Disability. The Bill recognises the Convention as a set of

best practice principles that should guide policy development, funding decisions, and the administration and provision of disability services. Adding this to the Principles in Schedule 1 will mean that the Minister could impose performance requirements in accordance with the existing section 5(2) where appropriate.

Enshrining the right of people with disability to exercise choice and control in relation to decision-making in their lives

The provisions in this Bill acknowledge and support the rights of people with disability to exercise choice and control over their own lives and the positive impact this control can have on a person's quality of life, health and wellbeing. This Bill highlights the importance for people with disability and their intrinsic human rights to be at the centre of disability legislation.

Mandating a requirement for disability service providers to have accessible and well publicised complaints and grievance procedures

The Bill requires that disability service providers have in place appropriate policies and procedures for dealing with complaints and grievances. This includes having in place a referral mechanism to the relevant statutory complaints or dispute resolution bodies, including the South Australian Health and Community Services Complaints Commission, the South Australia Office of the Public Advocate, the South Australia Equal Opportunity Commission, the Federal Disability Discrimination Commissioner and the Federal Human Rights and Equal Opportunity Commission when appropriate.

Under this Bill, information about these policies and procedures must be readily accessible by people accessing services.

Protections for those who complain or report bad treatment

We know that people with disability and their families may be reluctant to report poor treatment or abuse for fear of retribution.

For this reason, this Bill introduces an explicit statement of protection, which will make it unlawful to persecute or victimise someone who makes a complaint or reports bad treatments.

Mandating a requirement for disability service providers to have in place safeguarding policies and procedures

This Bill sets out new requirements for disability service providers to have in place policies and procedures for ensuring the safety and welfare of people accessing their services. These policies and procedures will cover a range of issues relating to the safeguarding of people with disability, including:

- the management of care concerns
- restrictive practices
- supported decision making and consent
- disclosure of abuse or neglect
- reporting of critical incidents

Under this Bill, these policies and procedures must be reviewed at least once a year.

Referencing other national and state discrimination legislation

The Bill stipulates that disability services are to be provided in compliance with all relevant State and Commonwealth laws. Adding this to the Objectives in Schedule 2 will mean that (as with other measures in the Bill) the Minister can impose performance requirements in accordance with the existing section 5(2) where appropriate.

A power to enable the Minister for Disabilities to make regulations covering the issue of reporting on outcomes with a view to monitoring and action on a lack of appropriate performance by government and government-funded agencies

Monitoring outcomes and continued service improvements are important mechanisms in ensuring disability service providers are delivering high quality service provision. This Bill provides a regulation making capacity to require providers of disability services or researchers to provide specified information for the purpose of assessing the outcomes of funding, rather than simply outlining how money is spent.

Overall, the amendments proposed by the Bill will ensure that people with disability are able to exercise greater choice and control over their lives and ensure appropriate protections of the rights of people with disability. Further, it will deliver improved legislative provisions in the interests of safeguarding people with disability. These are the provisions call for by people with disability, their families and carers

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Disability Services Act 1993*

4—Substitution of section 2

This clause adds 3 new objects to the Act as follows:

- to acknowledge and support the rights of people living with disabilities to exercise choice and control in relation to decision-making; and
- to ensure that disability services provided by the government or funded under this Act are of the highest standard and are provided in a manner that is safe, accountable and responsive to the needs of people living with disabilities, their families and carers; and
- to promote the protection of people living with disabilities from abuse, neglect and exploitation.

5—Amendment of section 3—Interpretation

This clause inserts a definition of *prescribed disability service provider* (being consequential to other measures in the Bill).

6—Insertion of sections 3A and 3B

This clause inserts new sections ensuring that prescribed disability service providers have appropriate policies relating to safety and welfare and to the handling of complaints and grievances.

7—Amendment of section 5—Obligations on funded service providers and researchers

This clause makes a consequential amendment to section 5 to ensure that the Minister may, as a condition of approving funding, require the funded service provider to enter into a performance agreement to ensure compliance with new sections 3A and 3B.

8—Insertion of section 5A

This clause inserts a new section as follows:

5A—Victimisation

A provider of disability services funded under the Act will commit an act of victimisation if he or she causes detriment to the victim because the victim, or a person acting on the victim's behalf, discloses information or makes an allegation that has given rise, or could give rise, to legal proceedings against the provider of disability services or that may disclose a breach of a funding agreement under the Act. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

9—Amendment of section 7—Review of funded services or activities

Under this clause the regulations may require providers of disability services or researchers funded under this Act to provide information to the Minister for the purpose of assessing the outcomes of funding provided under this Act.

10—Amendment of section 10—Regulations

This clause consequentially amends the regulation making power.

11—Repeal of section 11

Section 11 is repealed because it is now obsolete.

12—Amendment of Schedule 1—Principles

Schedule 1 is amended to refer to the *United Nations Convention on the Rights of Persons with Disabilities*.

13—Amendment of Schedule 2—Objectives

Schedule 2 is amended to delete the existing clause 1(h) (consequentially to proposed new section 3B) and to include a statement that disability services are to be provided in compliance with all relevant State and Commonwealth laws.

Debate adjourned on motion of Mr Gardner.

STATUTES AMENDMENT (OCCUPATIONAL LICENSING) BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:50): On behalf of the Attorney-General, obtained leave and introduced a bill for an act to amend the Building Work Contractors Act 1995; the Conveyancers Act 1994; the Fair Trading Act 1987; the Land Agents Act 1994; the Plumbers, Gas Fitters and Electricians Act 1995; the Second-hand Vehicle Dealers Act 1995; and the Security and Investigation Industry Act 1995. Read a first time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:52): On behalf of the Attorney-General, I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the—

Building Work Contractors Act 1995

Plumbers Gas Fitters and Electricians Act 1995

Security and Investigation Industry Act 1995 (as being retitled by the Security and Investigation Agents (Miscellaneous) Amendment Act 2013)

Second-hand Vehicle Dealers Act 1995

Land Agents Act 1994

Conveyancers Act 1994

Fair Trading Act 1987

In 2012, Consumer and Business Services (CBS) undertook a process improvement review of the occupational licensing legislation it administers.

This included industry round table discussions with peak construction industry representatives to identify areas requiring regulatory reform. Additionally, feedback was sought from CBS employees about ways to improve the administration and regulation of all occupational licensing legislation.

The result is a collection of reforms, contained in this Bill, that are aimed at reducing regulatory costs for business by removing unnecessary red tape and improving administrative efficiencies for CBS.

A reform that will be of particular benefit to business is to remove the requirement that building work contractors may only nominate their directors or employees to be building work supervisors. This will enable contract workers to be nominated for this role. Currently over 6,400 building work contractors require a nominated building work supervisor. This reform will significantly reduce staffing costs for industry as it will give people maximum flexibility in the way they can structure their business.

Another red-tape reduction initiative relates to the simplification of audit requirements for land agents and conveyancers. If their trust accounts had no activity within an audit period, they will simply be required to submit a declaration to that effect. This is instead of the current requirement of being required to go to the expense of having their accounts audited and a report lodged with CBS, despite the fact that there has been no activity.

Another reform that will be of benefit to business is to enable builders, plumbers, gas fitters and electricians, who are the subject of a bankruptcy order, to work as sub-contractors. Currently a person is not entitled to hold a licence under the *Building Work Contractors Act 1995* or the *Plumbers Gas Fitters and Electricians Act 1995* if they become bankrupt and CBS is required to take them to Court to cancel their licence. This reform will enable many tradespeople to continue to work in their field and make a living despite being declared bankrupt. Restricting their licence to that of a sub-contractor only, will ensure consumers remain protected as they will not be entering into contracts with bankrupt persons. The main contractor will be responsible for the sub-contractor. This reform will also assist to reduce skills shortages across the state.

The powers of the Commissioner for Consumer Affairs are proposed to be increased to improve administrative efficiencies and increase consumer protection. Generally, only the Court has the power to cancel, suspend or impose a condition on an occupational licence. The Commissioner has the power to suspend a licence in urgent circumstances, to prevent significant harm, for a period of six months under the *Building Work Contractors Act 1995*, the *Plumbers Gas Fitters and Electricians Act 1995* and the *Second-hand Vehicle Dealers Act 1995*. Additionally, conditions may only be imposed at the time of granting the licence and may only be amended by application of the licensee. Initiating proceedings in the Court to cancel, suspend or impose a condition on a licence is a lengthy and costly process for CBS. Enabling the Commissioner to take disciplinary action against licensees, such as imposing conditions to restrict the type of work they can perform or suspending a licence if the person becomes no longer eligible to hold a licence, will reduce costs for Government, reducing the burden on Courts, and significantly improve protection for consumers, as the speed at which this action may be taken against licensees will be increased. This will be evidence based action and the rules of natural justice and procedural fairness will apply. More serious breaches or disciplinary matters will still be referred to the Courts.

It is also proposed to increase the Commissioner's powers under the *Fair Trading Act 1987* to require a trader to personally attend a compulsory conciliation conference arranged to resolve a consumer dispute. This is because face to face conferences have been found to be much more effective in bringing about the speedy resolution of disputes between consumers and traders. A party will be able to seek approval from the Commissioner to attend the conference by telephone in certain circumstances such as remoteness of their location.

Some reforms, proposed to be included in the regulations, are aimed at improving clarity. For example, the definition of 'building work' will be expanded to include those tasks already considered by CBS and the general public to constitute building work, like the installation of solar panels or an air-conditioning system.

Most significantly, the Bill proposes to increase the maximum penalties that may be imposed on a person for trading unlicensed in accordance with the penalties regime proposed under the National Occupational Licensing System (NOLS). Currently the maximum penalty that may be imposed on a person for unlicensed trading under the occupational licensing legislation is $20,000. The exception is the *Second-hand Vehicle Dealers Act 1995* where the maximum penalty is $100,000. These penalties are considered to be inadequate to deter licensees who seriously and repeatedly breach the legislation. Such conduct poses significant risks to consumers and offenders enjoy the opportunity to make significant profits. Therefore it is proposed to pre-emptively introduce the penalty regime proposed under NOLS as follows:

$50,000 for 1st or 2nd offence for an individual.

$50,000 and/or 12 months imprisonment for 3rd or subsequent offence for an individual.

$250,000 for a body corporate.

A similar penalty regime is proposed to be introduced under the *Second-hand Vehicle Dealers Act 1995*, which is not currently proposed to be included under NOLS.

These penalties were included in the *Occupational Licensing National Law (South Australia) Act 2011*. That Act passed through Parliament in February 2011 and was proclaimed so as to establish the national licensing authority, but the majority of its provisions were suspended pending the commencement of NOLS. A commencement date for NOLS has not yet been set. It is understood that the penalties were determined after analysing current jurisdictional penalties and other national schemes.

Striking the balance between proper consumer protection and making things simpler for business is difficult. However, through our engagement with industry, the Government has identified areas where unnecessary red tape and regulatory costs can be removed, so as to better support business and industry, without exposing consumers. A number of reforms will provide stronger protection for consumers and improve the integrity of industry by cracking down on people trading unlicensed or in breach of licence conditions.

It is anticipated that the Bill will have widespread benefits for business, industry, Government, consumers and the general community.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Building Work Contractors Act 1995*

4—Amendment of section 3—Interpretation

This clause makes a minor amendment to make it clear that a 'building' includes a wall.

5—Amendment of section 6—Obligation of building work contractors to be licensed

This clause increases the penalty for unlicensed building work contractors.

6—Amendment of section 7—Classes of licence

This clause allows the imposition of conditions on a licence at any time on application by the licensee.

7—Amendment of section 9—Entitlement to be licensed

This clause alters the provision relating to granting a licence to a natural person who is or has been, or to a company with a director who is or has been, an insolvent under administration or a director of a body corporate wound up for the benefit of creditors, to reduce the waiting period before there can be an entitlement to be granted a licence and to allow the grant of a conditional licence.

8—Amendment of section 13—Classes of registration

This clause allows the imposition of conditions on a registration at any time on application by the registered building work supervisor.

9—Substitution of section 14

This clause substitutes a new section 14 allowing people registered under Part 3 of the *Plumbers, Gas Fitters and Electricians Act 1995* to be taken to hold building work supervisors registration (subject to the regulations).

10—Substitution of section 16

This clause introduces a fit and proper person requirement for registration.

11—Amendment of section 19—Approval as building work supervisor in relation to licensed building work contractor's business

This clause deletes the requirement currently contained in section 19(4)(b) of the Act that a building work supervisor for a building work contractor be either a director of the contractor (if it is a body corporate) or an employee and also consequentially deletes subsection (6) of that section. The clause also contains some minor amendments to clarify the wording of subsection (8).

12—Substitution of Part 3A

This clause substitutes new Parts 3A and 3B as follows:

Part 3A—Suspension or variation of licence or registration in urgent circumstances

19A—Commissioner may suspend or impose conditions on licence or registration in urgent circumstances

This section is based on the current section 19A but applies to registration as well as licenses and allows for the imposition of conditions on a licence or registration as an alternative to suspension.

Part 3B—Cancellation, suspension or variation of licence or registration

19B—Commissioner may cancel, suspend or impose conditions on licence or registration

This section gives the Commissioner a new power to make a determination to cancel or suspend a licence or registration or to impose conditions on a licence or registration where the licensed or registered person no longer meets the criteria in the Act for entitlement to be granted a licence or registration (as the case may be). The section also grants appeal rights to the District Court.

Part 3—Amendment of *Conveyancers Act 1994*

13—Amendment of section 5—Conveyancers to be registered

This clause increases the penalty for unregistered conveyancers.

14—Insertion of Part 2A

This clause inserts a new Part 2A as follows:

Part 2A—Cancellation, suspension or variation of registration

9AA—Commissioner may cancel, suspend or impose conditions on registration

This section gives the Commissioner a new power to make a determination to cancel or suspend a registration or to impose conditions on a registration where the registered person no longer meets the criteria in the Act for entitlement to be granted registration. The section also grants appeal rights to the District Court.

15—Amendment of section 24—Audit of trust accounts

This clause inserts a new subsection (1a) providing that if no trust money is held in a conveyancer's trust account during an audit period, then no audit statement is required in relation to that period (but instead there must be a declaration as to why no trust money was held). The clause also makes 2 consequential amendments.

16—Amendment of section 49—Disciplinary action

This clause allows for the imposition of conditions on a conveyancer's registration in disciplinary proceedings before the Court.

Part 4—Amendment of *Fair Trading Act 1987*

17—Amendment of section 8A—Conciliation

This clause makes it clear that the parties to a conciliation are not *entitled* to have the conciliation conference conducted by telephone or other electronic means - it is for the Commissioner to determine whether that will be appropriate in the particular case.

Part 5—Amendment of *Land Agents Act 1994*

18—Amendment of section 6—Agents to be registered

This clause increases the penalty for unlicensed agents.

19—Insertion of Part 2A

This clause inserts a new Part 2A as follows:

Part 2A—Cancellation, suspension or variation of registration

11C—Commissioner may cancel, suspend or impose conditions on registration

This section gives the Commissioner a new power to make a determination to cancel or suspend a registration or to impose conditions on a registration where the registered person no longer meets the criteria in the Act for entitlement to be granted registration. The section also grants appeal rights to the District Court.

20—Amendment of section 22—Audit of trust accounts

This clause inserts a new subsection (1a) providing that if no trust money is held in an agent's trust account during an audit period, then no audit statement is required in relation to that period (but instead there must be a declaration as to why no trust money was held). The clause also makes 2 consequential amendments.

21—Amendment of section 47—Disciplinary action

This clause allows for the imposition of conditions on an agent's registration in disciplinary proceedings before the Court.

Part 6—Amendment of *Plumbers, Gas Fitters and Electricians Act 1995*

22—Amendment of section 6—Obligation of contractors to be licensed

This clause increases the penalty for unlicensed contractors.

23—Amendment of section 7—Classes of licence

This clause allows for conditions to be imposed on a licence at any time on application by the licensee.

24—Amendment of section 9—Entitlement to be licensed

This clause alters the provision relating to granting a licence to a person who is or has been an insolvent under administration or a director of a body corporate wound up for the benefit of creditors to allow the grant of a conditional licence.

25—Amendment of section 13—Obligation of workers to be registered

This clause increases the penalty for unregistered workers.

26—Amendment of section 14—Classes of registration

This clause allows the imposition of conditions on a registration at any time on application by the registered worker.

27—Substitution of section 16

This clause substitutes a new section 16 which introduces a fit and proper person requirement for registration.

28—Substitution of Part 3A

This clause substitutes new Parts 3A and 3B as follows:

Part 3A—Suspension or variation of licence or registration in urgent circumstances

18A—Commissioner may suspend or impose conditions on licence or registration in urgent circumstances

This section is based on the current section 18A but applies to registration as well as licences and allows for the imposition of conditions on a licence or registration as an alternative to suspension.

Part 3B—Cancellation, suspension or variation of licence or registration

18B—Commissioner may cancel, suspend or impose conditions on licence or registration

This section gives the Commissioner a new power to make a determination to cancel or suspend a licence or registration or to impose conditions on a licence or registration where the licensed or registered person no longer meets the criteria in the Act for entitlement to be granted a licence or registration (as the case may be). The section also grants appeal rights to the District Court.

29—Insertion of section 33A

This clause inserts a new provision requiring a contractor's licence number to be included in published advertisements (other than ones of a kind specified in the proposed provision).

Part 7—Amendment of *Second-hand Vehicle Dealers Act 1995*

30—Amendment of section 7—Dealers to be licensed

This clause increases the penalty for unlicensed dealers.

31—Insertion of Parts 2A and 2B

This clause inserts new Parts 2A and 2B as follows:

Part 2A—Suspension or variation of licence in urgent circumstances

14A—Commissioner may suspend or impose conditions on licence in urgent circumstances

This section is based on the current section 25A (in Part 4A) but allows for the imposition of conditions on a licence as an alternative to suspension.

Part 2B—Cancellation, suspension or variation of licence

14B—Commissioner may cancel, suspend or impose conditions on licence

This section gives the Commissioner a new power to make a determination to cancel or suspend a licence or to impose conditions on a licence where the licensed person no longer meets the criteria in the Act for entitlement to be granted a licence. The section also grants appeal rights to the District Court.

32—Repeal of Part 4A

This clause makes a consequential amendment. Part 4A is repealed because the material in that Part will now be dealt with by proposed new Part 2A.

33—Amendment of section 31—Disciplinary action

This clause allows for the imposition of conditions on a licence in disciplinary proceedings before the Court.

Part 8—Amendment of *Security and Investigation Industry Act 1995*

34—Amendment of section 3—Interpretation

The definition of *security agent* is amended to include hiring out or otherwise supplying persons for various purposes already referred to in the definition.

35—Amendment of section 6—Obligation to be licensed

This clause increases the penalty for unlicensed agents.

36—Amendment of section 7A—Licence conditions

This clause amends section 7A (to be inserted by the *Security and Investigation Agents (Miscellaneous) Amendment Act 2013*) to allow for the imposition of conditions (at the request of the licensee) at any time after the licence has been granted.

37—Insertion of Part 3A Division A1

This clause inserts a new Division in Part 3A as follows:

Division A1—Cancellation, suspension or variation of licence where eligibility criteria no longer met

23AB—Commissioner may cancel, suspend or impose conditions on licence

This section gives the Commissioner a new power to make a determination to cancel or suspend a licence or to impose conditions on a licence where the licensed person no longer meets the criteria in the Act for entitlement to be granted a licence. The section also grants appeal rights to the District Court.

38—Substitution of heading to Part 3A Division 1

This clause makes a consequential amendment to a heading.

Debate adjourned on motion of Mr Pederick.

LADY KINTORE COTTAGES (TRUST PROPERTY) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:52): On behalf of the Attorney-General, obtained leave and introduced a bill for an act to amend the Lady Kintore Cottages Act 1920. Read a first time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:53): On behalf of the Attorney-General, I move:

That this bill be now read a second time.

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

Leave granted.

The *Lady Kintore Cottages Act 1920* (the Act) was enacted to enable the transfer of certain real property and moneys held by the Lady Kintore Cottages Incorporated to the Adelaide Benevolent Strangers' Friend Society Inc ('the Society').

Up until that time, Lady Kintore Cottages Inc had been the subject of a Declaration of Trust dated 20 December 1894. At the time, the trust provided for an elected committee which was empowered to determine the application of trust property for the purposes of providing accommodation to 'indigent widows and deserted wives and their families'.

For various technical reasons it became impracticable for this to continue, and so the Act was passed in 1920. The effect of the Act was to transfer all trust funds and real property to the Society. Section 3(1) of the Act provided that these were to be held by the Society upon the same charitable purposes as the terms of the original trust and for no other purposes.

The original Lady Kintore properties which vested in the Society at the commencement of the Act were sold in 1990 to the SA Housing Trust. The Society has since purchased and developed other properties with the sale proceeds. Currently, six properties are held on trust under the Lady Kintore Cottages Act. This represents a fairly small proportion of the Society's overall property portfolio, which is comprised of around 130 properties in total.

The Society is a not for profit incorporated association, whose objects and purpose are to receive gifts of cash and kind and to administer relief to the sick or disadvantaged within South Australia. A further object is to provide affordable housing and other assistance in necessitous and deserving cases to people in South Australia including new immigrants.

The objects and purpose of the Society are broader than those under the Lady Kintore Trust. The Bill aims to recognise these wider objects purposes. The Society's objects are 'to receive gifts of cash and kind and to administer relief to the sick and/or disadvantaged within South Australia'. The aim of the trust was to hold such real property and moneys on trust for the purpose of providing homes for indigent widows and deserted wives and their families in the State. The Society states that it has been determining applications for accommodation for the trust properties on the basis of the necessity in accordance with its objects, namely 'relief to the sick or disadvantaged within South Australia'. It considers that it would be more appropriate that the property and moneys held on trust under the Act be used in accordance with the broader objectives of the Society, rather than restricting this to 'indigent widows and deserted wives and their families'. This is what clause 4 of the Bill intends to do.

The Society base their policy on providing affordable accommodation to people on lower incomes. In 90 per cent of cases this means people who are receiving Centrelink benefits such as the aged pension, disability pension, family assistance or Newstart. Some applicants participate in part time work. The income limit is around $40,000 per annum. This allows for tenants to move into one of the Society's properties on Newstart, gain employment and then start earning a wage.

The tenants are generally referred to the Society by agencies including, Adelaide Day Centre, Catherine House, Hutt St Centre, Towards Independence (Salvation Army) and the Southern and Western Domestic Violence Services.

To administer the terms of the Lady Kintore trust has given rise to practical difficulties. For example, even if prospective tenants for a house or unit were screened, so that tenancies were only offered to a woman who met the description of 'deserted wife with children', it would be difficult in practical terms for the trustee to monitor that person's ongoing relationship status.

Further, in order to monitor the relationship status, the tenant would be required to volunteer such information as circumstances changed, with the potential for a tenancy to be terminated upon the happening of a defined event, such as commencing cohabitation with another adult, or if her children left home. As well as being administratively cumbersome, the Government's view is that this would be unreasonable and oppressive. Also, in order to provide for such contingency the lease would have to contain a term which allowed the trustee to terminate the lease should such a defined event occur.

It is considered appropriate to amend the Lady Kintore Cottages Act, so as to bring its objects into line with those of the Society more generally. Further, the current situation effectively requires the Society to quarantine properties from its much larger pool, in order to give effect to a narrower purpose as currently set out in the original Act. This would appear to be difficult from an administrative perspective.

Although there may well be a number of women in society who may in a technical sense fit the description of 'indigent widow' or 'deserted wife', these are undoubtedly antiquated terms. The original objects of the trust need to be considered against the background of the social norms and stigmas as well as a paucity of Government social services available to assist such persons at that time. Notably, since the trust was founded, there have been significant developments in the area of government welfare payments, as well as a cultural shift in attitudes towards women who are without male partners.

The Bill also introduces a new clause to recognise that the Adelaide Benevolent and Strangers' Friend Society may wish to transfer its undertaking to a company limited by guarantee structure sometime in the future.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Lady Kintore Cottages Act 1920*

4—Amendment of section 3—Trusts of property

Currently, the Act provides that the assets held by the Society on trust are to be used for the purpose of 'providing homes for indigent widows and deserted wives and their families in this State, and for no other purpose.' The amendment expands that purpose to 'administering relief and providing affordable housing and other assistance to sick or disadvantaged people in the State' (and things or activities necessary, incidental or conducive to the advancement of such a purpose).

5—Insertion of section 7

This clause proposes the insertion of new section 7

7—Change in corporate structure of Society—references

Proposed section 7 is an interpretive provision dealing with references to the Society in the Act and subordinate instruments in the event that the Society becomes registered as a company limited by guarantee under the *Corporations Act 2001* of the Commonwealth, or transfers the whole of its assets and undertaking to such a company.

Schedule 1—Transitional provisions

Schedule 1 validates certain acts of the Society done prior to the commencement of the *Lady Kintore Cottages (Trust Property) Amendment Act 2013* and provides for immunity from liability for the Society in relation to such acts.

Debate adjourned on motion of Mr Pederick.

NATIONAL GAS (SOUTH AUSTRALIA) (GAS TRADING EXCHANGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 July 2013.)

Mr HAMILTON-SMITH (Waite) (15:54): I rise on behalf of the opposition as lead speaker to agree with the minister that this is a very important matter. Getting the regulatory framework and the market arrangements right in the energy sector is vital not only to our energy security but also to the ever more burdensome costs upon business and households of energy prices, and this is an important measure in respect of gas. I want to speak for some time, before going into the detail of the bill, about the opposition's position on the gas market more broadly, which sets the framework around this bill, because I think it is important for the government and the bureaucracy to understand the opposition's thinking on this issue.

During the last decade the resources debate in South Australia has, in our view, been dominated very much by mines and mineral resources. I recently attended the Australian Petroleum Production and Exploration Association (APPEA) conference in Brisbane on 27 and 29 May. It is apparent from my attendance at that conference and the many, many meetings that I have had since with industry advocates and those who are mining that oil and gas are now emerging as the key opportunities for future growth in South Australia.

We have seen the spectacular no-go of Roxby Downs and the Olympic Dam expansion, a great disappointment to the state, but we now see other very, very exciting opportunities that are emerging in the gas area that offer great prospects for the state. However, there is volatility—great volatility—in both gas and petroleum. In the long run, growth in demand for liquefied natural gas seems to be driven by China and India, placing upward pressure on prices. In the short to medium term, however, that market faces considerable instability.

Conflicting signals in the market are likely to place upward pressure on domestic gas prices in the near-term but downward pressure on our LNG export prices over the long-term. These developments have implications for investment, infrastructure and jobs in SA and across the country, of which we should all take note. The other interesting development is occurring in North America, where shale oil and gas, not only in the United States but also in Canada, will see a flood of exports from 2016. According to Treasury, this will lower our terms of trade possibly by as much as 9 per cent over the coming year, beyond the 7.5 per cent fall estimated in the last federal budget.

After facing years of decline, the US is now poised to become a major exporter of gas. This will displace Middle East oil supplies and disrupt traditional markets. The second big change in North America is the potential for gas prices to be linked to the Henry Hub gas price, the US domestic, rather than the international crude oil prices which could lead, in my opinion, to further downward pressure on LNG prices. This could place further pressure on Australian LNG project costs, and these two developments have, in my view, changed the LNG global dynamics fundamentally.

The other interesting factor in considering this bill has to do with coal prices. I note from work done by the Grattan Institute that US shale gas is already contributing to the decline in thermal coal prices down from around $100 to $90 a tonne. American coal producers are increasingly exporting in response to shale gas flooding the US market thus replacing domestic coal as a fuel. This effect will impact significantly on Australia's coal exports in both volume and price. BHP have announced recently coalmine closures and selloffs as part of an $800 million cost-cutting program. Coalminers have been hard hit by a plunge in the commodity's price. We should note this in the context of the bill.

Gas and coal exports from emerging economies are also an important consideration. Seventy-six trillion cubic feet of gas has been discovered in Africa over the past five years, where projects totalling 33 million tonnes per annum are now on the drawing board; five years ago there were none. This African gas will be exported to Asia, representing another new source of competition for Australia in the Asian LNG market. Emerging coal supply basins in Mozambique and Mongolia will also come online impacting upon LNG markets.

In my opinion, these developments are going to have a dramatic effect on LNG prices and investment here at home because there is uncertainty, and that clearly has been demonstrated by the cancellation of some very large LNG contracts in recent times. Chevron recently revealed their flagship $52 billion Gorgon scheme was only 65 per cent sold on its gas production. South Korea's KOGAS has not followed through on a September 2009 deal to take annual deliveries of 1.5 million tonnes of LNG.

The volatile environment puts at risk the new wave of LNG projects to carry on from the $160 billion of investment underway. As a result of this volatility, combined with declining productivity and increasing capital costs, Australian projects hanging in the balance include Woodside Petroleum's Browse venture; Shell and PetroChina's Arrow project in Queensland; the Scarborough floating plant proposed by ExxonMobil and BHP Billiton; and the GDF Suez-Santos Bonaparte floating venture, another $100 billion.

In contrast, Royal Dutch Shell plans to invest about $30 billion on other projects. The fact is that there is uncertainty in the Australian gas market. Unconventional and coal seam gas have changed the way things are done. At the APPEA conference, to which I referred earlier, industry leaders expressed alarm at the lack of support from the NSW government for unconventional gas.

The O'Farrell government in response to pressure from environmentalists has recently imposed restrictions on any gas field within two kilometres of a township. This has had the effect of closing out most of the prospects in New South Wales and risks causing a halt to coal seam gas investment in that state. SANTOS chief, David Knox, then chair of APPEA, told the industry that extremists and greens must not be allowed to control the agenda. The point was agreed to by Federal Resources Minister, Gary Gray, and shadow minister, Ian McFarlane.

Difficulties with unconventional gas approvals have also arisen in Queensland as a result of planning and development failures by the previous state Labor government which, frankly, made an absolute mess of things. The LNP government has been more supportive and is currently working through the complex issues with the industry.

My understanding now is that up to 3,000 farmers have signed up, with enthusiasm, for unconventional fracking operations on their land, and I am advised that as a consequence of these new developments, young people who saw no future in the country and headed off to Brisbane and the Gold Coast to train as accountants and lawyers are now going back home to the regions where they now see a drought resistant income stream from the farm properties and a future for themselves and their families as a consequence of the co-existence of gas operations and mining beside food production in that part of Queensland.

These are all very good developments. Can I make it very clear on this side of the house that the opposition, having considered this issue very carefully is, as far as we are concerned, open for business when it comes to unconventional gas fracking techniques. Of course, there is a matter which addresses this very point in the other place to which I will not go to for obvious reasons, but I just want to make the point that the state Liberals are very supportive indeed, and are firm in the view that current protections are adequate if properly exercised, but we will have more to say about that at a later point.

It is likely that delays in New South Wales and Queensland in opening up coal seam gas, which at present accounts for 35 per cent of East Coast gas supplies, is failing to meet growing demand. It is likely that New South Wales will be experiencing gas supplies within two years.

Australian gas is going to move to an international price. Australia presently enjoys gas prices which are below international benchmarks. To meet international contracts, increasing quantities of Australian gas including gas from Moomba, will be converted to LNG for export. As a result, the domestic market is facing a short-term gas shortage which will see retail prices rise. Compounding this pressure will be an expected doubling in demand for LNG in this decade.

Santos is a major player in these developments, and there are others. It is important to note that calls for a reservation of gas for domestic use have been rejected by the outgoing federal Labor government and by the incoming Liberal Coalition government and by governments in the Eastern States.

Rising gas prices will have an impact on manufacturing. As Australian gas prices rise from some of the lowest in the developed world towards world market-linked prices, there will be a significant impact on a range of trade-exposed industries right here in South Australia, including agriculture, aluminium construction and elaborately transformed manufactures.

Industry leaders have, in the past week, expressed the view that rising gas prices are a far greater threat to industry than the renewable energy target, claiming that 200,000 jobs are at risk. Companies facing rising gas prices are often the same companies being penalised for carbon emissions under the federal Labor government's policies.

It is important, too, in the context of this bill, to note developments with gas in the Cooper Basin. There are three main players in the Cooper: Santos, Beach Energy and Senex. US giant Chevron recently reached agreement to purchase an initial 30 per cent stake in Beach Energy's Cooper Basin operation with the option to increase their share to 60 per cent, and 18 per cent in its Queensland operations, providing $349 million for Beach's exploration and development.

The arrival of this foreign direct investment from Chevron into SA, at this time, is a very significant event. The Beach/Chevron venture, which will employ unconventional drilling, has the potential to exceed the capacity of Santos's Moomba field, according to the company. The point here is that there is significant life to come in the Cooper Basin and that, despite the failure of BHP's Roxby Downs expansion at Olympic Dam, the growth story going forward is likely to be one of natural gas rather than minerals, which is not to dismiss the minerals story but simply to note the emergence of gas as a leader.

The government has recently announced that Sydney-based Bridgeport Energy—a New Hope Corporation subsidiary—will invest $24.4 million over 400 square kilometres of the western Cooper Basin searching for oil and gas. That news is welcome. This will bring to four the number of significant players in the Cooper.

Of course, there is petroleum exploration underway in the Great Australian Bight. BP is presently surveying and will commence drilling for oil in the Great Australian Bight, south of Ceduna, while investing $1.4 billion. The science looks extremely encouraging. I thank BP for their briefings. The depths from surface to seabed may be up to 2,500 metres, with drill penetration up to a further four kilometres in prospect—a stunning technological achievement.

This will involve helicopter operations out of Ceduna and infrastructure development at Port Adelaide. If significant deposits are found, the subsequent development will be extensive. The commonwealth will receive all royalties and income and company taxes from BP operations, but many benefits will accrue to the state budget bottom line by other means.

In a recent significant development, Norwegian energy company Statoil announced it would acquire 30 per cent equity in the project with BP. Having these two major international companies in SA is a very significant development indeed. A further exploration licence beside the BP tenement has been offered by the commonwealth, I understand. This second major announcement, which I believe will be made later in the year—we are all waiting with bated breath to hear the name of the company involved—offers the prospect of a second major venture in the bight. Having a third major player active in this space is indeed a very positive development for South Australia.

Then there is the Otway Basin. The state government announced some time ago that British company NP Oil and Gas will invest $54.6 million searching for petroleum and gas in the Otway over a 5,600 kilometre tenement stretching from the north of Robe, through Lucindale and Naracoorte, to the Victorian border. Exploration activity will also comprise Beachport, Millicent, and a zone south of Mount Gambier.

Of course, we also understand that Beach Energy is going to be exploring down in the Otway towards the end of this year. I commend that company and its principal, Reg Nelson in particular, for the way they have approached the community consultation and the way that they are planning to involve local stakeholders in their plans. I think that demonstrates—in fact, it shows leadership—to others around the country as to how things should be done.

We should note, as a parliament, that it is highly likely that fracking and unconventional techniques will be used in all of these ventures. These techniques vary from project to project and require very careful water management. The industry will need to ensure that the community is fully engaged—and indeed they are.

We will need to be mindful of interstate experiences as these prospects develop, but we should not be scared off by emotional and irrational arguments about moratoriums, bans, or an unconvincing case that somehow or other mining for natural gas and food production cannot coexist. Of course they can coexist; they must coexist, and as a community, we need to be thinking and talking about how we can optimise the value of our land for food production whilst at the same time accessing the minerals and natural gas reserves underneath it. To do otherwise is simply to raise the white flag.

It is not a case of either-or, as the Greens might argue, and it is not a case of being scared of doing something simply because there are aspects we may not fully know of. The fact is, all decisions must be made based on the science, all decisions must be subject to thorough development and environmental assessments, and all decisions must be made in consultation with local communities, farmers, local councils and all other stakeholders in a collaborative, collegiate and sensible way.

If food producers, miners, governments at all levels and stakeholders around the issue all treat each other with decency and good manners and understand each other's positions, we can achieve this goal of having a vibrant gas and mining industry whilst at the same time having an equally vibrant food production sector; that is what we should all be aspiring to.

As a condition of any licence being granted, companies will be required to prepare environmental impact reports and statements of environmental objectives for on-ground activities, in line with state government commitments to sustainable development. Bridgeport Energy will also be required to resolve native title access issues, as will other companies, in line with the commonwealth Native Title Act 1993. The Otway Basin is prime agricultural acreage, unlike the Cooper Basin, which is marginal farming land.

We should expect similar challenges, as experienced in Queensland and New South Wales, when unconventional oil and gas operations are actually proposed and commenced, but we need to go forward and face them together with a view to ensuring a prosperous future for those we represent going into the future.

I want to talk about productivity and capital cost, because this is an issue that should be transfixing everyone dealing in this space. Gas-based projects now make up the vast bulk of remaining spending of the now receding Australian resources boom. By my calculations, based on ABS statistics, out of the $268 billion of resources investment still under construction, $205 billion is in energy. Australia's problem is that it has made itself the most expensive supplier in the world energy industry. The high dollar, although it has eased recently, has been adding to the problem.

High capital costs are a crushing impost on our miners. Problems facing the industry include the highest taxes in the world, royalties, PRRT, import duties, tariffs, accelerated depreciation, capital allowances, silly carbon taxes and so on. Other imposts include excessive regulation, labour rates and productivity, the high costs of the service market and supply chain, inadequate industry collaboration and poor project planning.

These were the same issues that contributed to the collapse of the Olympic Dam expansion. When you go through and work them out one at a time, you can see that government has either caused or could have solved, but hasn't, many of those problems through better laws, better legislation, better regulation and better engagement with the industry. We are, at both state and federal level, as governments, partly to blame for the high capital costs that are crushing the industry.

It is a story about productivity. I recently encountered research by McKinsey and Company regarding Australian workers, engineers, construction, procurement and operations taking roughly 8 per cent longer to complete the same amount of work as their Canadian counterparts.

Productivity in the US is even higher than Canada. According to the research, Australian workers take 30 per cent more time to complete the same work as do their counterparts in the US. Australian construction labour rates are also 20 to 30 per cent higher than in the United States, according to McKinsey.

The causes of these productivity concerns include time wasted by flying in and flying out workers to remote locations, rather than having them live nearby. It includes shift patterns, material and equipment not being available, training and skills issues, wage levels and the Australian dollar. Unless state and federal governments have the courage to face up to these causes of low productivity, we are not going anywhere. We will throttle this industry. There are problems there that need fixing, and particularly Labor governments and Labor parties need to face up to the lack of labour productivity. We can bark and bark and bark, but unless we achieve greater labour productivity, our gas and mining industries will slowly choke.

In summary, before going into the detail of the bill, I have made the following points that I think set the frame for this bill. Gas and oil are taking the lead, with the bulk of investment and opportunity in the Australian resources boom now within the gas and petroleum sector, particularly so in this state. Markets are unstable. There is significant instability and conflicting price signals within the international and national gas markets.

Unconventional gas has arrived. These new techniques, including coal seam fracking are the future of the mining industry in this space. Without these new techniques, thousands of jobs and billions of dollars of investment will be at risk. New South Wales arguably has the wrong policy settings. Not that it is our job to tell the New South Wales government how to do business in New South Wales, but we certainly will be commenting on how business should be done in South Australia. Queensland has done better, particularly under the LNP government. SA must learn from the experience of other jurisdictions, look at what mistakes were made and not repeat them. We should support unconventional gas while requiring vigorous environmental and planning controls based around sound science. All of this is critical for regional development and investment.

Energy investments in the SA regions will be a key to jobs and prosperity, not only for the state, but for the regional communities themselves. The arrival of major players, including Chevron, BP, Statoil and others, into this state are significant developments, and there is considerable activity in the Cooper and Otway basins and the Great Australian Bight.

Finally, cost and productivity are the key. Australian mining, as I have mentioned, is facing a crisis in productivity. High capital costs, unproductive labour practices, inefficient taxes and poor policy decisions are creating inefficiency, putting at risk the long-term benefits of the resources boom. Governments can help fix these problems. We must address these issues, and we must help the industry to thrive. Having said that, I now want to turn my attention to the detail of the bill.

The National Gas (South Australia) (Gas Trading Exchanges) Amendment Bill 2013, as we have heard, was introduced by the minister on 25 July. The bill proposes to make amendments to national gas law and national gas rules for the establishment of gas trading exchanges (GTEs) for the supply of the eastern domestic gas market.

I was not expecting this measure to come on this week but I am delighted that it did, and the opposition is very happy to expedite the measure. I can indicate that we will be supporting it without amendment, and look forward to seeing it progress through the parliament. I also thank the minister and his department for the briefing I received just this Monday.

There is a need for this bill. In December 2011, the COAG committee of energy and resource ministers, the Standing Council on Energy and Resources (SCER), agreed to undertake a scoping and cost study for a gas trading exchange. GTEs are short-term supply markets for reallocation of gas between national market participants as opposed to the wholesale market. The government argues that this would lead to greater transparency and trading, allocation and price efficiencies. It is intended that the process required in the bill would be voluntary for participants, I understand—and there are nods from the advisers in the box; that is good, it is always nice to have some nods.

The process is of interest to the debate. In response to recommendations, I understand, from the Queensland government Gas Commissioner, who did a review into this matter in June 2012, SCER agreed to undertake a detailed design process. An extensive consultation unfolded with industry, followed with the establishment of a Gas Supply Hub Reference Group of key participants. I know that the government has relied fairly heavily on national rather than local

consultation on this bill, but we have been assured that that national consultation has been thorough, so we are taking the government at its statements on that matter.

There are costs in respect of the measure. In October 2012, the SCER tasked the Australian Energy Market Operator (AEMO) to conduct a design analysis of the proposed GTE at Wallumbilla. The report found an implementation cost of $1.4 million to $1.7 million establishment cost and an annual operational cost of $570,000. The majority of industry participants estimated that their annual participation would cost around $100,000. AEMO conservatively estimated that the on-flow benefits of trade would be approximately $13 million annually.

DMITRE has indicated to me that there will be negligible benefit to gas prices as a consequence of the measure, and I understand that there is some uncertainty about that and it will be a bit of case of wait and see. However, we note those cost impacts and potential benefits. In respect of implementation, in December 2012, SCER agreed to proceed with the implementation of the project with the intention of creating an initial exchange at Wallumbilla, 125 kilometres west of Brisbane, in early 2014.

Turning my attention to the bill itself, and reading its clauses, it is clear that it seeks to amend the national gas law to facilitate the establishment of GTEs and create the rules and regulations by which they will be governed. The bill provides the AEMO statutory functions to facilitate the GTEs' operations and to set fees. It also outlines the minimum standards by which exchanges must be made. While the first exchange will be established in Queensland, the bill provides the regulatory framework for future GTEs. After the initial implementation of the bill the Australian Energy Market Commission would assume the regulatory role over GTEs.

In respect of consultation, as I mentioned the Standing Council of Energy and Resources went through a thorough process, including the establishment of the Gas Supply Hub Reference Group. The initiative to establish the GTE was primarily driven by industry's need for greater flexibility to trade unutilised capacity on a daily basis. In June 2012, the Australian Energy Market Operator concluded that:

> Without a new market at Wallumbilla (or an alternative), the current gas markets will only provide for 10 per cent of gas in Eastern or South-Eastern Australia in 2020.

I sought comment myself and followed up with the Energy Supply Association of Australia (ESAA), the Energy Retailer's Association, Alinta, EnergyAustralia, Envestra and several other stakeholders. We have received responses. Most of them are supportive and there has been little criticism of the measure. I am assured, to the extent that we have been able to consult locally, that no-one's alarm bells are going off. We will see what happens when the measures unfold. No doubt there will be issues that arise and we will probably be back here with some amendments, but that is not uncommon with such matters.

In summary, the national gas market is about to undergo some very significant transformations indeed following the commencement of liquefied and natural gas exports from Queensland from 2014. It is highly likely that the price of gas will rise in the medium term. These arrangements comprised in the bill are designed to facilitate gas trading with a view to offering flexibility during this period of transition.

Importantly, I note South Australia is the lead legislator, and it is important that we get it right. The arrangements will result in the national gas law referring control of gas trading exchange functions to the Australian Energy Market Operator. The AEMO will be governed by these new rules. In effect, the state government and state government regulatory agencies, as I read it, will be referring their powers to these national arrangements through AEMO.

On that basis, can I indicate the opposition's full support for the measure. We do not propose to put amendments or to go into committee. I know there are some other speakers on the matter. I commend the bill to the house.

Mr PEDERICK (Hammond) (16:27): I rise to speak to the National Gas (South Australia) (Gas Trading Exchanges) Amendment Bill 2013, and I commend all the comments of our shadow spokesman, the member for Waite.

I also want to make a few comments about fracking, because I was involved in the process 30 years ago in the Cooper Basin. Hydraulic fracturing (fracking, as it is commonly called) was first trialled in 1947 and this process progressed through to 1949 when Halliburton (which is an oil and gas field services company still operating, well and truly, today) performed the first two commercial hydraulic fracturing treatments.

As of 2012, right throughout the world, there have been 2.5 million hydraulic fracturing jobs completed in oil and gas wells, so this is not something that has just happened. There is a lot of discussion around unconventional gas and shale gas but, certainly from my understanding, fracking would have been operating in the Cooper Basin for around 40 years. When I was involved and worked for Gearheart Australia and we were shooting wells in 1983 and 1984, we worked alongside Halliburton to complete those jobs.

For the interest of the house, I will explain how it worked in those days. I am sure things have moved on a little bit in that time, but it would be fairly similar. Basically, you have a workover rig—not a drilling rig but a workover rig—over a gas well or oil well that is already cased and cemented and generally would not have tubing in it, that would take the flow of the oil or gas. We would turn up in our service truck and we would have four-inch guns that were loaded with armour-piercing slugs, I suppose you would call them. It was armour-piercing equipment that could shoot through 22 inches of solid steel. I know I am talking in Imperial measurement, but that just shows how old I am.

We would have these all loaded up in the workshop in Moomba and travel out to the appropriate well site. Being a 24-hour process, that could be any time of the day or night. The process was that we would run these guns down to the 10,000 feet or 3,000-plus metres of the well. You would gently touch the bottom of the hole, and it is interesting to note that at that depth, a cable could stretch up to 30 feet, or possibly 8 to 10 metres, so then you would have to work out the depths of where the zone was to shoot the oil and gas with what is called a casing collar locator. That would get the engineer to sort it out exactly (once you calibrate those measurements) so that you could shoot on depth, as it is called. That worked very well.

The last thing you wanted to do in those sorts of jobs was drag up some guns that had not gone off because it could be quite explosive. Apart from the fact they could kill you, they could certainly disable you on the surface and tear your body in half at the very least.

That is what happened—you would shoot the well and pull the guns out. Halliburton would then have a series of tanks full of fluid and something called frac sand which is like a silica sand which is essentially very much the same shape sand particles. They would be pumped down under huge pressure using V12 and V16 Detroit GM motors—quite a noise I must say and sometimes they could have up to 20 of these motors linked together with one operator on one throttle to get the appropriate pressure up to pump this fluid down to fracture where the shot had taken place in the zone. That would then open up the fracture so that the well could have a far better oil and gas production. Generally, it works very well.

There are a lot of things at stake if you do not shoot at depth. I witnessed an engineer being sacked for shooting off depth. I was on the same job and there is a lot of concern, obviously, about possible contamination—whether it is groundwater contamination or freshwater contamination—and the last thing oil companies want (the last thing anyone wants) is shooting off site because when you are shooting oil and gas, you do not want to shoot water. Sadly for this engineer, he got his calculations wrong and he shot water and I would assume that that well would have had to have been plugged and recemented and reshot.

It can be done in other ways. We used to do what is called three tubing through tubing perforating where the tubing was already in place to take the oil or gas flow and this was mainly in oil wells in the Jackson Oil Field in Queensland near Noccundra and we would basically set up our equipment one day. The workover rig would be mounted over the well, we would shoot at the next and the rig would move. We would do another well and we did a series of wells over a period of time. So it can be done fairly quickly and sometimes the through-tubing jobs were just done on their own just to open up the formation without any further pumping of sand.

So it has been around a long time; it is not as if it has just loomed up in the last five years. There has been a lot of emotion, and I concur with the member for Waite's comments that, yes, we do need to get on with the job, we do need to be careful, and we do need to make sure we have the appropriate environmental management and the appropriate water management. But I can assure you—and I know very much from experience—the last thing people want to do is make a mistake in these jobs.

Certainly, in regard to geothermal work—and I know they have been doing this work in the Cooper Basin, just out of Innamincka, for a long time—there are various opinions about whether they will ever manage to calm the beast of geothermal up there at Innamincka. There has been hundreds of millions of dollars poured into that project. I know for a fact that there have been many

fracture jobs done on those wells. For any people who think that fracturing is not part of geothermal, well, they need to have a good look, because it is certainly there.

I was talking to a Halliburton hand, as they call them in the oilfield, last Saturday night and he said that Halliburton in the Cooper Basin recently had four fracture crews working around the place. I must say that there are quite a few people from my electorate—my next door neighbour works for Halliburton at the moment, and quite a few others have had the opportunity to either get off-farm income or get their main income from working for companies like Halliburton and others in the oil business, as I did for two years all those years ago.

We do have to make sure that the process is operated effectively and we certainly cannot have a process where hydraulic fracturing is taken out of the equation, because it is certainly a big part of making sure that the economy of this state gets going. As the member for Waite indicated, I think we are on the verge of a far bigger industry than what we already have in the oil and gas field in this state. I certainly hope that it can take the lead, as I think it will have to, now that the Olympic Dam issue has fallen over for the moment, and that it can generate some real income for the state.

In regard to the bill and the gas trading exchanges, the Standing Council on Energy and Resources took out a scoping and cost study for a gas trading exchange, and these are short-term supply markets for reallocation of gas between national market participants. This should lead to greater transparency in trading, allocation and price efficiencies. According to the bill, the process required will be voluntary for participants.

In October 2012, the Standing Council on Energy and Resources tasked the Australian Energy Market Operator to conduct a design analysis of the first proposed gas trading exchange at Wallumbilla in Queensland, and this would incur an implementation cost of around $1.4 million to $1.7 million to establish, and potentially an annual operating cost of $570,000. Most of the industry participants estimated that their annual cost to participate in the scheme would be around $100,000. There is an estimation that the on-flow benefits of trade would be approximately $13 million on an annual basis, and it is said that DMITRE claim that there will be a negligible benefit for gas prices as a consequence of the measure.

The bill seeks to amend the National Gas Law to facilitate the establishment of gas trading exchanges and create the rules and regulations by which they will be governed. It will give the Australian Energy Market Operator statutory functions to facilitate gas trading exchanges in their operation and their set fees. It will also outline minimum standards by which these exchanges will operate. While the first exchange will be based in Queensland, the regulatory framework will extend to future gas trading exchanges.

There was quite thorough consultation with industry, and some of the industry were a little bit reluctant at the start. However, from the consultation that the member for Waite had, they have all indicated that they are now comfortable with the bill. The issue is that if this measure was not taken, if we did not have these gas trading exchanges open up, we could see that by 2020 it would provide for only 10 per cent of gas, and eastern and south-eastern Australia would only be able to operate it within the market.

The Australian Energy Market Operator will be governed by the rules, and, in effect, the state government and state government regulatory agencies will refer powers to these national arrangements through the Australian Energy Market Operator. I think this will certainly open up the trading for gas throughout the country, and it is something we always have to be mindful of. I am always intrigued about how cheaply we sell gas for overseas.

I know that is certainly in a bulk arrangement, but when you compare that price to what we have to pay at home you wonder what goes on when we source so much gas from Cooper Basin. This is a very worthwhile bill to make sure we get the trading right. I want to reiterate that we must keep on with our work for the prosperity of this state, to make sure that the drilling and opening up of our oil and gas reserves go on for our future prosperity.

Mr TRELOAR (Flinders) (16:41): I rise to support and commend this bill to the house. I congratulate the member for Waite in his role as shadow minister for his research and contribution today, and also the member for Hammond, who drew on his vast personal experience within the oil and gas fields of the state to contribute. As I understand it, the national gas amendment bill was introduced by the minister on 25 July. The bill proposes to make amendments to the National Gas Law and National Gas Rules for the establishment of gas trading exchanges, otherwise known as GTEs. This is for supply to the eastern domestic gas market.

The bill will create the rules and regulations by which that gas market will be governed. The bill provides the AEMO statutory functions to facilitate the GTEs' operation (gas trading exchange) and also set the fees. It also outlines minimum standards by which exchanges must be made. While the first exchange will be established in Queensland, the bill provides the regulatory framework for future GTEs. After the initial implementation of the bill, the Australian Energy Market Commission will assume the regulatory role. So, not only does this bill provide for the regulation of the gas market but in a sense it frees it up.

How quickly the world changes. I listened with interest to the contribution from the member for Waite, and he made some really valid points about the history of hydrocarbons and their role in our civilisation and where we might be in the future. They certainly are the key to our economy, our lifestyle and our civilisation, and I think to dispute this would be not only putting your head in the sand but foolish. For the last 150 years or so initially coal and then oil and more recently gas have underpinned our society and our civilisation.

It was only a generation ago, in 1973 I think, when there was a world energy crisis, a world oil crisis. The price of oil skyrocketed and there was much despair because people could foresee the world running out of oil. As I said, it underpins our civilisation but also our farming production systems, and I think this is a key point. It is actually oil and gas that enable our agricultural production to achieve the levels it does today. You could argue that our current systems are unsustainable simply for that fact, that one day we will run out.

The member for Waite mentioned the APPEA conference. I attended the one here in Adelaide the year before last and was surprised and interested to hear that latest estimations are that in the last 150 or 160 years—or since the middle of the 19th century at least—we have used about one trillion barrels of estimated reserves of hydrocarbons, and the latest estimate is that there are approximately six trillion barrels of hydrocarbon still to be extracted. Obviously the new technologies that are available to us now are technologies that have developed in very recent years and will enable us to do that. For many years to come, I would suggest that the hydrocarbon industry will underpin, as I have said, our society, our civilisation and our production systems.

So it is an exciting place to be here in Australia at the moment, and there is no doubt that we as a nation are rich in natural resources. We have become wealthy from a productive landscape. We have mined our coal and our iron ore. We have had limited supplies of oil and we have had copious supplies of gas, which look like increasing, even. It has been mentioned today that there is exploration going on out in the bight, and this is adjacent to my electorate of Flinders.

We are watching it with great interest and I must congratulate the two companies that are involved so far—both BP and Bight Petroleum—for their preparedness to keep us across the developments and expectations as far as those projects go, because, as the member for Waite quite rightly pointed out, the geology looks good, and the companies involved are optimistic.

Recently I was in England and I visited BP's headquarters in Sunbury, London, and they took me right through the geological mapping that they have done, and it is quite incredible to understand that the science enables oil exploration companies to recreate the geology and geography of areas of the world from some many millions of years ago, and they have highlighted this particular spot in the Great Australian Bight as a very likely chance, and highly prospective as far as oil and gas go.

They do not know yet what they are going to find but BP, of course, is committed to drilling four exploratory wells over the next three years, at great cost. Of course, it is an expensive business. They have undertaken their seismic survey. People had concerns about that, but BP managed to get through that with little or no disruption to either the tuna or the whales—thank goodness.

The world marketplace is changing. Obviously, India and China have been identified as a market for a whole host of things, not just oil and gas, but primarily they are importers of energy. I think we are in a prime position, situated where we are, and with a likely surplus of energy going into the future, to provide much of that requirement to India, China and East Asia as they grow. With production around the world, the production dynamics are changing. It has been mentioned that Africa now has a resource in oil and gas that it never realised it had in the past. Australia is likely to have increased production with new fields and, more particularly, new technology.

The most interesting one for me is what is happening in North America, not just in the US but also in Canada—there are oil sands in the north of Canada that are now being exploited. The barrel price of oil has reached a point where it is economic to go into that really hostile environment

and extract the oil from what is essentially sand. Also, the new technologies with regard to extracting gas have made North America—or are about to make North America—once again, self sufficient and, more particularly, the US self-sufficient in its energy needs, which it has not been for a long time.

It has been forever reliant upon the Middle East and, as North America in time, over the next short number of years, becomes self-sufficient, it will change the dynamics of the global economy. So, it will be interesting to see how that shift plays out. Obviously, America is well placed to capitalise on its own wealth and once again become the primary industrial powerhouse of the world.

It has been mentioned that, historically, we have been able to extract gas out of the Cooper Basin, and there is exploration going on in the Otway Basin and the Officer Basin—all of which will be interesting and, hopefully, lucrative for this state. In the seat of Flinders, we are watching with interest what happens in the Great Australian Bight. We hope to be able to gain some activity on the back of whatever is discovered out there. Certainly, even in these early days, Ceduna has been identified as a place where the daily helicopter trips will travel out to the bight.

I think it is important to highlight that this particular drill site, or tenement, is a long way out. It is west of Port Lincoln, it is south of Ceduna, it is right on the edge of the Continental Shelf, it is at the very edge of where technology is. So, it is high risk and high reward, hopefully, minister.

I think that is about all I need to say. I think that, in essence, we support the bill. As I said, it is an exciting time. It ensures that the regulations are in place to free up the gas market. It seems to be a bit of a dichotomy, but that is the fact of it. It will allow us to capitalise on our very real natural wealth and take our place in the world.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (16:51): I feel really impressed by the speeches I have heard today. Can I just say I am greatly impressed, especially with the regional members standing up for fracture stimulation—good on you. I think that is really impressive. I am really glad that they are standing up to the voices that are anti-mining in this state. They are growing and we need to combat them in a bipartisan way.

In my experience, what is going on in New South Wales is where I am going to disagree with the member for Waite, but not in the political way. I think bad policy in Australia is bad for South Australia. What Barry O'Farrell and his predecessors of the Labor government over there have done in terms of mining—I am talking about Eddie Obeid and Ian Macdonald and not talking about Barry O'Farrell in terms of any form of corruption at all—is talk about mining and exporting our natural wealth as something that is bad for our economy or bad for our natural environment.

Quite frankly, I am glad that Liberal members around the country are speaking up against the LNP government of New South Wales. I think their policies are wrong. Chris Hartcher is a good friend of mine. I tell him regularly that I think he is wrong. I think he is in a very difficult position. I think he is fighting a losing battle within his own cabinet, but I think that, ultimately, common sense will prevail.

The reason I say bad policy in New South Wales hurts South Australia is that it is South Australian companies that are investing millions and millions of dollars into those markets but, thankfully, those regulatory refugees can come home to the safety of South Australia. They can bring their hard-earned capital where it is safe and invest in our Cooper Basin and our Otway Basin. When the shut-the-gate activists turn up at the Otway Basin, I know I can stand side by side with the member for Waite.

Mr Hamilton-Smith: You're friends with the Greens though.

The Hon. A. KOUTSANTONIS: I can stand side by side with the member for Waite and say, 'Comrades, to the barricades!' The Greens and the National Party represent a clear and present threat to our prosperity in this state by attempting to ban fracturing. I will take up a point of the member for Hammond. He said the first fracture stimulation occurred in the 1940s. Was it you or the member for Waite?

Mr Pederick: 1947.

The Hon. A. KOUTSANTONIS: It was actually in the 1860s when the term 'moonlighting' was invented. Moonlighting was when young entrepreneurs wanted to avoid paying royalties, so

they would throw dynamite down drill shafts and, obviously light up the sky, so they called it 'moonlighting', which, they found, increased the flows of oil and petroleum out of the ground, which is one of the reasons why they think the term came about.

Fracture stimulation has been going on in this state since the 1950s. Mr Playford began a great legacy for this state, which we should be very proud of. He started the South Australian/Northern Territory oil search. His swag, which he would take out and sleep in for weeks in the Cooper Basin while awaiting the results of fracture stimulation, is still in the department's keeping.

The basis of our fracture stimulation here in South Australia is that we do no harm. I am disappointed to hear that the member for Hammond struck water and polluted one of our aquifers. I will get onto the department about whether or not he was fined appropriately, and whether or not the—

Mr Pederick: The engineer was sacked!

The Hon. A. KOUTSANTONIS: Good, good. But, in all seriousness, we are about to embark upon exploration in the Otway Basin. My very good friend, Nick Kotsiras, who is the Minister for Energy and Resources in Victoria, has just banned fracture stimulation in Victoria.

Mr Hamilton-Smith: I went to see him; he's a good guy.

The Hon. A. KOUTSANTONIS: He is a very good man; he is from the same part of Greece as my father. He is a very good man and he is very concerned about—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes, Messenia. He is very concerned, and he is looking to South Australia for our regulatory response. There was recently a bipartisan committee of the Victorian parliament that investigated the best regulatory aspects of mining and resources, especially in terms of gas. Their recommendations, on unanimous and bipartisan findings, were that South Australia had the best regulatory regime in Australia, if not the world, and they are seeking to mimic ours.

I have entered into cooperation with Mr Kotsiras and the Victorian government to try to offer as much assistance as we possibly can to their regulators to help, one, share information, two, educate them and, three, help them with their community consultation, because the major issue with their ban on fracture stimulation in Victoria is that Beach Energy had to cease work. Beach Energy is a great South Australian company doing amazing things, and they needed some regulatory certainty; unfortunately, they did not find it in Victoria.

This is not an issue that just affects Liberal conservative governments on the Eastern Seaboard, where they have communities close to farmland; this is an issue that affects our nation. It takes political courage to stand up to interest groups and say, 'You are wrong.' I think the Queensland Labor government did a great deal of damage in the way that they handled the gas industry and the 'Shut the farm gate' campaign, and they have a lot to answer for. I think the Newman government is doing good work to try to overcome some of those bad practices.

They say they have a long way to go, and I think they realise that their future prosperity is linked to gas. Coal is going to become harder and harder to export; markets are going to be harder and harder to find. I am not saying coal is not a commodity of the future. Of course it is going to be important going into the future, but our future lies with gas.

As a quick example: 10 years ago, the US Department of Energy came out with a paper about how to make the United States energy independent. Their findings were to build 15 import facilities. Now, because of shale gas, they are rushing to build export facilities because they are, for the first time in a long time in their history, energy independent. In fact, I daresay it is changing their foreign policy. It is also changing the world outlook.

Energy means equity; equity means education, and it means electricity. South Australia has abundant forms of energy, whether it is uranium, oil, or gas. You could say that the western flank of the Cooper Basin will soon eclipse Gippsland for oil production thanks the work of Senex and Beach. Beach is now the largest oil producer in the Cooper Basin; what a remarkable achievement for a company like Beach. I think that is a fantastic achievement, and we should all be very proud of the work they do.

There are a number of companies that are doing great things, and the most important thing for us in the Cooper Basin is diversity of investment. It is not just the big three: there is Drillsearch, there is Origin, and there are other companies seeking to partner. Shell and Exxon are sniffing around the Cooper Basin. There are great things going on in our Cooper Basin, and we should be very proud of the work those companies are doing. The two largest oil and gas companies in the world, Statoil and BP, are here investing $1.4 billion to drill four holes off the Great Australian Bight—a remarkable investment.

I am proud of the fact that South Australia is a lead legislator in the energy field, because I think we are the exemplar. I know that incoming minister Ian Macfarlane is a good and decent man who cares passionately about the oil and gas industry and the mining industry, and I wish him well in his endeavours. I want to pay tribute to Gary Gray and Martin Ferguson, who I think carried those portfolios in difficult circumstances, and they did a very good job.

This legislation, which has come out of the SCER (Standing Council on Energy and Resources), I think is the best functioning standing committee of the commonwealth. It works well. There is good bipartisan support, other than when it comes to electricity prices, and then the states who own their assets behave a certain way and the ones who do not own their assets behave a certain way. Other than that conflict, we work very well together. This is an example of me working very closely with the Queensland government to try to get them the certainty they need without being too oppressive in the market.

It is important that we can allow gas trading to occur in a voluntary way. We do not want to be compelling people to use gas exchanges. There is some debate about that. I do not necessarily agree that we should compel them to use it. But, what it does do is it brings customers together and gives them the ability to maximise the molecules that are in the pipelines. That is the key to this legislation, and I think it is a very good piece of legislation.

I want to thank the opposition, so close to a state election, for not politicising this piece of legislation. I think we are one of the only states in the federation who can do something like this so close to the election that is so important to our future prosperity. Make no mistake, what is going on in New South Wales will affect our long-term prosperity. If New South Wales runs out of gas, it will not be because the pipelines are not connected and it will not be because the infrastructure is not there. It will be regulatory failure by the New South Wales government which means that South Australian companies are not given the tools that they need to find the gas and unlock it in New South Wales for their own constituents.

I will not and no South Australian minister should ever allow the New South Wales Premier to try to get us to overturn commercial contracts of our local companies to supply the lights in Sydney. If the lights in Sydney go off, it is Barry O'Farrell's fault, not ours. I will stand by Santos, Beach and every single gas exporter in this state and stand by their commercial contracts, because we will not become Cuba.

Ms Chapman: Like Arkaroola.

The Hon. A. KOUTSANTONIS: Thank you for that interjection, because it was the Liberal Party that called on us to exclude Arkaroola from the Mining Act. It was Ms Redmond who first led the charge, led by Mr Nick Minchin. So, thank you very much for bringing up and ending the era of bipartisanship. For a brief, shining moment we had a bit of bipartisanship. Yes, I did succumb to Liberal calls to ban mining in Arkaroola—I did. The pressure was overwhelming. Nick Minchin, Alexander Downer, Isobel Redmond, Mitch Williams—overwhelming pressure by those key conservative figures in this state who wanted to ban mining in the state. Luckily, however, there is a new shadow mining minister who has a very different view about the oil and gas industry.

I commend this bill to the house. I hope it has a speedy passage. I wish our Queensland counterparts well. I wish them good trading. I hope they can move those molecules as fast as they can to make a good profit, and I am glad that oil and gas companies make profits. That is a good thing. I was stunned yesterday that a member of the opposition was complaining about oil and gas companies making profits, but that is the world we live in.

I will say this: there is a proposal in the other place to ban fracture stimulation in South Australia. I consider that procedure to be a clear and present threat to the prosperity of this state. If that measure passes, it will dramatically hurt the prosperity of this state and must be defeated. I look forward to the government and the opposition defeating that bill in the upper house, despite some of the pressure that might be put upon your very close friends, the Greens. I commend the bill to the house.

Bill read a second time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (17:04): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MOTOR VEHICLES (PERIODIC PAYMENTS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

[Sitting extended beyond 17:00 on motion of Hon. J.R. Rau]

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 11 September 2013.)

The Hon. J.R. RAU: I want to deal with the various amendments that have come back from the Legislative Council, and I want to make a couple of very general comments about it and then descend into the detail very quickly. I do not want to occupy everyone's time for very long.

Our Legal Practitioners Act is something that is now seriously out of date. There was an attempt in 2007 to modernise the South Australian legislation, which unfortunately was not able to proceed because there was no agreement with the other place.

I have to say that the process that has led to the preparation of this bill has been a very lengthy one. It began for me in 2010. It was made more complex because, at the time, there was this mooted national reform, which, in discussion with the Law Society, I formed the view that we did not wish to be part of.

We were initially described by the others as 'recalcitrants'. It was just Western Australia and us standing out there for the matter of common sense, as we saw it. How the times have changed, because there are now more recalcitrants than participants. It is now just Victoria and New South Wales; nobody else is in it.

The mail I have is that even Victoria and New South Wales have now come to their senses and have decided that this centralised bureaucratic model that was being floated before is not the best way to go, and I am very happy to see that is the case. But had we been waiting for that to happen, we still would have done nothing. I am very pleased that we resolved, 'We're not going to wait for everyone else to get their act together, we're just going to get on with it and produce a better model for ourselves,' which we have done in this.

There are a few amendments which have been suggested by the upper house. Very briefly, can I say that most of them I will not be opposing, not necessarily because I agree with them but because they probably do not do a great deal of harm and therefore, rather than having a perfect bill, it is better to put up with one which is imperfect but which at least achieves a large proportion of what was intended to occur in the first place. If I can now go specifically to the amendments, I will indicate the position in relation to those.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be agreed to.

This relates to amendment 9—clause 32, page 25. I am moving that this amendment be agreed to but, in doing so, I have to say that it is a stupid amendment and I do not agree with the amendment at all, and I want that on the record. This is a retrograde step, a foolish step, and I will explain why.

This amendment is the first of a number of amendments that allow for a non-legal practitioner to be appointed as the commissioner overseeing the legal profession. This is absurd, in my opinion, and I say again on the record: I do not agree with this because, to have a person who is not legally qualified acting as the policeman of the legal profession (because, as anybody who is

a member of the profession knows, there are lots of subtleties in there which are invisible to people who are not lawyers), is a very foolish change.

I should put on the record, too, that the legal profession is violently opposed to this amendment. I say again: I am violently opposed to this amendment. It is absurd but, sadly, I have become accustomed to these sorts of absurdities. Given how long this bill has been floating around, I have resolved in my own mind that, rather than have something like this be a point over which the bill falls over, I will reluctantly accept this amendment.

It does not, fortunately, prevent a legal practitioner being appointed as the commissioner, and I make it very clear on the record that it is my intention that the first commissioner will be a legal practitioner if I have anything to do with it. That said, with total reluctance but in order to prevent this bill going off the boil yet again and disappearing for another several years and our profession being the laughing stock of the country, I am prepared to accept this amendment.

Ms CHAPMAN: I indicate that we will be supporting the amendment. I understood, though, that the Attorney was making a contribution in respect of all of the amendments.

The Hon. J.R. RAU: I can. That is the one I had the most to say about. There is only one other that I have much to say about. Anyway, I am accepting that amendment.

The CHAIR: I will put that, and then we can put them en bloc.

Motion carried.

Amendments Nos 2 to12:

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

That amendments Nos 2 to 12 be agreed to.

Amendment No. 2 is accepted. Amendment No. 3, again, is accepted. Apparently the Law Society took no objection to this so I am not going to take one. The Law Society does have concerns about amendment No. 4 but, again, in the interests of avoiding a deadlock, I accept it. Amendment No. 5 is accepted. Amendment No. 6 is completely unnecessary. It is another one of these things that pop up in the other place but it neither adds nor subtracts, in the end. In my opinion, it is just a waste of space, but I am not going to object to it because, again, it would be futile. Amendments Nos 7, 8, 9 and 10 are agreed to. They are all consequential upon amendment No. 1. Amendments Nos 11 and 12 are agreed to.

The CHAIR: Does the Deputy Leader of the Opposition wish to make any contribution?

Ms CHAPMAN: No.

Motion carried.

Amendment No. 13:

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

That amendment No. 13 be disagreed to.

I do not agree with this amendment. I did not agree with amendment No. 1, either, but this one I am not prepared to cop. The situation is, basically, this. The Legal Practitioners Act presently says—and, in fact, since 1996 when it was inserted by the then Liberal government has said—that a legal practitioner who is being investigated for professional misconduct, in the context of that investigation, cannot refuse to answer questions pertinent to that investigation.

Just think of the consumer angle here. We have a legal practitioner who is accused of professional misbehaviour. The Brown government, I assume, decided that they should not be able to hide behind self-incrimination defences inasmuch as answering those questions related to professional standards investigations. The current section removes that privilege, and it has done since 1996, and it was put there by the then Liberal government. What is happening is the Legislative Council wants to remove that.

In other words, any lawyer being investigated for being a shonk can refuse to answer questions about their shonky behaviour on the basis that it might tend to incriminate them, which they have not been able to do since 1996. This is an appalling, retrograde step which means the consumers, rather than getting more confidence out of the amendments that have been put into this bill, can be confident of one thing and one thing alone, and that is shonky lawyers will hide behind self-incrimination protection and will not answer questions. This, I emphasise again, is

something that they have not been able to hide behind since 1996, and the Legislative Council wants to put that back in. Well, I do not, so I do not agree to that.

Motion carried.

Amendments Nos 14 to 18:

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

That the Legislative Council's amendments Nos 14 to 18 be agreed to:

Motion carried.

Amendment No. 19:

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

That Legislative Council's amendment No. 19 be disagreed to.

This is largely because of the ambiguity, I am advised, in the actual wording of it. The government did reserve its position on this amendment. The government has consulted with the Law Society, which has indicated concerns about the drafting of the amendment and the potential for unintended consequences. In particular, it may be arguable that the amendment implies a need for a law practice to enter into an arrangement with a client to accept trust money not only if the law practice is prepared not to receive trust money.

The amendment in its current form is opposed. If, however, the Hon. Mr Darley wishes to put an alternative amendment in the Legislative Council, which more properly achieves whatever it is that he is seeking to achieve without these unintended concerns the Law Society has, I am happy to look at it, but I do oppose it in its present form.

Motion carried.

Amendments Nos 20 to 23:

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

That the Legislative Council's amendments Nos 20 to 23 be disagreed to.

These are all basically the same as the earlier one about self-incrimination. There is no different argument here at all. These are consequential amendments, which are to do with shonky lawyers being able to hide behind self-incrimination protections, and for the same reason I have already articulated, I oppose them.

Motion carried.

Amendments Nos 24 to 26:

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

That the Legislative Council's amendments Nos 24 to 26 be agreed to.

They are consequential amendments to other amendments that have been agreed to.

Motion carried.

Ms CHAPMAN: The opposition notes the Attorney's position in respect of some of the amendments that have been presented from another place. It is certainly true that the gestation period of this bill has been very long and there are very important aspects of it which will certainly positively add to the management, governance and regulation of the legal profession. That enhancement would be lost if this bill does not pass.

However, the Attorney has identified, I think, three areas which are not negotiable for his government and in those circumstances there is an opportunity for us to go into a deadlock committee and to canvass those issues. Rather than traverse some of the aspects from the opposition at this point, we are pleased that at least we have developed to the pointy end, and one would hope that this bill does not ultimately fail if there cannot be some resolution.

One of these matters, of course, seems to be purely a matter of style and of the alert by the Law Society that there may be some unintended consequences. Perhaps the mover of that amendment will understand that and we can easily resolve that issue. The other two may be a little more difficult, but nevertheless perhaps we will have an opportunity to canvass that with representatives from the other place in due course.

ADJOURNMENT DEBATE

FARRELL, SENATOR D.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:24): I wish to bring to the house's attention—which I am sure they are already very much aware—that we, after Saturday, are likely to have a new representation in the Senate for the one half, namely six of the 12 entitled senators that we had an election for on the weekend. After the election, it seems likely that one of our longest-serving senators for South Australia, the Hon. Don Farrell, is likely not to be returning to Canberra after June 2014, of course, when his current term expires.

When members give service to their state or their constituency, I think it is important that that is recognised. I have previously worked with Senator Farrell on some local projects and some matters of importance for the state, so I think it is reasonable to recognise that on this occasion and place on the record our appreciation for the work that he has done. I cannot say that his apparent involvement in the elevation of the former prime minister, Ms Gillard, or indeed our own Premier, fills me with joy but, nevertheless, that relates to his loyalty to his party and he will carry that legacy.

Finally, on a happy note, I announce that just over a week ago my third granddaughter was born. So, we are doing everything we can to help populate the state from the Chapman family. Elizabeth Stella Rose came happily into the world. She joins her sister Adelaide Grace Iris and the next sister Georgina Chloe Lily, so a happy family of three girls. I think that it is incumbent upon all of us to think of good ideas to help populate the state of South Australia, and we are doing our bit.

CHILDHOOD CANCER AWARENESS MONTH

Ms THOMPSON (Reynell) (17:28): I want to recognise the fact that today many members of the house are wearing gold ribbons, but we did not have time earlier to canvass why we are wearing them, and it is because this month is Childhood Cancer Awareness Month. My federal colleague, Amanda Rishworth (member for Kingston), was approached by a constituent and asked if she could organise for gold ribbons to be worn in the parliamentary chamber. Obviously that was a bit difficult in Canberra at the moment, so she asked me if I could take on the task and ensure that the tragedy of childhood cancer and our determination to overcome it is recognised by the wearing of gold ribbons in this chamber.

In South Australia each year, on average 60 children are diagnosed with cancer, 12 children relapse and 10 children sadly lose their battle. It is the biggest killer of children in Australia. Learning that your child has cancer is among any parent's worst nightmares. Dealing with the diagnosis, treatment and prognosis can be a physical and emotional roller-coaster for the young patient and their whole family.

Childhood Cancer Australia is among a number of organisations that support families in this situation. I take this opportunity to highlight the work of the many people in our community—doctors, nurses, staff and volunteers, including those at the Women's and Children's Hospital—who, together with other support organisations, do a wonderful job to support families and children fighting cancer.

Traditionally gold is the colour we most frequently associate with success and happiness. Gold medals are awarded to our Olympic heroes and it is the precious metal most wedding rings are made from. The ribbons we proudly wear today pay tribute to a group who deserve our best wishes for a healthy and happy future—children and families battling cancer, all heroes in their own right.

When I was researching this topic, I came across the following in the *Huffington Post*, an online publication some of you might be aware of. It is 'Childhood cancer awareness month: 22 signs you're a cancer parent pro.' These comments provide a real insight into the life of a family dealing with cancer. This is how you can tell the parent of a child with cancer:

> You realise there is no such thing as too many vomit buckets in your home. Words like neutropenia, pentamidine and cyclophosphamide just trip off your tongue (and you can spell them, too!)

You can tell that fortunately I have not been touched by childhood cancer.

> You're irritated that someone has taken your usual spot in the hospital parking lot. You pack coordinating outfits and your hairdryer (and possibly even your anti-ageing cream?) to use during your child's hospital stay...it's become your second home, why look like a hot mess? You breeze past hospital security. They should know who you are by now, for God's sake. You're mistaken for a social worker as you walk to the hospital elevator.

We might change that to 'goodness sake'—

You realise you are getting too attached to your nurse practitioner. The hospital cafeteria cashier asks you for your staff discount card. Your first thought of the day as you wake up beside your inpatient child is not getting your caffeine fix, but asking your RN for the latest ANC. A rising ANC makes you blink back tears of joy. You marvel at discovering the only true waterproof mascara that doesn't leave rivulets of black running down both cheeks when you cry. A doctor's request to talk in private triggers a reflex of primal terror. You question the phlebotomist when the lab requisition isn't marked STAT.

I do not know what that means either and I think I am fortunate that I do not.

You get used to the resident saying they'll have to get the attending to answer your questions. You wish the residents would stop wasting your time and only the attending would attend. The attending's face falls when she sees you at your child's bedside—she knows she's stuck with you for a while. You wonder when you will get your pay check—wait a minute, you don't work at the hospital, or anywhere anymore (who'd want to hire you, anyway?).

You are constantly on the lookout for attractive hats for your child. You've perfected the stink eye for anyone who dares to stare at your child's bald head or steroid-swollen face. You restrain yourself from saying 'WTF' when you hear your daughter's friend complain about her new haircut. You snoop through your child's email inbox and intercept those messages that you decide are insensitive. You are never without tissues and Tylenol. You know that you'll probably have a thumping headache and/or shed a torrent of tears at least once a day.

I think that that gives some insight into the family's terrible journey when a child is diagnosed with cancer.

There are heroic stories too. I read of a four year old who knew that she was likely to die and set up a lemonade stall in order to raise money for research. She said that it was because the doctors and the nurses looked so horrible when they were treating her and they were so distressed. She did not want them to be distressed as they treated other children.

She ended up raising—and this is another US story—over $1 million before she died at eight. So there are heroic stories, but generally it is a tragic time for families. We wish them well, and we recognise that the community contributing to research into childhood cancer is probably the way it is going to be solved.

BURRA RAILWAY STATION

Mr VAN HOLST PELLEKAAN (Stuart) (17:35): Thanks to the member for Reynell for that, and I wholeheartedly agree with her. Research into cancer, and particularly childhood cancer, is something very dear to my heart. My parents, my mother, would know that list and a much, much longer one inside out, so thank you for that contribution. I rise to use the time available to me today to talk about a very positive project that is going on in the electorate of Stuart at Burra at the moment.

I was privileged to meet Mr Roy Taplin last week at Burra. He is a man of extraordinary skill and extraordinary humility as well. He is currently renovating the Burra Railway Station, and he is doing an extraordinary job. He is the man who led the renovation of the Burra Town Hall. For anybody who has not been there, or not had the opportunity to see it, if ever you are passing through that town I really do strongly recommend that you just park out the front (there is always plenty of parking), walk up the steps, and just poke your head in and have a look around. You will be made extremely welcome. It is one of the very beautiful town halls in the electorate of Stuart.

Mr Taplin is leading this work on behalf of the Burra Railway Preservation Group, which has a number of very active and capable members. Probably the two leaders (but certainly not the only ones) would be Meredith Satchell and Pip Edson. While they are certainly active, and working, and helping, and coordinating, it really is Roy who is leading the charge in a very hands-on way. He is the one who is ripping up all of the white ant-ridden floorboards and replacing them with beautiful floorboards. He is the one who is scraping back all the paint and filling in all the cracks in this heritage railway station, which—I am sorry I do not know the date—would be from the mid-1800s, I am sure.

He is the one who, remarkably, has uncovered the original frieze that went around the wall in one of the waiting rooms by painstakingly working back through the paint, pulling bits of wood off the wall that actually protected some of the frieze. The frieze was there originally and then, after that, some wood was put onto the wall for some other purpose. He has pulled that back, pulled back some of the glue and other things that were holding the wood there, and managed very carefully and very gently to uncover the original frieze that was there. Of course, they were able to make a stencil and replace it throughout the entire room as part of the restoration. They really are doing an extraordinary job.

As well as the interior restoration, of course, is the exterior. The Burra Railway Station had originally not only a covered roof over the platform but also a covered roof over the train tracks out the front of the platform. Unfortunately that extra bit of roof is no longer there, but there is a fairly extensive roof over the platform still, and that is in very good shape. I am told that in a month or two (in fact, I think in October) the very first event in the renovated Burra Railway Station—the renovations will not be complete, but it will be good enough to do this job—is going to be a local wedding, outdoors on the platform, under cover. So already this renovation is being put to very good use.

Another thing that they are doing is putting in a bed and breakfast. There will be two accommodation units with modern bathroom and toilet facilities and a modern kitchenette. It will be a combination of the best of the old and the new, but it really is an extraordinary job that they are doing. I would like to pay credit to the entire preservation group but particularly Mr Roy Taplin, who is doing all of this work, whether it is his own hands-on work, which it often is, or whether it is him engaging contractors and overseeing their work, which it often is. They are on a very tight budget, and I am pleased to compliment the government on having contributed a significant amount of money to this prior to the last election, which this group is spending exceptionally wisely.

It is part of a much broader heritage restoration effort throughout the township of Burra, and I really do recommend any members of parliament, or friends or family, who have the chance, if they have not been there before, please do go to Burra. An extraordinary number of beautiful buildings have been renovated. There is a strong heritage culture there. There is a strong art culture there. I have been to a few art exhibition openings and I have been to many other arts exhibitions but just not on the opening night.

It is a strong area for culture and for tourism, and for agriculture, of course. Agriculture was there in the district well before the town started, throughout the town's entire history and still exists very strongly today. Burra was, as I am sure all students of South Australian history would know, a very important mining town—a mining town that actually, through the copper that was mined there, saved the South Australian economy. There may well be mining there in the future one day.

But my focus here is really just to compliment the people who are doing wonderful work. They have an interest in the entire town, but their key focus at the moment is the restoration and the preservation of the Burra Railway Station. They are really doing an outstanding job and I thank them for doing that on behalf of their community. They are all volunteers involved in this group, so they do it for their pride and for their own sense of contribution, but they do it for the entire community as well.

At 17:41 the house adjourned until Tuesday 24 September 2013 at 11:00.