

## HOUSE OF ASSEMBLY

### Wednesday 27 November 2013

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

#### **NATURAL RESOURCES COMMITTEE: BUSHFIRE PREPAREDNESS**

The **Hon. S.W. KEY (Ashford) (11:05)**: I move:

That the 19<sup>th</sup> report of the committee, on Bushfire Preparedness of Properties in Bushfire Risk Areas, be noted.

On 3 September 2013, the Natural Resources Committee was approached by the Minister for Emergency Services, the member for Napier, to consider the proposal that properties in bushfire risk areas should be subject to bushfire safety inspections at the time of sale. This is similar to a proposal considered, but not adopted, by the City of Mitcham on 28 May 2013. The possibility of mandatory inspections resulted in criticism in the media and from the real estate industry, which sees it as acting as a brake on development.

The Natural Resources Committee heard that the vast majority of houses in the Adelaide Hills would be vulnerable if a bushfire on the scale of the Ash Wednesday fires of 1983 were to reoccur. Even newer dwellings, built after 2009, which must comply with Australian Standards 3959 for bushfire proofing, are only designed to withstand a fire danger index of 100, and this can be exceeded, as happened in the Canberra bushfires in 2003, the Wangary bushfire in 2005, and the Victorian Black Saturday bushfire in 2009.

The committee was, in relation to time constraints, unable to hear from the Real Estate Institute, the Local Government Association and a number of other witnesses before the end of the parliamentary session, but we felt very strongly as members of the committee that because we had taken evidence from a wide range of witnesses, including the Country Fire Service, the Metropolitan Fire Service, the City of Mitcham, the Blackwood/Belair District Residents' Association and the Housing Industry Association, we should have an interim report to this house.

After considering the evidence presented, we concluded that there were many additional measures relating to subdivision and planning and community awareness that also needed to be considered to improve bushfire safety, just to mention a few areas that we identified. The committee heard that councils have bushfire committees comprising elected members (councillors) and specialist staff and that these committees would potentially take on additional responsibilities.

Members heard that council-based bushfire committees have an excellent local knowledge and could potentially assist in ensuring that development plans provide for better access and egress for emergency vehicles and local residents. On days of catastrophic fire risk, however, it is unlikely that many houses in high-risk areas will survive a bushfire, no matter what level of protection has been afforded them. In these instances it is important that residents have an opportunity to safely evacuate early in the day and are suitably prepared well in advance to do so.

Consequently, the Natural Resources Committee has recommended that the Minister for Planning instruct councils in high-risk areas to amend their development planning process to prevent any cul-de-sac developments, to ensure that adequate vehicle access and egress is provided. Furthermore, councils should not be permitted to permanently close off roads without the approval of emergency services.

Residents in high-risk areas need to be prepared by having bushfire action plans well in advance of a potential bushfire. Members also noted that more than one plan may be required for each household, allowing for different conditions and different circumstances on different days of the week. I think members in this house would understand that we have different responsibilities on different days of the week and also in different seasons of the year, so one bushfire plan seemed to be inadequate under the circumstances.

Unfortunately we heard that a majority of people still do not have a bushfire action plan at all, and one of the concerns that was raised was the lack of consciousness on the part of many people with regard to bushfire prevention or any natural disaster prevention for that matter. A good way to encourage households to develop such plans is for the state government to provide a proforma plan that people can use and amend as required. This would be easier to do for people who have to start from scratch. Residents may also need support in preparing their own plans. The

committee heard that the local residents' groups are proactively supporting residents in preparing their plans. We applaud these efforts. I have to say that the residents' groups that have come before the Natural Resources Committee over the past eight years that I have been on the committee have really showed a lot of leadership and initiative. I really commend them, particularly the residents' groups that we heard from in this inquiry and for our interim report.

Another proposal that the committee supported was from the Blackwood Belair District Community Association proposal that schools in bushfire risk areas team up with nearby schools on the plains and low fire risk areas that would remain open on days of catastrophic fire risk. This would enable parents to take their children to those schools rather than leaving them at home or having to turn up to an empty school on a catastrophic fire risk day. It also, I think, acknowledges that many parents have paid work responsibilities as well as other responsibilities and there needs to be a clear plan of what a parent can do with their children and in relation to other services like child care.

The committee heard that many areas of public land adjoining residential areas in the Mitcham Hills are often not managed for bushfire hazard reduction to local residents' satisfaction. The committee heard that residents considered unmanaged or little managed areas with tall dry grass and fallen trees to present a risk to adjoining property owners. The photos that the residents' group provided to our committee were interesting examples from neighbouring and nearby properties. Whether this land is managed privately or by local or state government, and probably federal government as well, it is important to be mindful of the risk and ensure that it is minimised as much as practicable, particularly when private residents are being implored to clear up their own properties to reduce bushfire risk. All landowners in the community, especially large ones such as state, federal and local government, need to set a good example.

Finally, the committee was concerned that many people in bushfire risk areas do not have fire insurance. Rather than making this a mandatory requirement, members supported the suggestion of the Hon. Robert Brokenshire that some consideration be given to developing a rebate on fire insurance for people in high risk areas who prepare bushfire action plans and lodge them with the insurer. We have recommended that the Minister for Emergency Services gives this further consideration.

I guess the frustration of our committee was that we were not able to hear from a number of witnesses that we really thought we needed to hear from in this inquiry, and we also hope that the next Natural Resources Committee might take this up as an ongoing issue for them, but we thank the Minister for Emergency Services for asking us to at least start to inquire into this area. If nothing else hopefully this has raised the issue again in the community and, noting the media interest in this particular report, we have achieved something in raising this matter.

I acknowledge the valuable contribution of the committee members: the members for Frome, Torrens, Little Para, Mount Gambier and Stuart, and the Hons Robert Brokenshire, John Dawkins, Russell Wortley and Gerry Kandelaars. We have all worked really well together. I also thank the parliamentary staff for their assistance in our interim report and over the year. I commend this report to the house.

**Mr VAN HOLST PELLEKAAN (Stuart) (11:14):** I too rise to speak on the Bushfire Preparedness of Properties in Bushfire Risk Areas report, and I will not go over all the same information that the Chair, the member for Ashford, has mentioned.

The key recommendations in this report are that a bushfire action plan should be lodged with the local council by all householders and that insurance companies in South Australia should be encouraged to offer a rebate on fire insurance to householders in high-risk bushfire areas who prepare and lodge bushfire action plans with the insurer. I think it should actually be a bit more than just lodging a plan: there could be a discount on insurance for people who can clearly demonstrate that their dwelling is a safer one, whether that be because there are sprinklers or other equipment, a bunker, or some other thing. That would certainly access, you would hope, cheaper insurance.

The third recommendation is very much about access and egress points. It is actually exceptionally concerning on a non-bushfire day to consider how an ambulance or some other emergency vehicle might get up and down some of these windy narrow roads in some of the Adelaide Hills areas with often legal and illegally parked vehicles on the side. You can just imagine the mayhem and the real nightmare it would be if there were a bushfire with emergency service vehicles trying to go one way and residents trying to go the other. Recommendation No. 4 is that

state-owned land in the Adelaide Hills has all its vegetation cleared when adjacent to residential areas.

All these are very sensible matters, and I agree wholeheartedly with the member for Ashford when she says that it has been frustrating for us that we could not develop this report further, because we all agree on this committee that this is an exceptionally serious issue. It is a long way from Stuart, which has its own set of bushfire risks and concerns, but I would have to say that the most concerning potential negative outcomes in the Adelaide Hills really leave anything we might worry about in the electorate of Stuart miles in their wake with regard to serious potential outcomes. This is an exceptionally important issue, and I expect that the debate and community—and, hopefully, government—interest in this issue will continue long past this week when parliament and this committee cease to operate.

I would like to finish by saying that of all the recommendations we have put forward, and all the others we might have put forward if we had had more time, absolutely nothing is as important as the message the CFS and the MFS put out loud and clear to everybody—that on a bushfire-prone day, a catastrophic day being the highest category of risk, you have to leave early or you have to have a very good plan about how you might stay and defend your property. Any dithering in between is actually what is going to cause loss of property and loss of life in these serious situations.

If it is a catastrophic bushfire day and you do not have not just a plan but a robust plan—and a robust plan that you can implement, a plan that you can actually put into place if necessary—if you do not have that, get out of there. Go away. Your house being left unattended and potentially burning down is absolutely nothing compared to the loss of life that might be caused to you and your family if you stay in that home or to you and others out on the road if you and others contribute to congestion on roads that just become impassable because you have not left soon enough.

Our recommendations are very genuine and very serious. We would certainly have made more of them if we had had more time before parliament rose and the committee was wound up, but please heed the very serious messages from the emergency services: if you are going to go, go very early and, if you are going to stay, make sure you have a good plan you can implement.

**Mr BROCK (Frome) (11:19):** I also rise to speak on the Bushfire Preparedness of Properties in Bushfire Risk Areas report. If I may start by saying that I was astounded to see some of the things we did see on our tours out there. It just absolutely astounded me to see the danger, the growth and the vegetation out there that could in actual fact create a fire hazard and endanger not only the owners and their properties but also the people who are defending them.

As other speakers have indicated, we could not take all the witnesses because of the time frame, but certainly the recommendations we have come up with include requiring householders in bushfire zone areas to prepare bushfire action plans and lodge them with their local councils and emergency services. I would have thought that would be a common practice, but it was pretty widespread that that was not the case everywhere we went.

Another recommendation is about initiating discussions with the Insurance Council of Australia with a view to encouraging insurance companies to offer a rebate on fire insurance to householders in high-risk bushfire areas who prepare and lodge bushfire action plans with the insurer. Whilst that is a great move, I know that there would be a lot of properties out there that would have no insurance whatsoever. Again, that is another issue that I really do have.

One of the things I really found intriguing on the visits was the amount of what I call 'stupid' planning of some of the roads and cul-de-sacs. If there was a fire in certain areas, there is no way the people in those cul-de-sacs could actually get out, specifically if there was a fire down the other end. That is a real issue, and I think that local councils, as part of their planning organisation, really should be looking at that very closely. In a couple of cases, the roads going into the cul-de-sacs were very narrow; if cars were parked on the side of those roads, they would never be able to get a fire truck up there or get those people out. That is a real issue, and I think it is something that the local councils and planning minister should be taking on board.

Another issue is vegetation on vacant blocks and also on the blocks of households in the Adelaide Hills. We really must, as councils, as local government, as state government, and as natural resources committees, be proactive about these things and actually start clearing those well and truly before we get to the situation where some of the occasions arise.

In my area, the electorate of Frome—and I travel a fair bit—I have seen the vegetation grow fairly high in different areas and open spaces; however, they let it go for too long, and when it gets to the situation where it is just turning, just starting to die, the fire ban days come in (and they are coming in earlier at the moment) and therefore they cannot clear that roadside vegetation. It is the same with some of the adjoining blocks: they need to be cleared a lot sooner than they are at the moment.

We must also remember that the householders who do not do the right thing just walk away and expect the firefighters (whether they are full-time firefighters or volunteers through the CFS), the ambulance service, or whoever it may be, to come in and save their property. We must remember that those firefighters, whether they are full-time retainees or volunteers, are protecting our lives by coming into a situation where they are placing their own lives in jeopardy. We must remember that these people who try to protect us and do everything right are also parents; they have children. We should really start thinking about that.

People in general need to take a really hard look at the whole thing. It is the responsibility of not only the property owners but also, as I said earlier, local councils. One of the things I have found in my electorate has been in relation to the grain industry and harvesting. There have already been three or four fires. Luckily, they have been able to be contained, but certainly it is an issue that the grain industry and farmers themselves really must be aware of. If it is going to be a catastrophic fire day, do not take the headers out there, and do not chance an opportunity to start a fire by accidental means.

In closing, I would like to thank the parliament for giving me the opportunity to be on the Natural Resources Committee. As I have said on previous occasions, I have thoroughly enjoyed it; I have learned a tremendous amount by going to different locations across the whole state. I also thank the member for Ashford for her great leadership, as the presiding officer of the committee, and thank all my fellow members of the committee. I believe this committee has been very cooperative. There is tripartisan support across the whole committee, and I have not seen any political issues in it. That is the way a committee should be.

Again, I thank the parliament for giving me that opportunity. I would also like to thank the staff of that committee. I am certainly looking forward to an improvement in the control, maintenance and planning of some of the areas that were mentioned in our reports.

**Mr VENNING (Schubert) (11:25):** I commend the committee on its report. It certainly is very wideranging and, in some areas, really quite contentious in relation to some of the things it has recommended, particularly when you talk about bushfire plans.

I have been involved with three or four fires in the last two weeks and I can say, up-front, that the local people get a bit annoyed at the bushfire warnings that come over the radio, how alarmist they can be and how they excite people. Really, after a while nobody listens—and that is the worst thing that could happen. A taped message comes over, with the siren sounding, and you get out there.

What happens now is that we do not report the fires, because we do not want this sort of stuff coming over on the ABC. We had the CFS out at a fire in the community a week ago, and it was not reported to the state headquarters because they did not think it was worthy of having this mandatory warning go out to people.

I think common sense comes into this a lot, it really does. I can say to the committee that I am very pleased it has raised and highlighted several issues here, because it is an issue right now. It is a really big issue right now, because we have had a high growth year and we are going to have some fires, there is no doubt about that. I do believe in having a bushfire plan. At least it forces us to think about it, to think about what happens. No-one intends to have a fire but, if you do, you really have to have thought about what you would do in that instance.

I am most concerned at the number of fires we have already had this season, especially fires started by harvesting equipment, and what I am about to say is somewhat controversial. Modern harvesters are running their engines much hotter, at least some of them do. Diesel trucks have to meet special emission requirements, and they do that by either running the engine much hotter, therefore burning excess exhaust emissions, or they have what we call an AdBlue box, which is a box that contains urea, to assist in the burn-off of those emissions from the engine.

These motors are graded as tier 2, which is a standard diesel engine, tier 3, which is the hot-running version that runs extremely hot and burns the gases, or tier 4, the newer technology,

which is the AdBlue, and most trucks are now running these. Engines used on farms or off roads are exempt from this, so why are machinery companies putting these engines into harvesters? I do not know why they fit them. These are risky motors.

The tier 2 motors are acceptable before the law, and some companies have always used them. There have been some fires, but minimal fires with those. However, it is quite concerning when you realise that as well as having a very hot running engine—and I mean really hot, you cannot get near it hot—most modern harvesting machines have a straw chopper on the back, which powders the straw to dust, just obliterates it to dust. If you have a tail wind, guess what happens? It blows up into the back of the harvester and ends up sitting on the manifold—which is, of course, close to red hot. All of a sudden you can smell it, smouldering chaff, and then there is a panic.

It is much worse when you are reaping legumes, particularly peas and beans—especially beans. Luckily, with the fires that drop out of the machines the bean stubble is so very short it is usually manageable by the farmer, and that is why many of these fires are not reported. As I said, in our region in the last few weeks there have been many fires, most of them not reported because of the ABC scare and everything else. Farmers who own these machines know the problem, because they all talk about it.

They go to extraordinary lengths to be prepared with their own fire units, ready and right next to the harvesting operations with an extra driver, because if you can get there within five minutes, you can usually contain it to an area not much bigger than a kitchen table, as long as there is not strong wind. I think all harvesting and ag equipment companies should be told or it should be legislated that they should use the coolest motors that technology allows.

I note in this report the perils of being prepared for these fires, and I have to say, in some areas, you just wonder why people have not thought, particularly when you know you have dead-end roads. Trying to turn a fire truck around on a panicky day when there is smoke should be avoided at all costs. As I said earlier, it does concern me.

I know we have to be prepared, and we certainly are educating the community about the risks of fire. We have lost a lot of people in fires in the last two or three years, so we really cannot do enough, but can I say, with respect, the ABC particularly, as the fire station with their fire alerts, does annoy so many people when it is just a small grass fire and it comes over the radio and you get told you have to use a battery-powered radio and all this stuff. After a while, it really is a total switch off, and people are not using it.

With technology, most of the modern farmers, the younger ones, are using their mobiles, and we all have the CFS app on our telephone, but a lot of farmers, like me, are older, and they do not have a mobile phone, certainly not in the harvester, so there is that problem. I think we need to use common sense in these matters, and in retirement I certainly will be very much involved in this area, because we are seeing some pretty horrific—

*Mrs Redmond interjecting:*

**Mr VENNING:** It's painted—yes, as long as it's painted. I will study this report with a lot of interest and make some comment back to the committee as well. I commend the committee. It is a good subject and it is relevant that we are talking about it right now.

**Mr PEGLER (Mount Gambier) (11:31):** I rise to speak on this report. As has been said before, I think it is essential that residents in bushfire prone areas do have bushfire management plans, and those plans can be quite simple, actually. I know with my own plan, it is basically insure everything well and go to the beach on those bad days. It might sound a bit slack or a bit funny, but I think that is the smartest thing that we can often do.

I also believe that there should be local area plans for various areas, and to give you an example, on Ash Wednesday, all the people in Tarpeena went to the oval, which had been kept nice and green. We now have sprinklers and a diesel motor there so that it protects the people. Basically, on that day, half the houses in Tarpeena were burnt down, but all the people survived, because they were in a safe area.

I think we should have local area plans, and as far as I am concerned, in the Adelaide Hills, on those catastrophic days, the people should just get out. There is no way known that we can expect our volunteers in the CFS and SES and the paid people in the MFS and SAPOL to go into an area like that and put their own lives at risk because people will not get the hell out of there on

those bad days. I also believe that there is a responsibility on the councils and any developers that access and egress is proper, so that we can get trucks in there, if necessary.

The other thing I would say is that, as a society, it is very hard for us to help people who will not help themselves. I feel that if people will not make sure that their properties are clean and not fire prone, there is not a lot we can do for them. I do not believe in bringing in strict rules; if people want to take the risk, let them take the risk, but they should not then expect other people to look after them when things go wrong. I also believe that insurance should actually reflect the threat, so those people who have built homes that are fairly safe should have to pay less than those who have shoddily-built homes in very fire prone areas.

I would also say that it has been a great pleasure to serve on the Natural Resources Committee of this parliament. It has been a great joy to work with my fellow colleagues on that committee, which was chaired extremely well by the member for Ashford. To our staff, I also thank them. We covered a lot of areas and a lot of different things right throughout this state. I think that, as a committee, we certainly brought a lot of things to the fore. So, I would say to all of my colleagues, it was a great pleasure working with you. Thank you.

**Mr GOLDSWORTHY (Kavel) (11:35):** I am pleased to make some comments in relation to this latest report tabled by the Natural Resources Committee. It flows from the previous report that the committee presented to the house in relation to prescribed burning, because in the conclusions of that report that we discussed here several weeks ago one of the headings was, 'Landholder responsibility to reduce fuel loads on their properties', and obviously this report is entitled, 'Bushfire preparedness of properties in bushfire risk areas'.

I listened to the comments from the chairperson of the committee, the member for Ashford, and the member gave quite an accurate outline of the investigation and the report tabled here in parliament. I want to make comments in relation to what the committee has found. There is a heading in the report, 'Committee finding/comment', and also some recommendations made by the committee, and on reading the report there are four recommendations in total.

The first finding/comment the committee made was in relation to buyer beware (in Latin, *caveat emptor*) where people who are purchasing properties in bushfire risk areas should be given some information about the level of risk associated with the location of their property. That is, I guess, a reasonable finding, a reasonable comment, but you do find that people who move into the Adelaide Hills who have not previously lived there are not aware, necessarily, of the risk that faces them in relation to bushfire threats.

I have seen myself on particular roads in my local district where people have bought properties and then within a matter of two or three years they are exposed to a bushfire threat and within a short period of time after that those properties are back on the market. So, they have come up, they have experienced the hills environment, they have also experienced the threat of a bushfire and obviously are not prepared to live in those circumstances, in that environment, and the house goes back on the market and I presume they move back down into metropolitan Adelaide, onto the plains.

One of the interesting (if I can describe it that way) recommendations, being recommendation 1, is that the committee recommends that householders in bushfire danger zones prepare a bushfire action plan and lodge it with the local council. I notice that this report has hit the headlines of *The Advertiser* this morning and I notice that the shadow minister, the member for Bragg, has made some comments, and I presume they are accurate comments, and I have to agree with the member for Bragg that the bushfire action plan in itself will not really achieve much.

I also go to the point in relation to resourcing this particular initiative. I presume the responsibility of coordinating this—filing them, logging them and whatever the recording process may well be—would fall to the council's fire prevention officer. I happen to know the fire prevention officer in the Adelaide Hills Council quite well. I have known that person for many years. I played football with this particular person who assumes the role of fire prevention officer with the Adelaide Hills Council and I know that this particular officer is very, very busy, particularly leading up to and during the bushfire season. If the responsibility falls to that person then it comes back to resourcing, which then obviously comes back to funding. Which level of government would be responsible for funding this initiative?

It is all very well to have a bushfire action plan. The recommendation says that these plans could be based on a simple checklist. It is all very well to have a checklist, but the individual residents have to adhere to or enact the checklist, so I am not sure how effective just a simple

checklist would be. I note the member for Bragg's comments in the paper. It would be ineffective without other actions taking place. The very title of the report in terms of 'bushfire preparedness of properties' goes to the issue that property owners and residents need to actively engage in reducing their bushfire risk by managing the vegetation and flammable material around their properties.

There are the obvious things such as fuel load adjacent to people's properties and the small fuel that the CFS came to brief us on and described to that meeting. It is not only having your firewood located in a particular place and having trees growing in a certain area to screen the ember blow but it also goes to other material kept in and around the home. I attended a community meeting at the Birdwood CFS brigade probably two years ago.

They provided a lot of very valuable information at that community meeting, but they showed a picture of a burnt area on the back of a home where the home owner had left a mop. It was just a normal household mop. The fire had come through, the cloth material of the mop caught alight, and obviously the timber handle of the mop. It created fire on the back of this home's veranda and it caused the home to catch on fire. Luckily, they were able to put it out, but it is those pretty basic, simple things that people need to be aware of. The action plans are all very good, but without putting simple measures in place they may not be of much value.

There are another three recommendations, with one talking about fire insurance. Some members raise the issue that insurance companies may offer a rebate on fire insurance to householders in high-risk bushfire areas. If those homes in high bushfire risk areas are going to have reduced premiums, who then pays for that risk? There is an old adage, 'high rate, high risk'. I am going back to my banking days where if a proposition seemed a bit risky then you charged a higher rate. It seems logical that if you have a home in a high-risk area then the insurance companies will charge a higher rate. My question is: if those premiums are going to be lowered, then who would pay the difference? And I think that would be borne across the insurance premiums sector.

They also talk about escape and traffic management issues in relation to the design of streets and roads. The very last recommendation talks about the responsibility for the management of state owned land. We have spoken about this previously, at other times in the house. It concerns me, when I read the previous report that the Natural Resources Committee tabled, that some sections of our parks in the Adelaide Hills still contain 25 tonnes per hectare of fuel. That is a serious issue.

**The Hon. R.B. SUCH (Fisher) (11:46):** I commend the committee on trying to tackle a very important issue in a short space of time. Some people may be critical and say there is not a lot of in-depth research carried out, or preparation, but given the short time frame the committee was facing a very difficult task. A lot of the recommendations I would query to some extent. On this idea that people must have a plan, for goodness sake, if you live in a bushfire risk area (and I do) you should know that you need to take action to clear flammable material around your home, not have branches over your house, and all of those sorts of things. I do not know how intelligent someone has to be to realise that.

I do not know whether we want further bureaucracy to say that people need to have a fire action plan. If a catastrophic day is forecast, get out of the area; do not be in the area, because there's no point in trying to beat nature when it comes to a catastrophic-type fire. A few issues arise out of that. The road network in the Adelaide Hills is totally inadequate to cater for a day of catastrophic fire, when many vehicles would be on the road. We know from past experience that a lot of people escaping from bushfires are killed on the roads, trying to get away from the fire. They hit trees, cannot see because of the smoke, and so on. There is no way in the Adelaide Hills—whether you are talking about Blackwood, Belair, Coromandel Valley, Heathfield, Upper Sturt—that the roads up there could cater for a mass exodus. So, the message once again is: get out, and get out early.

The proposal to have children transferred to another school, I cannot see how that could be workable. Some of my schools have got hundreds of students, and to have that teed up, I think you would have more chaos, more panic. If you are leaving it to fairly late in the piece—I know this would be given the day before—I think it would create even further problems. How would you resource that other school? Who would take control of the children there? How would you get them there? All of these sorts of issues. I think it sounds like a reasonable idea, but I do not believe it is practical or feasible.

This idea of a mandatory checklist registered with the council would be more bureaucracy. As I say, if you do not have enough intelligence to safeguard your property by simply doing things like clearing the way fire prone vegetation, do not live in those areas.

In regard to the insurance recommendation that people get a rebate if they have a fire plan, that is not desirable. How will we know that it is updated, and it could change from day to day. I think a better approach by insurance companies is to relate the premium to the risk. So if you live in a timber framed home, where you are totally surrounded by bush, I do not think you should pay the same premium as someone who lives at Henley Beach in a brick home.

I think there is a basic inequity currently. If you live in a house, a property, which is at great fire risk and you do not take the necessary precautions, then I think the insurance company should say, 'Well, look, your risk is much higher and you will pay a higher premium.' I think it would be better if the insurance companies paid attention to what they were insuring, rather than rely on a phone call from someone saying, 'Insure my property because I live in the Adelaide Hills.' I do not think that is a productive recommendation.

Regarding the recommendation about bunkers, I would be very careful about promoting bunkers and encouraging people to install a bunker in the hope that if there is a catastrophic fire they can hop in there and do what Hitler did. We know from experience and research that in a catastrophic-type fire there is a lack of oxygen in bunkers, unless they have a self-contained oxygen generating system, and people are asphyxiated in there.

It is like people jumping into a big rainwater tank: people boiled like lobsters in some of the recent bushfires. People think, 'I'll get into a big water tank; I'll be right.' Yes, you will be like a lobster: you will be cooked. If you hop into a bunker, unless it has self-contained filtering and oxygen generating equipment, you will be asphyxiated and you will die. I do not believe we should be encouraging people to build bunkers. We should be encouraging them to get out early, well away from the fire, if it is going to be a catastrophic-type fire.

In relation to roads, Mitcham council (I actually live in Mitcham, just across the creek from my electorate) has gone out of its way to make it harder for the residents of Craighburn Farm (Blackwood Park) to get out in a fire. It spent \$50,000 on legal expenses to find out that it already had the power to close off a road which would allow those people to get out quickly on the northern side.

There are only two exits from Craighburn Farm, and there are 1,200 homes. Those people, you can imagine, have two cars because they are fairly affluent. The council has made it difficult for them to escape from a bushfire that may come up the Sturt Gorge, or from the west or from the north. Here we have one of the key players making it difficult for their own residents to escape if they had to escape in an emergency. It is quite silly.

We also see councils allowing buildings in fire-prone areas. I can guarantee that today in parts of Heathfield and Upper Sturt people are building in areas that I call suicidal. There is no way in the world that the house or the people could survive if there was a fire, yet councils are still approving those developments. They may be required to have a sprinkler system, or something like that, but if you get a fire like Ash Wednesday, or the recent one in Victoria, a sprinkler system will not save you when you have plonked the house in the middle of bushland.

I am a great lover of bushland and I try to support its retention, but I do not believe people should be building houses in those situations. It is a bit like allowing people to build in a flood-prone zone or some other dangerous area. We know the risk, and you are going to put the lives of CFS volunteers and others on the line trying to protect those properties because the natural inclination of the CFS people will be to try to save a property and save a home.

As was mentioned earlier, you can barely get a fire truck down some of the roads anyway. You would be lucky to get a fire truck out because you can hardly turn in some of those areas. Planning is a key issue, and people should not be allowed to build any more homes in areas which are extreme fire risk areas, and that is a fact that needs to be taken into account.

As for the other issues, people should be encouraged to plant appropriate fire retardant vegetation, but not necessarily remove all trees, as we know from research that trees can actually protect property. They can moderate the wind, reduce radiant heat and reduce ember attack. People need to be careful. They need to look at the research. What we do should be based on sound research, not on folklore and myth.



The other point is that not many koalas light fires. Most of the fires are deliberately lit by arsonists, who should be severely punished and, I think, even more vigorously restricted on catastrophic days. The police do a great job with their Nomad program but I think it ought to be ratcheted up a notch. Known arsonists, people who cannot help themselves, should be restricted to an area where they are not going to cause damage and put people's lives at risk.

I note in the Murray Bridge paper, which is a good paper, they referred recently to arsonists as 'fire bugs'. We should stop calling them fire bugs; they are criminals who put lives and property at risk. So, I think we should be looking at using some of the new technology such as drone technology to keep an eye on things and to keep an eye on known arsonists and people who take risks on days of fire risk. We should put more effort into making sure people are not doing silly things with angle grinders and such on high fire risk days.

I think the report is good. It publicises the issue, but I do not think the committee had enough time to look in depth at some of the key issues that really need to be addressed if we want to come to terms with fire preparedness.

### VISITORS

**The SPEAKER:** I recognise the presence in the gallery today of former speaker the Hon. Graham McDonald Gunn.

**Honourable members:** Hear, hear!

**The SPEAKER:** An outstanding speaker whose customs and traditions I have endeavoured to continue in this house.

*An honourable member interjecting:*

**The SPEAKER:** No, I was named by Sam Bass, not by the Hon. Graham McDonald Gunn.

### SITTINGS AND BUSINESS

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (11:57):** I move:

That standing and sessional orders be so far suspended as to enable Private Members' Business, Committees and Subordinate Legislation to have precedence over Government Business until 1pm.

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

Motion carried.

### NATURAL RESOURCES COMMITTEE: BUSHFIRE PREPAREDNESS

Debate resumed.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:57):** I rise to speak on the bushfire preparedness report and thank the Natural Resources Committee for their work and consideration of this important matter. As a representative of an area which is the subject of this report in the Adelaide Hills, this is an ever present concern of my constituency. As the shadow minister for emergency services, I listen to the plight of those providing emergency service relief and protection on a regular basis.

There are four recommendations of the committee for our consideration and there is a number of comments. I wish to address them briefly as follows. On recommendation 4 which is to have an instruction for the clean-up of public lands, I welcome this. I was shocked to see the attached photographs of public land that is clearly providing a risk to the community, and I welcome the committee's recommendation.

Recommendation 3, which is to ensure that access roads are both there and open to provide access and egress for emergency vehicles, I also welcome. It is extraordinary to think we have to even do a report on these matters. I would also ask that consideration be given to further access roads throughout public property so that they are maintained by local government, or state government, or the instrumentality which is responsible.

I would hope that that would be extended, but all too often we have emergency situations where quick permission has to be obtained to create access ways, and bulldozers are brought in, with even unnecessary damage done to natural environments, to achieve this because we have not ensured that there are adequate access roads or that they are kept in sufficient condition to be

ready for emergencies. That, to me, is critical. It is also absolutely necessary to have them wide enough to ensure that they are useful for burn-backs as part of management, where on occasions that is available.

On the question of recommendations 1 and 2—that is, to provide for the mandatory preparation and registration of plans of individual property owners and, in particular, private property owners—I have said (and it has been published today in the daily newspaper) that I do see these as being, effectively, on their own as absolutely useless, and I do see the compulsory registration at council as being an unnecessary burden on both property owners and councils.

With that, obviously people need to plan for two things; one is for the summer, and the period when there is the most fire risk, and preparing their properties and, secondly, in an emergency. They are quite different plans and the circumstances can change, depending, for example, on which way the wind is blowing or where there might be a nearby fire in an emergency as to which plan of exit from the property, what roads they would use, where they would go for respite, etc. These all need to be considered, so they do vary and I frankly think a tick-a-box thing is superficial and inappropriate.

As to insurance and providing rebates if you lodge a plan, what complete nonsense! I am on the record as not being a great advocate of insurance. I personally think that it teaches people to be lazy and irresponsible and that they simply insure something and then walk away and think that if it gets burned down, blown up, destroyed, damaged or stolen, you just put in an insurance claim. I think it is a recipe for laziness, and the Insurance Council of Australia knows my view on it and it is no secret. Nevertheless, I hasten to add that I do provide insurance payments for those things that are compulsorily required to be insured. However, I am not a great supporter of people who use insurance as a means of divesting themselves of personal responsibility, and so I am not happy with this.

I think that most responsible insurance companies, in assessing the risk of a particular property for insurance, will look not at whether or not somebody has a plan but, in fact, at whether they are actually carrying out sensible management of their property, keeping it clear and the like. If I was an insurance company, ticking a box and registering a plan with the council would give me no assurance that somebody was properly preparing their property to the best of their ability in the event of a bushfire. It would give me little confidence. If anything, if somebody were keeping their property in good order and ensuring it as best they can, they should be given some sympathetic response in their annual premiums from insurance companies. That is great, but let them negotiate that.

Bunkers are not a recommendation but a commentary of the committee. I have no objection to bunkers, as they appear to have been used successfully in other jurisdictions when people know what they are doing. There are a number of models out there. and if people wish to attempt to provide extra protection for themselves when they stay and defend property, or they are trapped in an area where they need protection, that is a matter for them. I have not seen any persuasive argument to present subsidies for them, as has been out in the public arena.

As to the question of notice for new owners of their obligation, again there are a number of consequences, perhaps unintended, of imposing obligations to provide information at the change of owners of properties. I note that the Property Council and others are not all that keen on having to ensure that there is to be extra material provided in this sort of caveat emptor proposal. What I do say is that the Adelaide & Mount Lofty Ranges Natural Resources Management Board, which is the one I mostly deal with, has prepared what I think is a quite useful document for landowners particularly in this region who might have small hobby farms and their obligations in respect of bushfire management and clean-up, their obligations in respect of pest control, and their obligation to ensure that they do not cause soil erosion and the like.

These are all part of the responsibility of landowners. From the draft that I saw I think it is quite a useful document, and is available, as I understand it. It is particularly promoted in councils in the Adelaide Hills to ensure that new landowners are aware of their responsibility—and there is a large turnover because some people go up into the Hills thinking that it is going to be a lifestyle of bliss, harmony and beauty. Very often it is, and I think that should be applauded. The problem is that it comes with an enormous amount of responsibility to ensure that either you and your family are protected or indeed your neighbours are protected. That takes a lot of effort and a lot of work. It is helpful, of course, to have a document such as that which the NRM is producing, so I commend them for that.

As for children attending another school, I am with the member for Fisher: I think this would introduce a gross inconvenience to other schools for other obligations. I am comforted by the fact that, as the CFS tells me, although catastrophic days in the first year of application produced a number of days (I think it was around 15 in that summer), there was excessive use.

They have redefined the rules, and there is now perhaps three or four a year. I am advised that they are mostly in school holidays, when most schools are closed (that is, in mid to late December across to the end of January). Of course, we have the February risk period as well, and there may be one or two days there, but I think to try to reaccommodate children into formal education into other schools will only create another enormous expense and inconvenience. I am not an advocate of that.

I just say: use this process of the catastrophic day notification, whereby people are expected to pack up their photographs and children go and visit grandma at the beach or something so that they are out of the zone. If it is excessively used, it will be crying wolf too often, and it will not be adhered to. I think the CFS understands that, and they are much more moderate in their application of it. With those few words, I thank the committee for its work.

**Mrs REDMOND (Heysen) (12:07):** I will try to keep my comments reasonably brief, but I fear I will run out of time because I have so much to say about this appalling report. I will try to start on a positive note: recommendation 4, as the member for Bragg said, is to be welcomed, because one of the major risks in the area in which I live and represent is that of the failure of various Crown authorities to maintain their properties.

Land owned by SA Water, the national parks, the Mount Bold Reservoir and places like that create enormous hazards. When you add to that the ridiculous situation that we have throughout the Hills, where because of our inept, overfunded and over bureaucratized natural resources management, we now find that what we get is the poisoning of broom and blackberry along our roadsides but no clean-up of the debris thus created. What they have done is remove one pest (that is, the pest plant) and created another pest: the extraordinarily high risk for bushfire created by dead blackberry, apart from anything else.

Members would be aware that not only is the entirety of the electorate of Heysen within a bushfire zone—and I have lived in that electorate through both Ash Wednesday 1 and Ash Wednesday 2; indeed, I have lived, for all but about two years, my entire life in bushfire-prone areas. At the age of 16, in fact, living beside the national park in Sydney, the house I resided in with my family was under ember attack. My parents had gone out, and the only road back was cut. I was at home as a 16 year old, with my 13-year-old sister, in a fibro house with gumtrees all around it, under ember attack. I know that a lot of senior CFS officers have not even lived through that, so I do feel that I have some knowledge about bushfires.

The idea of recommendation 1 of this report, that we should have mandated bushfire plans, is to me errant nonsense. We should certainly have bushfire plans, no doubt, but it is such a complex thing. It is ridiculous to say that you can have a simple checklist; the bushfire plan I have for my house varies according to the day. On Black Saturday in Melbourne, having lived through both Ash Wednesdays here, I happened to travel to Melbourne. If people were here they would remember that it was an extraordinarily bad day here, but we were blessed by a change in the weather that came through here sooner and we were let off the hook.

However, knowing that it was going to be a really bad day and that I was going to Melbourne—and I have to say that when I got there it was the most evil day I have experienced on this earth, and that was in the heart of Melbourne—I spent three hours the night before plugging the gutters, making sure that not only were they clean but that I had plugged them in various ways, because I have a lot of gutters and gullies and so on in my complicated roof. I filled them all, and I made sure that the gutter stoppers were working effectively so that the filling stayed there.

I have spent 35 years in this house, and with everything I have done to the house I have tried to make it more resistant to bushfire. A number of people, when I talk to them about their bushfire preparedness, for instance, and I say to them, on a bad day, 'Did you bring your ladder inside?' look at me with a puzzled look. 'Why would we need to bring our ladder inside?' Well, because with most houses—not mine, because I have built stairs and I have a walk-in to my roof—to get into your roof space you will need your ladder to get through the manhole.

If you do not have your ladder inside you are not going to be able to get into your manhole, and you know what? That is where most of the fires occur that take most of the properties in a bushfire. It is not the fire front coming through, most houses survive that. It is the embers that get

into the roof—for people who have not filled their gutters with water—that start the fire. That is where most people lose their house, yet they have not brought their ladder inside. So who is going to create this simple checklist for how we are going to survive this?

Then, as I said, different days different ways. I had three adult children living at home at that stage, Black Saturday in Melbourne, and they had been trained over the years about what to do and how to protect the house, but I am so glad that the weather did change in Adelaide that day because if what had happened in Healesville and places like that had happened through the Adelaide Hills I probably would have lost not just my house but, more importantly, my three children. Even a house that is well prepared would not survive that fire. So I have changed my plan to accommodate those sorts of days.

That was a truly catastrophic day. As the member for Bragg already mentioned, one of the big problems we have is that over the past couple of summers we have had numerous catastrophic days declared which were simply not catastrophic. I have lived in my house for 35 years, but I have several neighbours around me who were there when I moved in; they have been there well over 35 years. We all know what a bad day looks like, and the days that have been declared catastrophic up there have not been catastrophic. So you get the situation where people think 'Well, I don't care whether the CFS has declared it. This is not a catastrophic day.'

You need to be able to pick for yourself whether or not it is a catastrophic day. If it were a day like Black Saturday here, I would absolutely leave my house and leave early. Of course, your bushfire action plan would no doubt say somewhere 'Leave early,' but what does that mean? If you go to meetings when there has been a major fire incident, people are saying, 'When I hear the siren, is that when I should leave?', 'When it's at the bottom of the street, is that when I should leave?' They do not have any idea.

There are so many complications about having one of these so-called bushfire plans. They need to be constantly changing and evolving. Ours evolved according to how old our children were; when they were very young it was a plan to leave early, but as the children grew older and we were able to make adjustments, and they reached an age where they could assist, our plan changed. Subsequent to Black Saturday my plan has changed again. It will vary according to each day, so to have a mandated plan—apart from what the member for Kavel mentioned about rates necessarily going up because of the amazing amount of implementation that would be involved—is just crazy.

The other recommendation that I want to briefly mention is the idea of access and egress. When I first read the recommendation I thought 'Oh, so the council is going to tell everyone where they can get out and where they can get in.' I hope that the meaning of the recommendation (and I think it is recommendation 3) is actually that they will make sure that the roads are kept open.

The Adelaide Hills Council is a particular culprit. Anyone who is familiar with Sheoak Road, which did provide an alternative escape route—what did the councils do? Mitcham and Adelaide Hills Council have put in six or seven slow points down that road. Those slow points are about as wide as this chamber, some of them, and if you have experienced a real fire, if you have experienced something like Greenhill Road on Ash Wednesday 2, it is nothing but a deathtrap—an absolute deathtrap. Once you get the smoke and the noise and the panic and you have to slow people into one lane and only have one car at a time going through and nothing coming in the other direction, potentially fire trucks, no-one able to see anything, it is an absolute deathtrap.

Try as I might, I could not stop this government from putting money into downgrading the old road down past Eagle On The Hill, which was an alternative way out of the Hills. Instead of keeping it open as a two-lane each way access/egress as an alternative way out if we had a problem on the freeway, what did this government do? In spite of all my protests, they said, 'No, no, no,' and they have actually spent money narrowing that road and creating more of a hazard for the people who live in the Hills.

It is not just the government—it is the council, as well—and I could go on citing example after example of where councils and state government have actually acted not to keep access roads open but to positively endanger the lives of the people who live in bushfire prone areas. I believe they should be held to account. I have written to the council on numerous occasions. I have done media on it at the top of Sheoak Road. It is a disgrace that they are allowed to put in these slow points on what should be an alternative egress in the event of a fire.

Apart from all of that, I do want to also mention quickly the fact that my view is that if you did mandate (if this government is silly enough to think that mandating would be a good idea) a bushfire action plan—as I said, they are too complicated to even really make any sense, but if you

did mandate it—apart from the increase in the rates, you would then find that the insurance companies would not only say, 'Well, you're up for a higher rate,' but they would begin to say, 'Okay, you've made a claim in relation to damage from a bushfire. We will now test everything on your bushfire plan as to whether or not your bushfire plan was correctly lodged, updated and adhered to.'

How you would ever adhere to how frequently your gutters are cleaned, for instance, is just nonsense. Who is going to assess that? The entire idea—whilst I agree that everyone in the Hills in a bushfire zone should have a bushfire plan, it should never be mandated.

Time expired.

**Dr McFETRIDGE (Morphett) (12:18):** I rise to speak about the Natural Resources Committee report on bushfire preparedness. We have had a lot of discussion about the issues surrounding the committee's recommendations, and I want particularly to focus on bushfire preparedness and bushfire action plans—and, as the CFS says, Prepare, Act, Survive. I want to talk particularly about the need for the bushfire action plans to be reviewed each year and to be updated, and for people to be familiar with them. The best way to do that is for all members—and particularly those in rural and regional areas and bushfire prone areas—to encourage all of their constituents to download onto their smartphones the CFS smartphone app. There is one from the CFA, which is similar, in New South Wales, to the Rural Fire Service. But the Country Fire Service app is very good.

In fact, I have the app on both my iPad and my iPhone, where you can have notifications. You can have push notifications sent to you. You can decide the area around where you live, to be notified from. I have about a 20 kilometre zone around our property between Kangarilla and Meadows. If there is a bushfire there or an incident there, they will send an alert to my iPad and my iPhone to let me know that there is an incident going on there. That is a very, very good thing. I congratulate the CFS for having done that. On the CFS phone app there is a very good list of questions there, and one of those questions is: 'Are you prepared?' There is a checklist there, and I will just quickly read from that. First, it says:

I have completed the CFS household risk assessment tool.

There is a tool on there and you can go through there, and it is a very good, comprehensive way of just looking around your home and your property to see what sort of risk is involved there. The second point is:

I understand the fire danger rating system and how to find out what tomorrow's FDR is.

Today, we have a severe fire danger rating in the Mount Lofty Ranges. It will go up to extreme and then catastrophic. You need to know what the fire danger ratings are and you need to understand them. The third point is:

I understand that staying and defending is a traumatic and dangerous activity. I know how to recognise the signs of stress and how to combat them.

As the member for Heysen has said, it is a very stressful situation. I know the member for Colton, who has been a firefighter, and other members who have been involved in bushfires, they know: the noise, the heat, the smoke and how dark it gets. It is very stressful and if you are not physically prepared that is bad enough, but you need to be mentally prepared as well. The next point is:

All flammable material within 20 metres of my house has been removed. This includes removal of dead branches, fallen leaves and cutting long grass.

It does not mean to say that you have to completely change the outside of your house to desert, but making sure that your lawns are well watered, your gardens are well kept and the trees are pruned, and the CFS has good advice on its app. The next point is:

I have prevented sparks and burning material from entering through the windows, under doors and under floorboards.

The ember attack that the member for Heysen talked about, on an extreme catastrophic day with high winds embers get bigger, they last longer and they will travel up to 30 kilometres. So, you may not even see the smoke. You certainly will not hear the fire siren from the CFS. The warnings will not be there, but you may be under ember attack a long time before the fire comes anywhere near you. So, be prepared. As it says here:

I have prevented sparks and burning material from entering through the windows, under doors and under floorboards.

The next thing is:

My gutters are clear of flammable debris, such as leaves, twigs, pine needles, etc.

Not only clean your gutters out, but have the gutter plugs in there and fill your gutters with water. The scouts still make a little sandbag that you can buy that goes in there. You can buy commercial gutter plugs. That is a very efficient way of making sure that the embers and sparks do not get into the gutters and set the material there alight and then spread into the roof cavity.

The member for Heysen mentioned inspecting your roof cavity. Make sure you have a ladder inside. One of the simplest ways of extinguishing a small fire in your roof cavity is with one of those pump-up water pistols. So, if your kids can leave it up there and leave it alone, just fill up a pump-up water pistol and you can put out a little fire in the roof cavity which may save your house. Just leave it up in the roof cavity so that when you go through the access hatch, it is there, you can look around, and obviously you need a good torch. The next point the CFS has on its app is:

I have my bushfire survival relocation and recovery kits prepared.

And there is a comprehensive list on here about everything from clothing, to batteries, to first aid equipment, medications, documents, passports, this sort of thing, having those in a bag ready to go, and having a battery powered radio. We read about it, we hear about it occasionally, but we need to think about it. It is on the app here. I suggest that all members have a look at this app. The next point is:

I have written and practised a bushfire survival plan based on all available CFS information. The plan includes everyone in the house, including pets and stock, and we have reviewed and practised it together.

My wife and I have gone through what we will do on our property, depending on what the day is and where we are at the time, how we would manage the cattle, because we have over 200 head of cattle on the place to move around. We do not want to lose them. There is a lot of money there, as well as (as anybody) we would not want to see livestock killed in a fire. So, there is a lot to manage and a lot to be prepared for and it does not happen on the day.

We have everything from the handheld whipper snipper to a Grillo. If you do not know what a Grillo is, google it: it is the mother of all whipper snippers. We have a 30 horsepower ride-on lawnmower. We have a 100 horsepower slasher on the back of the tractor. We do all we can to reduce our risk of overgrowth and fuel load. Yet, what do we see, and the members for Heysen and Bragg have mentioned this, on the roads around the property there is 1.5 metre high phalaris that is choking the sides of the roads, there is gorse, there are all sorts of weeds and undergrowth.

The council, God bless them, does try but because of the native vegetation proponents there are rocks, stumps, branches and you cannot get in there with any machinery to clean the roadsides up. The fuel load is horrendous. We talked about that in this place last sitting week. We talked about the fuel loads around the Adelaide Hills: 20 tonnes per hectare. That is absolutely incredible. The last point that the CFS has on this checklist is:

I have more than one contingency plan.

The CFS app is very comprehensive. I suggest everybody here listens to the emergency warning signals and takes note of how bushfire ready you are. Another point is: 'email your intentions to your family, friends and neighbours'. On the neighbours point of view, last Thursday night Horse SA and the Country Fire Service put on a community bushfire awareness night at the Meadows pub. It was mainly aimed at horse owners, but it was for everybody. The CFS were very helpful. They had two lovely young women who gave a very good overview of the problems that you are going to face and preparing your bushfire action plan.

You need to be prepared, you need to be able to act and you need to make sure that you survive. If surviving means you leave then you need to do that as early as you possibly can. We only get one or possibly two catastrophic days most summers since those FDRs have come in. We get very few extreme days as well, so you are not going to have to leave very often, but be prepared to leave and evacuate your property early. Do not wait until the last moment because, as I said, you may not see the smoke or the fire, you certainly won't hear the fire sirens, but you may be under ember attack before you know it, and fires travel at horrendous speeds in that sort of country.

On the issue of bunkers, it is great to have a safe place to go to, but one of the problems you have with a severe and intense fire is oxygen depletion, so you will be asphyxiated. You need to have an auxiliary air supply, and that should be medical air. You do not have to have oxygen, but

you have to have compressed air like firefighters wear with their breathing apparatus. It is not just a matter of protecting yourself from the radiant heat, the embers and the impact of the fire, it is about having air to breathe, so having an air supply in there. You need to have a fire bunker that is up to standards and you need to know that equipment in there is going to work when you want it to work. Firefighters check their breathing apparatus every day.

**The Hon. R.B. Such:** Very expensive.

**Dr McFETRIDGE:** As the member for Fisher says, bunkers can be very expensive to build. That is an issue. Escape roads are another issue. Having been in the CFS in Happy Valley and Kangarilla and having had the vet practice through there, there are many roads up there where it is very difficult to get a car through, never mind a fire truck. If you are trying to get out of there with a horse float or if you have a trailer load of goods it is going to be a really difficult situation to cope with.

There are thousands and thousands of horses in the Adelaide Hills, so if people are trying to move those out down to Morphettville, the showgrounds or some other place—there is a buddy system that Horse SA have where you can move your horses out the day before. You have a buddy where you can move your horses to. That is a start. There are so many issues that we are going to have to cope with if we have a serious bushfire season. It is going to be serious this year because of the winter we had. The undergrowth and the fuel load is high, but we need to be prepared. As the CFS say: 'Prepare, Act, Survive'.

Motion carried.

**Mr GARDNER:** Sir, I draw your attention to the state of the house.

*A quorum having been formed:*

#### **ECONOMIC AND FINANCE COMMITTEE: SOUTH AUSTRALIAN TAXATION SYSTEM**

**The Hon. L.R. BREUER (Giles) (12:30):** I move:

That the 83<sup>rd</sup> report of the committee, entitled South Australian Taxation System, be noted.

On 20 September 2012, the Economic and Finance Committee resolved to inquire into and report on the South Australian taxation system. The inquiry arose from a motion put forward by the member for Davenport. The committee resolved to adopt a broad term of reference, including both state and local government taxes and levies, enabling consideration of and providing all South Australians the opportunity to discuss every aspect of the state's taxation system.

The terms of reference for this inquiry for the committee to investigate and report on were: the fairness of the tax system; the impact of the tax system on the cost of living in South Australia; the impact of the tax system on the cost of business in South Australia; the requirement for revenue neutrality of any proposed tax reform; the compliance and administrative cost to both taxpayers and the state and local governments in generating tax revenue; the sustainability of state and local taxes in light of long-term demographic, social, environmental, economic and budgetary challenges faced by the state and local governments; and any other related matters.

A comprehensive review of the South Australian taxation system has not been performed in recent history. Therefore, the inquiry represented a unique opportunity for South Australians to engage in meaningful debate on the state's taxation system. The inquiry follows the commonwealth government's Australia's Future Tax System Review, otherwise referred to as the Henry review, released in May 2010, which provides a framework for taxation in the 21<sup>st</sup> century and makes recommendations on the commonwealth, state, territory and local government taxation systems.

On behalf of the committee, I acknowledge and thank the many organisations and individuals who presented evidence to the inquiry both in writing and by attending hearings. The inquiry received 36 written submissions from a variety of interested local and national stakeholders, including businesses, industry and community groups, and individuals, demonstrating the strong interest that exists in the community for review of the state's taxation system. Throughout the inquiry the committee invited 24 witnesses to attend hearings and present evidence.

I would also like to acknowledge and thank the other members of the committee—the members for Colton, Torrens, Ramsey, Davenport, Goyder and Flinders—for their contribution to the inquiry. It was a long process. I also thank the committee staff for their ongoing support, particularly Susie Barber, who has taken over from Lisa Baxter, who went off on maternity leave earlier in the year. Susie Barber has taken over and run our committee extremely well.

I do want to pay special tribute to Simon Altus, our research officer, who was brought here from the Attorney-General's Department. He has done a brilliant job of putting this report together. He has been able to interpret information and write the report for us. We are very much indebted to him. For a young man, I think of 25 years, he has done quite an amazing job. The other day, when we had the Auditor-General there, I said perhaps one day he would be sitting in that seat because I think he has got some real potential. So, thank you to Simon and thank you to Susie.

From the outset of the inquiry, the committee recognised that the changes to taxation settings or systems are difficult and that reform needs to occur in a phased, structured, transitional manner over a considerable period of time. Nevertheless, the process should not be delayed. Throughout the inquiry, witnesses emphasised the challenge that they faced in trying to cost appropriate tax reform options. It was commonly understood that witnesses experienced a lack of internal resources coupled with limited access to Treasury data, and that reduces their ability to perform modelling off proposed tax reform options.

As a result, the committee took the opportunity to request Treasury to perform and provide modelling for a number of reform scenarios. This helped inform some industry groups on the true cost and nature of their proposed reforms and in some cases lead them to reconsider their initial suggestions. This highlighted to the committee the importance of the availability of modelling in developing appropriate and informed reform options.

Unfortunately, not all modelling was able to be provided in time for tabling the report, as officers within the Department of Treasury and Finance responsible for performing this modelling are currently engaged with the 2013-14 Mid-Year Budget Review. Therefore, the committee resolved to table an interim report, which I am doing today, and will table a final report in early 2014 upon the committee receiving the remaining modelling. I would like to acknowledge and thank the Treasurer and the Department of Treasury and Finance for their assistance through this inquiry.

The committee received evidence from witnesses that reflected a range of community views and raised issues on different aspects of the South Australian taxation system. Some issues were identified as being unique to the state, while others were noted as also existing in other jurisdictions. Common themes and issues brought to the committee's attention included the need for the state to transition to more efficient and stable sources of taxation revenue, the importance of equity and fairness in the tax system, South Australia's perceived unfavourable tax settings compared with other jurisdictions, and the importance of community consultation and engaging stakeholders in tax reform to ensure concepts are understood and accepted by the broader community.

The committee heard from the Under Treasurer that the commonwealth government has indicated it favours states independently pursuing tax reform through increased use of their own efficient tax bases. While the commonwealth indicated the opportunity for national reform is limited in the current fiscal environment, it is important that state and territory governments act independently to review their existing tax bases.

The committee notes that the commonwealth government is intending to produce a white paper on tax reform, which has potential to influence state taxation matters. The committee heard that tax reform cannot be viewed in isolation without considering the level of services being demanded by the community and the government's ability to fund that level of tax service provision. The committee heard that there are likely to be continued pressures on the state budget to fund a broad range of services and infrastructure demanded by the community, leading to pressures on government expenditure going forward. This will require the state to increasingly rely on stable taxation revenue sources.

Industry groups explained to the committee that South Australia is a high taxing business state compared to other jurisdictions. The committee heard that the South Australian tax system is an integral part of the state's business climate and that South Australia should have the most competitive and efficient business tax system of all jurisdictions. The committee heard that a low tax environment is vital for South Australia's businesses to remain competitive, undertake investments, provide employment opportunities and facilitate a higher standard of living.

It was emphasised to the committee that in appealing tax disputes, including smaller matters, the Supreme Court process is too costly. The committee heard that this effectively makes a tax dispute incontestable for many taxpayers, including individuals, and is unfair, as an alternative route should exist to be able to economically question a contested decision.



The committee heard recommendations for the recently established South Australian Administrative and Civil Tribunal to be given jurisdiction to hear state taxation matters. The committee was further informed that the use of alternative dispute resolution processes in similar tribunals in other jurisdictions has resulted in a significant proportion of matters being resolved by agreement without the need for a hearing.

The committee considers that its report provides a useful starting point for the government to consider improvement in the fairness and efficiency of the current system and for the community to engage in further discussion on the future of the state's taxation system. The committee also acknowledges structural reform is a long-term process and views this report as a foundation document to guide more detailed review on implementing tax reform in South Australia.

Our committee recommends the continuation of its inquiry into South Australia's taxation system to further examine issues highlighted in its report. The committee considers it appropriate that this process is continued by the next Economic and Finance Committee under the 53<sup>rd</sup> parliament. In performing further review, the committee notes the importance of Treasury involvement and modelling and community consultation in developing appropriate reform options.

In closing, while the inquiry does not offer a single path to a fairer and more efficient tax system, it highlights a range of key issues and reform opportunities for consideration by government and the South Australian community, providing a platform for further discussion and debate. I recommend the report.

**The Hon. I.F. EVANS (Davenport) (12:40):** I rise to speak on the noting of the Economic and Finance Committee's report into the review of the state tax system. This was the result of an opposition motion that I moved in regard to this matter. It was borne out of frustration. I had moved a previous motion on two occasions to have the land tax system reviewed and the government used its numbers to vote down those two motions, so I was pleased when the government accepted a broader motion to look at the taxes and levies that exist in South Australia.

As the committee chair has done, I thank the staff—Susie Barber, Simon Altus and Lisa Baxter—for their excellent work. I have to say that in my 20 years in this place, I think this has been one of the more interesting reviews and inquiries that I have been involved in. The quality and detail of the submissions, and the genuine interest of the witnesses to try to provide information to the committee about various reforms on all types of tax and rates was excellent. Issues were raised by the witnesses in their submissions and evidence that were a surprise to all members of the committee about how various rates and taxes work and their implications. I think I would be fair in saying that all members of the committee found this inquiry very interesting.

It is difficult for a parliamentary committee without direct access to Treasury to make recommendations in regard to tax reform because the committee itself cannot model the exact implication of the tax reforms, but I do thank the Treasurer and Treasury officers for responding to the requests the committee made in regard to certain tax modelling that, in essence, came from various industry associations saying, 'Why can't the state tax system be modelled in this way?'

I thank the government members on the committee for supporting the request of Treasury to model certain requests; I thank the Treasurer and Treasury for modelling it. A series of modelling is yet to come back from Treasury but in the interests of providing the parliament and the broader public the information we have so far, this interim report is being tabled this week. We hope to get the other modelling back from Treasury between now and the end of December so that then the committee can further consider that modelling. We are still waiting for some answers back from the Department of Further Education, Employment, Science and Technology in regard to apprenticeship numbers and apprenticeship payroll exemptions, if I recall.

If members read the report, they will find that there was a pretty consistent message from the industry associations that they believe that the South Australian taxation system is too high, that the cost of taxation in South Australia is too high. That was a pretty consistent message from the various industry groups. Once you get away from that broad message, each industry group raised very specific measures that related to their specific industry about how tax might be applied more fairly or at a lower rate, or indeed not at all.

The difference between states was highlighted by a number of industries and a number of matters were unknown to committee members when industry groups raised them. The committee members found those matters quite surprising. For instance, the report looks at the issue of payroll tax on financial counsellors. There was an issue raised on that by their national policy representative who came over from Sydney.

As it turns out that matter has now flared up in Victoria, and it looks like it might flare up in New South Wales, where financial counsellors who are required by federal law to put their cash flow through a principal adviser are now being threatened with payroll tax charges going back five years. Their argument is that, as they are required by federal law to put their cash flow through a principal agent, they have no choice. It is not actually an employment arrangement as such, but a requirement by law and, therefore, they should not be required to pay payroll tax.

Treasury here in South Australia responded by saying, 'Well, at this point there is no intention to charge those who have genuine business operations payroll tax in those circumstances.' The issue that comes from the financial advisory group is, of course, that now that New South Wales, Victoria, Tasmania and South Australia have harmonised payroll tax legislation, if Victorian revenue offices are successful in their court case against the financial services industry, then it may well flow through to other state tax revenue offices.

I think it is fair to say that there needs to be more work done in this area. The committee has recommended that this term of reference continue under the next parliament because a whole range of issues were raised that the committee simply was not going to have time to resolve given an election in March and the parliament finishing this week. The committee has recommended that this term of reference essentially continue but that is a matter for a future parliament and a future committee.

Again, I just want to thank the staff. I want to thank the members of the committee. I think this inquiry was conducted excellently and was well chaired by the member for Giles. I think the committee really did approach this in a bipartisan manner and in good faith, trying to really get to the bottom of some of the issues to do with the state taxation system.

What is clear is that, in a whole range of tax areas, South Australia does charge a higher tax burden on South Australian businesses, and you only have to look at things like land title fees to see how other charges also impact on South Australian business. Thanks to the members of the committee and I recommend that those members who have an interest in tax matters read this document and the submissions that back it up. I think it is one of the most informative pieces of work done by the committee on tax for a long time.

Motion carried.

#### **LEGISLATIVE REVIEW COMMITTEE: SURVEILLANCE DEVICES**

**Mr ODENWALDER (Little Para) (12:48):** I move:

That the report of the committee into issues relating to surveillance devices, be noted.

On 5 September 2012 the Attorney-General introduced the Surveillances Devices Bill 2012 to the House of Assembly. On the 19<sup>th</sup> the bill was transmitted to the other place and the purpose of the bill was to facilitate the use of surveillance devices by law enforcement agencies during cross-border investigations. The bill also proposed to regulate the use of surveillance devices by individuals generally and to recognise the advancements that have been made in relation to surveillance device technology. This was achieved through the regulation of a wider range of devices compared to the range of devices that are currently regulated by the Listening and Surveillance Devices Act 1972.

In February 2013, in light of the amendments proposed by the bill, the Legislative Review Committee was directed to inquire and report into the legislative amendments required to address several important issues. Those issues were, firstly, the need to protect a person's privacy from the covert use of surveillance devices; secondly, the circumstances in which persons should be able to covertly use a surveillance device in order to protect their lawful interests; thirdly, the circumstances in which it may be in the public interest for persons to covertly use a surveillance device; and, finally, the circumstances in which the communication or publication of information or material derived from the covert use of a surveillance device should be permitted.

The committee received 11 written submissions and heard oral evidence from 12 witnesses during the inquiry. The submissions received by the committee concentrated on the anticipated impact of the bill on the use of surveillance devices by private individuals, the media, and the private investigation industry.

The key issues that were raised in the submissions and in the evidence received during the inquiry related to the fact that the bill: did not reintroduce the current lawful interest or public interest exceptions that presently allow a person to covertly use a listening device during a private

conversation; did not include a broad lawful interest or public interest exception to allow a person to covertly use an optical surveillance device; and did not contain an exception to allow a person to communicate or publish information or material derived from the use of a surveillance device when it is used in a manner which contravenes the bill if the communication or publication was for the protection of a person's lawful interest or in the public interest.

The committee therefore investigated and heard evidence that related to the interpretation and application of the lawful interest and public interest exceptions as they are found in the current act. The committee was informed that the courts have declined to concisely define the expressions, stating that they are best left to be applied on a case-by-case basis and evaluated in relation to the particular facts and circumstances. However, the committee was informed that the courts have indicated that they are more likely to find that the covert use of a listening device will come within the lawful interest exception if the conversation relates to a serious crime, an allegation of a serious crime, or to resisting an allegation. Similarly, that the covert use of a listening device may come within the public interest exception if the conversation relates to the commission of a serious offence.

The committee also considered the current legal framework surrounding privacy protection and how it may be used to protect an individual from the harms arising from covert surveillance. This led the committee to conclude that both the common law and information privacy laws have limitations in their ability to protect individual privacy from covert surveillance. The committee also considered how other Australian jurisdictions regulate surveillance devices.

Overall, the submissions and the evidence received served to highlight the tension between the harms and/or benefits arising from covert surveillance. Many of the submissions concentrated upon the negative impact that covert surveillance can have upon individual privacy. Conversely, the benefits of covert surveillance were stated as including the enforcement of laws and ensuring an individual's safety, particularly in situations involving domestic violence.

In light of the terms of reference and the evidence received, the committee made 12 recommendations. The first was that in the context the Australian Law Reform Commission's current inquiry into Serious Invasions of Privacy, the Attorney-General considers developing legislation aimed at providing further remedies to persons who have their privacy interests affected by the covert use of a surveillance device. The basis for this recommendation was the fact that the committee considers that the privacy laws are limited in their ability to protect individual privacy from covert surveillance.

In relation to the covert use of surveillance devices during private conversations, the committee recommends that an individual should be able to covertly use a surveillance device during a private conversation to which they are a party in order to protect their lawful interests. The committee considers that such an exception is important, as it would allow an individual to covertly use a listening device in a situation in which they are the victim of domestic violence. The committee recognises that harm will often arise when material obtained from covert surveillance is used in a certain matter.

The committee therefore recommends that an individual should be prohibited from communicating or publishing information or material derived from the covert use of a surveillance device when used by an individual to protect their lawful interests, except if the communication or publication of information or material: is made to a member of the South Australia Police and is in connection with a criminal offence; is made in the course of, or for the purpose of, legal proceedings; or is made in connection with a situation involving violence to a person or an imminent threat of violence to a person.

In relation to covert surveillance and the public interest, the committee is of the view that there is a distinction between matters that are in the public interest and matters that merely interest the public. It is for those reasons that the committee considers that a public interest exception should be drawn narrowly so as not to undermine the protection that the bill aimed to provide against the harms arising from covert surveillance.

The committee therefore recommends that the bill should be amended to allow an individual to covertly use a surveillance device if the circumstances are so serious and the matter is of such urgency that the use of the device is in the public interest. The committee recommends that as a safeguard the bill be amended to prohibit a person from communicating, publishing or allowing access to information or material derived from the covert use of a surveillance device in the public interest unless they obtain an order from a judicial authority.

Turning to the issue of covert surveillance and the private investigation industry, the committee considers that the detection of insurance fraud arguably represents the most significant use of covert surveillance by licensed private investigators. The committee recognises the evidence relating to whether or not an individual has a legitimate insurance claim may be both in the public interest and may also serve to protect a person's lawful interests. The committee therefore recommends that a licensed agent should be able to covertly use a surveillance device in the public interest and/or in order to protect a person's lawful interest when undertaking investigation work for insurers.

The committee recommends that, as a safeguard, this should be dependent upon the agent having obtained an authorisation to conduct covert surveillance from the relevant licensing authority. The committee also recommends that a code of practice be developed in order to assist licensed agents to determine the circumstances in which the use of a surveillance device may be in the public interest or may serve to protect an individual's lawful interest.

The committee recommends that the licensed agent should then be able to give information or material derived from the covert use of a surveillance device to insurers when that licensed agent is contracted to undertake covert surveillance on the insurer's behalf. Finally, the committee recommends that the relevant clauses of the bill which regulate surveillance for the purposes of law enforcement be passed in the current form.

On behalf of the committee I would like to thank all those who made submissions and gave evidence to the inquiry. I thank the members of the committee: the Presiding Member the Hon. Gerry Kandelaars MLC, the Hon. John Darley MLC, the Hon. Stephen Wade MLC, the member for Heysen, and the member for Reynell. I also sincerely thank the committee staff, Mr Adam Crichton and Ms Jennifer Fitzgerald, for their work in relation to this report. I commend the report to the house.

Debate adjourned on motion of Mr Gardner.

#### **NATURAL RESOURCES COMMITTEE: WHYALLA REGION**

**The Hon. S.W. KEY (Ashford) (12:57):** I move:

That the 91<sup>st</sup> report of the committee, on the Whyalla Region Fact Finding Visit 23-24 October 2013, be noted.

This report is with regard to the Natural Resources Committee's visit to the Whyalla region in late October 2013.

Motion carried.

#### **PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: SAFEWORK SA**

**The Hon. S.W. KEY (Ashford) (12:58):** I move:

That the report of the committee, on SafeWork SA, be noted.

Motion carried.

#### **SOCIAL DEVELOPMENT COMMITTEE: SALE AND CONSUMPTION OF ALCOHOL**

**Ms BEDFORD (Florey) (12:58):** I move:

That the 35<sup>th</sup> report of the committee, the Interim Report on the Inquiry into the Sale and Consumption of Alcohol, be noted.

The terms of reference for the inquiry were advertised on 11 May this year, and the committee wrote directly to a number of individuals and organisations with expertise and interest in the subject matter inviting them provide evidence. A total of 34 written submissions were received and 48 witnesses have given evidence to the committee to date. The committee would like to thank all those people who have assisted with the inquiry.

The committee commenced hearing public evidence on 20 May this year and concluded hearings for the current year on 18 November. Due to time constraints the committee has not yet completed its inquiry. Members have resolved to present an interim report on the findings to date into the adequacy and appropriateness of the laws and practices relating to the sale and consumption of alcohol in South Australia. Additionally, the committee has reported on the health risks of alcohol consumption in respect of foetal alcohol syndrome.

In conducting the inquiry into alcohol the committee sought to consider the available evidence concerning whether laws and practices should be modified in any way to minimise social and health issues, criminal and other antisocial behaviour arising from the consumption of alcohol, and to effect positive change where necessary.

The committee has heard that last year 50 per cent of police callouts and one in eight deaths of people under the age of 25 were alcohol-related. The committee was told that alcohol and its impact on the community has become a highly complex challenge with a solution pathway that may not exist or may not be available in this current generation. The committee was cognisant of the importance of laws and practices, and how they may contribute to the burden of problem-drinking in South Australia and, to the extent they do contribute, how they should be changed, if at all, and how might those changes be implemented effectively requires careful consideration.

It is difficult to say with any certainty whether laws and practices on their own are adequate. Additionally, there is a need for ongoing health promotion strategies, community education, and social marketing strategies, appropriately targeted at population groups to inform the community of best practice approaches to protect and promote the health of individual community members and the health of their children. Inquiries such as this would not be helpful without the valuable contributions of many individuals and organisations who gave up their time to come forward and give information. We thank all of those who were—

**Mrs Geraghty:** You can talk a little slower.

**Ms BEDFORD:** Alright. It's all written down anyway. The committee heard that the issue for the government in setting alcohol policy through regulation and public policy mechanisms is to balance the available evidence, the interests and aspirations of people who consume alcohol responsibly with those who misuse alcohol, as well as supporting the commercial interests of the alcohol industry and recognising the consequences for the community in terms of tourism, employment and revenue. I seek leave to conclude my remarks.

Leave granted: debate adjourned.

*[Sitting suspended from 13:01 to 14:00]*

#### **MODBURY HOSPITAL**

**Dr McFETRIDGE (Morphett):** Presented a petition signed by 34 residents of South Australia requesting the house to urge the government to maintain the 24-hour paediatric ward at the Modbury Hospital.

#### **OAKLANDS PARK LEVEL CROSSING**

**Dr McFETRIDGE (Morphett):** Presented a petition signed by 48 residents of South Australia requesting the house to urge the government to construct an overpass at the Diagonal Road, Oaklands Park railway crossing to improve traffic flow and increase the safety of pedestrians.

#### **COUNTRY FIRE SERVICE**

**Dr McFETRIDGE (Morphett):** Presented a petition signed by 10,559 residents of South Australia requesting the house to urge the government to recognise and value Country Fire Service volunteers and extend to them the same workers compensation provisions for cancer cover as are being offered to Metropolitan Fire Service firefighters.

#### **WATERLOO CORNER JUNCTION**

**Mrs VLAHOS (Taylor):** Presented a petition signed by 577 residents of greater South Australia requesting the house to urge the government to ask the Department for Transport and Infrastructure to investigate options to address the serious safety issues that have arisen at the junction of St Kilda Road and Port Wakefield Road, Waterloo Corner.

#### **REX MINERALS MINING LEASE**

**Mr GRIFFITHS (Goyder):** Presented a petition signed by 680 residents of Yorke Peninsula and greater South Australia requesting the house to urge the government to reject Rex Minerals' application for a mining lease at Hillside on Yorke Peninsula.

### ENERGY POLICY

**Mr SIBBONS (Mitchell):** Presented a petition signed by 38 residents of South Australia requesting the house to urge the government to—

1. Require energy companies to stop the practice of charging non-solar households the subsidies for solar customers;
2. Provide better transparency and accountability on the energy industry to prevent further exploitation of energy consumers;
3. Develop a program that will allow installation of renewable energy source but not limited to solar panels and solar water heaters feasible and accessible to low-income Australians including those in rental properties, public and community housing; and
4. Investigate the energy industry in regard to increasing variable and fixed components of gas supply.

**The SPEAKER:** I call the member for West Torrens to order for his unprovoked interjection about the petition regarding the mine on Yorke Peninsula.

**Mr Gardner:** Throw him out, sir.

**The SPEAKER:** No.

### ANSWERS TO QUESTIONS

**The SPEAKER:** I direct that the following written answer to a question be distributed and printed in *Hansard*.

#### TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

**191 Mr HAMILTON-SMITH (Waite)** (9 February 2011) (First Session). With reference to Budget Paper 4, volume 1, page 2.11, Program 1—

1. How many South Australian jobs will be created as a result of these programs?
2. How will these programs be affected as a result of a near halving of the budget in this area?
3. How many staff worked on the specific activities in 2009-10?
4. How many staff will work on these specific activities in 2010-11?
5. How many businesses participated in the South Australian Business Sustainability Alliance?

**The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business):** I am advised of the following:

1. Program 1, A Strategic Approach to Economic Development, aims to promote and contribute to economic development in South Australia with a key focus on setting the foundations for strong economic and employment growth in the state, and thereby contributes to increased growth, investment and jobs over the medium and long term.
2. There will be greater collaboration and a strong focus on high value projects. Functions will be undertaken by officers with multiple responsibilities across the agency and, in part by other agencies better incorporating an economic development perspective in their core activities.
3. 36 FTE worked on the specific activities in 2009-10.
4. 10 FTE worked on the specific activities in 2010-11.
5. 350 businesses participated in the South Australian Business Sustainability Alliance.

### PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Appointment and administration of authorised officers—Supplementary Report November 2013  
Local Government Annual Reports—District Council of Goyder Annual Report 2012-13

By the Minister for Health and Ageing (Hon. J.J. Snelling)—

Controlled Substances Advisory Council—Annual Report 2012-13  
Health Advisory Council—  
Balaklava Riverton Annual Report 2012-13  
Barossa and Districts Annual Report 2012-13  
Bordertown and District Annual Report 2012-13  
Ceduna District Health Services Annual Report 2012-13  
Country Health SA Local Health Network Annual Report 2012-13  
Eastern Eyre Annual Report 2012-13  
Eudunda Kapunda Annual Report 2012-13  
Kangaroo Island Annual Report 2012-13  
Leigh Creek Health Services Annual Report 2012-13  
Mannum District Hospital Annual Report 2012-13  
Mid North Annual Report 2012-13  
Mid West Annual Report 2012-13  
Northern Yorke Peninsula Annual Report 2012-13  
Port Lincoln Annual Report 2012-13  
Port Pirie Health Annual Report 2012-13  
Quorn Health Services Annual Report 2012-13  
Southern Flinders Annual Report 2012-13  
Whyalla Hospital and Health Services Annual Report 2012-13  
Yorke Peninsula Annual Report 2012-13  
Pharmacy Regulation Authority of South Australia—Annual Report 2012-13

By the Minister for Education and Child Development (Hon. J.M. Rankine)—

Child Death and Serious Injury Review Committee—Annual Report 2012-13  
Commission of Inquiry (Children in State Care and Children on APY Lands) Act 2004—  
Annual Report 2012-13  
Progress Report 2012-13  
Guardian for Children and Young People, Office of the—Annual Report 2012-13

By the Minister for Multicultural Affairs (Hon. J.M. Rankine)—

South Australian Multicultural and Ethnic Affairs Commission—Annual Report 2012-13

By the Minister for Manufacturing, Innovation and Trade (Hon. T.R. Kenyon) on behalf of the Minister for Employment, Higher Education and Skills (Hon. G. Portolesi)—

Construction Industry Training Board—Annual Report 2012-13  
Education Adelaide—Annual Report 2012-13  
Further Education, Employment, Science and Technology, Department of—  
Annual Report 2012-13  
TAFE SA—Annual Report 2012-13

By the Minister for Manufacturing, Innovation and Trade (Hon. T.R. Kenyon) on behalf of the Minister for Science and Information Economy (Hon. G. Portolesi)—

Bio Innovation SA—Annual Report 2012-13

By the Minister for Manufacturing, Innovation and Trade (Hon. T.R. Kenyon)—

Outback Communities Authority—Annual Report 2011-12

By the Minister for Tourism (Hon. L.W.K. Bignell)—

Environment Protection Authority—Annual Report 2012-13  
Environment, Water and Natural Resources, Department of—Annual Report 2012-13  
Marine Parks Council of South Australia—Annual Report 2012-13  
South Australian Heritage Council—Annual Report 2012-13

Zero Waste SA—Annual Report 2012-13

#### LEGISLATIVE REVIEW COMMITTEE

**Mr ODENWALDER (Little Para) (14:07):** I bring up the 39<sup>th</sup> report of the committee, entitled Subordinate Legislation.

Report received.

#### SELECT COMMITTEE ON ANTISOCIAL AND CRIMINAL BEHAVIOUR

**The Hon. R.B. SUCH (Fisher) (14:08):** I bring up the report of the select committee, entitled Investing in Crime Prevention, together with minutes of proceedings and evidence.

Report received and ordered to be published.

#### SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

**Mr SIBBONS (Mitchell) (14:09):** On behalf of the select committee, I bring up the report of the select committee.

Report received and ordered to be published.

#### ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

**Mr ODENWALDER (Little Para) (14:09):** I bring up the 74<sup>th</sup> report of the committee, entitled Annual Report July 2012-June 2013.

Report received and ordered to be published.

### QUESTION TIME

#### PROSPECT TRAMS

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:10):** My question is to the Minister for Finance. Can the minister confirm that there is no money in the forward estimates for the trams to Prospect?

*Members interjecting:*

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:10):** No, no; the Minister for Transport. The government announced today that we are extending consultation on the Integrated Transport and Land Use Plan. The reason we are doing so is that we have been inundated—

**Ms Chapman:** With protests.

**The Hon. A. KOUTSANTONIS:** No, inundated with correspondence, submissions, people turning up to public forums to discuss this plan. The reality is this—

**The Hon. I.F. EVANS:** Point of order, sir: I ask that you draw the minister back to the question, which was, 'Is there money in the budget for the extension of the trams to Prospect?' The question was not about the consultation process about the broader plan.

**The SPEAKER:** I am sure the minister is coming to it. Minister for Transport.

**The Hon. A. KOUTSANTONIS:** We are currently consulting on trams out to Prospect, to the Parade, to Henley Beach Road, and up Unley Road, and talking about investing in rail, roads, ports, trains, and urban rail, something members opposite are completely silent on. The government has made no decisions about which will be first.

**Ms Chapman:** There's no money in the forward estimates.

**The SPEAKER:** The deputy leader is warned for the first time.

**The Hon. A. KOUTSANTONIS:** What we have done is nailed our colours to the mast. We support urban rail. Members opposite are silent on urban rail. Indeed, they support ripping money out of urban rail when their colleagues in Canberra take the money out. The reality is that Steven Marshall does not have the courage to stand up to Tony Abbott.

*Members interjecting:*



**The SPEAKER:** The Minister for Transport will be seated. The member for Unley will be seated. The Minister for Transport is warned for the first time for using the leader's Christian name and surname, which is conducive to quarrels. Point of order from the member for Unley.

**Mr PISONI:** That was it.

**The SPEAKER:** Oh, that was the point of order. I anticipated correctly. The Minister for Transport, is there any more?

**The Hon. A. KOUTSANTONIS:** No.

#### PROSPECT TRAMS

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:12):** I have a supplementary question. What is the government's cost estimate for trams to Prospect?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:12):** Given that we are still consulting with the community about how exactly we roll out—

**Ms Chapman:** You've announced it!

**The SPEAKER:** The deputy leader is warned for the second and final time.

**The Hon. A. KOUTSANTONIS:** Given we are still consulting with the community about the size and scope of our rollout of trams across—

*Ms Sanderson interjecting:*

**The SPEAKER:** The member for Adelaide is called to order.

**The Hon. A. KOUTSANTONIS:** She's feeling the pressure, sir.

**Mr Pisoni:** That's a sexist comment.

**The Hon. A. KOUTSANTONIS:** How's that sexist?

**Mr Pisoni:** You wouldn't say that about a man.

**The Hon. A. KOUTSANTONIS:** I say that about you all the time. The reality is that the government is consulting on these plans. We take our plans very seriously, and our plans are public. We want people to consult on our plans. We want people to see our plans, unlike the opposition, which is keeping its plans secret—secret until after the election!

**The SPEAKER:** You would like to further explore that answer?

#### PROSPECT TRAMS

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:13):** Such as it was, yes. Will a decision be made before the election on when trams to Prospect will be funded?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:13):** Given that the opposition refuse to let anyone know about their secret plans for South Australia, it's a bit rich coming in here and asking us to reveal our election commitments.

**Mrs REDMOND:** Point of order: that must be debate, sir. Beginning an answer with what he thinks the opposition may or may not do must surely be debate.

**The SPEAKER:** I uphold the point of order. Member for Little Para.

#### EDUCATION FUNDING

**Mr ODENWALDER (Little Para) (14:14):** My question is to the Minister for Education. Can the minister inform the house about the ongoing negotiations between the state and federal governments around the Gonski reforms and what effect cuts to this agreement would have on South Australian schools?

**The SPEAKER:** I trust this answer will pour oil on troubled waters. The Minister for Education.

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:14):** I have to say that 'negotiation' is a very generous term for what is happening at the moment. In short, the federal government is acting like a team of contortionists, bending and flexing desperately to get out a commitment that they made at the last election. All negotiations are happening through the media and it is no surprise that Liberal premiers who signed up to this deal are red hot. They are absolutely furious, and last night on ABC Radio the member for Norwood said, and I quote:

...the federal government should be honouring any commitment that they have signed up to.

It raises the question: is the member for Norwood implying that only deals that have been signed off by the Liberal federal government should be honoured? We signed a six-year deal with the federal government and we expect it to be honoured.

*Mr Pisoni interjecting:*

**The SPEAKER:** The member for Unley is called to order.

**The Hon. J.M. RANKINE:** If the member for Norwood is offering a fair dinkum unity ticket on education funding, all he has to say to Christopher Pyne is: South Australia signed a deal and we expect you to honour the six-year deal. It is a simple sentence. It should not be too hard. Whether he gets a straight answer or not, of course, is another question. All we are getting is thought bubble after thought bubble from Christopher Pyne, putting first his left foot and then his right foot in his mouth.

He is at his slippery best at the moment. Yesterday he was saying that the funding envelope will remain the same. What he was really saying is that the same amount of funding will have to be shared out between more states. It is like going from an A3 envelope to a DL. Yesterday I used the analogy of you having to share your birthday money with your sister. We now know it is more akin to you sharing with not only Judith but Theresa and Merrilyn as well.

Today Mr Pyne said the commonwealth will put a bit more money back into the envelope to appease Western Australia, Queensland and the Northern Territory to make sure they are not short-changed. What about short-changing South Australia? I have it on good authority the reason Western Australia did not sign up to Gonski was because there was a clause stipulating no cuts could be made to education under the agreement, and according to the Western Australian Council of State School Organisations—the equivalent of our SAASSO here—the following cuts were being planned:

- 500 job cuts—250 education assistants in kindergarten through to year 2, 100 anaphylaxis education assistants from kindergarten through to year 2 and 150 positions in central and regional offices.
- A 30 per cent cut to the School Support Program Resource Allocation that schools use to pay for literacy and numeracy programs, behaviour management, Aboriginal student needs, English as a Second Language, children with learning difficulties, the Priority Country Areas Program and either distance or other disadvantage.
- 1.5 per cent cuts to school procurement budget.
- 1.5 per cent less to purchase goods and services.

That is why they did not sign up. The question is: what is going to happen to those kids with disabilities here in South Australia? What is going to happen to the support they would have received? Kids from low SES backgrounds? Aboriginal kids? The answer is: Christopher Pyne does not care.

This government is prepared to fight. We want an ironclad guarantee that every school, every student, is going to get every dollar that was promised. It is time for every member of this house to stand up for the schools in their electorate, stop being partisan political, stand up to Christopher Pyne—

*Members interjecting:*

**The Hon. J.M. RANKINE:** —stand up to the mate that put you in the position you are in. Do something about it.

*Members interjecting:*

**EDUCATION FUNDING**

**Mr PISONI (Unley) (14:18):** Can the minister update the house on her department's savings measures as announced in the budget?

**The SPEAKER:** The Minister for Education. God forbid that we should be politically partisan. Minister.

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:19):** Last time I had a briefing I think we were on target.

**EDUCATION FUNDING**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:19):** A further supplementary. Can the minister outline to the house the full nature of the budget savings measures implemented and planned for this year, next year and the following year, as outlined in your own department's plans?

*The Hon. A. Koutsantonis interjecting:*

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

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:19):** Thank you, sir. That question requires a very detailed answer and I am happy to take that on notice.

**EDUCATION FUNDING**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:19):** Can the minister shed any light on the quantum of cuts proposed this financial year by her own department?

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:19):** What I can tell the house, sir, is that if we do not get the full allocation of funding under the deal we signed with the federal Liberal government, there will be \$400 million lost to South Australian schools.

*Members interjecting:*

**EDUCATION FUNDING**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:20):** Supplementary, sir: does the—

**The SPEAKER:** Well, everyone is having such a good time; it is the fourth supplementary.

**Mr MARSHALL:** Does the minister have any idea of the cuts in the forward estimates that she has promised and inflicted on the people of South Australia?

**The SPEAKER:** I think—

**Mr Marshall:** No idea; absolutely disgraceful!

**The SPEAKER:** Leader, isn't there a bit of comment in that question?

*Mr Marshall interjecting:*

**The SPEAKER:** It is your turn to ask a question.

**TRANSPORT FUNDING**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:20):** Thank you, sir. My question is to the Minister for Finance. Can the minister confirm that there is no money in the forward estimates for the CityLink or EastLink trams?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:20):** What I can confirm, sir, is that the opposition have secret plans for transport that they are not telling us about. Toll roads: they won't rule out toll roads, sir. They won't rule out—

*Members interjecting:*

**The SPEAKER:** Minister—

**The Hon. A. KOUTSANTONIS:** Sir, we have—

**The SPEAKER:** Minister, could you be seated? Before beating the opposition over the head, could you make some attempt to address the question?

**The Hon. A. KOUTSANTONIS:** The great thing about the 30-Year Plan is that it is a 30-year plan. So, let's take—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** —let's take that question to its logical extension: does that mean, sir—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** —does that mean, sir, that we would have every—

**The SPEAKER:** I call the member for Morialta to order. I do not recall calling you, leader.

**Mr MARSHALL:** Point of order, sir.

**The SPEAKER:** Point of order.

**Mr MARSHALL:** No. 98: relevance. It is a very simple question directed to the Minister for Finance about whether a certain bucket of money is actually in the forward estimates; it is as simple as that.

**The SPEAKER:** Okay; thank you for that impromptu speech. Minister.

**The Hon. A. KOUTSANTONIS:** Sir, on Friday I was in the Prospect Town Hall talking to local residents about our transport plan, and I have to say they were very enthusiastic about the plan—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** —very, very enthusiastic about the plan. I am glad the—

*Ms Sanderson interjecting:*

**The SPEAKER:** The member for Adelaide is warned for the first time.

**The Hon. A. KOUTSANTONIS:** I am glad the leader is using our language talking about our transport plan. That is encouraging; perhaps he may embrace it. I would say this, sir: when David O'Loughlin and I spoke at that forum, talking about our transport plan, the one thing that local community were very excited about is that they were actually being talked to about transport options over the next 30 years. Now, the logical extension of this question, sir—

*Ms Sanderson interjecting:*

**The SPEAKER:** The member for Adelaide is warned for the second and final time.

**The Hon. A. KOUTSANTONIS:** The logical extension, sir, of the leader's question is: why isn't all of this in the forward estimates? The reality is that when a government brings out a comprehensive 30-year plan about what should be a menu of options available to this government, future governments, commonwealth governments, local governments and private sector investors about what it is exactly they should be investing in, surely, Mr Speaker, no-one would expect all that to be in the forward estimates eight weeks after its release.

*Ms Sanderson interjecting:*

**The SPEAKER:** If I hear the member for Adelaide's dulcet tones once more, she shall be out for an hour. The leader.

#### TRANSPORT FUNDING

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:23):** Thank you, sir. A further supplementary: given the consultation is underway, does the government have any cost estimate for this project—the CityLink or the EastLink trams?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:23):** First and foremost, we make estimates regularly on transport projects, and the reason we have consultation is that they can change. When we are actually consulting with

people, rather than announcing something and then consulting afterwards, what we are saying to people on Prospect Road, people who live in the inner northern suburbs, the inner eastern suburbs, the inner western suburbs and the inner suburbs about this plan is that we want to hear their views.

The reason we want to hear their views is so that we can inform our decision-making processes. Also, when you are in discussions with industry groups about these matters before you release them for public consultation, you do have indicative costs put to you. The reality is that if you flag to the market, well in advance, costs that are estimates, before consultation is completed—

*Mrs Redmond interjecting:*

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

**The Hon. A. KOUTSANTONIS:** —you do not get an accurate response in the tender process that is returned to you. In fact, what you are doing is setting yourself up to fail. What we want to do is make sure that we consult with people first.

*The Hon. I.F. Evans interjecting:*

**The SPEAKER:** The member for Davenport is called to order.

*The Hon. I.F. Evans interjecting:*

**The SPEAKER:** The member for Davenport is warned for the first time.

**The Hon. A. KOUTSANTONIS:** Mr Speaker, we will continue to consult on this plan. It is a good plan. It is a plan that the people of the seat of Adelaide are embracing in their droves. Perhaps that is why so many members opposite are so agitated by it; perhaps they can feel it all slipping away slowly.

*Members interjecting:*

**The SPEAKER:** Before we go on, the member for Adelaide interjected twice since she was warned for a final time. I wish to hear no more from the member for Adelaide for the remainder of question time, except if she has a question.

#### INFRASTRUCTURE PROJECTS

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:25):** I have a further supplementary. This supplementary is to the Minister for Health and Ageing. Given that the Minister for Transport and Infrastructure has just said that revealing the cost for a project in advance can disadvantage that project ultimately, can the minister outline to the house why he revealed the potential costs of the Women's and Children's Hospital?

**The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:26):** Why wouldn't I? It was an obvious question.

*Members interjecting:*

**The Hon. J.J. SNELLING:** I don't know what's amusing about that. The simple fact is, of course, that we would be asked by the media and others what we expected the costs to be. I got indicative costings from the Department for Health of \$600 million. Of course, it is indicative, and we still have to do a lot of work before we can finally cost the project, but the ballpark figure is approximately \$600 million.

#### INFRASTRUCTURE PROJECTS

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:26):** I have a further supplementary for the Minister for Finance. It would be good if he would weigh into all these questions which are directed to him, because we have two completely—

**The SPEAKER:** Could we have a question?

**Mr MARSHALL:** Why is it that one minister wants to reveal his costings and the other one does not want to reveal his costings?

*Members interjecting:*

**The SPEAKER:** The member for Hammond is called to order. Minister for Finance.

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:27):** I think that question is entirely out of order. I am not in a position to determine why one minister answers a question in one manner and another in another.

#### INFRASTRUCTURE PROJECTS

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:27):** Can the minister actually answer the question whether there is anything contained in the forward estimates for the \$36 billion infrastructure plan, and how much is earmarked for the individual projects?

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:27):** It is a question of timing. The budget was handed down and I think then, many months later, the 30-year transport plan was released. One followed well after the other, so it could not be picked up in the budget.

#### INTEGRATED TRANSPORT AND LAND USE PLAN

**Mr SIBBONS (Mitchell) (14:28):** My question is to the Minister for Transport and Infrastructure. Will the minister update the house about consultation for the Integrated Transport and Land Use Plan?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:28):** On 21 October the state government unveiled a detailed blueprint for South Australia's transport future to support the growth of communities and businesses over the next 30 years. The Integrated Transport and Land Use Plan outlines future priorities for trams, buses, rail, roads, ports, cycling and walking infrastructure. It is the most sophisticated and detailed transport plan ever undertaken in this state's history and lays a foundation for building a stronger South Australia.

The plan was released for consultation, and since that date the responses have been flooding in. Almost 3,000 South Australians have taken the opportunity to provide feedback on the plan. Because of the enormous response the government has decided to extend the consultation period—which was scheduled to end this Friday—until 17 January 2014.

This plan has really captured the imagination of people right across the state, and we want to make the most of that and deliver the best possible finished product. Since we launched the plan on 21 October this year, our community engagement teams have travelled the length and breadth of this state talking to people about how we can make this plan work for them.

South Australians are providing us with invaluable feedback, ideas and insights, and they are genuinely excited by this long-term vision for our state's transport and infrastructure. We have received inputs from members of the community, councils and industry groups. More than 2,300 South Australians have attended engagement events across the state.

We have received about 550 written and electronic submissions which have been lodged, with another 350 online surveys and emails that have been received. It seems everyone wants to be engaged in this plan, except members opposite. I am advised that no member of the opposition has requested a briefing—

**Mr GARDNER:** Point of order, sir.

**The SPEAKER:** Yes, the point of order would be that the—

**Mr GARDNER:** 98.

**The SPEAKER:** Yes, I think—

**The Hon. A. KOUTSANTONIS:** Sir, the question was about consultation.

**The SPEAKER:** I don't think the minister is responsible to the house for the people who haven't sought consultation.

**The Hon. A. KOUTSANTONIS:** You are right, sir. They are not interested and not consulting—

*Mr Marshall interjecting:*

**The Hon. A. KOUTSANTONIS:** After a press conference when I detailed—

**Mr GARDNER:** Point of order, sir—

**The Hon. A. KOUTSANTONIS:** —that they hadn't made a submission, they ask questions on it.

**The SPEAKER:** The Minister for Transport will be seated. What is the point of order?

**Mr GARDNER:** The minister is defying your ruling, even though he is on two warnings, sir.

**Mrs Geraghty:** You people do it all the time.

**The SPEAKER:** The member for Torrens is called to order. Now, could the Minister for Transport tell the house about people who actually were consulted, as distinct from people who chose not to be part of the consultation?

**The Hon. A. KOUTSANTONIS:** Yes, sir. The plan is the product of eight months' work by the Department of Planning, Transport and Infrastructure, government agencies and key industry and advocacy groups. The extension will ensure that South Australians can engage with the government's 30-year vision for public transport infrastructure, even if members opposite don't care; a vision that focuses on delivering people to places and businesses to market, a vision that believes in urban rail, a vision that believes in expanding light rail, and a vision that believes in the north-south corridor. We are proud—

*Mrs Redmond interjecting:*

**The Hon. A. KOUTSANTONIS:** —to share our vision with the community, because it is a vision that will make this state stronger, better and easier to live and work in. Members opposite have plans; they are just keeping them secret, because they are terrified people might find out what their actual plans are.

*Members interjecting:*

**The SPEAKER:** The Liberal Party soprano, the member for Heysen, is warned for the first time.

#### INTEGRATED TRANSPORT AND LAND USE PLAN

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:32):** Supplementary, sir. How does the minister know that the government's 30-year plan adds up to \$36 billion, when he has revealed in the house earlier today that they have not done individual project costings to date?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:32):** That is not what I said. I said we haven't released individual costings. Perhaps if you listened to what I said, rather than pretending to listen to what I said. What I said is we have given an overall cost estimate to the plan. We have said to the community, 'We think, on the basis of the last 10 years' expenditure, there is about \$23 billion that is constant. The rest of it has to be met.' That is what the consultation is about, to talk to the community about what projects they think are vital.

Perhaps we could have engagement with the opposition. Perhaps they could actually engage with the community and actually let us know what their plans are. This plan is about bypassing politics. This plan should be bipartisan. The Leader of the Opposition should be standing alongside us with this plan. Instead, he is silent. Why is he silent? He has his own secret plans: plans for tolls—

**The SPEAKER:** That will be quite sufficient. The minister's leave is withdrawn.

#### INTEGRATED TRANSPORT AND LAND USE PLAN

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:33):** For clarity, I think it is worth asking: is the minister saying, unequivocally, that the costings for the Prospect tram and the EastLink project have been completed and sit within the department but that he refuses to reveal them to the parliament?

**The SPEAKER:** Yes, I think we've got the gist of the question. Minister for Transport.

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban**

**Development) (14:33):** What I have said is that we know from past projects the costs of extending light rail. We know the costs per kilometre, and we know the costs for the carriages and the infrastructure that go with it, in the same way that we know the costs for kilometres of roads, sealing roads and maintaining unsealed roads. Those costs are known. What we are trying to do through this plan is to try and understand from the community exactly what their aspirations are, as well.

**Mrs Redmond:** Why? You never listen to them.

**The Hon. A. KOUTSANTONIS:** Members opposite ask why. Well, because it is their plan, it is their money, it is their state, it is their city; they deserve to have a say. It is members opposite who don't want to have a say.

*Members interjecting:*

**The SPEAKER:** That's quite enough about members opposite. The minister is not responsible to the house for the opposition. A supplementary.

#### INTEGRATED TRANSPORT AND LAND USE PLAN

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:34):** I have a supplementary for the Minister for Transport. Given that you, minister, have done costings and you have explained to the house why it is inappropriate for you to release them, and the Minister for Finance has said that the CityLink is provided for in the future in the forward estimates—

**The SPEAKER:** Can we have a question, please?

**Ms CHAPMAN:** —can you explain then why you have indicated that the CityLink project is in your short-term five-year plan for implementation, if it is not provided for in the forward estimates?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:35):** Forward estimates is four years—four years, for all the illiterates opposite. The reality is that what we have done is that we have categorised projects into time scales. We are going out to community consultation to talk to people about them. For example, there is a time scale about moving the Keswick international terminus into the CBD.

We have put that out into the later years, but if there's overwhelming community acceptance of doing that perhaps you would bring that forward and put something else out. The whole idea of this plan is to de-politicise transport and infrastructure, something members opposite have said they want to do, but when we do it they try to politicise it. What we are attempting to do is to give the people of this state a range of options that they can choose from. What members opposite are trying to do is kill it.

**The SPEAKER:** Well, thank you for de-politicising it. The member for Giles.

#### TOURISM

**The Hon. L.R. BREUER (Giles) (14:36):** My question is to the Minister for Tourism. Can the minister inform the house about the effect the change of federal government has had on the tourism industry in South Australia?

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:36):** I thank the member for Giles for the question and for her outstanding contribution to tourism in her region. It was a pleasure to be up there a couple of weeks ago to visit the great people at the Whyalla Visitor Information Centre, who do such a terrific job to welcome people not just to Whyalla but to the Eyre Peninsula.

I was on the Eyre Peninsula; I started the day there this morning in Port Lincoln, and one of the things I am hearing as I am going around the state is the great disappointment that the new federal government has not appointed a tourism minister—a business that is worth around \$100 billion for Australia, and \$5 billion (heading towards \$8 billion) in South Australia. It is a really important sector and one that is vital for the regions, where it employs over 30,000 South Australians. The people I have been speaking to, whether from Kangaroo Island, the Fleurieu Peninsula, Eyre Peninsula, wherever I have been visiting, are really quite concerned that there is no federal tourism minister.



The other thing that has upset a lot of people is the Tourism Industry Regional Fund (TIRF), which was set up by Martin Ferguson when he was the tourism minister. It was about getting more money into businesses to get them up to a higher standard, which is something the South Australian government has also been doing through the South Australian Tourism Commission, to upgrade to four-star-plus the accommodation (as much as we can) around the regions of South Australia and to bring in more, not just accommodation but activities for tourists to do as well.

We had the first round of that announced earlier in the year by the federal government and South Australia had 15 per cent of the winning applications and 18 per cent of the money. So, we got \$3 million of federal government money that went directly into South Australian businesses to help improve what we have here. It was overwhelmingly welcomed by people throughout South Australia. We have 7 per cent of the population and we received 18 per cent of the funding and that, in no small part, goes to not just the incredible work of those businesses but the work the South Australian Tourism Commission does in sitting down and putting these bids together. I want to thank Mark Blyth and many of the other people at the South Australian Tourism Commission who work so well with the private sector.

I spoke to a tourism operator yesterday in Port Lincoln who was dismayed that after he and his family put in 50 to 60 hours work for a round 2 grant application, which had to be in by August of this year, so a month before the federal election—and many others around the state have paid consultants to help them put these bids together, and they have put in many hours—the new federal government has told them that it is not even going to look at any of those bids.

It is just cancelling round 2 of this very important funding mechanism for tourism operators, not just in South Australia but around Australia. So, the mood out there around the regions, and I am sure many of you will pick up on it, is that this new federal government does not care about tourism; in fact it is turning its back on a very important industry for South Australia.

#### TOURISM

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:40):** I have a supplementary question on that. Can the minister tell the house about the impact to the tourism sector in his electorate of the state government's decision to remove the cellar door rebate?

**The Hon. I.F. EVANS:** A point of order, Mr Speaker. They have four minutes to answer the question, not four minutes to decide who is going to answer the question.

**The SPEAKER:** The member for Davenport is warned for the second time.

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40):** An analysis was done and it concluded that the impact would be minimal. What we were finding was that there were a large number of direct mail operations, not all based in South Australia, that were receiving the cellar door subsidy when the reality was they were not operating cellar doors. The major recipients, from memory, were direct mail operators.

We thought it was financially prudent to remove that, because the intent of the cellar door subsidy is to encourage tourists, in particular, to go to cellar doors. South Australian Treasury is not a bottomless pit, although from the tone or inference of the question one would assume so. It was a financially prudent move. Our modelling showed minimal impact, and I have not received any advice that the outcome has been any different from what the modelling led us to.

#### TOURISM

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:42):** A supplementary to the member for Mawson. Does he agree with the Minister for Finance—

*Members interjecting:*

**Mr MARSHALL:** It's so hard! We are in Adelaide! Does he, as the local member and the Minister for Tourism, agree with the Minister for Finance that there was minimal impact in his area with the state government's decision to remove the cellar door subsidy?

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:42):** I will take that, opposition leader. I have to say with the various pronunciations I am feeling a little schizophrenic. The answer remains unchanged.

### CHILD PROTECTION

**The Hon. R.B. SUCH (Fisher) (14:43):** My question is to the Minister for Education and Child Development. Will the minister put an educator such as a school principal on the interagency task force charged with overseeing the response to sexual behaviour incidents that involve departmental schools? The task force currently comprises police and lawyers but no-one directly involved in education.

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:43):** I thank the member for Fisher for the support that he has provided in relation to public education here in South Australia. He has been a very strong advocate for public education, and he is also a very active and strong supporter of schools in his electorate. I want to place that on record. He has also been very encouraging and supportive of me personally in my role as Minister for Education.

The interagency task force has been set up to provide advice through to the Chief Executive Officer of the Department for Education in relation to responses to communities when this sort of event occurs. It is a very high level agency; it includes representation from crown law so that we have the very best legal advice. It has a very senior police officer (Assistant Commissioner) on there, a person who has very detailed and intricate knowledge around the needs of victims who have suffered sexual assault. We have the Chief Executive Officer of the Department for Education and Child Development and we also have the Deputy Chief Executive Officer, who has responsibility for child safety.

What they look at is the appropriateness of advice and what can be provided to communities. Principals whose schools may be impacted are consulted and advice goes backwards and forwards between the incident management team in relation to the advice out to communities. This isn't a representative group.

I have to say, I was at a school presentation last night and the principal of that particular school said to me how reassuring it is now with the processes that are in place and the support that is being provided through central office—very clear understanding about roles and responsibilities. I am happy to take on board the member for Fisher's suggestion, because I know he provides it with the very best of intentions.

### AUTOMOTIVE INDUSTRY

**Dr CLOSE (Port Adelaide) (14:45):** My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister inform the house about the state government's commitment to supporting the automotive industry in South Australia?

**The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:45):** The state government, of course, is doing everything it can to keep Holden here in South Australia and in Australia, and automotive manufacturing in general. We know it is an important industry. We know how important it is to the South Australian economy. It is a key employer in the northern suburbs but, after a mapping exercise, we know that the effect stretches right out across the city, the state and in fact interstate, including contracts in New South Wales and even Queensland with auto component manufacturers. We know that since the recent federal election the biggest threat to Holden is in fact Tony Abbott's pledge to withdraw \$500 million. Not only is that dangerous for the continued existence of Holden—

*Members interjecting:*

**The SPEAKER:** The Minister for Manufacturing will be seated. The member for Hammond is warned for the first time, the member for Heysen for the second time and the member for Unley for the first time. The Minister for Manufacturing.

**The Hon. T.R. KENYON:** Not only is that a threat to the continued existence of Holden, it is one of the biggest sovereign risk issues we have ever seen in this country. To have a scheme in place and operating over a number of years—since 2010, and designed to go from 2010 to 2015—cut two-thirds of the way through its program is a significant sovereign risk issue brought about by Tony Abbott and the Liberal Party. Along with other ways they have cut things, this shows that you cannot trust this federal government. You can make an agreement or not and it just doesn't matter, they will walk away from it if it suits them to do that.

We know that every country in the world that has an automotive industry is provided with some form of government support, and we advocate continued assistance to the automotive

industry in this state. We advocate continued assistance to the automotive industry in this state because we know it is a competition among governments to keep an automotive industry in this state.

*Mr Whetstone interjecting:*

**The SPEAKER:** The member for Chaffey is called to order.

**The Hon. T.R. KENYON:** We know how important the vehicle industry is to Australia. We know how important the automotive industry is to research and development in this country, to investment, to employment—

*Mr Pisoni interjecting:*

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

**The Hon. T.R. KENYON:** —not just to individual automotive manufacturers and suppliers but also all the jobs that are directly and indirectly related to it. We know it is about supporting Australian jobs—indirect jobs and direct jobs. We know that up to 13,000 jobs are at stake just in South Australia. Across the country, that number is 60,000 jobs. All we need from the federal government is a decision. We need a decision from the federal government to invest in Australian manufacturing, to invest in auto manufacturing in this country, and we are not seeing it. Instead, a decision is farmed off to the Productivity Commission with a six to nine-month delay.

**Mr Venning:** Years of bungling.

**The SPEAKER:** The member for Schubert is called to order.

**The Hon. T.R. KENYON:** He's getting down to his last few days to interject, sir, no matter how disorderly that is.

*Members interjecting:*

**The Hon. T.R. KENYON:** Are you going to be a goat again today?

*Members interjecting:*

**The SPEAKER:** The member for West Torrens may be leaving very soon.

**The Hon. T.R. KENYON:** As the Premier has said, how can a component manufacturer tool up to get ready for the production of one of the new platform cars if no decision has been made, if they don't even know if they are going to have a customer? How can the deli that depends on car industry workers for their business make a decision—

**The Hon. I.F. EVANS:** Point of order: number 98, sir. This is debate.

**The SPEAKER:** No, I don't agree. The Minister for Manufacturing.

**The Hon. T.R. KENYON:** How can a deli that depends on car industry workers for business make investment decisions on new equipment if they don't have a decision from the federal government? That is why we need a definite commitment from the federal government to make an investment in the automotive manufacturing industry. That's why the South Australian government is advocating so strongly for this. What we need is a state opposition that is prepared to offer—

**The SPEAKER:** No, I'm not interested in hearing about what kind of state opposition we need. Supplementary.

#### AUTOMOTIVE INDUSTRY

**Mr HAMILTON-SMITH (Waite) (14:50):** Supplementary, sir: my question is to the Minister for Manufacturing. If he is so concerned with federal funding to the automotive industry, why was he and every minister in the government silent when former prime minister Gillard axed the \$500 million green car innovation fund, an initiative of prime minister Kevin Rudd to fund the motor industry—

**The SPEAKER:** Yes, I think we've got—

**Mr HAMILTON-SMITH:** Why was he silent then?

**The SPEAKER:** The member for Waite is called to order for the manner of asking that question. Does the Minister for Manufacturing wish to answer?

**The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:51):** Yes, sir. I wasn't the minister then, sir.

*Members interjecting:*

**The SPEAKER:** The member for Waite is warned for the first time, and the member for Davenport is on the precipice. The member for Mount Gambier.

#### **PATIENT ASSISTANCE TRANSPORT SCHEME**

**Mr PEGLER (Mount Gambier) (14:51):** My question is to the Minister for Health. Can the minister inform us if the review into the PAT Scheme, which was promised to be finished by the end of November, is on schedule, and whether that review will have recommendations?

**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) (14:51):** The review is imminent. I saw Dr Filby only recently, and he told me he was very close to finalising the report, and when he does I will be very happy to release it publicly. Obviously, he has already released a discussion paper and sought feedback on that discussion paper, and he has collated that feedback as part of that consultation process. I do hope that we will have a—

**Mr Marshall:** Any money?

**The Hon. J.J. SNELLING:** No; as I made quite clear from the very beginning—

**Mrs Geraghty:** Is that a supplementary?

**The SPEAKER:** The member for Torrens is warned for the first time.

**The Hon. J.J. SNELLING:** The terms of reference were for Dr Filby to look at reform of the scheme within the current funding envelope; that has always been the case. But, as I say, I do expect that we will have Dr Filby's final recommendations imminently.

#### **OAKLANDS AND HOVE LEVEL CROSSINGS**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:52):** My question is to the Minister for Finance. Can the minister confirm that there is no money in the forward estimates for the Oaklands and Hove level crossing upgrades?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:52):** Mr Speaker, the Leader of the Opposition is asking questions about our published forward estimates, and then saying, 'I've looked through these forward estimates, and there's nothing in them. Can you confirm them?' Quite frankly, this is question time. If you've got serious questions of substance, ask them. Don't waste our time on things that are already published.

*Members interjecting:*

**Mr Pederick:** Chuck him out!

**The SPEAKER:** The only person who will be 'chucked out' is the member for Hammond. I warn him for the second time. Leader, a supplementary.

#### **INTEGRATED TRANSPORT AND LAND USE PLAN**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:53):** My supplementary is to the finance minister. Can the minister advise if there is funding in the forward estimates for any of the projects listed as short term priorities in the government's transport plan and, if so, how much funding and for which projects?

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53):** South Road is in the forward estimates. I've got to point out that, for better or for worse, and probably for worse, we went through the estimates process, and if there's anything that's got to be cleaned up in this parliament it's estimates. That is—

*Members interjecting:*

**The Hon. M.F. O'BRIEN:** No, no; it's largely your performance.

**The SPEAKER:** No, it's not my performance.

**The Hon. M.F. O'BRIEN:** Sorry, Mr Speaker. The opposition had the opportunity in estimates to probe the budget and the forward estimates. If they missed the opportunity, be it upon their head.

#### INTEGRATED TRANSPORT AND LAND USE PLAN

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:54):** Can I just seek clarification? Is the minister saying that, because we failed to ask a question in the very finite time offered to the parliament in estimates, we lose any opportunity to ask questions of the minister about legitimate concerns to the people of South Australia?

*The Hon. T.R. Kenyon interjecting:*

**The SPEAKER:** The minister for manufacturing is called to order. Minister for Finance.

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:54):** No, I'm not; but I'm saying that is the ideal opportunity—

**Mr Marshall:** Answer the question.

**The SPEAKER:** The leader is called to order.

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is warned for the first time.

**The Hon. M.F. O'BRIEN:** I have answered the question. South Road is—

**Mr Marshall:** You have not.

*Members interjecting:*

**The SPEAKER:** The leader is warned for the second and final time.

#### INTEGRATED TRANSPORT AND LAND USE PLAN

**The Hon. I.F. EVANS (Davenport) (14:54):** I have a supplementary question. Can the Minister for Finance explain to the parliament how the opposition is meant to ask questions in estimates in May and June about a transport plan released in November?

**The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:55):** I thought I'd answered that one. It cuts to the very heart, I think, of your second question, when you wanted to know whether the projects in the 30-year plan were in the forward estimates, and I made the point that the plan was released probably three or four months after the state budget. It's a 30-year plan, as the Minister for Transport has adequately pointed out, so the majority of those projects would not be in the budget and particularly the forward estimates. The member for Davenport is basically picking up the point that I made earlier.

#### INTEGRATED TRANSPORT AND LAND USE PLAN

**Mr WILLIAMS (MacKillop) (14:55):** I have a supplementary question for the Minister for Finance. If he can't tell us whether any of the projects in the transport plan have any money set aside in the government's four-year budget, can he tell us how much is budgeted for the advertising campaign that is surrounding this particular project?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:56):** It's amazing that the opposition wants to talk about the transport plan and our consultation, given it has made no submissions at all. Not one of them has sought a briefing, not one of them has made a submission, not one of them has taken the time at all—

**The SPEAKER:** The minister will cease to go down that line of who hasn't sought consultation. If he continues to go down that line, I will name him.

**The Hon. T.R. KENYON:** Point of order. It is a legitimate argument to expect certain sections of the community, certain major political parties—

*Members interjecting:*

**The SPEAKER:** If any member of the opposition assists the Minister for Manufacturing with his point of order by way of interjection, they will be leaving the chamber for the next hour. The Minister for Manufacturing.

**The Hon. T.R. KENYON:** There is a reasonable expectation of a major political party, in the lead-up to an election, to have an opinion or make a submission on a matter of public policy. In the event that they do—

*An honourable member interjecting:*

**The SPEAKER:** No, this is not the Australian Union of Students. You don't take points of order on points of order.

**The Hon. T.R. KENYON:** —that in itself is of note and is worthy of introduction into the discussion.

**The SPEAKER:** I warn the Minister for Manufacturing for using a bogus point of order to make an impromptu speech. Does the Minister for Transport have anything to add that is in order?

**The Hon. A. KOUTSANTONIS:** Yes, I do, sir.

**The SPEAKER:** Good.

**The Hon. A. KOUTSANTONIS:** We are rolling out our advertising for consultation in all the areas affected by the transport plan, so the member for Norwood may have noticed billboards and bus shelters advertising consultation for the transport plan. The member for Colton would have seen in his electorate, in his community, advertising for interaction with the transport plan. The member for Unley would have seen that in his electorate.

Wherever we are talking about the transport plan we are asking community, through very modest ways, to come and give us their points of view, exactly how to have their say about the future infrastructure that they will be using over the next 30 years.

For example, in the Riverland community we have spoken on radio and we have adverts in local papers, even though the local member is showing absolutely no interest whatsoever. Another aspect of the transport plan is the ferries. We are rolling out a whole series of new ferries, and of course after the budget when we announced new ferries, only after we had announced ferries had been rolled out did the member for—

**The SPEAKER:** Again, I am not interested in who didn't say anything.

**The Hon. A. KOUTSANTONIS:** Sorry. I will get a detailed breakdown of the costs, of exactly what it cost for the consultation, for members opposite, sine die.

#### **INTEGRATED TRANSPORT AND LAND USE PLAN**

**Mr MARSHALL (Norwood—Leader of the Opposition) (14:59):** If the minister can't provide the house with the detailed costing for the advertising campaign, can he at least indicate to the house whether that amount is higher or lower than the amount that the government cut from the antismoking campaign that they recently announced?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:59):** We do not measure our consultation by the benchmarks that the opposition set. What we have is the independent Public Service, which we have a great deal of respect for, and they are the ones who decide on the consultation. They are the ones who decide what and where these consultation adverts go. But I promise to the house that I will get a detailed response for members so they know exactly how much we are spending in their communities to let people know about the transport plan.

#### **ADELAIDE HIGH SCHOOL**

**The Hon. S.W. KEY (Ashford) (15:00):** My question is directed to the Minister for Education and Child Development. Minister, can you advise the house about the impact of limiting new places in a second high school to residents in Prospect and Walkerville council areas? While you are there, minister, I would be interested to know how Ashford, Glandore and Black Forest might be affected.

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:00):** I thank the member for Ashford for her question. Let

me clarify for her benefit and other members of this house. Yesterday the government announced an expanded zone for Adelaide High School from 2015 when capital works are complete to cater for an additional 250 students. This means that families from Prospect, Ovingham, Thorngate and Fitzroy will be able to enrol students in year 8 at Adelaide High School.

The Premier also announced a second city-based high school would be open in 2019 to cater for an additional 1,000 students. This will provide new opportunities for families in Bowden, Brompton, Hindmarsh, Hilton, Kurralta Park, Glandore, Black Forest, Nailsworth, Medindie, Medindie Gardens, Gilberton, Walkerville, Collinswood and the eastern parts of Torrensville, Mile End, Richmond and Marleston. I have to say I was surprised yesterday to hear claims by the member for Adelaide that the government was copying Liberal policy.

*Ms Sanderson interjecting:*

#### **MEMBER FOR ADELAIDE, NAMING**

**The SPEAKER:** I name the member for Adelaide. Does the member for Adelaide wish to be heard in explanation?

*The honourable member for Adelaide having withdrawn from the chamber:*

**The SPEAKER:** I need a motion that she be suspended from the service of the house.

**The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (15:02):** I so move.

**The SPEAKER:** Is that seconded?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:02):** Yes, sir.

**The SPEAKER:** I will put the motion.

**Mr WILLIAMS (MacKillop) (15:02):** I seek to speak against the motion.

**The SPEAKER:** It's not a debate.

Motion carried.

### **QUESTION TIME**

#### **ADELAIDE HIGH SCHOOL**

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:03):** I was about to quote the member for Adelaide before she had a tanty. She said yesterday in the parliament, 'The Liberal party will deliver a second high school that will cater for the residents of Prospect and Walkerville council areas and you can rest assured I will not give up until that school—'

**The Hon. I.F. EVANS:** Point of order: you previously ruled that the government have no responsibility for opposition policy and the minister is now quoting it in debate.

**The SPEAKER:** It is within the scope of the question.

**The Hon. J.M. RANKINE:** When checking the suburbs that comprise these council areas, that is Prospect and Walkerville, families in Bowden, Brompton, Hindmarsh, Hilton, Kurralta Park, Glandore, Black Forest and the eastern parts of Torrensville, Mile End, Richmond and Marleston would be excluded from Adelaide High or any new school in the city under the Liberal plan by the member for Adelaide. Indeed, some of the member for Adelaide's own constituents would be locked out. Parents in the part of Ovingham in the Charles Sturt council area would not be able to send their children to Adelaide High School under the Liberal Party policy because they are not in Walkerville or Prospect local government areas.

We are not copying the Liberals, sir; Labor is delivering to more families in more suburbs. We have learned the hard way; when Liberals talk about copying, one has to be careful about what one believes. Before the federal election, the Liberals claimed to be on a unity ticket with Labor for education policy. They proudly claimed to be copying Labor's policy so that voters—

**Mr VAN HOLST PELLEKAAN:** Point of order, sir.

**The SPEAKER:** Point of order, member for Stuart.

**Mr VAN HOLST PELLEKAAN:** Debate—No. 98: I cannot see how this is related to the question.

**The SPEAKER:** Yes, I think it is debate. Member for Davenport.

#### CLIPSAL 500

**The Hon. I.F. EVANS (Davenport) (15:05):** My question is to the Minister for Tourism. Can the minister confirm that the government have approved an extra \$1.6 million for Clipsal to fill a cash deficit which increased the state funding for the 2014 event to \$9.7 million?

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:05):** There have been some additional moneys put into Clipsal, as there have been for most of the recent years. This is the first year I have had ministerial responsibility for Clipsal, but it is the way that the accounting methods work with the Motorsport Board.

Money has been put in there to do things like cover the extra cost of the Britannia roundabout, to cover some new safety barriers. In the past, we have had all these tyres that have been bolted together. We are actually looking at putting in a different structure which will provide more protection for drivers on the track. So, there have been some associated costs that we have had to cover, but it is not unusual; it is what has happened in recent years as well.

#### HOUSING SA

**Mrs VLAHOS (Taylor) (15:06):** My question is to the Minister for Social Housing. Can the minister please inform the house about how this government is providing housing for South Australians who require assistance?

**Mrs REDMOND:** Point of order, Mr Speaker.

**The SPEAKER:** Yes?

**Mrs REDMOND:** Again, the member used the term 'please', in contravention of Speaker Lewis's ruling.

**The SPEAKER:** Yes, well, it is undesirable; I agree with the member for Heysen. The backbench does not have to beg the ministry for answers.

**Mrs VLAHOS:** I withdraw my 'please'.

**The SPEAKER:** Thank you. Minister for Communities.

**The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:07):** Thank you, Mr Speaker. I would like to thank the member for this very important question—and, Mr Speaker, I thought courtesy was still alive, but clearly not by some. This government provides a number of vital services to many South Australians who are either on low incomes or who experience disadvantage in their lives.

The assistance comes mostly in the form of Housing SA rental properties, but some may not know that Housing SA provides financial support for more than 20,000 households each year by way of bond and rental payments to enable them to rent privately. This figure is almost 10 times the number of households which Housing SA allocates into its public housing each year, and is extremely important given that the cost of an initial bond is sometimes up to for to six times the cost of weekly rent.

Without this service, many South Australian families would struggle to find the money required to set up a home and would be either homeless or forced to live in overcrowded conditions with family and friends. Additionally, Housing SA provides dedicated support to individuals and families to secure and maintain housing in the private rental market. Through the Private Rental Liaison Officer Program, we provide more than 1,600 families each year with information and advice and help around 700 families to secure private rental housing. At the same time, Mr Speaker—

**Mr Gardner:** How many families per staff member?

**The Hon. A. PICCOLO:** At the same time, there is concern for funding of either vital services. For instance, Mr Speaker, last year, FAHCSIA, with pressure from Liberal states, only



agreed to a one-year transitional funding arrangement to continue the National Partnership Agreement on Homelessness rather than a new three-year agreement which would have secured vital services for this sector.

Now that there has been a change in the government at a commonwealth level, there is concern that the funding for future agreements of this type will be either reduced or cut altogether. If this was to happen, South Australia's ability to help homeless people or those at risk of homelessness would be dramatically reduced and affect the most vulnerable members of our community.

Last year Housing SA funded homelessness services under the National Partnership Agreement, and these services provided more than 17,000 instances of help to individuals and families in greatest need. Given the cuts we have seen in both New South Wales and Queensland, and the changes to the public housing system in these new Liberal-run states, I can only wonder what the federal government will do if left to its own devices.

There has been speculation in the interstate media that Queensland is looking to privatise the entire public housing system and that New South Wales is seeking to implement a bedroom tax on public housing tenants who have properties that are deemed to be underoccupied by the people who live in them.

**The SPEAKER:** A point of order from the member for Stuart.

**Mr VAN HOLST PELLEKAAN:** I believe the minister is debating the issue.

**The SPEAKER:** No; I do not think it is debate to offer information about what happens in other jurisdictions.

**Mr VAN HOLST PELLEKAAN:** Can I seek some clarification, sir?

**The SPEAKER:** Yes.

**Mr VAN HOLST PELLEKAAN:** I think that when he said 'I can only imagine if this was a Liberal government' that is debate, and hypothetical.

**The SPEAKER:** I will listen carefully, because if the Minister for Housing is purporting to tell us what a future South Australian Liberal government would do, that would be debate.

*Members interjecting:*

**The Hon. A. PICCOLO:** They have no plan. It is incumbent on those opposite to lobby their federal counterparts to ensure that these grants are not part of any cost-cutting measure which might be introduced—

**Ms CHAPMAN:** Point of order, sir.

**The SPEAKER:** There is a point of order.

**Ms CHAPMAN:** Now the minister is telling us what we should be doing. He is supposed to be answering the question about what he is doing.

**The SPEAKER:** It is in the nature of a two-party system that one party will tell the other party what it should be doing.

**Ms CHAPMAN:** Point of order. It is now clearly debate.

**The SPEAKER:** I am listening carefully to what the Minister for Housing is saying. Minister.

**The Hon. A. PICCOLO:** Reducing or cutting grants to the states in the areas of homelessness funding and other public housing initiatives is counterproductive, and will only create a bigger problem in the long term.

#### **ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS ACT**

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (15:11):** I table a copy of a ministerial statement titled Update on the Review of the APY Land Rights Act 1981 made earlier today in another place by my colleague the Hon. Ian Hunter.

## GRIEVANCE DEBATE

### CINEMA AUGUSTA

**Mr VAN HOLST PELLEKAAN (Stuart) (15:11):** I rise today to share with the house a very unfortunate example of government red tape thwarting business so that it cannot employ people and cannot serve the community in the way it has done for so long. I speak specifically about Cinema Augusta in Port Augusta, which is run by Roger and Michele Coles, a very hard-working couple.

They have great support for and from the surrounding community in Port Augusta. They not only provide movies for people who like to come and watch the latest new releases—and they make sure that they are very up-to-date, and often show movies before any other part of the state outside of Adelaide—they also give enormous support to the community with regard to out of hours school care programs, where kids who would otherwise perhaps have nothing else to do come to see their movies. They provide a place for pensioners to come at discounted rates on very hot days in Port Augusta, and they provide their cinema for community fundraisers so that community organisations can use the facility to raise money for all sorts of programs.

In fact, the Coles have invested enormously in the equipment used at the cinema. The difficulty for them is that they lease the cinema from the state government; it is a TAFE auditorium and is leased from the government by the Coles. The Coles have been in negotiations for renewal of the lease for approximately 3½ years; it has gone on and on and on with almost no progress. TAFE has made it very clear, following a study, that it does not need the cinema, they have no need for it for their own teaching purposes, and, of course, that is very important. If they did need it for their TAFE purposes it would be an entirely different matter, but they do not.

This issue has gone through two ministers; two ministers for TAFE and further education have been involved in this. We have certainly agreed on the principle; there was no difficulty whatsoever in agreeing to the principle that they could lease this facility from the government at a cost which does not cost the taxpayer any more than the actual cost of providing the facility. That principle was negotiated with the Hon. Mr Kenyon and agreed by minister Portolesi in the context of their responsibilities.

There were going to be two options for the Coles. They could either rent the facility for exactly what it cost the government to run the facility, or they could pay zero rent and could directly pay themselves what it cost to maintain and operate the facility; so, by way of electricity bills and maintenance of equipment, all those sorts of things that come along. So, at zero profit to the government and zero cost to the taxpayer, it is just a rent that basically covered the costs—a very good principle—but unfortunately this principle has got lost in red tape. We have been trying to negotiate with the government back and forth, and the Coles have done everything they can to provide all of the information that is requested to them and yet we have got no further.

I have to say, the government has provided a 12-month renewal of their lease from June this year to June next year, and that just gives them a bit of comfort that they can be there for another year, but I think really all that has done is just given the government another 12 months to try and thwart them. They really are avoiding negotiating properly on this issue. It has been going on for three and a half years. If the government was doing this in genuinely good faith, it certainly could have reached an agreement with the Coles by now. There have been excuses after excuses about why this very straightforward, simple agreement in principle cannot be reached, and it has reached an unacceptable stage. It cannot go on any longer.

I have been asking the government in every way possible to get on top of this. The ministers and the ministers' staff have been saying that they will get on top of it, but the bottom line is it is just not happening. We need to free this award-winning business up so that it can employ people locally and so that it can serve our community locally. They have an excellent reputation; they serve not only Port Augusta but the entire Upper Spencer Gulf and close country area. To make matters worse, the government has actually been giving grants to other cinemas which compete against the Coles and which are not private enterprise cinemas, which makes the Coles' business, in genuinely private enterprise, harder and harder.

Time expired.

**SARD, MS PAM**

**Ms BEDFORD (Florey) (15:16):** This week will see the last days of several people in this place and the other place. Their contribution over many years has helped to make South Australia a better place, and I acknowledge their dedication and contribution and wish them well in their retirement. Others here today may not, for reasons beyond their control, return, and it makes us realise that parliamentarians, like so many other people in the community, are contract workers.

In our particular democracy, we submit to an election process every four years and do our best to win our positions because we want to champion the hopes and aspirations of our communities. It is not a straightforward job interview, and these days applicants or candidates need to work harder than ever before. We do that willingly alongside many others in the community. Businesspeople, workers and volunteers alike all put their shoulders to the wheel to make South Australia a great state.

One such volunteer I met at Little Athletics events over the past few years was Pam Sard, and I was saddened to learn of her recent death. Through a 30-year association with South Australian Little Athletics, Pam saw and helped facilitate hundreds of thousands of children to be their best. Pam was remarkable in many ways. After qualifying and moving to Elizabeth to live, she became one of only two female drafters at the Weapons Research Establishment. Pam loved sport, representing South Australian in state women's cricket and met her husband, Brian, through baseball.

Her children's involvement in sport saw Pam become a team manager, club secretary, orange lady and coach, and by 1982 her commitment became full-time as first a secretary and later executive officer of the Little Athletics Association. A tireless champion for sport, she and Brian travelled the state, building new clubs in Ceduna, Broken Hill, Roxby Downs, Port Lincoln, and most recently the Limestone Coast at Kingston in the South-East.

Pam helped standardise Little Athletics events across Australia, introduced national multi-event championships and fostered change to junior sport policy to support safe activities for younger athletes. In recognition of her service and dedication, Pam was awarded life membership of Little Athletics in 1988. She affectionately referred to herself as being a mother duck.

I understand she worked almost to the very end, organising Little Athletics affairs while she was in hospital. Our sympathy and thanks go to Brian and sons Brenden and Scott and their families for sharing Pam with South Australia for so many years.

Whenever I was attending an event with her she put all her energy into making the day a success for everyone involved. She will be greatly missed and is a wonderful example of the sort of contributions so many people make every day all across this state. It is an incredible honour to represent them here in this place and promote their hopes and aspirations. I began public life as a local activist on my children's kindy committee and, while not for everyone, being out in front does give you a greater idea of what is possible and how to go about making it happen.

Our democracy gives us all the opportunity to participate at whatever level we choose. We may choose to stand for election or assist others who do. We can join a political party to advance our ideas, or merely look into what each party or candidate offers, either in depth or by contacting them personally or reading their material. Some people may only wish to make a decision on the day, and this becomes harder as the range of parties broadens and the number of independent candidates proliferates.

The result of the recent federal election shows us the difficulties, where many different and often untried and unknown candidates win in tight contests. We certainly must do our best to get our policies out and discussed so that our constituents are clear and have time to discuss and understand the policies. This is something this government is certainly aiming to do and I know will continue to do right up until the election date.

My commitment to my electorate has always been in making myself available by attending as many events, meetings and sporting fixtures in my area as possible. I also have had the opportunity to represent ministers at events all over the state, and it is in that role that I have been able to get involved in so much more, most recently in the Sustainable Community Awards held in conjunction with KESAB. The work of all the organisers, nominees and winners of those awards are to be congratulated and commended and I look forward to personally meeting and thanking many volunteers all over the state in the years to come.

## DESALINATION PLANT

**Mr WHETSTONE (Chaffey) (15:21):** Today, I rise to speak about Adelaide's desalination plant and Labor's many broken promises to reduce Adelaide's reliance on the River Murray. During last sitting week, the water and River Murray minister in another place stated that when there is no water in the River Murray and when reservoirs have been drawn down to such a low level, he would then be prepared to switch on the desal plant. I think it is absolutely outrageous to hear that Labor has sold South Australia this line that the enormously expensive plant would reduce Adelaide's reliance on the Murray. Last week, he told parliament that he would rather draw the river down to a point of no return than turn on the desal plant.

A federal colleague, who is an irrigator, is outraged to hear that this state minister is prepared to sacrifice the environment, the river communities and food production in South Australia because he is not prepared to have trigger points and he is not prepared to put any form of plan on the table to let South Australian taxpayers know exactly what that desal plant is going to represent. Every South Australian has contributed to the cost of that desal plant. It has put a hardship on every South Australian water ratepayer. Water prices have increased by 249 per cent since this government has been in power. I think that is absolutely outrageous.

The river communities in South Australia have given up almost one-third of their water over restricted times to make sure that the people in Adelaide have had water, that they turn on their tap and they have water, and yet the minister is telling us that he is prepared to draw the river down to such a level before he will turn on that desal plant.

Now for some facts about the desal plant. The Liberal policy was to build a 50-gigalitre plant at approximately \$450 million to diversify Adelaide's water supply and reduce South Australia's take on the river. Then, that policy was taken by Labor and doubled in capacity. The new cost has blown out to \$1.8 billion, plus \$400 million for a north-south interconnector. This has had a massive impact, as I said, on water bills and the currently high water and sewerage prices are just out of control.

To date, there has been no reduction on water licences from SA Water, no environmental dividend and—the river—no pressure off irrigator food producers. Labor also gave up \$212 million in GST revenue. That net benefit to South Australia is a \$6 million net benefit. Just imagine what it must impact on householders with their water bills.

This plant is in commission phase and will be mothballed at great cost to South Australian taxpayers. We have a \$2.2 billion lemon at Port Stanvac. Irrigator food producers in river communities have been betrayed because this now exposes the Premier's fight for the River Murray campaign, a vote grabbing exercise—\$2 million of taxpayers' money that did not put one drop of water back into the river system.

Initially the commonwealth was under the impression that the desal plant would take less water from the River Murray. Now the spin doctors have told us that it will take the reliance off the Murray, and it really does beggar belief. Now they are going to take not one drop less, and not one more bit of water will be put back into this River Murray or reliance with this desal plant. Every producer in South Australia, every river community member, gave up a large capacity of their income, their water, to ensure that Adelaide had water security.

This minister is prepared to say that he is going to drain the river dry, draw the reservoirs down to such a level before he turns on the desal plant. I say shame on you, minister—no plan, no triggers—he has no idea. That should concern every South Australian.

Time expired.

## SOUTH AUSTRALIAN PARLIAMENTARY FRIENDS OF THE REPUBLIC OF CYPRUS

**Mrs VLAHOS (Taylor) (15:26):** I rise today to speak about a luncheon that I attended yesterday afternoon that my office coordinated. It was for the reformation of the South Australian Parliamentary Friends of the Republic of Cyprus. I have long had an interest in justice in Cyprus and I am a member of SEKA in South Australia, which is the political action arm for justice in Cyprus in South Australia, chaired by Mr Peter Louca with deputy chair Paul Alexandridis, secretary Erricos Neophytou and assistant secretary Christina Charalambous. George Nicou, Eleni Charalambous, Ellada Harpas, Stella Charalambous and Christos Ioannou, who is also the President of the Cypriot Community of South Australia, were in attendance with the High Commissioner of Cyprus in Australia, His Excellency Yannis Iacovou, along with the members for Port Adelaide and Waite, and the Hon. Terry Stephens.

We discussed the formation in the new parliament of the South Australian Parliamentary Friends of the Republic of Cyprus. I am very pleased that the Hon. Terry Stephens has agreed to be my co-convenor. This group intends to promote and facilitate a better understanding of the need for a just settlement of the Cyprus problem based on United Nations resolutions respecting sovereignty, independence and the territorial integrity of Cyprus, resulting in the reunification of the island for the benefit of all Cypriots; to establish links with the House of Representatives of Cyprus and further strengthen links between members of the Commonwealth; and to promote cultural and political exchange with the Republic of Cyprus and the South Australian parliament.

The group existed more than five years ago but the group will be reinvigorated in the new parliament and I encourage all members of the parliament to become involved in this process. There are many people in Australia who are of Cypriot descent. In fact, according to the last Census, there are more than 18,000 people. Many people in South Australia with Greek heritage or Greek Cypriot heritage are very passionate about this event and this issue.

The invasion of the island by the Turkish people on 20 July 1974 and 15 August 1974 is still a scar in many people's hearts in Australia and Adelaide who are of that background. Cyprus is in fact only twice the size of Kangaroo Island. More than 43,000 Turkish soldiers are stationed in the occupied area; 200,000 Greek Cypriot refugees were prevented from returning to their homes and lands; and 162,000 colonists have been illegally transferred to the occupied area by Turkey to alter the demography of the island.

More than 1,000 people are still listed as missing from this conflict. The ancient culture of the occupied north has been eradicated, saying that the area is Turkish. Many Greek Cypriots have properties in the occupied areas and these are illegally sold to foreigners. According to the UN, 'the northern part of the island is one of the most highly militarised areas in the world'. We need to resolve this problem for the Cypriot Greek people and the Cypriots that I represent in this state.

#### CALLINGTON

**Mr GOLDSWORTHY (Kavel) (15:29):** I, like all members in this place, attend many community events. I had the pleasure and honour recently to attend and open the 12<sup>th</sup> Annual Callington Show. I can tell the house that I have attended each and every one of those 12 shows since they commenced in 2002. It is a magnificent show and community event. It gets bigger and better every year and we have seen the number of people attending the show increase year on year.

Callington is a relatively small community in the Adelaide Hills; however, it is a very strong community. It has a very strong community spirit and a very strong sense of community. A recent shining example of that is the resilience that the Callington community showed in relation to a proposal from a private company to build a wastewater treatment plant in quite close proximity to the township. The Callington community had real issues in relation to the plan concerning the construction of this wastewater treatment plant, to the extent that the matter was referred to the ERD Court.

After a number of discussions the company in question, the proponents of the project, withdrew their plans. However, this particular company, Alano Water, made a statement that it was looking to transfer its plans for the construction of a wastewater treatment plant to a site close to the Kanmantoo township. If my memory serves me correctly, the company announced that it would be looking to construct the plant on land that is currently under a mining lease. The private water company has approached the minister's office, and my understanding is that the minister has agreed to certain concessions or conditions that are looking to streamline the development application process.

Be that as it may, the members of the Kanmantoo and surrounding districts community have raised issues with me in relation to not only this proposal but activity within the mine site. The major issue relates to dust. During the winter months when we have rainfall events the dust is not as big an issue. It is still an issue, but it is not as big an issue as in the summer time and the drier months. We are obviously moving into that period of late spring and into summer, and members of the community are contacting me, particularly in relation to the dust issue.

I understand there are other issues in relation to the mining activity. However, I have written to the minister for mineral development and the mining company raising those concerns, particularly in relation to the dust. To their credit, I have a meeting arranged with the mining company in the very short term and I have also put a call into the minister's office, because I would like to discuss the issue face to face with the adviser within the minister's office.

What we are all looking for is a positive outcome. The mine has been in operation for a number of years and a community consultative committee was established a number of years ago to deal with issues as they arise, and I believe it is working quite well. I want to see that process continue. However, when I receive individual representation from a number of concerned members of the community I am duty bound to pursue those. We are all looking for a positive outcome. I think that the whole scenario can coexist; we are looking for the local residents' concerns and issues to be addressed and resolved.

### **ASHFORD ELECTORATE**

**The Hon. S.W. KEY (Ashford) (15:35):** There are a number of issues in the electorate of Ashford that I wanted to touch on today in my grievance. One of them is the issue of stormwater. Ever since I have been the member, particularly when I was the member for Hanson and then the member for Ashford, the issue of stormwater has been one that we have been concerned about. There has been a number of good works—good projects—done looking at how we can protect, particularly the plains of Adelaide, with regard to stormwater. My concern particularly is with the Brownhill and Keswick Creek catchment areas that run through the electorate.

I know that the members for Unley, Davenport and Colton have been involved with me, as has the member for West Torrens, in trying to make sure that we do have proper safety with regard to what would be a one in 100-year flood. I notice that minister Ian Hunter is obviously having the responsibility now for this area, asking the councils on Brownhill and Keswick Creek to deliver on the many good plans that have been put in place. I think the previous minister for the environment, the member for Kaurana, was certainly involved in the very early days in trying to get this on the road. There have been a number of hiccups, particularly in getting the councils to agree to put this in place.

Despite the flood risk that we have got, there are five councils that are responsible for this catchment: Mitcham, Burnside, Adelaide, Unley and West Torrens. So far, the promise that was made in 2007 still has not been put in place. Being on the Natural Resources Committee in the last session of parliament and now being the presiding member of the Natural Resources Committee, we have received a number of submissions from various people about stormwater and stormwater catchment. Going back, I remember that this was a big issue when I was on the Environment, Resources and Development Committee at the time when the member for Schubert was the presiding member.

In terms of the Barcoo Outlet, I remember the then member for Colton, Steve Condous, saying that he would lie in front of a tractor if the Barcoo Outlet went ahead. We were all, across the chamber, joined in wanting some action to happen. The state government, as I understand it, has committed \$4 million a year for 30 years through the Stormwater Management Authority. The Natural Resources Committee has heard from the stormwater authority on this issue, but so far the action seems to be reasonably limited. The minister for environment is saying we really do need to agree on the way forward, especially since the funding is allocated.

Around 7,000 properties continue to be at risk in this catchment area if there is a one in 100-year flood. This morning, Mr Deputy Speaker, you would be aware of the fact, we talked about the threat of bushfires, particularly in the Hills face area in the Adelaide Hills. I think there is also a real risk that this one in 100-year, even one in 50-year, flood, may happen. It is important that finally we do start to take some preventative action.

There is a number of natural disasters that are pending. I do not mean to be negative, but it is really important that this issue be dealt with and we do carry through the plans that have been around for at least 15 years, that I am aware of, to try to make sure that we do not put over 7,000 properties at risk, particularly the areas of Waite, Davenport, Unley, Ashford, West Torrens and Colton, just to name a few of the electorates, and probably a bit of Morphett as well. I hope that the councils do come to some agreement sometime very soon and that we do start seeing some action.

### **CRIMINAL LAW CONSOLIDATION (PROTECTION FOR WORKING ANIMALS) AMENDMENT BILL**

The Legislative Council agreed not to insist on its amendment No. 1 to which the House of Assembly had disagreed.

### **WORKERS REHABILITATION AND COMPENSATION (SAMFS FIREFIGHTERS) AMENDMENT BILL**

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

- No. 1. Clause 1, page 2, line 3—Delete 'SAMFS'
- No. 2. Clause 4, page 2, line 15 [clause 4(1)]—  
Delete 'subsections (2) and (2a)' and substitute 'this section'
- No. 3. Clause 4, page 3, lines 6 and 7 [clause 4(3), inserted subsection (2a)(c)]—  
Delete 'by the South Australian Metropolitan Fire Service ('SAMFS)'
- No. 4. Clause 4, page 3, line 14 [clause 4(3), inserted subsection (2a)]—  
Delete 'employment by SAMFS' and substitute 'that employment'

### **LATE PAYMENT OF GOVERNMENT DEBTS (INTEREST) BILL**

The Legislative Council agreed to the bill without any amendment.

### **SUCCESSION DUTIES REPEAL BILL**

The Legislative Council agreed to the bill without any amendment.

### **STATUTES AMENDMENT (ASSESSMENT OF RELEVANT HISTORY) BILL**

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

- No. 1. Clause 5, page 3, lines 20 and 21 [clause 5(6)]—Delete subclause (6) and substitute:  
(6) Section 8B(7)—delete 'Regulations made for the purposes of this section' and substitute:  
The regulations
- No. 2. Clause 5, page 4, line 30 [clause 5(15), inserted definition of relevant history, (a)(ii)]—  
Delete 'information relating to'
- No. 3. Clause 5, page 5, line 15 [clause 5(15), inserted definition of relevant history, (b)(ii)]—  
Delete 'information relating to'
- No. 4. Clause 8, page 8, line 10 [clause 8, inserted section 5B(4)]—  
Delete 'Regulations made for the purposes of this section and section 5C' and substitute:  
'The regulations'
- No. 5. Clause 8, page 10, line 1 [clause 8, inserted section 5B(6), definition of relevant history, (a)(ii)]—  
Delete 'information relating to'
- No. 6. Clause 8, page 10, line 30 [clause 8, inserted section 5B(6), definition of relevant history, (b)(ii)]—  
Delete 'information relating to'

**Mr GARDNER:** Mr Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

Consideration in committee.

**The Hon. A. PICCOLO:** I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

### **LAKE EYRE BASIN**

Adjourned debate on motion of Hon. L.W.K. Bignell:

That this house—

- (a) recognises the significance of Lake Eyre to South Australia's Aboriginal, pastoral and tourism communities and its dependence on water flows from the Cooper Creek, Diamantina and Georgina rivers;
- (b) expresses concern that the Queensland Government has continued to refuse to consult with South Australia and other affected states regarding their plans to remove the legislative environmental protections of the Lake Eyre Basin rivers;
- (c) calls on the Queensland Government to maintain the current quantity and quality of water flows from the Lake Eyre Basin rivers into South Australia's rivers flood plains and wetlands in the Lake Eyre Basin; and
- (d) calls on the Queensland Government to formally consult with South Australia, as a co-signatory to the Lake Eyre Basin Intergovernmental Agreement, regarding any proposal which has the potential to impact flows into our state.

(Continued from 16 October 2013.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:45):** I rise to speak on the motion before us that was presented and passed in another place. The Minister for Sustainability, Environment and Conservation moved the original motion on 26 September:

That this house—

- (a) recognises the significance of Lake Eyre to South Australia's Aboriginal, pastoral and tourism communities and its dependence on water flows from the Cooper Creek, Diamantina and Georgina rivers;
- (b) expresses concern that the Queensland Government has continued to refuse to consult with South Australia and other affected states regarding their plans to remove the legislative environmental protections of the Lake Eyre Basin rivers;
- (c) calls on the Queensland Government to maintain the current quantity and quality of water flows from the Lake Eyre Basin rivers into South Australia's rivers flood plains and wetlands in the Lake Eyre Basin; and
- (d) calls on the Queensland Government to formally consult with South Australia, as a co-signatory to the Lake Eyre Basin Intergovernmental Agreement, regarding any proposal which has the potential to impact flows into our state.

Members may recall that the Hon. Graham Gunn, who was the member for Stuart representing those people in this chamber for nearly 40 years, had himself moved a motion that was supported, and I quote:

That this house calls on the Queensland government not to permit further irrigation from the Cooper Creek or allow existing water licences to be activated and that this motion be sent to the Speaker of the Queensland Legislative Assembly by the Speaker of the House of Assembly.

That was some four years ago—ever vigilant in representing his constituency, which is a very large part of South Australia. In fact, over his nearly 40 years I think he has represented most of the people who have resided from the Western Australian border, across the Northern Territory border, to Queensland and New South Wales. Where they have spanned the vast part of our state, he has been their representative, so he has been very familiar with the significance of water to that region, and he is ably succeeded by the current member for Stuart, who has taken up this issue with some vigilance. I know that he has also said that he wishes to take a position and has done so on behalf of the people that he represents in the electorate of Stuart when he says:

I am completely opposed to any irrigation upstream in any of these rivers. You never have a situation where irrigation just works for one small operation and I think if you put one pump into any of these rivers so that irrigation can take place, you really will open the floodgates.

It is so long ago I cannot remember the preceding representative for the member for Stuart for the then seat of Eyre. It was almost before I was born. No, not quite that far. That would be misrepresenting the house, but in any event—

*Mr Gardner interjecting:*

**Ms CHAPMAN:** Yes, it is long before the member for Morialta was born and possibly even our leader, although I think our leader would have been about two. He was born in 1968 and the then member for Stuart, the Hon. Graham Gunn, I think came into the parliament in 1970, so our current leader of the opposition would have still been in nappies, although he is such a forward thinking person, he was probably out of nappies. He was probably speaking and well toilet-trained by that stage.



In any event—I digress—what has been clear is that on this side of the house, as the proud representatives for the seat of Eyre then Stuart, these members have been consistent in their desire to protect the rivers of origin—the water sources for Lake Eyre—and have fought consistently for that. Interestingly, in 2005, the then Queensland government—I think, ultimately, Anna Bligh took responsibility for this, although in fairness to her I do not think she was the premier who actually originated the legislation on it—established the Wild Rivers Act, which prohibits irrigation from rivers, including Cooper Creek and the Diamantina and Georgina rivers that feed the Lake Eyre Basin, as well as various other activities.

During the 2012 Queensland election campaign, the Liberal National Party gave a commitment to repeal the wild river declarations for Cape York Peninsula and to work on appropriate environmental protections for the western rivers. The Queensland Minister for Natural Resources and Mines, Andrew Cripps, formed the Western Rivers Advisory Panel in November 2012 to seek community input on the potential expansion of small-scale irrigation in the Lake Eyre Basin. That panel handed down a final report, which included the following recommendation:

Recommendation 7.0: In regard to 'small scale irrigation', the WRAP recognises the diversity of views held by stakeholders and producers within the Basin, and that reaching a consensus view was not possible. However in recognition of fragility and unique natural assets of the Basin, the WRAP takes the view that:-

- there should be no further take over and above that which exists in current water plans for irrigation development in the Cooper Creek catchment and Lake Eyre Basin.
- there should be no increase in the reserves of unallocated water for irrigation in the existing Water Resource Plans for the Basin.
- any future water trading regime in the Basin should consider robust modelling of the location and quantity of water that can potentially be taken by existing licences.
- if water licences in the Basin were to be transferred upstream, the volumes of extraction must be reduced and the extraction thresholds must be increased.

The Queensland government have indicated that they support small-scale irrigation; however, there does not seem to be any clear definition of what size water licence should be classified as small. The minister (the Hon. Ian Hunter) has expressed concern with the proposal by the Queensland government, stating that any such change would drastically impact the flows across the border into South Australia.

Minister Hunter has stated that any such action requires consultation under the tripartite agreement, that is, the Lake Eyre Basin Intergovernmental Agreement signed by federal Queensland, South Australian and Northern Territory governments regarding the management of the Lake Eyre Basin and the rivers that feed into it. No consultation has apparently taken place. According to the government's website:

The Agreement provides for the sustainable management of the water and related natural resources associated with cross-border river systems in the Lake Eyre Basin to avoid downstream impacts on associated environmental, economic and social values.

Whilst it is four years after the member for Stuart had already raised the question of concern, it seems a little unusual that the minister would raise this again; however, I am not going to be critical of the minister for raising the motion. We are quite happy to support it; it is consistent with the sentiment that has previously been expressed on this side of the house. The minister clearly has a responsibility to continue to monitor this to ensure that the agreements are adhered to and that there is adequate protection of the water sources that feed this important Lake Eyre Basin catchment.

As members know, this basin does not always have water, but when it does it is a very important body of water that provides for the nourishment and refreshment of an enormous, ecologically diverse number of species. They rely on it for propagation and reproduction. We, on this side of the house, recognise the importance of that.

Unfortunately, with the floods that come and with the accumulation of this mass of water, quite often there is a very significant amount of destruction of infrastructure, particularly roads and washed out bridges and floodway crossings, etc. That frequently causes major inconvenience to people who reside in those areas, to those who are touring or travelling through the areas, and to those who are providing the logistics and transport of stock and product into and out of these areas. It is an enormous burden, not just to those who are suffering that significant inconvenience

but also in terms of the cost of managing it and the cost to the overall tax base, from the state's revenues, to repair and rebuild infrastructure.

Nevertheless, on the water aspect I am a little disappointed to note that in recent times the honourable minister does not appear to have been as forthcoming in his protection for the rest of the river systems that feed into the Murray-Darling catchment. In particular, I recently heard of the minister's lack of commitment regarding the Adelaide desal plant, which was built at a cost—with accessories—of over \$2 billion of taxpayers' money, mostly South Australian taxpayers. There has been no commitment from him to turn that on in the event of a drain in excess of what has been an allowable extraction from the River Murray for water supplies for Adelaide, irrigators and the like.

The culminating legacy of that would be a shortfall for Adelaide consumers and/or an impact on the environment and/or an impact on the irrigators, who are trying to produce food for Australia. Any one of those would be an unpleasant outcome, certainly, but I think most members here would understand that the government would not be turning off the tap in the metropolitan area. The big casualties of a failure to turn on the desal plant to provide water in the metropolitan area, to supplement that before imposing an intrusion into the allocations for the environment or irrigators, would be the environment and/or irrigators—probably the irrigators first. They would be severely impacted.

I do not have any negative comment to make on the minister making this statement. It is perhaps repetitious; our house has already considered this. What does concern me is that there seems to be some inconsistency on the minister's plaintive request for the parliament to recognise the importance of the Lake Eyre Basin rivers, and their significant impact on the ecology of the Lake Eyre Basin area if they are not protected and/or if intergovernmental agreements are not followed through, compared to his apparent lack of priority for the Murray River extraction process, and ensuring that we do not unfairly interrupt the extraction that has been secured, apparently, by agreements for irrigators and/or the environment, which would certainly be competing with city consumers should there be another severe drought.

So, I think the minister needs to be absolutely clear about what the trigger points would be under his government to turn on the pumps at the desalination plant. I think the people of South Australia are entitled to know under what circumstances and what the threshold tests will be that would prompt him to instruct and authorise SA Water to turn on the pumps, so that, at the very least, we would have some reassurance.

It may not be one particular threshold, it may not be a sustained period of drought, it may be the level that the reservoirs actually reach; whatever the trigger point is going to be, we think it is reasonable for South Australians to be informed of this and the minister to come clean on what would occur. At the moment, we leave in a perilous situation those who are fighting for the environment and, on a direct economic effect, those irrigators who may have to suffer restrictions or buybacks in the event that there is an extra draw required on the river, in those circumstances, if it were to impact on the previously agreed entitlements. With those few comments, we support the motion.

**Mr GARDNER:** Mr Acting Speaker, I draw your attention to the state of the house.

**The ACTING SPEAKER (Mr Sibbons):** A quorum not being present, ring the bells.

*A quorum having been formed:*

**Mr VAN HOLST PELLEKAAN (Stuart) (16:03):** I rise to support, with my colleagues, this motion that has come to us from the other house, namely:

That this house—

- (a) recognises the significance of Lake Eyre to South Australia's Aboriginal, pastoral and tourism communities and its dependence on water flows from the Cooper Creek, Diamantina and Georgina rivers;
- (b) expresses concern that the Queensland Government has continued to refuse to consult with South Australia and other affected States regarding their plans to remove the legislative environmental protections of the Lake Eyre Basin rivers;
- (c) calls on the Queensland Government to maintain the current quantity and quality of water flows from the Lake Eyre Basin rivers into South Australia's rivers flood plains and wetlands in the Lake Eyre Basin; and

- (d) calls on the Queensland Government to formally consult with South Australia as a co-signatory to the Lake Eyre Basin Intergovernmental Agreement, regarding any proposal which has the potential to impact flows into our State.

This is an exceptionally important issue to the electorate of Stuart, and I would say to the environment of our state as a whole. I would like to think that this house would know that the entire Lake Eyre Basin almost is in the electorate of Stuart. There is a small fraction of it near Coober Pedy that is actually in the electorate of Giles, but certainly all of the rivers that flow into Lake Eyre within South Australia and all of Lake Eyre are in the electorate of Stuart.

As the motion mentions, this is an important environmental issue. This is an important cultural issue, both with regard to Aboriginal and non-Aboriginal people. It is an important business issue and tourism issue. It is also very important to our cattle grazing industry. So, there are a lot of stakeholders, all of whom I hold to be extremely important people and extremely important players in this issue. I guess, first and foremost, it is an environmental issue because all of the people who are connected to this issue, their connection is through this very important and very special inland river system. It is not at all common in the world that you have a river system that flows inland, as opposed to out to sea. It is not the norm. It is extremely special and it needs to be looked after.

This is not a new issue that has come to us. I am grateful that this motion has come to this house, but back in February of this year I took exactly the same stand as this, very publicly, when I first became aware that the Queensland government was considering these moves. At that point in time, I was not aware that my predecessor, the Hon. Graham Gunn, back in 2009, had actually moved quite a similar motion in this house. That motion from 2009 was:

That this House calls on the Queensland government not to permit further irrigation from the Cooper Creek or allow existing water licences to be activated and that this motion be sent to the Speaker of the Queensland Legislative Assembly by the Speaker of the House of Assembly.

That motion was passed. Back in 2009, the Hon. Graham Gunn moved that motion and I am sure that today the motion from the government on the same topic will be passed as well. So, this is not a new issue and it is disappointing that the Queensland government—and it is important to point out, the Queensland Labor government and the Queensland Liberal government—is not fulfilling its responsibilities in this regard.

There is no spare water in the Lake Eyre Basin. As I said before, these rivers do not flow out to sea. There is no surplus water which goes out to sea. By that, I do not mean to say that any water that flows out to sea from the river is surplus because some of it does very important environmental work, and certainly if there is a surplus it also flows out to sea, but there is no surplus water flowing inland towards Lake Eyre, whether it reaches Lake Eyre or not.

Every single litre provides an environmental benefit to our state, whether the water reaches Lake Eyre or not. Certainly, if it reaches Lake Eyre it has a huge impact with regard to how much of the lake is covered, how high the water level rises, how many fish can breed, how many microorganisms can breed and how many birds can migrate to Lake Eyre to breed. Every little bit of life form that operates around Lake Eyre when the lake floods is benefited by a greater flood, but even if the water does not get to Lake Eyre, every 100 metres that the water flows down towards Lake Eyre makes a huge difference.

For tens of thousands of years Aboriginal people have known this very well, living in this inland river system, well upstream from Lake Eyre. They knew that every 100 metres, wherever the flood got to, was going to be a gigantic opportunity and every 100 metres that it flows further was a gigantic improvement, not only for the environment but for their life for the next few weeks, months or years, depending on where it got to and which significant waterholes it would reach.

None of that has changed, that importance has not changed, has not diminished at all; it is still the case. Typically, these inland rivers (two rivers and one creek, as they are named) are usually dry, other than some of the waterholes that hold water all the time. So, their only opportunity to fill up and to thrive from water comes from flows down (typically) from Queensland and most of it around inland of the Great Dividing Range near Longreach. It rains occasionally in these areas but the flooding does not occur from local rain. The flooding comes from inland Queensland rain that flows down into this area. It is water that has come a long way to do the environment the benefit that it does.

By definition, because they are typically dry creek and river beds, the only time that you could harvest water from them is the only time that the water is doing its environmental benefit, and cultural, tourism and grazing benefit and all those other sorts of things. You cannot unfortunately

identify a time of surplus water and say we have extra, so we will harvest now for the benefit of mining or irrigation or some other opportunity. It just does not work.

The other very important thing that I would like this house and those further afield, particularly in Queensland, to understand is that if water is harvested and if it is used for mining or irrigation, if it works in a small way, it will work in a large way because generally there is a fairly linear demand for water for those sorts of industries. The more you have, the more you can use it and the more you can benefit. I understand there would be significant economic benefits, but to my mind they are miniscule compared to the cost of taking this water.

Any argument that says it is only a tiny amount of water, that it will not make a big difference, number one, I see to be incorrect but, number two, to be an attempt at just a foot in the door because then if it is done and it is successful, then the next argument will be that we just want a little bit more and then just a little bit more and then just a little more and on and on to the point where it will not just be a small amount of water. For me, every single litre counts. Even for those people who think that perhaps a small amount might be okay, incorrectly, this would be the foot in the door and it means that even their view will lead to much more significant difficulties down the track.

This is not a Liberal versus Labor issue. This is not a South Australia versus Queensland issue. This is essentially an upstream versus downstream issue. I was at the National Lake Eyre Basin Conference that was held a few months ago in September in Port Augusta. Port Augusta was very pleased to host that conference. There were people from all walks of life. A few hundred people attended that conference and you could look around the room and, in a way in which we all do when we enter a room, you could see that there were all sorts of people there. I know there were people there from all over Australia. There were Western Australians, those from the ACT, not to mention the locals from South Australia, Queensland, New South Wales and the Northern Territory much closer to the Lake Eyre Basin.

There were people from all over Australia, from all walks of life—men, women, young, old, Aboriginal, non-Aboriginal, other cultures, scientists, business people, tourism operators, government staff members, members of parliament, minister Hunter was there. There was a whole range of people there. The people who attended that conference were united in their objection to what Queensland is considering doing. They were united in their objection, so much so that a petition was put forward. There was a motion to develop a petition at that conference that was unanimously supported. I do not know the number of signatures but there were hundreds of people at the conference and I am sure there were hundreds of signatures on the petition too.

For me, there is no politics in this. This is not Liberal versus Labor. It is not South Australia versus Queensland. It is about the people who further upstream would like to harvest the water versus the people downstream (Queenslanders included) who do not want the water to be harvested because they recognise how incredibly important this water is. I commend the government for moving this motion. I wholeheartedly join the opposition in supporting this motion. I thank both the minister and the shadow minister for their work together in this endeavour and I implore the house to support it because it is exceptionally important for an incredibly wide range of people and our environment. It is a pivotal issue to the electorate of Stuart and it is a critical issue to our state.

Motion carried.

### **ABORIGINAL LANDS TRUST BILL**

Adjourned debate on second reading.

(Continued from 30 October 2013.)

**Dr McFETRIDGE (Morphett) (16:15):** I indicate that I am the lead speaker on this bill and the opposition is supporting the legislation. I will put on the record, though, that the Leader of the Opposition (the member for Norwood) is the current shadow minister for Aboriginal Affairs. He is very passionate about Aboriginal affairs. However, leaders are very busy, whether they are the Premier or the Leader of the Opposition, so he is tied up and cannot be here today.

**Ms Chapman:** He's meeting with the APY people.

**Mr Gardner:** He's with the minister.

**Dr McFETRIDGE:** As I understand it, he is actually meeting with the Minister for Aboriginal Affairs and representatives from the APY lands. The whole area of Aboriginal affairs in South

Australia is one that I have been involved in since my early teaching days at Port Augusta. I remember driving the school bus out to the then Davenport mission. Talking to families and the kids who I was teaching out there, I saw some of the issues and some of the wonderful things that were happening. When I came to this place, that spurred me on to become involved on the Aboriginal Lands Parliamentary Standing Committee.

Part of the role of that committee is to look at all the legislation involving Aboriginal affairs and to look at the Aboriginal Lands Trust as one of its prime objectives. The Aboriginal Lands Trust Act is a piece of legislation that was first passed in 1966, but there have been continual questions about the legality of the leases involved with Lands Trust property. The wants and wishes of people involved on those various properties have changed. There is a need to change the leasing arrangements; in fact, even freeholding in some areas of some of these properties. These properties are right across South Australia.

The new act is going to clear up the objects and purposes of the act to make it more like other modern pieces of legislation. The new act will clear up the functions of the trust and it also requires now that the trustee get ministerial permission for dealings with the land, which is not going to be an onerous thing to do. The trust, the minister, the Aboriginal Lands Parliamentary Standing Committee and the Leader of the Opposition have worked in a very consultative way for many years and I am sure that that will not be seen to be a slight in any way, shape or form, because it should not be interpreted that way.

Another problem with the act is that some of the regulatory requirements for good land management—for example, natural resources management—have been quite restrictive, so the new bill will change that. The old 1966 act does not allow land to be used for the full economic potential of the land and the communities upon it. The new 2013 act, which it will become after it has been through this place, addresses some of these issues. It will enable the trust to acquire, hold and deal with trust land for the benefit of Aboriginal South Australians; the efficient and effective management and development of trust land; and legislative consultation for people with interest in the land before any proposed changes.

Sorry, I am mistaken there. The bill actually removes the ministerial approval. I do make the point, though, that it has always worked in a collaborative way in the past, but the bill actually removes that ministerial approval on land transfers. The potential creation of a commercial development advisory committee is also in the new bill, as are increased opportunities for economic development on trust land.

The legislation also allows a new eight-person Aboriginal board, with members who are appointed on a skills basis rather than the prior representational system. Trust appointments are made by the Governor, based upon recommendations of a selection panel established by the minister, comprising Aboriginal people from both the public and private sector.

This has been a bipartisan issue in the past. The leader, the shadow attorney-general and certainly the Aboriginal Lands Parliamentary Standing Committee have received information on this. I must say, the committee has not had as full briefings as it would have liked, and that is an issue which I hope will be solved by the recent passage of my piece of legislation that removed the minister as the presiding member of the Aboriginal Lands Parliamentary Standing Committee.

The first statutory function of the Aboriginal Lands Parliamentary Standing Committee is to review the operations of the Aboriginal Lands Trust Act. This bit of legislation here is that first real review, which has been going on for a number of years. There is a long history of pushing for a review by the Aboriginal Lands Parliamentary Standing Committee. The standing committee has taken formal evidence from the Aboriginal Lands Trust Committee on three occasions; that was in March 2004, June 2005 and December 2006. On each occasion the need for the act to be reviewed was discussed.

The standing committee also discussed the proposed review with other parties on 10 November 2004. Mr Peter Buckskin, then chief executive officer for the Department for Aboriginal Affairs and Reconciliation, told the committee that the minister had advised the trust of his intention to conduct a review of the act and that the terms of reference for the review had been drafted. A copy of the draft terms of reference was subsequently forwarded to the parliamentary committee.

On 1 December 2004 Mr Klynton Wanganeen, then ATSIC commissioner for South Australia, appeared before the committee. He indicated, along with other SA land rights acts, that it needed to be 'reviewed properly and comprehensively'. On 1 December 2004, Mr Peter Buckskin

appeared before the committee again. He indicated that DAARE was in the process of preparing a paper detailing how it intended to conduct consultations as part of the review process. He also stated that his department was gathering information on the core business of the trust, including its responsibilities with respect to leasing and subleasing arrangements.

Mr Buckskin indicated that DAARE hoped to finish the proposed review by the middle of 2005, though he noted this was an ambitious time line—in the middle of 2005. We are in November 2013 now, so how time flies when you are having fun. And wasn't Mr Buckskin right? It was an ambitious time line. Mr Buckskin stressed the importance of the more immediate goals of finalising the terms of reference and securing the necessary resources to ensure a review, when undertaken, was thorough and satisfactory. We have had the review, we have got the legislation, and it will go through this place this afternoon, the penultimate day of this parliament.

On 1 June 2005 a representative of DAARE, Ms Anne Stimson, accompanied the trust at its appearance before the committee. Ms Stimson indicated that the review of the act had been deferred to enable the trust to concentrate on the renewal of its leasing arrangements. The committee heard that the trust was, with the assistance of the state government, developing a new set of standard leases that will be 'very easy for communities to read and understand so that they can administer their leasing arrangements [themselves] and be autonomous and independent to that extent.'

The trust and Ms Stimson indicated they intended to conduct consultations on the proposed changes to the leasing arrangements with each trust community 'on a one-to-one basis over the next few months'. I just remind the house that was back on 1 June 2005. At the committee's meeting with the Aboriginal Lands Trust on 4 December 2006 the committee was told that the trust would 'welcome' a review of the act providing it was 'part of the process'. It also spoke of its frustration at the lack of progress that had been made to resolve the issues of leasing arrangements. The note I have here states:

Since senior officers from AARD and DPC advised the ALT Trust Board in December 2004 that an early resolution would occur under their auspices, progress has been minimal. The Board has not been provided with copies of Crown Law advice. The Board has not been provided with copies of ministerial approvals. The Board has not reviewed any drafts of the new streamlined leasing arrangements being designed by Crown Law. The Board has not received any advice on how the significant difficulties of subleasing under the existing Act will be overcome...

The board's evidence states:

We were initially told that it would take about six months to have all these leases reinstated—

That is, the Aboriginal Lands Trust board was told that it would take about six months to have all the leases reinstated. It continues:

That was two years ago, but we are now being told that people within DPC are working on it but it looks like it might take another two years.

Just to remind the house, that was in December 2006; so the ambitious targets were disappearing into the sunset yet again. On 19 February 2007, Ms Jos Mazel, executive director, Aboriginal Affairs and Reconciliation Division (AARD), told the committee:

I think there is a common view that the Act does have to be reviewed...

I should not laugh, but it is farcical the way this has been allowed to drag on for so long. Ms Mazel told the committee:

I think there is a common view that the Act does have to be reviewed, that it needs to be modernised. It is not fulfilling the purposes for which it was intended. So, I think there is broad agreement that it needs to be reviewed. This Minister is committed to reviewing the Act—

I cannot remember which minister it was at the time. I think it was the Premier, Jay Weatherill, the member for Cheltenham, at that time. I do not think it was the late Hon. Terry Roberts. I will have to leave that one, but I think it was the current premier who was the minister at that time. Anyway, Ms Mazel's evidence to the committee continued on:

Now, the terms of reference and the extent of the review are still being negotiated. We would always consult with the ALT about that, and they will be part of the process of determining the extent of the review and also participating in the outcome.

That was February 2007. In the course of her evidence, Ms Mazel continued and commented on the work of renewing the leases and subleases for trust properties. In her evidence, Ms Mazel said:

We have tried to focus on the leases for a period of time and we have written up charts about which leases are valid, which leases are invalid. We have to locate all the third parties that might have been interested in the

leases and that has not been easy. We have written letters to the communities. We are waiting for responses back from the communities to identify who some of the third parties might be.

Ms Mazel suggested that it had not been possible for AARD to finalise new leasing arrangements because at the request of the trust, it needed to work on other matters. Again I remind the house, that was in February 2007.

A number of other Aboriginal communities came and gave evidence to the committee, and they all raised issues of leases, subleases and their concerns with the way the Aboriginal Lands Trust was acting. Those committees included Iga Warta at Nepabunna in October 2005, the Jerry Mason Centre from Waikerie in November 2005, Nalta Ruwe at CDEP from Gerard in November 2005, and Umoona community in October 2006.

The trust holds titles for more than 60 parcels of land. This includes the title for eight discrete Aboriginal communities—Davenport, Gerard, Koonibba, Nepabunna, Point Pearce, Raukkan, Umoona and Yalata. Until recently—and this is a few years ago some of this information—all eight of these communities received federal funding to deliver municipal and administrative services and that was an issue that the lands trust was trying to cope with at that stage.

The standing committee heard a lot of evidence over a lot of time about the need for the act to be reviewed, and as the progress was dragging on I actually moved in the standing committee—we have had to try to search our archives for this email where I gave notice to other members and the members of the committee. We have not been able to find the original email, but I think the approximate date was 18 March 2007.

Some of the members then were the current member for Giles Lyn Breuer, Lea Stevens, and I think we even had a Democrat and a few others. It was a real mix and match, the committee at that stage. Back in March 2007, I moved that the Aboriginal Lands Parliamentary Standing Committee 'Inquire into and report on the operation and effectiveness of the Aboriginal Lands Trust Act 1966', and as part of that inquiry examine:

1. the constitution, functions, powers and resources of the Aboriginal Lands Trust;
2. the past and present role and activities of the Aboriginal Lands Trust;
3. opportunities for, and impediments to, the successful and sustainable development of communities located on land held under the Act;
4. opportunities for, and impediments to, economic activity on land held under the Act;
5. the funding and delivery of services to communities located on land held under the Act;
6. the funding and maintenance of infrastructure, including community housing, on land held under the Act;
7. existing and possible land tenure arrangements under the Act; and
8. any other relevant matters.

We called for submissions. If my memory is correct, we put adverts in *The Advertiser*, *The Independent Weekly*, the *National Indigenous Times* and the *Courier Mail*. We also sent out invitations for formal submissions to the Aboriginal Lands Trust; all lessees and sublessees of the trust, including eight Aboriginal communities; the Local Government Association of South Australia; the South Australian Local Government Grants Commission, who provide untied funding to Nepabunna, Gerard and Yalata; and the five district councils that have a trust community located within their boundaries.

We sent an invitation for formal submissions to the Aboriginal Affairs and Reconciliation Division, Primary Industries and Regions SA, Office for Aboriginal Housing, South Australian Police, the Department for Education and Children's Services, Anangu Pitjantjatjara and Maralinga Tjarutja, the Indigenous Land Corporation, the Law Society of South Australia, and I think there were a couple of others as well.

We received evidence at that stage from crown law. They appeared and gave some evidence on the current act. We called the trust and asked it to give evidence and we also asked for other witnesses to come and give evidence to the committee. That was in March 2007.

Going back even a bit further than all of that, in March 1987 the South Australian government announced a review of the ALT act. The review team included Bob Weir, Garry Hiskey (now Magistrate Hiskey), Colin Cook and Val Power.

**Mr Marshall:** When was that?

**Dr McFETRIDGE:** That was in March 1987. Then I think the former premier, Mike Rann, was the minister for aboriginal affairs at the time and he engaged one consultant in July 1989, one Don Dunstan, to complete the separate review of Aboriginal community government, and I have a copy of that somewhere. I could not get my hands on it today, unfortunately, but it is an interesting read for anybody who wants a copy of it—the Dunstan report into Aboriginal community government. It was something that was done with good faith and, in section 5(3) of the Dunstan report, Dunstan responded to the draft report produced by the ALT review team.

Don Dunstan noted that the main recommendations of the ALT act review of relevance to the current exercise—that is Dunstan's work—were the granting of inalienable freehold and community title to existing ALT communities rather than leasing from the ALT, and two, ability for individual committee members to acquire freehold title for residential purposes. So, Don Dunstan's comment on the original review back in 1987 was that, and I repeat that again—granting of inalienable freehold and community title to existing ALT communities, rather than leasing from the ALT, and two, the ability for individual community members to acquire freehold title for residential purposes.

We do not see it going that far this time, but I think there are people involved with the ALT and in the ALT communities that might think about what Don Dunstan said in his comments way back in 1989. Dunstan indicated that he did not support those recommendations as they could lead to the fragmentation of title, but those recommendations were of relevance to all Aboriginal people in South Australia and I think are as relevant today as they were back then.

The saga of the review of this act continued on and the next little episode, shall I say, was in November 2008 when everybody got excited because in *The Advertiser* newspaper there was an article by Mr Miles Kemp entitled, 'Shake-up to rid Aboriginal land of illegal leases'. This was *The Advertiser* on 20 November 2008. Unfortunately, Mr Kemp in his article made comments:

Legitimate leases will be reinstated by parliament after a sweeping review of the Aboriginal Lands Trust Act 1966...

Then he goes on to say:

However, for the first time since 1966, the Aboriginal Affairs Minister controversially has the power to direct the board...

And then he went on to say:

Other changes to be put to parliament...

And he said a few other things there. We, as members of the Aboriginal Lands Parliamentary Standing Committee, obviously took great interest in that article because it was a long way from what we had knowledge of, and so we actually wrote to Mr Melvin Mansell, the editor of *The Advertiser*, in December 2008. I only have a copy of a draft letter, but I am certain that we did actually send this letter because it was of great concern to the committee. I will read it into *Hansard*, anyway, because this was the level of concern at the time. The letter, written by Ms Sarah Alpers, who was the very hard-working committee secretary at that time, states:

I am writing on behalf of the Aboriginal Lands Parliamentary Standing Committee, which is a multi-partisan Committee of the South Australian Parliament comprising of Members from the House of Assembly and Legislative Council.

The Committee's Presiding Member is the Minister for Aboriginal Affairs and Reconciliation, the Hon. Jay Weatherill MP, and it has broad functions to inquire into matters affecting the welfare of Aboriginal people, including the operation of the Aboriginal Lands Trust Act 1966.

The Committee is aware of an article written by Mr Miles Kemp in *The Advertiser* on 20 November 2008, entitled 'Shake-up to rid Aboriginal land of illegal leases'. The Committee has resolved at a recent meeting that a letter would be written to you to outline its concerns in relation to the content and impact of this article.

The Committee believes the article to be inaccurate in relation to a number of statements, all of which assume that a review of the Aboriginal Lands Trust Act 1966, has already occurred and that decisions have been made as to changes to the Act. This is not the case.

On 20 November 2008, the Minister for Aboriginal Affairs and Reconciliation—

I remind the house that was the Hon. Jay Weatherill—

announced the commencement of the review of the Aboriginal Lands Trust Act 1966, and the publication of the review's Discussion paper.



While, in many ways, we would have liked Mr Kemp's article to have been true, inasmuch as that the review had been completed and settled in a bipartisan way, it was not, so it was false hope. We have a long history of looking at the review of the 1966 act. I have some comments from the late Joy Baluch, who was then president of the Local Government Association when she wrote to the then minister for environment and conservation, and also the minister for Aboriginal affairs and reconciliation (the Hon. Jay Weatherill MP), talking about the review of the Aboriginal Lands Trust Act and pointing out some of the issues associated with that review.

As the house can grasp by now, there have been so many issues, so many reports, so many questions and so much evidence given over many, many years, going right back to that 1987 inquiry. As I said, I moved a motion to inquire on behalf of the parliament in 2007. It has been going on for a long, long time. The functions of the act have been updated, the outcomes for Aboriginal people have hopefully been improved, the functioning of the trust will improve, and the range of expertise and abilities on the trust has been broadened.

I have met with many of the trust members over many years, and the trust have done a very good job to the best of their ability, but we are moving on to different times, different demands, different expectations and different aspirations. This bill is before us now at long last—at very long last—and so I commend the bill to the house. Again, I recognise the great work that has been done, not only by the Aboriginal Lands Parliamentary Standing Committee but also by many members of this house.

There are many members of this place who are very passionate about Aboriginal affairs in South Australia. I am certainly very proud to be serving as a member of the Liberal team in this place under the current leader (the member for Norwood) who I know is a very passionate advocate for Aboriginal affairs. As a member of Reconciliation SA, he has a long, proud history involving Aboriginal affairs, and I know that he is certainly a strong supporter of this new piece of legislation. I support the bill.

**Mr MARSHALL (Norwood—Leader of the Opposition) (16:37):** It is my great pleasure to rise to speak on the Aboriginal Lands Trust Bill 2013. As the member for Morphett indicated, I am a past serving member on the Aboriginal Lands Parliamentary Standing Committee, and can I just say I was very pleased and felt very privileged to be appointed to represent my party on that important standing committee of the South Australian parliament. I learned much in my role on that committee, and I would like to thank the member for Morphett for his mentorship in this important role that we need to consider here as members of the South Australian parliament.

As the member for Morphett also indicated, I have served on the board of Reconciliation SA as the Liberal Party's representative. This is my fourth year, and it has been a great honour to serve on that board, along with some incredibly dedicated people, including the Commissioner for Aboriginal Engagement in South Australia, Khatija Thomas, who I see is here with us today in the gallery, and so she should be.

Today, of course, we are debating this bill—although, in a funny way, I think 'debating' is the wrong term, because this is a bill which will receive bipartisan support, and so it should, because it is a very important bill for the people of South Australia. The Aboriginal Lands Trust Act 1966 provided Aboriginal communities across South Australia with the secure title to significant parcels of lands here in South Australia.

It was the first legislation in Australia to recognise the strong cultural and spiritual ties that Aboriginal people have to their land. It was also the first legislation in Australia to give Aboriginal people a legal collective right to their land and to go towards partially redressing the pain suffered by Aboriginal people at the hands of European settlers over the loss of their traditional lands. It was an important precursor to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981, another landmark Aboriginal land rights bill introduced by the former Liberal premier of South Australia the Hon. David Tonkin.

Today, more than four decades after the act was passed, the trust now holds a portfolio of land totalling half a million hectares valued at approximately \$60 million, located in various metropolitan, regional and remote areas of the state. In total, the trust holds 64 separate properties, including properties at Koonibba, Oak Valley, Camp Coorong, Wardang Island, Raukkan, and two Anangu communities at Umoona and Yalata. The trust is managed by a 13-member board, comprising a chairperson, representatives from 11 Aboriginal community councils and organisations, and a ministerial appointee.

The act is 47 years old. There have been major social, economic and legal changes since its time which have, of course, rendered the act quite outdated. So, as the member for Morphett outlined to the house, there has been a quite extensive number of attempts to review this act since it was first implemented in 1966. The first of these came in April 1977, when the trust provided the government with 14 proposed amendments to the act, which were not adopted by the government.

As the member for Morphett outlined, in 1987 the then government announced a major review of the act. Unfortunately that never came to fruition. In December 2004 Mr Klynton Wanganeen, a former commissioner for Indigenous engagement here in South Australia and the then South Australian zone commissioner for ATSIC, stated that the act needed to be 'reviewed properly and comprehensively'. Again, the wishes of the community fell on deaf ears here in South Australia. We finally had a breakthrough in November 2008, when the state government announced a review of the act. Unfortunately this review was a pretty tortuous consultation, and it was not until 17 December 2012 that the government released draft legislation for public consultation and comment.

The current 1966 act really is in urgent need for an overview, and it has remained in that state for an extended period of time. It does not set out clear objects or purposes like modern legislation used in this parliament, it does not give the trust itself clear functions, it requires the trust to get ministerial permission for any dealings with the lands they own, it does not take into account the more recent regulatory requirements for good land management, and it does not allow the lands to be used or the full economic potential of the lands realised, and the communities upon them.

That is why it has been necessary for this update, and I think the revision that has been brought to this house is a good one. Of course, this does not in any way obviate the need for the government of the day to provide ongoing review of the legislation to ensure that a piece of legislation in this parliament does not fall into the state of the current act, which is well out of date. The new act:

- enables the trust to acquire, hold and deal with trust land for the benefit of Aboriginal South Australians;
- allows for the efficient and effective management and development of trust land;
- provides a legislated consultation for people with interests in the land before any proposed changes to that land;
- provides for the removal of the requirement for ministerial approval on land transfers;
- importantly, provides for the potential creation of a commercial development advisory committee to provide advice to the trust and to the minister on commercial transactions; and
- finally, provides for increased opportunities for economic development of trust land.

There has been a somewhat slow consultation. Some people have raised concerns with the Liberal opposition about elements of the consultation and indeed elements of the final bill, but we are going to certainly be supporting this as a necessary reform.

Can I just put on the record my appreciation in working with the current Minister for Aboriginal Affairs and Reconciliation. This government has not given the necessary focus on this area that they should; we have had four separate minister in four years, often really not providing leadership in this important areas. But, can I say that this is a very difficult, complex area of government, and I think that progress is best achieved when we can work in a bipartisan way. The current minister has worked effectively with the opposition since he was appointed in January this year.

When he was appointed to this role, I immediately wrote to him in my capacity as the shadow minister for Aboriginal affairs and reconciliation and suggested we should work on a minimum of four topics to achieve before the 2014 general election, and this was certainly one of the topics that I put on that list. I was delighted when the minister said that it was certainly on his agenda to achieve and effect a change to the legislation before the 2014 general election, and I think that we have worked extremely well over that period of time. I hope that the precedent that we have set—the government and the opposition working together on important reforms in this area—will continue for many years to come.

As I said, I think it is a complicated area. It is often one step forward, one step back, two steps forward, one step back, one step forward, two steps back; it is often a pretty tortuous area. But, the best chance we have in addressing a range of disadvantages that exist or the increasing gap that exists between Aboriginal and non-Aboriginal South Australians is going to be reached with both major parties working together in a bipartisan way.

I commend the work of the Aboriginal Lands Parliamentary Standing Committee and all members, including our Liberal representative on that committee, the Hon. Terry Stephens, and of course the Greens representative on that committee, the Hon. Tammy Franks, who has been probably the one constant on that committee for the past four years, with Terry Stephens, the Liberal representative. It is an important standing committee of the parliament. I think that it would benefit the considerations of that committee if there was not a constant musical chairs of representatives on that committee. It does important work; this is one example of it here today. It has taken too long, but it is here and it is with great pleasure that I endorse the bill before the house.

**Mr VAN HOLST PELLEKAAN (Stuart) (16:48):** I, too, rise to support the Aboriginal Lands Trust Bill 2013, and it is a pleasure to follow both the Leader of the Opposition and the member for Morphett, who, like all other opposition members of parliament support this bill and take these matters extremely seriously, but certainly those two people in this chamber are probably the ones who have led from the front from our team's position. I compliment both of them on that. I also happily recognise the Commissioner for Aboriginal Engagement, Ms Khatija Thomas, in the chamber today, who is also a constant in terms of working towards improved circumstances on Aboriginal engagement and a broader range of Aboriginal issues as well.

This bill has come together with exceptionally good intentions. There is absolutely no doubt about that, and I was very pleased to be fortunate enough to be with minister Hunter in Port Augusta to get a fairly brief and short but genuine overview of the bill. I had actually invited minister Hunter to come to Port Augusta to visit Wami Kata aged care home in Port Augusta, which is an aged care home specifically for Aboriginal people. It is for Aboriginal people from all over the place, not just Port Augusta, so there is a very wide range of backgrounds that people come from there.

He was good enough to come. I wanted him to see firsthand what an important job and what an important service Wami Kata provides at Port Augusta on Davenport land. When he was going through the intent of the bill before it had been tabled, I thought that is good and I was very grateful to see a minister so keen to work on the recommendations of the parliamentary standing committee, and that certainly has not changed.

I think anybody should get to use their land, within the responsible constraints of legality, responsibility, ethical concerns, caring for the environment and all the normal things that are pretty straightforward, anyone should get to use their land to the best advantage of the landholder and the broader community, and that is no different for Aboriginal people than any other people. So, I think the freeing up of that and, essentially, creating opportunities through this bill goes without saying, it is common sense. Certainly, that has been thwarted by the legislation and prescriptions that exist.

I was also very pleased to get a more structured formal briefing in my office from the minister's staff. Ms Nerida Saunders also participated in that day, and it was fantastic to get a more detailed understanding of how it works. The desire to enable ALT to use the land more flexibly for the advantage of Aboriginal people is a very important principle. Certainly, that land is already held by ALT for Aboriginal people and for their benefit, as it should be, but the freeing up of flexibility for them to be able to do that is very important.

I have some real world type concerns about how that might flow on, but it does not slow me down in my support for this bill at all. You have to do these things sometimes a step at a time and it is not always possible to predict some future hurdles. Some of my concerns may prove to be true but some of them may prove not to be founded as well, so I am very supportive of taking this step forward. Where I have some concerns is about the real world practical implementation of what is in this bill: how would some of the commercial agreements actually be reached for the use of the land?

If it is a piece of property in the Adelaide CBD it is most likely that that land is already being used for some very constructive purpose, but if some commercial agreement wants to be entered into it may well be with a non-Aboriginal group in a very straightforward commercial way and presumably including some rent which goes back to the ALT and Aboriginal people. So, it is pretty

straightforward. If it is also in the city, it is very likely that it might be to an Aboriginal group but far more likely to be an Aboriginal group that is a really structured Aboriginal group and they want that land for commercial purposes. So, again, I think it would be much easier to come up with a commercial arrangement to deal with the land which will advantage the owners of the land, the holders of the land.

The further away you go from the CBD I think the more difficult it is going to be to reach these sorts of agreements. We have land at the moment that is already held in trust for the benefit of Aboriginal people. So, if that land, as it most often is, is way outside of the city—it could be on the Murray, it could be on the Lower Lakes, it could be in the outback—it certainly will not be only Aboriginal people who would like to use that land, but it is very likely—and the further away you go from the CBD the more likely—that it will be Aboriginal people who would like to use that land.

So, they would like to be on the other side of this commercial arrangement, and the commercial arrangement that we are establishing is essentially so that the lessor or the licensor, or whatever form the commercial arrangement might take, is the beneficiary and that the benefit is passed onto Aboriginal people. The lessee or the licensee (or whoever the person on the other side might be) is going to think, 'But this is actually already my land. Why would I pay rent to access this land for the productive commercial purpose that I would like to put it to?'

To make up an example, it might be an Aboriginal person, an Aboriginal family, an Aboriginal corporation that wants to lease a station or lease some land, perhaps for pastoral activities, cultural activities or tourism activities, or whatever is appropriate an appropriate use of the land, but that piece of land is held by ALT in trust for Aboriginal people. That piece of land that is a long way from Adelaide is already very likely to have some Aboriginal custodial ownership that goes with it, even if not technically defined. It is likely to be the case in the minds of the people who live and come from that area, and so they would say, 'Yes, please. I would like to lease this land or get some access so that I can run my business so that my corporation or my family or myself or whoever can get a really good business opportunity,' and I think this is where the real strength of this is.

Local people can enter into a business opportunity that advantages local people, but ALT can also enter into the commercial arrangement that benefits the Aboriginal people that ALT represents more broadly. But when ALT says hypothetically, 'Okay, we will lease you this land for your business venture and we want X dollars in rent,' the person who lives and works and wants to create a business on that land says, 'But why do I want to pay the rent? It is already held essentially for me and my people.' I suspect that is what is going to go through that person's mind, 'Why would I have to pay to access it from ALT when ALT actually holds it for me or for us?' I think trying to get around that in a real world commercial way is going to be challenging. I do not say it is impossible, and it is certainly not a reason not to support this bill. This bill pushes us down that path and opens the door for access for Aboriginal people to realise a commercial benefit from the land.

Sometimes the only way to deal with a challenge, a conflicting issue or a difficult issue is just to take a step forward and deal with it. I am very hopeful that that is exactly what will happen but I do think that is going to be a challenge for people. If the person says, 'I don't want to pay rent. It is essentially mine (or ours) already,' then you have not actually freed up any income from the land and you have not actually created a commercial benefit that flows back to the trust that then flows on to the Aboriginal people for whom the trust holds the land. That is something I think we will probably all be dealing with in this place down the track. I am sure that we will deal with it in a bipartisan way.

As the Leader of the Opposition said, he has worked very openly, productively and cooperatively with minister Hunter. I have to say that my involvement with minister Hunter, whether it be on a local electorate issue that is tied up with any one of his portfolios, has been a very open, productive working relationship. I hold him in high regard as a person. I do not mind saying I hope he is not the minister next year, and I know that he would not mind me saying that. He certainly worked very well towards this and I am sure whoever the minister is will do it in a bipartisan way, whether they are a Liberal or Labor minister.

I would also like to share with the house a suggestion that has been put to me by Aboriginal people in my electorate which I think has some merit, and that is that land held by ALT for which formal native title has already been declared under this act could and should be transferred to the prescribed body corporate that already holds that declared native title. To me, that seems pretty logical. Regardless of who it is or what part of the state it might be—as I said, it could be the Murray, the Lower Lakes, the outback or anywhere. Where native title has been

declared—not where it is being discussed, claimed or negotiated but where it has already been declared—those native title rights have essentially been given to a prescribed body corporate in the vein of ALT holding that land for Aboriginal people and presumably holding land in a local area for local Aboriginal people where those local Aboriginal people have already been given a legal native title right over that land, so why not have the corporation which holds the right hold the land in exactly the same way as ALT currently does?

I throw that open as another thing to think about down the track. It is not going to be dealt with here. It is too late for it to be dealt with here. Regardless of what anybody in this house might suggest, this bill will go through this lower house on the numbers with the government and I am very comfortable with that, because the steps that are being taken are all positive ones. However, to me, there is a great logic in that suggestion.

It is my understanding that in the electorate of Stuart that would certainly involve the Adnamatna people and also the Arabunna people, but I do not propose that for my electorate only. I propose it as a logical way of giving the best possible way of guaranteeing that the local Aboriginal people for whom ALT currently hold the land would be the beneficiaries of the commercial benefits that we all hope would flow from that land to Aboriginal people through this bill.

There are a couple of things to think about. There is more work to do. As both the member for Morphett and the Leader of the Opposition said, this has been a slow process. It has been too slow a process for us to get to this stage, but I hope that progress from now on will be much swifter. I am confident that progress can be made in a bipartisan way, with members of parliament working together and taking advice from people outside of this chamber, who usually know far more than we do about the specifics of these sorts of issues. This can mean that progress can come far more quickly in the future in terms of making even more improvements than has been the case in the past, in the past in terms of us getting to this stage. I wholeheartedly support the bill.

Bill read a second time.

In committee.

Clauses 1 to 54 passed.

Clause 55.

**The Hon. L.W.K. BIGNELL:** I move:

That clause 55, which is printed in erased type, be inserted in the bill.

Clause inserted.

Clauses 56 to 60 passed.

Clause 61.

**The Hon. L.W.K. BIGNELL:** I move:

That clause 61, which is printed in erased type, be inserted in the bill.

Clause inserted.

Remaining clauses (62 to 69), schedule and title passed.

Bill reported with amendment.

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (17:05):** I move:

That this bill be now read a third time.

I would like to thank honourable members for their careful consideration of, and general support for, this important reform measure. This bill provides for the continuation of the Aboriginal Lands Trust, but ensures that it can operate as a modern statutory body recognising the scope of legal and societal change in South Australia since the commencement of the Aboriginal Lands Trust Act in 1966.

This bill will empower Aboriginal South Australians as the beneficiaries, protectors and custodians of trust land. The bill recognises the multiplicity of cultural, historical and community interests in trust land. It seeks to ensure that the trust is a decision-making structure that will bring balance and equity to the management of these interests, and as a landholding body it can be the

vehicle for furthering and optimising these interests for the benefit of all. I commend the bill to the house.

**Dr McFETRIDGE (Morphett) (17:05):** It is a delight that this bill has actually got to this stage. During my second reading contribution I was on the understanding that the Leader of the Opposition was unable to get to the house. Can I say how even more delightful than having this bill pass is that the Leader of the Opposition was able to come into the house and make a personal contribution, because I know it has meant a lot to him.

Bill read a third time and passed.

#### MINISTER'S REMARKS

**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) (17:06):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. M.F. O'BRIEN:** In question time today I used the word 'schizophrenic'. I apologise for any offence the use of this word may have caused.

#### SITTINGS AND BUSINESS

**The Hon. J.D. HILL (Kaurna) (17:07):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice forthwith to note the report of the Select Committee on a Review of the Retirement Villages Act 1987.

**The DEPUTY SPEAKER:** An absolute majority not being present, ring the bells.

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

Motion carried.

#### SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

**The Hon. J.D. HILL (Kaurna) (17:10):** I move:

That the report be noted.

It is with great pleasure that I move this on the second to last sitting day of the year, and my last ever speech in relation to any report, or any motion, or notion, before this parliament, and it is absolutely fitting that it is about retirement, so I am very pleased to be able to do it.

Mr Speaker, I commend, on behalf of the committee which reviewed this piece of legislation, the report that is before you. I would like to thank the members of the committee and assure the house that this was unanimously agreed to. All of the recommendations—all 34 of them—were agreed to unanimously by the committee, so I think that is a fine outcome. We worked assiduously to reach this position, so I do thank my colleagues for their support and for their assistance.

This was a suggestion that was put to the house by the honourable health minister that we look at this legislation. In the course of several months since the motion was moved we had a series of meetings where we met as many people who wanted to meet us, and we received submissions from a variety of people, particularly those, of course, representing the providers of retirement villages and the users of retirement villages. We also heard from a range of government instrumentalities, the Residential Tenancies Tribunal, for example, the Valuer-General and some others. We looked at this in the broadest possible context and, as I say, we came to unanimous conclusions.

I will not go through all 34 of the recommendations, the house will be pleased to know, but I would like to make some general observations and talk about some of the more interesting and important of the recommendations. I think it would be of interest to the house to note that there are currently—this is from page 1 of the report itself—over 500 registered retirement villages in South Australia, and they accommodate about 24,200 residents. The number of villages and the demand for their services are expected to increase significantly, particularly with the baby boomer generation approaching retirement age.

I think that is the key fact that we need to keep in mind as we think through how we need to properly manage and regulate retirement villages. South Australia has about twice the national

average in terms of people using retirement villages compared to those who could potentially use retirement villages. I think it is about 10 per cent in our state compared to about 5 per cent elsewhere. That says to me that retirement village living is popular in South Australia and that it must be going pretty well if we have twice the national average.

What we found is that generally the individuals who live in retirement villages are pretty happy in retirement villages. They like the social interaction, they like the relative security, and they like the carefree environment. They pretty well enjoy where they are living. That is not the case for all, but that is generally the case. They have a number of problems with the administrative and contractual arrangements that have applied to them, and it is really to those issues that this report turns.

I think it is also fair to note that the operators of retirement villages, who are represented principally in South Australia by the Property Council, believe that things are going pretty well and they do not want to see a lot of change. They particularly did not want to see a change which would mean that we would recommend a common contract or a standard contract be applied, and we did not pick up that idea, though it has been pursued by a number of the submissions.

The way the report is structured I think helps anybody reading it to understand what the issues are. We have structured the report into four chapters. The first chapter really is about the issues associated with retirement villages prior to somebody entering a contract with a retirement village. The second chapter deals with the period in which the contract is operational, that is, while a person is living in a retirement village. The third part is at the termination of the contract, either through death or somebody moving on to another institution or out of a retirement village for whatever reason. The fourth chapter is to do with other matters.

Before I go into some of the recommendations, I think the key point that people listening to my comments need to understand is that, when people enter into a retirement village, generally, though this is not exclusively the case, they are buying a licence to occupy a particular property. They are not buying the property and that licence comes with a whole lot of strings attached. It gives benefits, but there are also costs, and those costs cannot be avoided.

I think we found as a committee that there was a lot of confusion and misunderstanding about those costs and that, in fact, some people believed they actually owned the property. Then when it was sold they expected to get the capital gain and not have to share it to the extent they do with the owner or operator of the village, so there were a lot of issues around that which we hope this report, if it were implemented, would address.

I will just go through some of the key recommendations—at least the ones that I think are key. Other members I know will talk, notably the member for Heysen, who I am sure will have a few things to say as well and I would encourage her to do so.

In the first section, which was 'Before moving into a village', we wanted to make sure that the term 'retirement village' properly referred to villages under this act, because we became aware that some organisations were using that language, but they were applying to other entities which were not protected by the retirement villages legislation. That created confusion in the community, and we wanted to make sure that confusion was addressed.

We also wanted to include provisions to prevent misleading and deceptive advertising, and I think this is particularly important. One of the operators who gave evidence to us we noted had advertising in newspapers circulating in South Australia which talked about the sale of a property when, in fact, they knew and we knew that they were not purchasing a property. The potential purchasers were purchasing a licence to occupy a property, and it is that fundamental distinction which needs to be made clear to the community.

The second recommendation I think is an interesting one, too. We agree that retirement villages should remain available for people over the age of 55, but we reject the idea that they should be exclusively for people who are retired because, as the Productivity Commission's report indicated a few days ago, people will not be able to retire, and there are a lot of people who do not want to retire when they move into a retirement village.

We could see no good reason why we should have policies in place which would encourage people who want to work to not work, so we would recommend that that element be removed so retirement villages could be for anybody over the age of 55. We think that age is appropriate, although the evidence is that people are generally much older than that before they, in fact, do move into retirement villages.

Of course, that really leads to the question about what should these villages be called if they are not for retired people, and our wit was not sufficient to come up with an easy answer, but no doubt others will be able to apply their mind to it. So, that is the first bit that I wanted to talk about.

Recommendation 4 deals with pre-contract disclosure and this is, I think, the most important part of the recommendations. We were absolutely clear from the evidence that was given that many people sign up to these dreams, to these lifestyle dreams, to this way of living which is very attractive to them, without really understanding the nuts and bolts of what they have signed up to; without really understanding the detail of what they have signed up to.

So, we have spent a lot of time as a committee thinking through how we should fix or address this, and one of the things that we recommend is a standard disclosure document which is prescribed by regulations which says exactly what it is that a person is signing up to. We did not try and say to the operators of the villages, 'You can't do this, but you can do that.'

We said, 'Look, let the marketplace determine what it is you are offering as long as the consumers or the potential consumers understand exactly what it is in plain English language and using standard terms, so that the potential consumer can compare one village with another village to make sure that the products that they are comparing are easily understood.'

There is a lot that we have had to say in relation to that and, in particular, the standard disclosure document should include information relating to all fees and charges which residents will be responsible for at those three key periods—before entering the village, while residing in a village and upon leaving a village.

There should be examples of exit fee scenarios; definitions of fees, charges and funds; any circumstances under which a resident will be required to fund a budget deficit; frequently asked questions; and any interest an administering authority has in services used within the village, for example, the provision of electricity or internet services. We saw some evidence of I guess what you might call gaming, or perhaps sharp practices, in some places.

We also recommend that a web-based calculator be developed so that potential purchasers of licences can put the information in and compare one product with another, and have a really good understanding. I think the reality is that, once you get into a retirement village and once you sign up and have been there for a few years, the cost of extracting yourself from a retirement village are so great that it makes it almost impossible for a resident to move into an equivalent space anywhere else. Once you make that decision you really are locked in unless you are individually wealthy.

We also recommended to the Property Council that they might produce a set of proforma contracts that their members could use. We stopped short of recommending that there should be proforma contracts, but we thought that if the industry itself was to come up with some, in the same way the real estate industry does, that would probably help everyone.

Recommendations 5 and 6, I won't deal with; they deal with premise condition reports and payment of premium. Recommendation 7 is important because it requires that any person or entity who receives an amount as a premium under a residence contract will be required to hold this premium in trust. There was an example of a case, which I think may or may not be before the courts at the moment, where, at a particular retirement village, a number of potential residents sold property or passed title over to the proponent.

The proponent got money from the bank and put that money into an account on the promise that people gave over the title and the promise that they would get a retirement village accommodation and that was never provided. So, they lost their money, they lost their house, and they effectively became homeless. A number of our provisions try and make sure that that does not happen again. So that is before the retirement village is signed, and now, in chapter 2, we talk about living in a retirement village.

One of the issues that had been brought to our attention was the status of residents committees: should they be incorporated associations, or should they not? We have come to the recommendation that they should have the same protections conferred under the Associations Incorporations Act; we think that would address most of the issues there. There are issues to do with residents' meetings, which I will not go through.

In recommendation 10, we took some evidence from one of the villages about the CPI. A lot of the residents complained about the cost of retirement villages' charges going up at a rate



greater than CPI. It was put to us that the bundle of charges which related to retirement villages were different from the normal community-based CPI and can, given that a lot of the charge related to electricity and water costs, go up at a faster rate.

We thought it was reasonable that there should be a particular retirement village CPI created and struck each year which could form the basis of negotiations at each of the villages, and the villages and representatives of people who live in the villages, with some help from Treasury, could perhaps get together and work out what that should be. If the charge was above that, then there would be a process of appeal.

We talked about in recommendation 12 greater transparency in relation to management fees. There was a fair bit of evidence about concern about that. Financial management generally came up in recommendation 14, and we recommend that the act be amended to prescribe that, when a surplus occurs within a village's recurrent charges, the charges must be used for the purpose for which they were incurred under the resident's agreement. We then have recommendations about what should happen when a deficit occurs.

Recommendation number 7 deals with council rates. There was evidence about how councils rated properties and the notion of double-dipping, and we made some recommendation about that. The next section deals with dispute resolution, and recommendations 18 through to 23 deal with how disputes should better be resolved. I will not go through the detail of that, other than to say it is to give the Residential Tenancies Tribunal stronger and clearer powers, and to suggest to the government that some sort of advocacy arrangement be established to speak on behalf of often older and perhaps vulnerable residents. We also recognise that it would be sensible to have group applications to the tribunal. At the moment only individuals can do it.

Chapter C, the third chapter, is about leaving a retirement village. I think a lot of the issues about leaving, and the costs associated with leaving, will be addressed by the first section, at the beginning—

*Mrs Redmond interjecting:*

**The Hon. J.D. HILL:** —as the member for Heysen says. However, there are some issues about leaving, particularly about how long a person can stay there and at what point they need to vacate, when they get their money and the like, as well as the connection with aged care facilities and so on. I will not go through the detail of that, but I think they are quite sensible arrangements as well.

There were some other matters, including changes to the objects of the act, which I think are pretty sensible, and investigation and compliance. We are recommending there that the government investigate amendments to the powers of investigation and compliance under the act, similar to those contained in New South Wales legislation. We recommend that penalty amounts under the act are reviewed and significantly increased, that expiable offences are significantly increased for minor offences, and that the RTT can request that a matter be investigated.

We have a recommendation about financial difficulty and mismanagement, and then the final three recommendations about interaction with other legislation, including recommendation 33 that fact sheets be developed to make sure that residents and prospective residents are aware of all fair trading practice protections available to them, including the Australian consumer law.

That was a quick run through of the recommendations. I think this was really good, solid work. One of the first things I was involved in here when I became a member 16 years ago was a select committee that looked into the River Murray. That was a multiparty select committee, and we came up with unanimous recommendations, and if they had been followed 15 years ago there would not have been problems with the River Murray.

I have to say that various things and contests happen in this place, but in my experience, at least, the work done by select committees is very positive. The more of these kinds of approaches to dealing with complex problems that we can implement the better we will all be as a community. I think you get to the truth of the matter; you get the politics out of it and you get good, logical, consensual thinking applied.

So I do commend this to the house. In conclusion I would like to thank those who helped us through this process, including Paul Collett, the Serjeant-at-Arms, and Shannon Riggs, his assistant, as well as our committee adviser Cathy Pedler, who is a senior retirement villages officer at the Office of the Ageing.

I am not sure how all this works now. It has been tabled and noted and others will speak, and it then has to lie on the table until the government responds in a particular period of time. As we are not sure about how all that works, I will say to whoever is in government or whoever is in this parliament, 'Don't let this thing lapse. Make sure it gets back on the table in due course.'

Hopefully, whoever is the minister of the day will address these issues and change the law to give better protection to individuals but also to those who provide services to those individuals, because we do want this industry to flourish. It is needed by our community, but it will need to adapt and change. I think the recommendations we have made here will not hinder the flexibility and adaptability that is required but will provide better guarantees and protections for all sides of this industry.

**Mrs REDMOND (Heysen) (17:28):** It is my pleasure to rise to speak briefly on the report of this select committee, chaired of course by the member for Kaurana. As he has already indicated it is a committee that reached unanimous conclusions on the recommendations. I know that the time allotted to me will not allow me to go through the recommendations in any more detail than he has done, but at the outset I will say that I think it is a comprehensive report and that, like member for Kaurana, I am hopeful that a new government will look at this report—albeit that it is only being tabled and briefly discussed now.

Before I came into this place—indeed since I was about 12 years old—I have had an ongoing interest in matters of ageing. I started visiting nursing homes at about the age of 12 and realised that there was a lot to be improved. This happens to be the third occasion in the 12 years I have been in this place that this particular piece of legislation, the Retirement Villages Act 1987, has been looked at in some detail, and I have been involved in that on each occasion.

That came about not just because I had this long-standing interest in matters to do with ageing, but because in my legal practice prior to coming in here, I had had probably more contact with this legislation than most other lawyers around the state and almost certainly more than any other member of this place. This is because there was a particular retirement village in Stirling—not Pinoak Tiers, which was behind the hospital and managed by the hospital (I was on the board of the hospital and that never had a complaint)—but there was one, Sevenoaks Retirement Village. In a period of six months prior to me coming in here, statewide there were only 19 complaints about retirement villages and 12 of those came from that village. So, I had become very familiar with the terms of the legislation and its problems.

The member for Kaurana already mentioned the ageing of our population, and I often talk to people about the fact that we do not actually realise until we start to contemplate the numbers, but at the moment people are always surprised when they hear that there are some 3,500 people around this nation over the age of 100. People think, 'Gee, that's a lot! The Queen has signed a lot of letters to people—3,500,' but that pales into insignificance when you think that, as the baby boomer generation comes through, that bubble will expand and there will be, on best estimates, around about 78,000 people over the age of 100 at the year 2055.

Clearly, when this legislation was brought in in 1987, 25 years ago, the retirement village industry was a very different thing, and indeed most of the retirement villages in those days were run by charitable institutions. In fact, the one that the hospital ran in Stirling, known as Pinoak Tiers, was originally constructed by the Rotary club to which I belonged. So, there were all sorts of little church groups, local community groups, hospitals, all sorts of people, who had constructed these retirement villages that provided cheap accommodation, and they were quite adequate for their day.

The difficulty, I think, in part that we have had over the years (and as I say, this is third tranche of amendments and recommendations that I have been involved in in the last 12 years just on this act) arises because we have shifted from a predominance of what I will call community-based retirement villages to retirement villages that are run as a money-making profitable enterprise. There is nothing wrong with that—I am not in any way criticising that—it is just that we need to recognise that there are these two separate sorts: the ones that are run by not-for-profit organisations who are not trying to make money, and the increasingly common and more expensive ones, run by organisations that are trying to make a profit from the running of it.

I think that is actually at the heart of where we begin to have the problems and, as the member for Kaurana mentioned, what we did was divide this report into basically four sections. The first was this issue of what people need to know before they go into a village, then the issue of what

happens once you are living in a village, then what happens when you leave the village, and then, lastly, the miscellaneous odds and sods that did not fit under any of those headings.

The key to it all, I think, is making sure that, when people are contemplating going into a retirement village, they know exactly what it is they are purchasing, and it is not a house or a unit. They are simply purchasing a right to live there, depending on what other benefits they have. I was just talking to the member for Goyder a moment ago and he was talking about a village he visited up near Gawler in the last few days. He said it was a particularly well-run village, and most of them are, to be fair.

Although the committee heard lots and lots of complaints and concerns, when you think of the overall number who live in retirement villages and the overall number of villages in the state, the number of difficulties is a relatively small number, but they are significant. Particularly, people in that latter stage of life, who have often never had any legal complications in their life, suddenly find that they have a problem because they did not understand when they went into the village what it was they were buying into.

They thought they were buying a unit and that they would have, therefore, certain proprietary rights, and rather than that they have then subsequently discovered all sorts of things, as to whether they are responsible for upkeep of certain things, whether they are going to have to pay into a sinking fund because at some stage when they move someone else will come in, and over the whole life of the unit the costs have to be apportioned for keeping the unit up to scratch. There were all sorts of issues that arose and, as the member for Kaurna mentioned, we would overcome most of those if we managed to make sure that people going into a unit actually understood, when they were going into a retirement village, the nature of what they were purchasing.

I have visited retirement villages not only all over this state but, indeed, other states. The best one I ever saw was in Hawaii when I went to a conference there on my way home. I had been studying ageing at the Catholic University of America in Washington DC. On the way home, I lectured to both an undergraduate class and subsequently to a graduate class about ageing in Australia, at the medical school at the University of Hawaii. I attended a carer's conference that happened to be on in Hawaii, but then I also visited this wonderful retirement village.

If anyone is interested they can still look up on the web, I think, the report that I did back in 2003 about that. You will see that it was like a five-star resort but, interestingly, it was run something like a time share, so that you lived in it but you never owned it. You paid a monthly rental fee, which is much more common in America. If you wanted to, for instance, visit your children over on the mainland you could simply go to stay at the nearest one. There were some 340 of these things all around America and you could book yourself in for a week at the nearest one to where your kids happened to live.

Now, it was about \$5,000 a month, and this was 12 years ago, so it was not a cheap place to live, but it supplied everything. The only thing you were up for was your own telephone costs and any of your own personal costs. Your meals were provided in a restaurant type setting. Waitresses served your meals. There was a changeable menu every day. It was very good. It involved everything from supported accommodation through to retirement living and it certainly was the best I have ever seen.

I would have to say that I got the impression, after listening to a lot of the issues arising in this particular select committee, and I would be reasonably confident that none of the members of the select committee were planning to move into a retirement village, having heard all of the detail of the difficulties that have arisen for various people in this particular area.

The member for Kaurna also mentioned the fact that we are not going to be requiring that people must be retired to live in a retirement village. We tossed around whether we should have a different name for it but we could not come up with a better name, although sometimes you might think lifestyle village might be better. My own expectation in relation to this is that what will happen is we will need to change the nature of what people are getting.

I believe that as the baby boomer generation, that massive number of people, comes through and the first of them reach retirement age at 65—even though we are not going to have retirement ages any more, but if we call 65 retirement age the first of the baby boomers have just started retiring—there will be a huge increase in the number of people getting into that age group. As they come through my belief is that they are not going to want to give up the independence that comes from owning their own property, be that a unit, apartment or freestanding house, and

exchange that for living in a retirement village where a lot of things are controlled. That is where the essence of this report is going to be important.

We need to accommodate the fact that there will be this changing demographic, there will be a changing marketplace and the market, we believe, has to be left to respond to those changes. There are only, I think, a very limited number of places in the state at the moment which call themselves retirement villages, but which you can actually purchase in the same way as you could purchase a community title or a strata title unit. I think that is going to be increasingly what we will see people wanting to have.

A lot of people have gone into retirement villages. For those who are not familiar with the system, when you purchase the licence to occupy, generally after the first year there will be some sort of retention, maybe 4 or 5 per cent of the amount that that unit has been purchased for or maybe the amount it is going to be sold for in due course. The next year it will be another 4 or 5 per cent, up to a maximum of about 20 or 25 per cent.

The effect of it has been that if you go into a unit, and particularly over the last few years, if you bought a unit just before the global financial crash, you could find very easily that having paid several hundred thousand dollars for the right to occupy a unit in a nice new retirement village and if you then decided to leave having lost the various years of retention (say it was 20 per cent), if the value of the place had actually remained static or gone down, on top of that you then may have to pay into a sort of sinking fund for maintenance and all those sorts of things.

Then there are also remarketing fees, and remarketing is another area of particular contention with a number of people. People could find that they really did not have anywhere near the amount of money returned to them that they were expecting to get returned upon departure from the retirement village. Indeed, there are people who have said that they could not afford to leave the village because they would not get back enough money from the investment they thought they had made. It is not an investment: it is a payment for a lifestyle. Now, provided people know that what they are purchasing is the lifestyle, they are purchasing getting rid of the burden of having the upkeep of a house, of having the maintenance of sometimes an older house.

They are paying for the fact that they have a new place, they are paying for the fact that it might have bowling greens, swimming pools, it might have golf courses, it might have all sorts of facilities and they might like living in an environment where they have less garden to look after, they might like living in an environment where there are not too many young people running around making a lot of noise. There could be all sorts of things that motivate them to go into a village and, as long as they understand that they are paying to have that lifestyle and they are not paying to own the property, that will be the key to the satisfaction of most of the recommendations in this report.

One other thing I want to touch on briefly in relation to the report, and I do not think we reached a firm conclusion about it, is one of the problems that was highlighted by the evidence given to the committee by residents. Most of the people giving evidence on behalf of owners of villages were relatively supportive of the good management of the villages and there was no need to change the current legislation, but those who currently reside in villages made a number of complaints. One of them I thought had some legitimacy, and that is in relation to the basis upon which they have to pay their rates.

Of course, the owner of the village has to pay rates on the overall property but then each individual housing unit within the village pays rates to the local council and those rates are basically based on a valuation as though it was an owned property. These people are getting damned if they do and damned if they don't. They are not getting the benefit of ownership of the property but they are getting the downside of ownership of the property because they have to pay rates as though they own the property, so I think there is actually room for councils and maybe the Valuer-General to reconsider how all of that is going to be managed.

The final thing I want to talk about just briefly is about these smaller community based not-for-profit retirement villages. There is no way of telling this but my suspicion is that what we may end up with is those becoming more like rental accommodation for people who perhaps cannot afford to own a house before they go into a village, and therefore it might be a mechanism for providing security of accommodation for those people as they go through their later years.

The member for Kaurua mentioned that, while the age limit in the act is only 55, very rarely do you see anyone anywhere near that age. Indeed, I think just about everyone on the committee was above that age and none of us was contemplating going into a village in the near future. The

average age in most villages is well up into the seventies and eighties and beyond, but if you are in a situation where up to that point you have not been able to afford a house, then perhaps some of those smaller community based retirement villages may in the future want to consider becoming simply affordable accommodation for people who have not otherwise been able to afford to go into their own home.

From my studies in ageing over the years, it is absolutely clear that those with the best chance of success in retirement are those who have security in their housing. So, home ownership is a massive benefit for anyone going into retirement, but security of housing is the single most important factor in terms of how people manage their retirement. As I said, that is going to be an increasingly long period of time.

I will finish on the note that I often say to people when I am out talking about our ageing community. I have already mentioned the number of people over the age of 100 that we are expecting to have by the year 2055—78,000 in Australia. If South Australia has even 10 per cent of that, that is nearly 8,000 people in this state over the age of 100. My advice to all those intending to be over 100—and I certainly intend to live that long—is that it is your grandchildren who you need to be really kind to, because your grandchildren are going to be in their 50s when you are in your 100-something year.

Those grandchildren who are in their 50s are going to have children who just will not leave home, because they cannot afford to, life is too good at home or they have not finished studying or whatever. They already do not go out and become independent until about the age of 25. So, they will have children who will not leave home, and they will have elderly parents in the 75 to 80-year age group.

Those elderly parents are the children of the baby boomer generation and, because we have been silly enough to overindulge them in the way we have, they are going to be the first generation in recorded history not to live longer than their parents. So, these poor grandchildren are going to have sickly elderly parents and still kicking on very elderly grandparents, as well as kids at home. So, for heaven's sake, be nice to your grandchildren if you are a baby boomer.

**Mr SIBBONS (Mitchell) (17:47):** I rise today to speak in support of the report tabled by the Select Committee on the Review of the Retirement Villages Act 1987 and the recommendations within it. The committee sought to investigate the rights and obligations of residents and administering authorities of registered retirement villages, contractual disclosure, financial obligations, compliance and regulation, and dispute resolution within the sector. The committee proceeded to hear evidence from a variety of stakeholders and organisations, including retirement village residents, the Property Council of Australia, the South Australian Retirement Villages Residents Association and commercial and not-for-profit village operators.

I would particularly like to thank Mr Brian Mowbray from the South Australian Retirement Villages Residents Association, a constituent of Mitchell, for raising this issue with the member for Ashford and myself. Brian has been a passionate advocate for retirement village residents in South Australia and has an excellent understanding of contracts used in this sector, and I sincerely thank him for his contribution to the committee. I also thank the minister for meeting with Brian, the member for Ashford and myself to understand the concerns of the sector and agreeing that there needed to be a review to address those concerns.

It is clear from the evidence provided to the committee that there are a number of benefits to living in retirement villages. Most residents enjoy the companionship and the security and safety that goes with village living. However, there is considerable concern about the perceived lack of clarity about contractual and some administrative matters. Village operators, while supportive of greater transparency and clearer contractual information being provided, were opposed to measures which might restrict their flexibility or impact their running costs.

The committee attempted to balance these interests, seeking commonsense recommendations which will have practical benefits for consumers without unduly burdening the operators. Some of the recommendations include:

- proper disclosure to a prospective resident of their rights and obligations on moving into a village;
- amending the act to provide standard definitions of exit fees;

- requiring a disclosure document is to be provided to a resident prior to moving into a village, which discloses all fees and charges for which a resident is responsible, including exit fees and any remarketing costs and conditions, and that any not included in the document are not able to be charged;
- amending the act to provide greater transparency in relation to management fees or head office costs charged to the village;
- providing a mechanism for the resolution of disputes;
- criteria needs to be developed for the valuation of retirement village properties which accurately reflect the purchase of a licence to occupy under a retirement village scheme;
- enabling residents to appoint an independent valuer on vacating the village if a valuation amount is not agreed between the parties;
- investigating the establishment of a register for retirement village licences;
- amending the act to require that those RTT members hearing retirement village matters must be legal practitioners of at least five years standing and should have a sound understanding of the act and previous decisions; and
- that a code of conduct is extended to encompass behaviour policies which protect operators and residents from harassment and intimidation and that promote a safe and secure environment.

There are 34 recommendations in total, all of which are aimed at ensuring improved consumer rights for residents of retirement villages. Clearer and more transparent contracts should ensure conditions and costs are easily understood upfront, and improved dispute resolution should see significant improvements for the increasing number of retirees choosing to take up a retirement village lifestyle. I commend this report to the house and look forward to seeing the implementation of these recommendations in due course.

**The Hon. S.W. KEY (Ashford) (17:51):** I just wanted to contribute to this debate by congratulating the select committee for their recommendations on the findings and also the way in which, under the chair of the member for Kaurua, they conducted this review. I want to thank them very much for that. Part of the reason for me wanting to speak on this debate is that over the years of being a member of parliament I have had a number of constituents come to me with concerns that they have had with living in a retirement village.

There have been some positive comments as well, but overall I think the points that have been made most ably by the member for Mitchell and also the member for Kaurua really do emphasise some of the concerns that I have had raised with me over the years, particularly consumer precontract disclosure and the need for information.

I would argue for that very strongly. There was a movement some years ago about having legislation in plain English so that we could understand all different parts of legislation and acts of parliament. I certainly support and endorse the view that contracts for retirement villages need to be a lot clearer and easier to understand. People do need to know about what fees and charges are going to be extended to them at different times of being in that retirement village lifestyle area.

The exit fees scenarios are the ones that constituents particularly come to Ashford to talk about. It may have been that their parent or parents have either died or have to go into other accommodation, and because quite often the children of people who are living in retirement villages were not party to precontract information or, in fact, the contract, they find that there is a whole lot of exit fees and responsibilities that they were not aware of, that their parents or relatives had negotiated.

I am really pleased to hear that there are some suggestions about trying to make the whole approach to retirement villages easier to understand. The frequently asked questions are really important. The web-based calculator that was mentioned I think will be a really helpful tool for not only the people living in retirement villages but also carers, relatives and friends that need to take up the responsibility from time to time in that area.

I have also received a number of complaints over the years with regard to the provision and the payment for electricity and water, and, more recently, internet charges, and I think that that is something that does need to be clarified. Ongoing management fees seem to be an issue throughout the community, but certainly, as the member for Kaurua reported, the cost of retirement

village charges and CPI and what that actually means in a retirement village context is something that I think does need to be followed up.

Because, as I said, usually people come to see me about concerns they have as residents or people exiting retirement villages, the whole issue of dispute resolution seems to me to be particularly important, and I am glad that there are recommendations that talk about the fact that there can be group applications, and also suggestions that there needs to be support for advocacy and recognition of very good retirement village groups, as well as the South Australian Retirement Village Residents Association.

Like the member for Mitchell, I was really impressed, but not surprised, that Brian Mowbray from the South Australian Retirement Village Residents Association came to see me. It did take me back, as I am sure it did the member for Mitchell, to dealing with Brian Mowbray as the assistant secretary of what was then called the Metal Workers Union. He conducted his business in a totally professional way. He is certainly no shrinking violet with regard to agreements and legal matters, and he conducted the meetings with the member for Mitchell and me in almost the same manner you would have expected if you had been at Trades Hall.

Similarly, when we went to meet with the Minister for Health and Ageing, he conducted that meeting. The Minister for Ageing respectfully chaired that meeting, but certainly Brian Mowbray was in control of what we discussed. He was not quite as assertive with the member for Kaurana when he was the minister, but I think he had probably known the member for Kaurana in other work that he had done and felt a little more relaxed with the same log of claims, as he called it, that he put forward to both of those ministers. For me it was a pleasure to see.

Like the member for Heysen, I have had an interest in this area for quite some time and have actually done some work in the aged care area, and I need to mention that the shop steward, as I called her, for the retirement villages that I first met was Joan Stone. She was certainly a very fierce person who advocated for rights in a whole lot of areas for people who were considered to be seniors or in the older category.

I am really pleased that this has happened and I know that a number of constituents who live in retirement villages in the seat of Ashford will welcome these recommendations and probably lobby fairly hard that the minister, whoever they may be, actually put them into practice.

Motion carried.

At 17:58 the house adjourned until Thursday 28 November 2013 at 10:30.