HOUSE OF ASSEMBLY

Tuesday, 17 June 2014

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

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

Bills

SUCCESSION TO THE CROWN (REQUEST) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2014.)

The SPEAKER: The member for Morialta has something to say about the succession.

Mr GARDNER (Morialta) (11:02): I look forward to the opportunity, sir. I am not the lead speaker but, for fear of giving the Speaker the opportunity to spend the next 20 minutes talking about the Stuarts' rightful claim to the throne of England, I shall take the opportunity to instead make some comments myself.

The Commonwealth Heads of Government Meeting in Perth on 28 October 2011 saw the leaders of the 16 realms of the British commonwealth which have the Queen as sovereign agree to apply uniform changes to the rules of succession in each of their jurisdictions. The Council of Australian Governments then agreed to introduce the reforms by a request and consent scheme, and all other states of Australia have indeed passed their request and the consent bills. South Australia, as in so many things, I fear, has been lagging behind in this issue that is so very important to our constitutional arrangements.

Today, we have the Succession to the Crown (Request) Bill 2014. The bill requests the parliament of the commonwealth to enact under section 51(xxxviii) of the Constitution of the Commonwealth an act to change the law relating to royal succession and royal marriages. Such a bill does not allow the commonwealth to change the rules of succession for Australia's sovereign in the future without further consultation. The bill also makes consequential amendments to the Treason Act 1351, passed by the Parliament of England, as this applies to South Australia, to remove references to the 'eldest son and heir' and replace them with references to the 'eldest child and heir'.

The passage of the commonwealth legislation will change the law relating to the effect of gender and marriage on the royal succession, consistent with changes made to that law in the United Kingdom. This is to ensure that the sovereign of Australia is the same person as the sovereign of the United Kingdom.

Given that South Australia was the first place in the world to give women the opportunity to stand for parliament in 1894, and that we were the second place to give them the right to vote, it does shame us slightly that we are so far behind in passing this important legislation that would, in fact, give women the same opportunity as men to serve as our head of state.

This bill will allow the passage of such commonwealth legislation to reform the royal succession to remove the following bars: men will no longer be given precedence over women in the line of succession; it will remove the current bar on those in line of succession from marrying a person of the Roman Catholic faith; and a marriage of a descendant of King George II that was not made with the monarch's permission is void. I make no comment on the third item.

The British monarch is already quite free to marry someone of any faith other than a member of the Catholic community of Christianity, so the second part is deeply important. There are some elements of the arrangements that are still sectarian, and they are noted. Obviously that is not an ideal situation but, nevertheless, the Liberal party will, of course, support this measure which is important to our constitutional arrangements.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:05): I rise to speak on the Succession to the Crown (Request) Bill 2014 and indicate that the opposition will be supporting this bill fulsomely. It is, as has been outlined by our whip, the member for Morialta, a bill that comes to us as a result of the Commonwealth Heads of Government Meeting in 2011. It is important to note that at the time, when Her Majesty was present, that this was on the agenda and warmly received in Australia. At the time, the Prime Minister of the United Kingdom, David Cameron, made a number of comments, in particular the following:

> Let me be clear, the monarch must be in communion with the Church of England because he or she is the head of that church…

He went on further to say:

> …but it is simply wrong that they should be denied the chance to marry a Catholic if they wish to do so. After all, they are already quite free to marry someone of any other faith.

I think it is fair to say that the succession and removal of the discrimination against gender were almost overshadowed not only by media coverage but by the commentary that followed from the decision to relax the rules to allow marriage—but not, as I say, overshadowing the gender issue.

The decision to ultimately come together and ensure that there be reforms in our own Constitution and legislation, to be followed by each of our states at the Council of Australian Governments that subsequently convened, is obviously in recognition of this important step. However, I think it is also important to note that Cardinal Keith O'Brien of St Andrews and Edinburgh, Scotland, made statements about the aspect of the monarchy having the capacity to marry a Catholic but not allowed to be one, when he said:

> I welcome the statement from the Prime Minister indicating that his government, together with all of the Commonwealth heads of government, intend to reform the act of settlement.

Cardinal O'Brien had previously been quite outspoken on this matter, describing the continuance of it to be discriminatory and offensive. Accordingly, he noted with pleasure the announcements that had been made and also acknowledged Scotland's first minister, Alex Salmond, who welcomed the lifting of the marriage banns.

It is probably fair to say that, in Britain, this issue was more alive in the debates because of the longstanding rivalry and changes, of course, in those who are in charge of the British monarchy. In particular, the rivalry between England and Scotland was most evident. I am sure that most members of this chamber will be familiar with the history and significance of the rivalry between the Roman Catholic faith and the ultimate birth of the Church of England. Its grip on the British monarchy is legendary.

It is a bloody history—there is no question about that—and on more than one occasion Scotland became the place of seclusion and protection, principally for monarchs of the Roman Catholic faith whose lives were at risk. Mary Queen of Scots is probably the most famous example of a British monarch, or a person who considered themselves as a member of a family entitled to have the 'Queen of England' status, where we saw extraordinary rivalry. I think it is fair to say that it remained common in the continued rivalry between Britain and France, and members will be familiar with the enormous number of battles that occurred between countries led by these different faiths. As I said, it has been a bloody history and I think that all civilised Britons and members of the commonwealth are pleased to see this advance. It is also a day that we celebrate the recognition, although it has been somewhat overlooked in the debates around this as a result of the Church of England and Roman Catholic rivalry, if I can put it as kindly as that; however, we do need to consider it.

South Australia has been established as an independent colony and state. As is well known, we joined with other colonies to establish, through the constitution of the commonwealth, the Commonwealth of Australia. That remains today as part of our tiers of government and parliament and with it, its own legal/judicial appendages historically leading all the way to the Privy Council and culminating in final decisions by the High Court of Australia. We have had an interesting history in the development of our governance and the independent judiciary, but, along with that, we have maintained our connection with the British monarchy. We have had the benefit and protection to enhance our own legal and parliamentary systems by having the King or Queen of England within our governance and that has served Australia well.

I think that is an important point to remember by those who might still chant, rather dismissively, the need to be even considering this, namely, those who oppose a continuation of the involvement of the Queen and/or King in our Australian structure and advocate for a republic, and I am indeed one of them. I was a strong supporter, and remain so, that ultimately Australia should become a republic.

It is not a debate today about the merits of that progression, but I do make the point and I remain respectful of it that the Queen of England, Elizabeth II, is not only the Queen of England, but since our own legislation and the passage of the Australia Act we as an independent country in the 1980s confirmed her as the Queen of Australia. We recognise her with a separate sovereign title as Queen of Australia. We asked her to accept that. She did. We passed the law to secure it and, in my view, we should continue to respect that, particularly as she has undertaken that responsibility.

I have always been an advocate of the view that, at whatever time Australia decides that it might mature into a republic, we should not sack the Queen. She has been appointed by us (which has been confirmed in our own legislation more recently) and she has served us well, and for as long as she wishes to remain our monarch, I do not think we should interfere with her. Upon her retirement, whether that be upon her death or her voluntary leaving of the throne, then and only then, should there be consideration of the implementation of any successful model to follow.

Not everyone shares that view, but I can remember during the debate that, whilst I was a great advocate of the view that if we loved Her Majesty then we should let her go—and I am still of that view—I have enough respect for her and the extraordinary contribution she has made to our country and to South Australia through her Governor-General and/or Governor respectively and, therefore, having appointed her in that way, I do not think we should demur from it.

However, this means that, as part of the family of the commonwealth Australia and its states that have independent links with the monarchy through their Governor, we need to make provision for this to occur, which is exactly what we are doing. It will formally request the commonwealth to amend section 51 of the constitution to change the law relating to the royal succession and the royal marriages, and that is something that we fully support on our side of the parliament. However, I just wish to address one of the consequential amendments that is proposed to the Treason Act 1351.

There is an interesting provision for the way that we have included the Treason Act. In some ways, it is the lazy way into our criminal law system. Most people understand what treason is. It is obviously to provide for the monarch or members of his or her family protection from being under threat. I think, under previous legislation, even the mistresses of a monarch and their families are protected. They seem to attract no protection or entitlement to inheritance as illegitimate children of a monarch but, in looking through some of the early treason acts, they have some protection.

Dare I say it, the lazy way, at first blush, of bringing treason law into our criminal law system has been by way of an addendum to the Criminal Law Consolidation Act. We have not rewritten it. There is provision in the principal act (the Criminal Law Consolidation Act) for the offence of treason; however, to describe it, it has annexed the original act from 1351 and then some subsequent treason acts from subsequent centuries, which were passed and then repealed.

My understanding at present is that the original act (the Treason Act of 1351) still remains as part of our criminal law in South Australia. This is lazy because we do not attempt to reword it, in modern language, into the principal act: we just annex it.

One of the arguments that has been presented for doing it this way is that it is a very complex act, it is a very unusual piece of legislation and, sometimes, if you attempt to summarise something to provide some modern descriptors, you lose key pieces of text which may or may not affect its application. It is one of the arguments which is sometimes used against codifying a common law right or entitlement; that is, if you try to translate centuries of accrued protection under common-law development, and try to summarise it into a statute, you may inadvertently exclude some of the protections or defences that may go with it, or, in fact, the capacity to effectively implement it. So, what is otherwise really a lazy way of doing it is attractive in some instances, and that is the way in which the Treason Act of 1351 has come into our system.

Why is this important? Because, obviously, it provides for an offence against the monarchy and various representatives of the family or consorts, and because of the reference in it to who their heirs and successors are. In particular, the provisions of the Treason Act state:

Whereas divers Opinions have been before this Time *in what Case Treason shall be said, and in what not;* The King, at the Request of the Lords and of the Commons, hath made a Declaration in the Manner as hereafter followeth; that is to say, When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his Queen, or of their eldest Son and Heir; or if a Man do violate the King's Companion, or the King's eldest Daughter unmarried, or the Wife of the King's Eldest Son and Heir; *or if a Man do levy War against our Lord the King in his Realm,* or be adherent to the King's Enemies in his Realm, giving to them Aid and Comfort, in the Realm, or elsewhere, *and thereof be probably attainted of open Deed by the People of their Condition*…

It goes on to make provision for other justices, chancellors and so on who can also have some cloth of protection under this legislation. Importantly, throughout, the act makes provision for the 'eldest Son and Heir'. Interestingly—and this is something that perhaps the Attorney can indicate—this bill makes provision for the removal of the eldest son and heir reference to be replaced with references to 'oldest child and their heir'. What is interesting is that there appears to be no similar provision for recognition of the King being converted to the monarch, or the reigning monarch, at any one time. So the Treason Act 1351 remains as an appendage, it remains with the words 'the King' and others to have protection, as I have indicated.

We know that other legislation provides that where there is reference to 'he', it can include 'she'. We have other legislation which makes provision for the King or the Queen to be the sovereign either way without tampering with the original act. I find that a little unusual and I would like some explanation from the Attorney as to why we are going down this course for the actual changing of the words in the act as distinct from a reference to the eldest son and heir being converted to the oldest child or their heir.

There may be some new reason why we are doing that or it may be that I have misunderstood the bill, but it seems to me that if we are going to tamper with the language of the old act, then quite frankly we should be putting it all into modern form in the principal act, and that may need to come at some other time. But I make the point that if we are going to simply adopt this and keep it still as part of our legislative regime, having passed the Treason Act from 1817—and I think there was another one from 1795—and then repeal their application as I read the act, then we should be tidying up the application of the 1351 legislation.

It is interesting and I suppose you, Mr Speaker, would have some pleasure in reading this legislation. The language is unquestionably beautiful. However, it is sometimes difficult for the current readers to appreciate or even understand. You look with shock, Mr Speaker, but I can remember you delivering a second reading contribution in Latin at the time of changing legislation here to remove references to Latin in the preambles of our legislation.

You seemed to be suggesting there was some protest to this modernisation of acts. I did point out that you were the Attorney-General so you did not have to do it if you did not want to. Nevertheless, in your little stamping toddler-style of protest, you read it out in Latin and at your own hand did fall the beautiful Latin preambles we had in our legislation. I know that you will appreciate the significance of the beautiful language in this legislation. It does require quite a bit of effort to work out what it actually means when you read it because, having identified all the people who get protection under this bill who have been judged for treason, it says things like:

And if per case any man of this realm ride armed covertly or secretly with men of arms against any other, to slay him, or rob him, or take him, or retain him, till he hath made fine or ransom for to have his deliverance, it is not the mind of the king nor his council, that in such case it shall be judged treason, but shall be judged felony or trespass, according to the laws of the land of old time used, and according as the case requireth. And if, in such case, or other like, before this time any justices have judged treason, and for this cause, the lands and tenements have comen into the king's hands as forfeit, the chief lords of the fee shall have the escheats of the tenements holden of them, whether that the same tenements be in the king's hands, or in others, by gift or in other manner, saving always to our lord the king the year, and the waste, and the forfeitures of chattels, which pertain to him in the cases above named; and that the writs of scire facias be granted in such case against the land-tenants without other original, and without allowing any protection in the said suit; and that of the lands which be in the king's hands, writs be granted to the sheriff of the counties where the lands be, to deliver them out of the king's hands without delay.

I hope nobody shows this to the Treasurer, because I fear he will be trying to enact some provision of this act. I suppose he has to marry a princess to try to get some protection for himself but, in any event, I fear what would be imposed on people who might in any way cross him. I think probably to even ask a question in question time could actually incite the provisions of this act, and that would be a worrying moment.

In any event, I make the point that it is legislation which has been time-honoured. Obviously, it is one of the few pieces of legislation which actually remain part of our criminal law, in this case, that applies to us all, so we should be mindful of it when Her Majesty, or members of her family or her appointed officers, are under threat in any way.

I have previously had the honour of being involved in consideration of what we would do at a constitutional level, with former minister Conlon (both of us in a previous life), in the event that there was to be a successful federal republican vote and the office of Governor-General changed and the connection to the Queen in those circumstances severed. We considered what we should do in South Australia and the options we would have in respect of the relationship we have with our own Governor, which is independent and legitimised independently of the relationship between the Queen and Governor-General of the Commonwealth of Australia.

We have our own direct connection with the Queen via the Governor. The Governor is appointed in an entirely separate manner and, whatever the commonwealth did, did not necessarily put any obligation on South Australia to give up our Governor. It is certainly one of the things that could have been continued and of course still does today. We could decide to continue it either in its current form or in others.

We have special rules that we apply in South Australia, and our own Governor has a number of responsibilities and privileges that do not all vest in the state's constitution. One I have often reminded successive governors in South Australia of is their responsibility to be the keeper of the royal fish. From time to time I have mentioned to incoming governors what their responsibility is. This is whale, sturgeon and dolphin, which are—

An honourable member: Carp.

Ms CHAPMAN: Not carp, no. They do not get a guernsey, and I do not think Her Majesty wants them. These fish have very special significance. They have a link in England's history, of course, with Her Majesty. Quite frankly, I would be interested to see if there is any challenge at some time as to which should prevail: the rules which provide for the obligation of the Governor as the keeper of the royal fish, or the South Australian fisheries act. Which should have the ultimate right of protection?

It is quite handy, I am sure, to be able to drop out—it is a bit like name-dropping. If you are the governor, you are out fishing and the fishing inspector comes along, I suppose you could always say, 'Listen, I am the keeper of the royal fish. You can't pick me up.' I make the point that we have a strong relationship with Her Majesty via our Governor. He or she is the representative and plays a very important role in our political and civilian life in this state.

I for one would be concerned about severing that relationship by not having a head of state. Whether it takes another form in the future, we will see, but we in South Australia are clearly entitled to keep that relationship as long as we will, whatever they decide to do in Canberra. In any event, I make the point that sometimes when we do tighten up legislation, try to rewrite it, try to simplify it, we can make mistakes and, usually by inadvertent omission, lose some protection of someone who should otherwise have the benefit of it, and we need to be mindful of that.

At the federal level, as I have said, the questions of both gender and marriage, when that legislation is passed, will provide for changes to the royal succession. My understanding is that England has already passed this legislation. They have already celebrated the right of girls to be recognised. I assume it is still firstborn. No-one seems to have breached the debate so far about whether it should have to be the firstborn.

Mr Gardner: It should be the most meritorious.

Ms CHAPMAN: That could be a debate for another day. Our inheritance laws and a number of other things give recognition to the firstborn throughout history. Now we have a more even-handed approach under our inheritance laws to the provision of entitlement to claim in the states, for example. We still have some other titles—not in South Australia, but obviously in England, not just at the monarchy level—but the hereditary titles for barons of the land give some pre-eminence to the firstborn, and the firstborn male still seems to take a fair bit of precedence.

It is hard to be a duke, I suppose, if you are a female, but one would assume that the duchess role, which is currently provided to the spouse of the duke, will have a significance in its own right

similar to the Queen of England as a monarch in her own right and not just the queen by virtue of being married to the monarch.

The consequence of this legislation, it appears, will not affect the current lineage entitlement to the throne. For however long we remain in the relationship with the queen or king of Australia/England, this will remain significant to us. As I understand it, because Prince Charles is the eldest, issues of retrospectivity will be irrelevant. He will be the next heir to the throne, irrespective of whether he is a male or female, because he is the first born—

Ms Redmond interjecting:

Ms CHAPMAN: —and his firstborn, as the member for Heysen points out, is also a male child, and his firstborn is also a male child. The actual application of this legislation seems to be some generations away, and it may not even be in your lifetime, Mr Speaker, or mine that we will see the firstborn in the English monarchy ascend to the throne; but it will be an important day in the recognition of gender equality, I think, for it to be recognised and for that day to occur.

It would probably be only in a circumstance of the tragic and untimely early death of the current heirs to the throne that that situation would otherwise arise. If young George, who I think is fourth or fifth in line to the throne, was suddenly thrust into prominence and he was to marry and have a child, a firstborn female, then we may see it, but it seems unlikely. It is important that it is there and that we have an opportunity to recognise it.

I will just go back to the issue of being able to marry anyone of another faith. There is no question that the law developed for the British monarchy to allow someone to be a member of any other faith, except Roman Catholic, within the Christian family was absurd—absolutely and utterly absurd. We know the history, we know the rivalry, we know the bloody battles over the throne, the imposition of one faith or another, the burning of bibles, and the shocking wars as a result, but it had clearly reached an absurd situation where someone could marry someone of any other faith but not marry amongst the Catholic community.

I would hope that it is a sign of some level of respect for the independence of and opportunity to recognise other Christian traditions. I think in a rather unique way we have ended up with this development in England whereby the monarch, as explained, because they are also the head of the Church of England, must still remain in communion with the Church of England, to swear to preserve the established Church of England as Anglican and the established Church of Scotland as Presbyterian, and swear to uphold the Protestant succession.

So, we needed to ensure that, whilst this quirky development of history has provided for the protection of the Presbyterian faith in Scotland (otherwise we might have seen the secession of Scotland a lot earlier, I suppose), in any event it is way past time I think that we ensure that the capacity for people to make a personal commitment to someone of another Christian tradition, in particular the Roman Catholic faith, is now settled. I think that is a joyous occasion, and I think that for as long as there remains a commitment to the Church of England, which the monarch has the privilege of being the head of, obviously we are going to see this commitment to it, and it is going to remain in our law, but we should not in any way impede those personal partners for members of the monarchy.

If one reflects on the tragedy of when laws act to exclude others—before my time but just in this last century—let me refer to the circumstances where there was a demonising of a member of the British monarchy who chose to have a personal relationship with another, namely, of course, the abdication of the throne by the Queen's uncle and her father then taking the throne. The pillorying of the King when he chose to announce his intention to marry a divorcee from the United States and not of the Church of England faith was an outrage, and today it just simply would not be accepted, but it brought about a crisis in England at the time. Doubtless, there were lawyers running everywhere and there were constitutional advisers, and prime ministers and everyone else were sent into a fit of pique to immediately halt or try to resolve what would occur if an heir to the throne was going to disobey the rules of the nation.

So, it must have been heady days to live through that. Certainly, when I have asked others who remember it or remember being in England at the time, it is hard to imagine how anyone in the world avoided the media coverage, and even still today stories are written about the abdication of the King of England to marry the woman he loved and to pursue a personal and private life with her.

It is a lot, obviously, to give up. It sent a country into turmoil, and it will be written about for a long time to come. This is hopefully the end of some of the traumas that have surrounded the monarchy and the people of Britain, and they now have some relief, and we as a member of the commonwealth family, who enjoy the privilege of having Her Majesty and the royal family serve us, are indebted to them, I think.

It was pleasing to see that most recently when the grandson of the current monarch, Prince William, and his wife visited South Australia they were warmly received by South Australians. Members of the government obviously were present and I think that all South Australians should appreciate the government's assistance in making sure that that trip was a success and safe.

These things are expensive, but they are important and indicative of the value, respect and recognition South Australians have for Her Majesty and, in this instance, shown during the visit of her grandson and the duchess. I commend the passage of the bill and look forward to listening to the contribution of others on the debate.

Ms REDMOND (Heysen) (11:50): I feel somewhat inadequate after that learned dissertation by our new shadow attorney-general but, as a member of Her Majesty's Loyal Opposition, I want to make a few comments on this bill. It seems to me an odd thing that, for a start, we are the last state, apparently, to be putting into place the request, which is the essence of this bill, the Succession to the Crown (Request) Bill, because neither this state, of its own volition, nor the commonwealth, without our request, can change the matters we are dealing with. So, the mechanism is that we request the commonwealth to amend section 51(xxxviii) of the constitution to make certain changes.

As has already been pointed out, primarily the change brought about by this request in due course will be that the matter of succession by a female will be placed on an equal footing with that of the male. That, of course, is something about which I have spoken on many occasions in this chamber, not in the royal succession sense but in the gender equality sense. So, obviously, I am very much in favour of the change that is being proposed. I do note, Mr Speaker, that you and I might have a similar view about the way that it is to be achieved because they are going to remove references to 'eldest son and heir' and replace them with references to 'eldest child and their heir'. Technically, if one is pedantic, it would be 'and his heir' rather than 'their heir'.

The SPEAKER: Indeed. It's a question of number.

Ms REDMOND: However, that is the change to be made, and the effect of it is something that I do support, that is, that we do have a change that will enable equality of succession regardless of gender. As I said, it is strange to me that it is almost three years ago that the 16 realms of the British commonwealth got together in Perth and agreed to make these changes.

Apparently, even in the UK the changes have been made and, technically, at the moment, were we not to put this through, we could have a different person succeeding to the monarchy from what would occur in the UK but for the happy circumstance referred to by the member for Bragg (the shadow attorney-general) that is, that it happens that all the relevant successors at the moment—all the relevant first-born children—are indeed male in any event. I think that is something to be welcomed, even though it has been somewhat slow in arriving.

The real reason I want to make a few comments on this bill is that it seems to me that the bill does not go far enough, inasmuch as it then touches upon the issue of the involvement of the monarch as the head of the Church of England and the prohibition that has existed up until now which prevents that monarch from marrying a person particularly of the Catholic faith. Indeed, it has long seemed to me that it is inappropriate for there to be references in our constitution to faith. I have no objection to beginning each day in this chamber with a prayer because I think, whether a believer or a non-believer, it is useful for us to remind ourselves at the commencement of each day in this place that we are here to serve the people of the state, and the effect of the prayer is that we do just that.

Bearing in mind that in this state, of all places, this was, to quote the book of the title, the *Paradise of Dissent*. Back when this colony was first being established, when the debates were occurring back in the 1820s—so almost 200 years ago—the difficulty from which people were trying to escape was that you had to be a member of the Church of England to progress in the Public Service in the United Kingdom.

The reason the City of Adelaide is the city of churches is not that we have so many churches but that we have such a variety of churches. People from all faiths came to this particular colony, this wonderful utopian vision for the future, where people could have absolute freedom of religion. We had Unitarians and Quakers and all sorts of people who came to this colony and thus established the city of churches because we were a paradise for the dissenters who did not want to be bound to the Church of England. Yet, for all this time, we have had a situation where our monarch, by statutory requirement of our constitution, federally and, in essence, state, has to be a member of the Church of England.

When I say that this legislation does not go far enough, what I mean is that, in my view, given that we have a philosophy in this country of the separation of church and state, that there is no state-controlled religion, that there is no basis upon which we connect church and state in this area, either at federal or state level, it seems to me that we should be passing legislation which goes further than we are doing at the moment. What this bill will do is remove the requirement that the monarch cannot marry a person of the Roman Catholic faith, but it still means that there is a requirement that the person who takes the monarchy will still be in communication with the Church of England, swear to preserve the established Church of England (or the Anglican Church) and the established Church of Scotland (or the Presbyterian Church) and swear to uphold the Protestant succession.

I am what you would call an incrementalist in terms of change. I think that, not always but most of the time, change is best achieved incrementally because those who are afraid of change find that, with a small change, the world has not fallen down, the sky has not fallen, and they cope with that. You can then move on to the next bit of change and the next bit of change, and gradually you will achieve a better outcome than if you try to introduce a massive change and then there is a groundswell of people who are frightened by it and want to move back in the other direction.

So, I am incrementalist in terms of change, but I really think that 200 years is about long enough. Incrementalism can go too far, in my view. As I said, I think that we should be looking more towards a future where not only does the gender of the person who is becoming the monarch not matter but it does not matter what their religion might be because there is a complete separation of church and state in any event.

I declare that I am a republican. I have been a republican since I was about 12 years old, when I began to contemplate the fact that I did not think that anybody should get any job by reason of their birth, and I have held that view ever since. That said, I am a great admirer of Queen Elizabeth; I think she has done an absolutely magnificent job. When we had the referendum, I wished that the referendum had got up. It was worded in a way that it was almost sure not to get up.

I believe that what we should have had was just a simple question that said: should we become a republic? If that question were answered in the affirmative, which it almost overwhelmingly would have been, we should have said to Her Majesty, 'Your Majesty, we're very happy with the job you've done and the job you're doing, but when you go, we go,' and we would have had many years to come to a conclusion about precisely what model we should adopt and how we should move to that republican phase.

I think the member for Bragg (the deputy leader and shadow attorney) may have mentioned the fact that you would not necessarily do away with having a governor or anything like that by virtue of a move to a republican model, as I wish we had. That said, this bill is primarily about two issues: the gender for succession, and I absolutely endorse what is happening there albeit, as the shadow attorney-general pointed out, it is really not going to be relevant, in all probability, during our lifetimes. The point I do want to make, on the issue of religious requirements for the monarch, is that I think it is time that we removed any reference to that. Therefore, I would have supported a move to go even further than what is proposed by this bill, had it been put to us, but, that said, I do support the bill.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (12:01): I thank honourable members for their contributions, particularly the deputy leader. I have to say that I find each day in this chamber more and more enlightening, but few more so than this morning and her contribution, so I deeply appreciate that. I think, with members' assent, we will move into committee.

Bill read a second time.

Committee Stage

In committee.

The Hon. T.R. KENYON: Madam Chair, I draw attention to the state of the house.

A quorum having been formed:

Clauses 1 to 7 passed.

Schedule 1.

Ms CHAPMAN: I refer to proposed part 3—Marriage and succession to the Crown, and clause 7—Removal of disqualification arising from marriage to a Roman Catholic. The reference here obviously deals with relaxation of the rules to no longer disqualify someone succeeding to the Crown if they choose to marry a person of the Roman Catholic faith. My question is: how is that to be defined? Is it a self-disclosure, do you have to be baptised, or do you have to be deemed? Obviously we have different rules as to how these apply, and, because this is a missive going to the commonwealth giving our intent, I would like some clarification on that.

The Hon. J.R. RAU: I thank the honourable member for her question. As I read the thing, we should probably start with the Act of Settlement and work forward. I am not saying that in an entirely frivolous fashion; if you look at the provisions here it refers to people as 'Papists', presumably, at the time, as opposed to people who were Protestants of some description. I think the short answer is that it is someone who claims to be in some way connected with the Roman Catholic Church, whether by reason of formal confirmation or the adoption of that faith as their professed faith.

My second point is that it is, in any event, probably academic, because this is actually removing a barrier that existed for these people; it was only a problem inasmuch as it presented a barrier. Now that the barrier is removed, it is academic whether one is a Roman Catholic (however that might be defined) or whether one is not. The prescription was simply that you carved out these group of people who were, in the language of the time, Papists; they were prohibited partners. This seeks to remove the prohibition on Papists being an acceptable partner. Given that is the case, and from the perspective of the legislation (once it is amended), I guess everyone is the same. They are just a person, and not classified as Papist or otherwise.

The last point I will make is that, as I understand it, this is a format which has been recommended across the commonwealth to be adopted pretty well universally. Therefore, for us to decide to unilaterally have a slightly different point of view about how we do this might inadvertently create other complexities.

Ms CHAPMAN: During the debates we have canvassed this question, about it being as a result of the COAG agreement and the general sympathetic approach of all those participating to ensure that we hasten the passage of this bill, with our blessing. However, whilst we are removing it for the purposes of marriage, as the Attorney would be aware—and I am sure he has listened carefully to the debates on this matter—with the passage of the commonwealth legislation one will be entitled to marry a Catholic but cannot be one to be a monarch. So the bar of being a Roman Catholic is still relevant to the whole issue in relation to succession to the monarchy.

We are still left with that problem, not specifically for marriage, but we are left with it because you are barred from it. It may be that you will need to get some advice from England as to how this is going to apply, but it seems to me that we need to know whether, in fact, you have to be a self-proclaimed one, whether you are to be determined by some person or body to be one, or whether you are prohibited from staying as a monarchist if you avow to become one or actually become one. I assume it gives some disqualifying feature that you would have to abdicate if you became one. These are all things that are going to be pertinent to the continued succession.

We have had some general discussion this morning in this debate about the unlikelihood of there being a female heir in our lifetime who actually aspires to the throne as a result of being the first born, but there is every likelihood that we could see any member of the monarchy—our monarchy too—being the current Queen of Australia under the Australia Act. If Prince Charles, Prince William or Prince George were to change their mind and not just marry a Catholic but become one, I think we need to know, so perhaps you could have some letters patent or something sent from the palace to let us know what is going on and how that is going to work.

The Hon. J.R. RAU: This is a fascinating topic actually because, if I recall my history correctly, we had the issue with Henry XIII who I think it is fair to say was a controversial chap, then one of his daughters, Mary, who was a member of the Roman Catholic faith took over—'Bloody Mary' I think she was known as more affectionately later on—and she occupied the office for a while and was busily setting about making life uncomfortable for her little sister who was by a different mother, of course. Her little sister actually outlived her and became queen. Her little sister was Protestant and she was queen for a very long time, but then eventually when she moved on, not having produced any offspring, we had to go to some sort of remote heir.

The point is that we then wind up with Charles I who was Protestant. Charles I came to a bit of a sticky end. We then have the long parliament and Oliver Cromwell doing all of his stuff and that was all very Protestant. Then they decided that James VI of Scotland should come down and become king because he was a Protestant and then unfortunately, if I recall correctly, he did not last long enough.

Ms Redmond: I didn't know you were that old.

The Hon. J.R. RAU: Pardon?

Ms Redmond: 1648—I didn't know you were that old.

The CHAIR: Order! I am having enough trouble following this.

The Hon. J.R. RAU: Anyway, he dropped off the twig and then we have James II. Now, James II was a Catholic and there was an issue about whether he continued on in the role, and so at that time we have this provision about the Elector of Hanover and Sophia and all these people and that is how we get to where we are now, so everyone has to trace themselves back through this lineage.

I think there are two separate questions here. One is the question of discrimination in respect of a potential heir to the throne or, indeed, a person sixth in line for the throne, marrying a person of the Catholic faith or a papist, as the legislation describes them. That prohibition is to be removed by this and we are following the British model in doing so.

The question of the succession to the Crown itself is a quite different matter (which I think might be covered by the Regency Act) and one needs to remember that the king or queen of England, aside from being king or queen of England, king or queen of Australia, or whatever, is also the head of the Anglican Church and it might be a little difficult if the head of the Anglican Church were a member of the Roman Catholic Church. It is a bit like being a member of the Labor Party and the Liberal Party. I think it might be complicated.

I think the question the honourable member raises is one which actually moves from the temporal to the spiritual and I think, from what I can see of the British legislation, they have not bothered to try to tackle that one because that would be a whole new matter all of itself. I think the gist of it appears to be that you can marry whomever you wish, provided they are otherwise acceptable to the monarch of the day, but this does nothing to enable a person of the Catholic faith to become the monarch.

Ms CHAPMAN: I understand that; I am asking about what happens.

The Hon. J.R. RAU: What happens? I assume what would happen is that children of a marriage between the monarch and a person who was a Catholic would have to determine what faith they wish to embrace, and if they embraced the Protestant faith (or the Anglican Church) it would matter not a jot whether they were a male or a female; all that would matter was who was the eldest.

If they decided to choose to be a member of the Roman Catholic Church, then they would have to contend with a completely different piece of legislation, and they would have to assess whether or not they preferred to be a member of that church or whether they preferred to be whatever in line they were for the monarchy.

Ms CHAPMAN: The clarification I am seeking is whether, because you are prohibited from becoming a monarch if you are of the Roman Catholic faith, the question of the definition of Roman Catholic is still relevant; that is, not to the abolition of the provision of their barring to marriage but on the right to the monarchy. Obviously because monarchs will now be able to marry a Catholic and

these issues will arise, there is going to be the question of whether or not someone is a Roman Catholic.

It may be that, for example, someone who might want to apply for the job to be the monarch is 40 years of age, has spent the past 40 years going to every Roman Catholic celebration and church service that is available to them, has gone through every baptismal and confirmation ceremony that applies, and then says, as their parent is about to drop off the perch, 'I am Church of England.' I raise it because it just seems to me that we are going to have this situation whereby, while the king or queen remains head of the Anglican Church, they must continue to support the lineage as a Protestant, etc. Once we have opened up their right to marry a Catholic, it does attract this question of how it is going to work, so I just make that point.

It may be that somebody in England has not turned their mind to that yet, probably because Prince George is too young to have a girlfriend, Prince William has done the right thing and married an Anglican and Prince Charles has sort of had a bob each way. I hope that does not impose some breach of the standing orders for criticism of the Queen, but, he seems to have, at least in his second marriage, someone who is espousing to be a member of the Anglican faith. So, we do not have an imminent crisis, but we need to sort it out for as long as we have the king or queen as the monarch of Australia.

The Hon. J.R. RAU: I will do my best to get to the bottom of this, and if we have to write to the Palace, Westminster or somebody to do it, so be it, that is what we will—

Ms Redmond: I'll go!

The Hon. J.R. RAU: The member for Heysen wishes to go personally as an emissary, and that is fine. I must say that I do not believe that particular problem would be something which is completely new. As I understand it, at various times in British history there have been people who, to all intents and purposes, presented as being one thing and were in fact another, which is why a lot of those old buildings have got these little things behind bookcases where you used to be able to go in and have a quiet pray and do your stuff without anyone knowing; so, that has forever been the case. I think the Duke of Norfolk, or one of them, was the only one who had ever held the line as far as the old regime was concerned, but anyway, that is another story. But, yes, we will look into it. The good news is that we are not in any imminent risk of this becoming a clear and present danger.

Schedule passed.

Schedule 2.

Ms CHAPMAN: I have reread the provision, Attorney, during the course of your erudite responses to my earlier questions. It is possible that the questions I raised in the debate on this matter are clear, but I would like you to make it crystal clear. This is the provision relating to the consequential amendments to amend the Treason Act 1351 passed by the Parliament of England. 'The act has effect as if—' followed by (a) and (b) which remove the male heir and supplant it with the eldest child.

I raised in the course of the debates—which I am sure you will remember; you would have been listening carefully—that we have legislation that does not tamper with original legislation. We have laws, for example, that provide for 'him' to be read as 'him or her' in legislation and, rather than actually rewriting the act, for it to be so interpreted in the future. Our Acts Interpretation Act provisions, most famously, actually, for this chamber, were as a result of the lady sitting up there in Versace blue—Joyce Steele, the first female member of this house.

I should acknowledge her in this contribution because she and Dr Jessie Cooper were the first two women for the Liberal Country League elected to the Parliament of South Australia in 1959. She went on to build the first Magill Training Centre, which was then the children's prison out at Magill, and all sorts of things. I am not going to go into her history but I just make the point, though, that as a result, Frank Chapman—who I hasten to add is no relation of mine—then challenged the legitimacy and the entitlement for Joyce Steele and Dr Cooper to enter the parliament because the constitution, he advocated, should be read as 'he' meaning 'he and only he' and not to include 'he or she'.

In fact, as a result of that litigation after the 1959 election and the challenge in the Supreme Court—and I think the Hon. Don Dunstan actually was counsel for the case advocating that it should

include 'she'—the final decision prevailed, enabling the interpretation to be as 'he or she' when we read the word 'he' in the constitution, so instead of being barred from the parliament, that was allowed.

To make it abundantly clear, Sir Thomas Playford, the then premier of South Australia who also adorns our walls here—the longest-serving premier in the state for 26 of his 27 years, I think—moved amendments to the constitution. I think it was he who formally moved them, but it may have been his attorney of the day, and that ensured that in the future there would be no question about women's entitlement to enter the parliament and that they were legally able to do so under our constitution as validly endorsed, and then elected, members.

That was to put at rest forevermore the challenge for women coming into the parliament. The member for Heysen, I think, mentioned in her contribution the importance of this chamber in recognising women's right, the first in the world to stand for parliament, and the second in the world only by a few months for women to have the—

The CHAIR: Wyoming.

Ms CHAPMAN: Wyoming. Yes, Madam Chairman, you are absolutely right—

Ms Redmond: There's a few.

Ms CHAPMAN: Yes, that's right; New Zealand was the first, I think. As indicated there was a second.

Ms Redmond interjecting:

Ms CHAPMAN: I don't think that quite really counted, actually. In any event, they had the right to vote, obviously. But along with the legacy of this state, which was the first place in Australia to give the right to vote, to have a secret ballot for local councils and all of the other wonderful things that we have been pioneering, the importance of recognition of women in the house is paramount in these debates.

The significant aspect I want to raise is that I would not like to see, as I said in the debates, the destruction of the language of the Treason Act as it currently sits, perched in our Criminal Law Consolidation Act as an addendum, but that it is intact and that we have the translations with it in another language. There is no question that it is a testament to the extraordinarily beautiful and diverse language that we have had in the past. I think it would be a shame for it to be adulterated in any way.

As I read this schedule—and I would just like your confirmation on this—although it says amendment of the Treason Act, it is actually a reference, as we have in other legislation, for an interpretation, and the effect is that of a reference and not that it will be the victim of a great red pen going through it and having brutal, boring modern language inserted.

The Hon. J.R. RAU: Yes. I am delighted to confirm that the original language of this absolutely magnificent piece of history will be retained; it is only that the meaning of it will be changed. During the honourable member's remarks I have been reflecting on the fact that the legislation states:

…When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his Queen—

Ms Chapman: I've read that.

The Hon. J.R. RAU: I know, but here is where it gets interesting, because I think you might have inadvertently or deliberately exposed a very interesting point. It goes on to state 'or of their eldest Son'—and now we read 'eldest Son' to mean 'eldest child and heir'—and here is where it gets interesting—

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, indeed. It goes on to state:

….or if a Man do violate the King's Companion—

What does that mean—

or the King's eldest Daughter unmarried, or the Wife of the King's Eldest Son and Heir.

It might be that the affront of violation does not uniformly result in a treason charge, and that is something we should ponder. However, I do not think we need to worry too much about that today.

Schedule passed.

Preamble and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (12:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADMINISTRATION AND PROBATE (REMOVAL OF REQUIREMENT FOR SURETY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 May 2014.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:29): I rise to speak on the Administration and Probate (Removal of Requirement for Surety) Amendment Bill 2014. It seems that in this morning's debate we move from entitlement to a title to entitlement to property, and this is what the principal act is all about: that is, ensuring that people's estates are distributed either according to their testamentary intent—usually in the form of a will—and/or to be administered according to the law where a person does not leave a valid will; the default provisions as set out in the law will then apply.

It is an important area of our law because it sets out the rules for the administration of the estates of deceased persons. In my experience—and it is probably that of others—there are few things that bring out the worst in people more than the distribution of estates and the grief that it sometimes causes in families, apart from the extraordinary amount of energy and time and tears that are invested in the distribution of estates. Even if the will of the deceased person or the testator is crystal clear, unfortunately there are few of areas of litigation which bring such pain and such zealous application of people to bear.

I think it is regrettable, but unfortunately emotions often run high, family rivalries and historical relationships seem to bubble to the top, we have an incredible amount of litigation, and a lot of pain is suffered. Tragically, I think that in a number of situations some families are fractured for the life of those who are left. The law tries to handle this as best it can so it sets out a regime of how it is to work. Essentially, it means that if you have a valid will—and assuming for the moment that there has been either no dispute, or if there has been a dispute it has been settled—as to the validity of other wills, you end up with one valid will.

We have a probate process where in certain circumstances—such as the existence of real property as a part of the estate—there is a process to go through for the Supreme Court to declare that that will is the valid will to be probated and therefore to be declared the official text as to how the estate is to be distributed. Then there are processes that go through that. So we have a special regime for that and we have a special regime for a court to declare how an estate is to be administered and who is to be appointed as the administering party for an estate where no valid will has been left at all, or left standing.

It is quite an extensive area of the law and it is complemented by the Inheritance Family Provision Act which sets out another regime of law to deal with people who are usually not in the will and want to challenge it and want to be able, in certain circumstances, to satisfy a court that they should have a legitimate share, or make some challenge to a portion of the estate. So it is complex and it is fuelled with emotion when it comes to disputes in this area, and I do not think that is going to change.

One of the ways that the management of this difficult area is aided is to have trustees, executors and administrators of these estates who are either appointed by virtue of the testators leaving that in their will or, ultimately, by court, to provide for a person or entity to have the responsibility of management. So, to facilitate the dispute resolution through a court or through some mediation, and then ultimately when the dust has settled or a court has made the determination, to have the responsibility to administer the estate—these are very important roles.

Obviously where there is some friction or level of emotion amongst the prospective beneficiaries in these cases, sometimes the person who is appointed to be in charge is under enormous pressure. They should not be, but sometimes they are a member of the family to which the dispute relates and so some extra resilience is needed for that person if they are in that role. Sometimes the court appoints an institutional entity—the Public Trustee or a private executor company or a person who is not a blood relative of the deceased, but an accountant or someone else who has a role to play in the administration.

One of the things that the law has historically done is made sure that if you are going to be an administrator or a trustee or an executor you have to comply with certain standards, the first of which is that you are not allowed to run away with the money. There are a whole lot of things that sit underneath that, obviously, but we understand the point, that is, that you have a responsibility, and the law imposes on you a certain obligation, to ensure that you diligently apply the terms of the judgment of the will document to ensure that it is distributed ultimately in accordance with that.

There may be lawful deduction of fees necessary for the persons who are employed to identify assets, value assets, transfer assets and the like, and that is usually a myriad lawyers and others who come into that role. But, nevertheless, you are the person in the end, either on behalf of an entity or individually, who has an obligation to do that. The Trustee Act, for example, which sets out a whole lot of rules about what you should and should not do and sets out another regime of law to make sure people in these roles do the right thing.

I think most people want to do the right thing. Some people do not understand the complexity of it or, having understood the complexity of it, a very small portion I think are tempted into getting some benefit themselves that they should not. When maladministration occurs when somebody is either tempted or has, in fact, had a clear intention to take what should not be theirs, then the lawful beneficiaries miss out in some way. Therefore, we have had in the past a provision for surety guarantees and for administration bonds etc.

So that is the history of this. The bill that is before us now (I think it came through from the Legislative Council) had its origin in making amendment to the law that relates to the Administration and Probate Act from the South Australian Law Reform Institute's recommendations. They provided a report titled, Sureties' guarantees for letters of administration' that was released on 23 October last year.

That report set out a significant summary of the current situation in respect of the protection of the management of estates when they are distributed, and identified some weaknesses. One of them, particularly, was the law in relation to the securities that are provided by guarantee. So, this bill has taken from that report only a small portion of what has been recommended, I think, but nevertheless not an unimportant one, extracted that recommendation and translated it into this bill.

Specifically the bill then will amend the principal act to which I have referred—the Administration and Probate Act 1919—to implement the first set of the reforms of the report to which I have referred, and remove specifically in the act the requirement and references to surety guarantees. The laws, as I have indicated, requiring a form of security against maladministration in South Australia, as currently enacted in the principal act, provide for an administration bond.

In 2003 the act was amended, first, to replace the requirement for an administration bond with the requirement for a guarantee and, secondly, to allow the Supreme Court to dispense with the requirement for a surety guarantee where satisfied that it is 'beneficial or expedient to do so' and requires a further or additional guarantee or a reduction in the amount guaranteed. The necessity, historically, to have a bond and then to have a guarantee with this escape clause via Supreme Court declaration, is obvious (and I hope I have adequately covered the reasons for the origin of this): to ensure that we protect against those small number of persons who might abuse or be overly tempted to dip their fingers into the pool of asset and take what should not be theirs. We have had this historical provision and it has developed along this way.

However, what has actually happened, on our understanding, in practice is that in almost all cases with an application the court takes advantage of the amendment and dispenses with the requirement altogether, or significantly reduces the amount of the guarantee. Sometimes there is apparently the appointment of a different administrator, a support or another administrator so that there is protection by having a dual person—like having a second signatory to a cheque account with the bank, so even if tempted or one has the opportunity and the will, they are barred from being able to do it, because they cannot get pass that threshold. I suppose you could forge the signature, but I am not here to give people ideas.

I just make the point, though, that we have had a significant relaxation, and this is one of the problems that happens as a result of a few people doing the wrong thing and everyone having to be burdened in this area of the law. Most people eventually have to deal with it one way or another amongst their family. Some escape having to deal with it, but in the end everyone is going to die, and somebody has to deal with what has to be resolved, even if they die a pauper.

We need to understand that we have developed a regime that has been unnecessarily oppressive for the overwhelming majority of people who do the right thing, who want to do the right thing and will continue to do the right thing. They were required originally either to put up a bond or, more recently, provide a surety, or go through the process of going off to the Supreme Court to get exemption to be able to press their case that they are a good, trustworthy, reliable administrator and that there are other means by which there can be protection.

I think the second reading contribution was by the Attorney. At least the first paragraph of it was; the rest was incorporated. I am not quite sure how that works when it starts in the other place, but I think at some stage we received it from the other place; somewhere along the line, the Attorney has given a second reading speech on it. I say that in the full knowledge that I am probably admitting I have not read your special contribution, Attorney, to this debate, but I am sure it is pretty similar to what was said in the other place. In any event, what we are told by the government is that there is really no evidence that anyone in South Australia has suffered a loss from an administrator acting wrongfully or that anyone has enforced a surety guarantee.

Unsurprisingly, the South Australian Law Reform Institute was asked to identify areas of succession law that were most in need of review. I think this is a quick and easy one to deal with. They identified it as being unnecessary and presented this for our consideration. The institute has recommended that, in the interest of effective administration of deceased estates, this reform should not wait upon the preparation of other amendments for reform which are more complex and will need attention to detail.

As I understand it, through some announcement (I cannot recall whether it was in this house or through a press release when the report was published) the government have indicated that they will look at the Law Reform Institute's work and the recommendations they have made, but this is one which they say you can press ahead with. Its individual attention and resolution of the ill to be cured as such, and the costly process that it would avoid, can be done now and done without having an adverse effect on other reform that will follow, we hope, from the other recommendations and the work they have done.

I thank the Law Reform Institute for the work on its report, and Professor John Williams, as director as at November last year, provided the opposition with a copy. I thank him and the institute for their continued work in this area and look forward to reading other contributions they will make. I think the institute is going to survive the budget in a couple of days—I certainly hope so. I think it still operates from the Adelaide Law School at the University of Adelaide. It is an important institution to South Australia and has been one that was consistent with Liberal Party policy in the time I have been here, so I am pleased that the government did ultimately provide an institute so that we could have law reform carefully examined and presented in a non-political way by the institute for our consideration.

All too often, I pick up *The Advertiser*—our only daily newspaper—or go online to find an announcement of the government by press release about what needs to be done or about what they are going to do to cure some social ill, in a fairly flamboyant and alarmist way often, which is disappointing. I think that we should be looking at law reform in a way that protects all South Australians but also understands that we do not make legislation in here as a knee-jerk reaction to

persons, who may be in a very small minority of victims, and subsequently impose a wall of obligation on the whole community because of the conduct of a few that has affected a few.

In the 12 years I have been here that is something we have repeatedly done, and it always concerns me, not because we do not act in a way to try to protect those who might have fallen foul of someone's inappropriate or antisocial behaviour by making it illegal or by making it more difficult to be able to carry out certain behaviour by everybody, but just to do with that without looking at other options about how we might deal with that I think is a shame. So I value the work of the institute; I think it is important.

This report on succession law, apart from some minor amendments that were presented by the former attorney, was the first time I can recall when there has been a comprehensive review of our succession law. From time to time we have had to deal with the Public Trustee in South Australia, usually sadly because of some adverse report on the behaviour of one or others in it. As to actually reforming our succession law, which is really important to so many people in the public, I think it has been hopelessly ignored.

One person I can think of who was a very strong advocate for this was David Haines QC, who passed away recently. Year after year he would say to me, 'Why isn't the parliament, Vickie, dealing with fixing up our laws in this area?' All this oxygen is going into bikie legislation, confiscating assets, cranking up the sentencing in our criminal law, yet no-one is giving any attention to the area of law which actually affects most people on a day-to-day basis.

I think it is timely that we have this legislation; I thank the Attorney for bringing it, having been alerted to it by the institute, and I thank the institute for its continued hard work. I am pleased to see by the nod of the Attorney that it is going to survive the announcements on Thursday. I think its work is valuable and long live its providing of law reform advice to South Australia.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (12:52): I thank the honourable member for Bragg for her contribution. I want to say a couple of things about it. First, I hope this augurs well for the new role the honourable member has as shadow attorney because already today we have an ecumenical moment where the two of us are here, we are of the same mind, we are both wishing to congratulate the Law Reform Institute, and I join with the member in saying what a great job they are doing.

The honourable member might be interested to know that the actual genesis of the Law Reform Institute, as far as I am aware, came to me as a member of the Law Foundation when Justice David Bleby, as he then was, came to the Law Foundation some years ago asking for money for the establishment of a law reform body, and he made a very compelling argument for it, but unfortunately the funds were not available on a recurrent basis from the Law Foundation. There would have been an initial grant but not a recurrent one, and that strong representation made by Jonathan Wells QC along with Justice Bleby stuck with me.

When I was fortunate enough to become Attorney, I started a conversation with the University of Adelaide and the Law Society with a view to having this tripartite arrangement which is now operating and which, as the honourable member for Bragg said, operates very well out of Adelaide University. I also take my hat off to Professor Williams who has done an excellent job, as have his staff and the students who work there—they have done a great job.

One of the fantastic things about the institute, from my point of view, and I am sure the member for Bragg will share this enthusiasm, is that we have academic people, we have people who are practical lawyers who are engaged through the Law Society, and I pay particular tribute to Mr Ray Frost, who is actually a driving force in this particular area—

Ms Chapman interjecting:

The Hon. J.R. RAU: Is he your lawyer?

Ms Chapman interjecting:

The Hon. J.R. RAU: He is—

Ms Chapman: Not probate yet, but—

The Hon. J.R. RAU: No, I have to confess that if I have anybody who has an issue about wills or anything I always say, 'Go to see Ray. He's brilliant.' I was talking to Ray one day and I said, 'Surely, you have some stuff that you are interested in,' and he said, 'Yes, nobody ever pays any attention to us. They think we are all just sitting in a cupboard.' I would like to acknowledge the work of Ray and his team in the Law Society. They have a subcommittee called probably something like 'succession and probate', which I think Ray chairs; they have done a fantastic job, and it is a great credit to them that this work is being done.

There is a virtual circle here: we have these dedicated practitioners putting forward good ideas, we have academics working them, and also students who get the opportunity to work in what is real legal research leading to real outcomes. Today, for the first time, that circle has come all the way around—from an idea to a project to an interaction between all these people to a recommendation coming to me, that recommendation going to the people in policy and legislation, the people in policy and legislation taking it to parliamentary counsel, parliamentary counsel giving it to me, we bring it into parliament, the parliament debates it and today it will pass.

I would like to congratulate the Law Reform Institute on having achieved what I think is its first major victory. It will be one of many to come. I can assure the member for Bragg that we will be following up those other recommendations from the probate area. It is my intention to bring as many recommendations as possible from the institute to the parliament so they are given decent hearing.

I note the remarks of the member for Bragg about how important it is to have an apolitical thinking body out there, not formulating policy in the heat of the moment but working it through. We are doing some very exciting work in the privacy area, which I hope the member for Bragg will be equally enthusiastic about when it comes here. I think it is fabulous that this is going through and I very much appreciate the support of the opposition. I am sure all those involved in the institute will be absolutely delighted when they read *Hansard* and see how highly regarded their work has been.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (12:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:58 to 14:00.

APPROPRIATION BILL 2014

Message from Governor

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as may be required for the purposes mentioned in the Appropriation Bill 2014.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today members of the Adelaide City Council seniors group, who are guests of the member for Adelaide, students from the Leigh Creek Area School, who are guests of the member for Stuart, and students from Nazareth Catholic College, who are guests of mine.

Condolence

BANFIELD, HON. D.H.L.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:01): I move:

That the House of Assembly expresses its deep regret at the death of the Hon. D.H.L. Banfield AO, former member of the Legislative Council, and places on record its appreciation of his long and meritorious service, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

On 5 June, I informed the house of the passing of the Hon. Mr Donald Banfield. He was 97. Donald Banfield served South Australia as a parliamentarian for 14 years between 1965 and 1979. He was minister for health between March 1973 and March 1979. Between March 1979 and May 1979, he was attorney-general, minister of prices and consumer affairs, and minister assisting the premier in ethnic affairs.

Don came to parliament following a long career as an official in the bootmakers' union (there's a trade you don't hear much about any more) and was well respected on both sides of the house. The third child in a family of seven, he was brought up and went to primary school at Wirrabara, where his father had a shoe shop. After the Depression hit his community hard, Don's father closed the shop and went to work for his largest creditor, Rossiters, to offset his debt. It was at Rossiters on Unley Road that Don, too, became an apprentice bootmaker and a union representative.

Don served two years with the RAAF in World War II, before returning to Rossiters and becoming a union official. He was married to the late Doreen after a wartime courtship, and had two sons, Keith and the late Robert. He came to parliament filling a casual vacancy in the Legislative Council and coinciding with the election of a Labor government for the first time in more than 20 years. Frank Walsh had become premier, taking over from Sir Thomas Playford.

In the parliament, Don Banfield was renowned for being a compassionate and forgiving man. The areas of public policy dearest to his heart were disability and mental health. As a parent of a child with a disability, he was a foundation member of the Mentally Retarded Children's Society, which later became known as Orana.

Don and Doreen were committed to improving conditions for children with intellectual disabilities and their families As health minister, he worked tirelessly towards that end. When he retired from parliament, Don made a decision to ensure that he did not become, in his words, 'a couch potato'. As a champion of the importance of volunteers, he continued to serve the community through voluntary work. He was also heavily involved with the parents and friends association at Strathmont.

Don Banfield is survived by his son Keith, daughter-in-law Sandra, three grandchildren and four great-grandchildren. I express my sincere personal condolences to them and on behalf of the house.

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04): I rise today to support the Premier's condolence motion for the Hon. Donald Hubert Louis Banfield AO. Mr Banfield was a proud member of the South Australian parliament and served in the other place for over 14 years. It is with great sadness that we note the passing of a dedicated and passionate parliamentarian. It is a rare privilege to be elected as a member of the South Australian parliament, and it is an experience that binds all of us in this house and the other place together. To lose one of our own is a matter of deep sadness, and the opposition is united with the Premier in conveying our sympathies to Mr Banfield's family.

Mr Banfield had a long and varied political career spanning multiple portfolios and committees. He served as the minister for health from 1973 to 1979, the chief secretary from 1975 to 1977, and from March 1979 to May 1979 he served as the attorney-general, the minister assisting the premier in ethnic affairs and the minister of prices and consumer affairs. Clearly, he was a politician of great capacity and dedication. However, he was more than just a parliamentarian. Mr Banfield also served his country in the RAAF During World War II.

He was very community-minded and had much involvement with various community and health organisations, including Orana and the Blind Welfare Association of South Australia. In 1983, he was awarded an AO for parliamentary service and for services to the community. Mr Banfield exemplified the ideal of civic duty that we all strive for. On behalf of the Liberal Party here in South Australia we extend our sincere condolences to his family and friends.

Honourable members: Hear, hear!

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:06): I rise to support the motion and thank the Premier and the Leader of the Opposition for making a contribution in recognition of the service of Mr Banfield. I was personally known to Mr Banfield, rather than the other

way round. Obviously, he was a significant figure in the Labor Party during the 1970s. For different reasons I used to visit this place, and he was a feature of that generation who contributed.

He was a member of the Legislative Council and someone with whom my father, at the time a member of this chamber, had some interaction. I am reminded of stories about the time that he was here, but I think members would reflect that this was a time when, I think it is fair to say, our side of the house enjoyed a rather substantial representation in the other place relative to those who sit opposite who had a rather small contribution. I think of how things have changed. Nevertheless, they had many fewer, even in those days, and Mr Banfield was one of them.

To then achieve the position as the minister for health throughout that period of the Dunstan government was significant. I was reminded by the Hon. Graham Gunn in the last short while of the contribution that Mr Banfield made as the minister for health, and in particular he would like to have recorded his appreciation, as one of the longest serving members of this house, for Mr Banfield intervening at the last minute to ensure that the Elliston Hospital was completed. This is a time, which members may not recall, when councils, largely local government, had responsibility for many of our regional hospitals.

Mr Banfield was the architect and sponsor of the then Bright inquiry into health, which I found most helpful, when I was shadow minister for health, in reading through those reports, which culminated in the state government and parliament taking responsibility for health. He was clearly a significant figure in the Labor Party. He was fondly remembered as the minister for health. I thank him for his contribution to the parliament and for the good relationship he had with a number of other members of this house.

The SPEAKER (14:09): I first met Don Banfield when I went to visit Ken Collins, the secretary of the clothing trades union, at his Gilles Street office. Don Banfield was, unusually for a former MP and minister after his political career, going back to do organising work for the trade union movement. As has been mentioned, he was from the 'booties', so he had been in that textile, clothing and footwear area.

He was, I think, elected for the casual vacancy created on the death of Ken Bardolph, and the Bardolph brothers had been involved in the Labor Party for many years and took us right back to the era of Jack Lang. They were great supporters of the New South Wales Premier and were eventually reconciled with the official Labor Party in South Australia. The last time I met Don was at Woodville Oval, where he was still supporting suburban football and barracking for Norwood.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:11 to 14:21.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Regulations made under the following Act—
Legal Practitioners—General

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

Regulations made under the following Acts—
Advanced Care Directives—General
Consent to Medical Treatment and Palliative Care—General

By the Minister for Finance (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
State Procurement—Prescribed Public Authorities—
Legal Profession Conduct Commissioner

By the Minister for Health (Hon. J.J. Snelling) on behalf of the Minister for Correctional Services (Hon. A. Piccolo)—

Death of—Christopher Aaron Smith, Report of actions taken following Coronial Inquest May 2014

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Regulations made under the following Acts—
Agricultural and Veterinary Products (Control of Use)—
Restricted Agricultural Products
Primary Industry Funding Schemes—Olive Industry Fund—
Revocation of Regulations

By the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—
Flinders Ranges Council—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Cats
No. 7—Waste Management

By the Minister for Manufacturing and Innovation (Hon. S.E. Close)—

Aboriginal Lands Trust—Annual Report 2011-12
Response by the Government—
90th Report—Natural Resources Committee—Bushfire Preparedness of Properties in Bushfire Risk Areas
Dogs and Cats as Companion Animals—Final

By the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Regulations made under the following Acts—
Harbors and Navigation—Fees
Heavy Vehicle National Law (South Australia)—Fees—Variation
Marine Safety (Domestic Commercial Vessel) National Law (Application)—Fees
Motor Vehicles—
Accident Towing Roster Scheme—Fees
Fees
National Heavy Vehicles Registration Fees—2014-15
Road Traffic—Miscellaneous Fees—Inspections—Light Vehicle Permits

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (14:27): I bring up the 504th report of the committee, entitled State Drill Core Reference Library Facility New Work.

Report received and ordered to be published.

Question Time

EMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28): My question is to the Treasurer. Does the Treasurer stand by his government's promise to create 100,000 new jobs between 2010 and 2016?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:28): We will do everything we can to create jobs in our economy. We are a government that is pro jobs. We are a government that does everything we can to create and stimulate investment in our economy. Whether it be in our resources sector, whether it be in infrastructure, whether it be in manufacturing, we are committed to it.

Unfortunately, I notice that the opposition are delving into matters of trying to stymie an industry that is growing and creating jobs, and that is our unconventional gas sector. The Leader of the Opposition is quoted on the front page—

Ms CHAPMAN: Point of order.

The Hon. A. KOUTSANTONIS: Oh, don't want the bad news?

The SPEAKER: The Treasurer is called to order. The deputy leader.

Ms CHAPMAN: I think it is clear, Mr Speaker, that the minister is delving into debate about an issue in relation to unconventional gas and what the opposition's view is on it—nothing to do with the commitment of the government's 100,000 jobs.

The SPEAKER: Well, unconventional gas, I imagine, is an employment-rich area of our economy. On the other hand, the Treasurer is not responsible to the house for the opposition's policy.

Ms Redmond interjecting:

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Speaker, and before the member for Heysen condemns me as being corrupt or something, let me finish the answer first; just calm down. I find it interesting on one hand that the Leader of the Opposition says, 'Create jobs', and then when he goes out to the regions he says, 'We'll do everything we can to stop jobs being created.' They create a barrier to having private companies invest in unconventional gas.

The SPEAKER: Point of order.

Mr PISONI: It is very clear the Treasurer is entering debate.

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

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Speaker.

Mr Pengilly interjecting:

The Hon. A. KOUTSANTONIS: You are just a small-minded individual, aren't you? Whether it's women or ethnics, you just cannot help yourself.

Ms CHAPMAN: Point of order: this is completely unacceptable behaviour.

The SPEAKER: The Treasurer's answer is finished. The leader.

EMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): My supplementary is: why won't the Treasurer commit to the government's promise of 100,000 new jobs between now and 2016?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:30): I didn't say we wouldn't commit to it. What I am saying is that the opposition is putting barriers in front of us to try and stop us from creating more jobs. What we are trying to do is expand an industry that has the potential to create thousands and thousands of jobs—

Members interjecting:

The Hon. A. KOUTSANTONIS: —and bring billions and billions of dollars into our state. The Leader of the Opposition and his backbenchers are in the South-East saying they will do all they can to stop this industry. I will quote from the Leader of the Opposition. He said it was imperative that they establish—

Ms CHAPMAN: Point of order: again this is clearly debate and quoting statements made by the Leader of the Opposition—nothing to do with the question about why won't the Treasurer make a commitment to this promise.

The SPEAKER: Well, I am glad that the deputy leader has taken a point of order, because it will give me an opportunity to call her, the member for Unley and the member for Heysen to order. The distinction I made before still stands. I will listen carefully to what the Treasurer has to say and, for the member for Finniss's information, I can understand him perfectly.

Ms Redmond: Well, most of us can't.

The Hon. A. KOUTSANTONIS: Oh, you can't hear. That's your excuse now—you can't hear.

Mr Pengilly: No, Tom, I can't hear you clearly.

The Hon. A. KOUTSANTONIS: Well, I'm not sure what hearing and translating have in common, but perhaps you can explain that later. The reality is that the government is attempting to do all it can to create jobs. I note, of course, that the commonwealth are making it as difficult as they possibly can for us to create jobs as well by shattering business confidence in South Australia and, indeed, everywhere else in the country.

Before the commonwealth budget, you saw actually a very good program by the Prime Minister and the Treasurer to try and do as much as they could to create confidence, but all the indicators since the commonwealth budget have shown a dive in consumer confidence, which could, of course, hurt people investing in our economy and, of course, they have created options of sovereign risk.

Other aspects of sovereign risk that are being created by members of this place are members opposite. They are the ones who are telling people who are investing in unconventional gas that they are not welcome here in South Australia. Fancy wanting an inquiry for something we have been doing for 50 years in this state.

The SPEAKER: I think the Treasurer has made his point.

EMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): How many jobs have been created since this government's promise to create 100,000 new jobs was made?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:33): Every time we invest in infrastructure to build our economy and create jobs the Leader of the Opposition says it's a false economy. When we decided to build Adelaide Oval, members opposite, including one of the newer shadow ministers, did all they could to stop it—indeed, you even encouraged SACA members—

The SPEAKER: No, I don't have any shadow ministers.

The Hon. A. KOUTSANTONIS: Sorry, sir?

The SPEAKER: I don't have any shadow ministers.

The Hon. A. KOUTSANTONIS: No, but you probably should, sir. You would probably be more organised and more effective. Shadow ministers were actively campaigning against the construction of a brand-new—

Mr PISONI: Point of order, sir: the minister is clearly debating.

The SPEAKER: Well, I will decide whether he is debating or not. I will listen to what the Treasurer has to say.

The Hon. A. KOUTSANTONIS: I just heard the member for Adelaide interject that they were going to build a whole stadium. Perhaps she is saying she wanted us to build the northern grandstand as well after campaigning against it. Perhaps we could have a clearer set of messages, because every day the football is on I see Liberal members crossing the footbridge they didn't want built into

a stadium they didn't want, accepting corporate hospitality from companies that they go out and campaign against.

Members interjecting:

Mr GARDNER: It grieves me to have to interrupt the minister's speech, but he is a long, long way from the answer in any form of relevance, 98 and anything else you like.

The SPEAKER: Yes, I uphold the point of order.

The Hon. A. KOUTSANTONIS: Thank you very much, sir, for your ruling. The reality is, every time the government invests in infrastructure that creates jobs, members opposite say it's a false economy and we are spending money that we do not have. They say that politicians shouldn't enter the debate about infrastructure and propose to have an independent body do that and, at the same time, announce their own infrastructure programs. The reality is, no matter what it is that this government does to create jobs, members opposite will say the opposite.

Mr Marshall: You haven't created any—that's the simple fact of the matter. You haven't created any.

The SPEAKER: The leader is called to order. Before we hear the member for Unley's point of order, in that pause, I will call to order the members for Mitchell and Hartley and warn the member for Heysen a first time. Member for Unley.

Mr PISONI: Clearly it's debate, sir, and he is drifting away from the fact that there are 800 fewer South Australian jobs since that promise was made.

The SPEAKER: I think it would be better if the member for Unley simply said that the point of order is that it's debate rather than adjudicate his own point of order. I uphold the point of order.

The Hon. A. KOUTSANTONIS: The government will lay out a clear plan in the budget on Thursday—a clear plan of a path to prosperity. It will involve a whole series of things. It will involve investing in infrastructure. It will involve investing in our resources sector. I know members opposite hate the idea of investing in our resources sector because they are anti-mining, anti-gas, pro-lock the gate—almost a tinge of green, opposite—

Members interjecting:

Mr VAN HOLST PELLEKAAN: Point of order—

The SPEAKER: I know that last remark was too much for the member for Stuart.

Mr VAN HOLST PELLEKAAN: It was. I have been as patient as I can, sir. He is debating and ignoring your last two rulings.

The SPEAKER: Yes, I think—

Members interjecting:

The SPEAKER: Excuse me, Treasurer; would you be seated. I warn the member for Hartley for the first time, and I call the member for Hammond—wherever he is—to order, because I know that voice. I call the member for Morialta to order, and warn the member for Heysen for the second and final time.

An honourable member: Kavel, sir?

The SPEAKER: No, Kavel is the innocent blood. Could the Treasurer perhaps come back to the substance of the question?

Honourable members: Hear, hear!

Members interjecting:

The Hon. A. KOUTSANTONIS: I notice the moderates are in fine voice today, but the conservatives are a bit quiet. Why is that? Perhaps because you got rolled comprehensively in the reshuffle.

Members interjecting:

The Hon. A. KOUTSANTONIS: Too soon? Too raw?

Members interjecting:

The SPEAKER: Clearly, the Treasurer—

The Hon. A. KOUTSANTONIS: Sorry, sir. I will get back to the substance of the question.

The SPEAKER: No, no, the Treasurer's answer is now at an end, having misused the answer. Leader.

EMPLOYMENT FIGURES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): My question is to the Treasurer. Why can't the Treasurer bring himself to admit that his government's economic policies have failed and that, in fact, we have 800 fewer jobs in South Australia now than when they made the promise to create 100,000 new jobs in 2010?

The SPEAKER: Before I call the Treasurer, if a member of the opposition asks a question like that, he or she is going to get it back in spades. The Treasurer.

Members interjecting:

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:38): Thank you for the latitude, sir. The bombing will commence shortly. Mr Speaker, our exports are at record levels. Exports are growing. Investment in construction for new homes is growing. People are investing. Consumer confidence is coming back.

Yes, unemployment is too high, but we are investing in the industries that are going to grow, and members opposite are doing all they can to stop those investments. They are the ones who are out there supporting the pseudoscience into unconventional gas. I have to say, for the shadow minister, whose seat Moomba resides within, to be out there actually entertaining and inquiring into unconventional gas and their practices is, I think, the height of hypocrisy.

The reality is we are going to grow this economy. We are investing in the industries that are going to grow jobs in the 21st century. Members opposite can snipe from the sidelines. They can demote the conservatives and promote the social liberals up as much as they like, because they have no core economic policies—they have none. I will give you an example. At the last election, what was the resources policy? There wasn't one. We are the third largest resources state in the country, and they didn't release a resources policy.

Members interjecting:

The Hon. A. KOUTSANTONIS: We'll have more to say on that, Mr Speaker.

Members interjecting:

The Hon. A. KOUTSANTONIS: I have to say I think the opposition has settled nicely into its new role, comfortable with what they're best at: being a poor opposition. Rather than sniping from the sidelines, how about giving us an alternative—how about an alternative policy? How about a policy on mining? How about a policy on education? How about a policy on health? How about a policy on something other than just taxation? How about it?

Members interjecting:

Mr Whetstone: How about not sending the state broke?

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

STATE BUDGET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:40): My question is to the Treasurer: does the Treasurer agree with the former treasurer, the member for Playford, when he said in June 2012 that it would not be 'wise or sustainable to go to the Motor Accident Commission and raid its reserves in order to prop up the budget'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:40): I think what the Leader of the Opposition is attempting to do is to create some

sort of risk or distance between myself and the health minister. Can I just say that since our days in Young Labor we have been inseparable on all matters. We are one, so I think our budget will speak for itself.

STATE BUDGET

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41): A supplementary question to the Treasurer: will he guarantee that the government will not raid the cash reserves of the Motor Accident Commission in the upcoming budget?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:41): We don't raid anything. We act appropriately and prudently. We act in the best interests of the people and I am not going to get into this position of the 'rule out/rule in' scenario—the budget will speak for itself. We never act improperly; we always act in the best financial interests of the state and its people, and we will make sure we deliver a prudent budget. I look at the member for Schubert and I feel disappointed for him, because he should be on the front bench and he's not. Perhaps if he changed factions and was nicer to Chris Pyne, perhaps he would have got promoted.

O-BAHN TUNNEL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:42): My question is to the Minister for Transport and Infrastructure: why has the government now announced a 700 metre O-Bahn tunnel costing $160 million when during the election campaign it announced a 500 metre O-Bahn tunnel costing $160 million?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:42): It was my great pleasure to be with the Treasurer on Sunday afternoon announcing the government's commitment to the O-Bahn City Access project. This is a project which will be providing much better public transport services for the residents of the north-eastern suburbs who make use of this corridor. It is travelled on week days I think—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned for the first time.

The Hon. S.C. MULLIGHAN: —by up to 31,000 commuters and on an average day across the year by 22,000 commuters. The project will be the subject of detailed planning, design, engineering, and other technical work over the coming months and we hope to commence construction in 2015.

O-BAHN TUNNEL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:43): So, minister, what length will the tunnel actually be—500 or 700 metres?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:43): Once the detailed engineering and design work is completed I will bring back an answer to the house to the nearest inch.

Members interjecting:

FEDERAL BUDGET

Ms WORTLEY (Torrens) (14:43): My question is to the Minister for Health: what was the result of the meeting of state and commonwealth health ministers in Sydney last week which included discussions on the impact of the federal budget?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:44): I would like to thank the member for Torrens for the question. Last week, in Sydney, health ministers held what was best described as an emergency meeting of the Standing Council on Health. In my time as minister I have not seen the state and territories so united against the foul event of Joe Hockey's federal budget and the resulting impact on health and hospitals around the nation. In an extraordinary

unilateral event, Joe Hockey and Tony Abbott tore up years of negotiation and repudiated the National Health Reform Agreement.

The commonwealth really needs to understand what this is going to mean for front-line services. These are not things that can just be absorbed by hardworking doctors and nurses in our public hospitals. I put South Australia's case strongly and it became quite clear to me during the meeting that the commonwealth minister and the states had a completely different appreciation of the impact of the cuts in the budget. I pressed home an important issue that appears lost on the commonwealth, and that is that their effective withdrawal from the public health sector and their repudiation of the national health reform agreement means that the commonwealth no longer has skin in the game in health in this country.

Let me review the shock that the federal government has forced onto South Australians. In addition to a co-payment of an extra $7 for every GP visit, the commonwealth is ripping $655 million out of the heart of our hospital system. The impact on our hospital emergency departments through the co-payment will cause them to be blocked up with people avoiding a visit to a GP. The commonwealth has put about a fantasy that the states should charge a payment in our emergency departments. This absurd notion just demonstrates how out of touch the federal government is. I have publicly ruled it out and I will rule it out again: this place charging a payment to patients in our emergency departments.

The $655 million that we will lose creates an impact of 600 beds being shut down almost overnight. This will be the same as taking a wrecking ball to the Flinders Medical Centre and a bulldozer through it. There are countless national partnership agreements being ceased early or not being renewed as well. You have to wonder about a federal government that would cut money from providing palliative care to terminally ill children. I really do not think that Peter Dutton has a full grasp of what these cuts are going to mean to services to not only South Australians but the sick, frail and elderly right around our nation.

I have called on the commonwealth government to reverse these dramatic cuts and I have repeated this directly to minister Dutton. On behalf of South Australians I have also asked minister Dutton to finally meet with me so that we can have an opportunity to put our case to him and call on him to intervene with the federal Treasurer to cease these potentially catastrophic cuts. I am pleased that minister Dutton has agreed to meet with me, and we will have that meeting very soon.

As a state we cannot absorb these cuts without them having a direct impact on services. It means that we are going to have to make decisions about things that we can continue and things that we cannot continue. Tony Abbott's government has ripped up its contract with the Australian people. It has broken its promises. The South Australian government, however, honours its pledges to South Australians and we will continue to keep faith with the people to work through these cuts.

The most remarkable thing about the meeting last week was that each and every state and territory health minister at the meeting supported me in my comments, and all bar two of them are, in fact, Liberals. I would suggest that perhaps members opposite might have some conversations with their interstate counterparts before they start trying to play down the impact of these cuts.

FEDERAL BUDGET

Dr McFETRIDGE (Morphett) (14:48): My supplementary is to the health minister. Is the federal health minister, Peter Dutton, correct when he says in today's *Advertiser* that commonwealth health funding in South Australia is growing by $332 million over the next four years?

The SPEAKER: Member for Morphett, it is a longstanding practice that members may not ask whether media reports are true. The deputy leader.

Dr McFETRIDGE: Can I rephrase the question then? Is his public statement true that federal health funding is increasing by $332 million?

The SPEAKER: I think we will leave it at that and go to the deputy leader.

O-BAHN TUNNEL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:48): My question is to the Minister for Transport and Infrastructure. Was a cost-benefit analysis undertaken for the O-Bahn tunnel project prior to its announcement and, if so, what was the cost-benefit ratio?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:49): Thank you very much, deputy leader. I am very pleased to be answering another question on this fantastic project. I note with some interest that the deputy leader is asking me this question rather than the shadow spokesperson for transport but, nonetheless, we will continue. This is a far superior project to—

Ms CHAPMAN: Point of order.

The SPEAKER: Could the minister be seated? I've got a strong suspicion that this is not going to be a point of order, but I will hear it.

Ms CHAPMAN: How could you possibly say that, Mr Speaker? I seek your guidance, sir, to this extent: the minister seems to be denying that he has responsibility for transport and infrastructure. This is an infrastructure project, so if the minister feels he is unable to answer it and that someone else in the government wants to take it, I am happy for them to do that.

The SPEAKER: That is a bogus point of order, and the deputy leader is warned for the first time. Minister for Transport.

The Hon. S.C. MULLIGHAN: As I said in my previous answer, we were very pleased, the Treasurer and I, to be announcing this project. This is a project that will deliver very substantial benefits to people who use the O-Bahn corridor, in particular in comparison to a project which was previously announced—from memory, in 2009 or 2010—and which provided for dedicated busways rather than a tunnel, which is now being proposed in the O-Bahn city access.

This will avoid two intersections, the Hackney Road and North Terrace intersection and also the Dequetteville Terrace and Rundle Road intersection, which is a far superior outcome to what would have been delivered under the previous, much cheaper O-Bahn project. We are confident that this is a good project. It does stack up. It is good value for money and will provide appropriate benefits for people who use the O-Bahn public transport thoroughfare.

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart is called to order. Deputy leader.

O-BAHN TUNNEL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): As the minister has indicated, this is a project that will stack up and will provide benefit. Can the minister tell us what the cost-benefit ratio is? If the report has been done, are you prepared to table it?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:51): As I said, it is a project that will provide very substantial benefits: a saving of four minutes for 22,000 people over the course of the year per day, and in weekday periods 31,000, and also a very significant reduction in congestion and traffic for the inner city ring route, which, of course, as our population grows, will be a transport thoroughfare of some increasing congestion. It is a very beneficial project; it does stack up and we look forward to delivering it.

LEGISLATIVE COUNCIL PRESIDENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): My question is to the Premier. Now that the Royal Commission into Trade Union Governance and Corruption has confirmed that it is considering the referrals of allegations against the Hon. Russell Wortley, will the Premier call for Mr Wortley to resign his position as President in the other place?

The SPEAKER: Before I call, as it turns out, the Deputy Premier, I warn the Treasurer for the first time and I warn the member for Morialta for the first time. Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:53): It has, I think, always been true that something which is insignificant, or indeed perhaps nothing, is not elevated to a higher position by simply having been the subject of a letter by the Hon. David Ridgway. That is the situation in which we now find ourselves.

LOCAL COUNCILS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): My question is to the Attorney-General. Was a copy of a report, prepared by the South Australian Ombudsman and concerning local council email usage, provided to a journalist of *The Advertiser* last week by the Attorney-General's office prior to its tabling in the parliament?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:53): Certainly not to my knowledge.

LOCAL COUNCILS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): I have a supplementary question. Will you make inquiry, Attorney, as to whether that has been released from your office, and report back to the parliament?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (15:54): I can only account for the instructions that I have given in the office, and I have not instructed anybody to do such a thing. I have no knowledge of any release of any document from my office to journalists.

Members interjecting:

The SPEAKER: The member for Morphett is called to order and the member for Morialta is warned for the second and final time. The member for Reynell.

NATIONAL EDUCATION REFORM AGREEMENT

Ms HILDYARD (Reynell) (14:54): My question is to the Minister for Education and Child Development. Can the minister update the house on funding under the National Education Reform Agreement and its impact on South Australian schools?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (14:55): I thank the member for Reynell for her question. Since 2002, when we came into government, we have continually increased funding for schools in South Australia. We do this because we want our children to reach their full potential. It is why we signed up to the Gonski agreement, a signed agreement between the government of South Australia and the Australian government, an agreement that would have seen more teachers, more student support officers, and more classroom resources.

We went to the last election with a positive plan for South Australia and we promised to honour our share of the six-year Gonski agreement. Members may also remember that Tony Abbott and Christopher Pyne also made a promise at the last federal election. They promised South Australian parents and schools that they were on a 'unity ticket' with Labor as far as school funding was concerned. What did we find after the federal election? Cuts to trade training centres (12 schools in South Australia will no longer get their trade training centres); cuts to the Youth Connections program (that is, funding to non-government organisations to help get kids back into school); and Gonski gutted.

Well, unlike the Abbott government, this Labor government is going to deliver on our commitment to schools. This will mean an additional $72.3 million over the next four years, increasing to nearly $230 million over the full six years of our agreement. We are honouring our commitment, not just to all state public schools but also to our Catholic and independent schools. Tony Abbott and Christopher Pyne have effectively torn up our signed agreement. It was a contract with the people of South Australia, a contract with parents, and a commitment to our students. The $335 million, or $1,280 per student, committed in this contract will not be provided to South Australian schools—public, Catholic and independent—in the last two years of this six-year agreement.

We know what this means for all public schools. For example, on current enrolments in these two years, these cuts would mean Wirreanda High School in the member for Reynell's electorate will indicatively lose $1.3 million of funding, resources or support. Adelaide High School in the member for Adelaide's electorate would indicatively lose around $1.6 million in just two years. Marryatville High School in the member for Bragg's electorate would see an indicative loss of $1.57 million in

federal funding, resources or support. Glenunga International High School in the member for Unley's electorate would lose around $1.9 million in federal funding, resources or support.

We also know that the result of Abbott's broken promises will entrench disadvantage in the Catholic and independent sectors. From 2018 onwards, comparative private schools in South Australia will get less federal funding than their New South Wales counterparts, for example. And where's the justification for this? Mr Pyne stated that the Liberals have a stronger emotional connection to private schools. Let me tell him: it's not going to last as they come to grips with what he has done.

We have heard murmurings that the state Liberal Party doesn't support some of the education cuts. I think all schools and parents are keen to know what cuts they don't support. Have the members for Adelaide, Bragg and Unley written to Christopher Pyne, for example? The federal Liberal government has broken its promises: we are keeping ours.

The SPEAKER: Alas, the minister's time has expired. Supplementary from the member for Unley.

NATIONAL EDUCATION REFORM AGREEMENT

Mr PISONI (Unley) (14:59): My supplementary question is to the Minister for Education and Child Development. Has her department achieved the $30.237 million in both specified and unspecified savings this financial year, as detailed to the parliament's Budget and Finance Committee on 18 November by her department?

An honourable member: And can she break it down by school?

Mr PISONI: Protection!

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

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:59): If we didn't have you, we'd have to invent you.

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

The Hon. A. KOUTSANTONIS: I deserved it, sir. He stuck his chin out; I had to. All will be answered—

Members interjecting:

The Hon. A. KOUTSANTONIS: Two more sleeps should be fine. You will get all your answers on budget day.

MEMBER FOR FROME, GOVERNMENT AGREEMENT

Mr GRIFFITHS (Goyder) (15:00): My question is to the Minister for Regional Development. Now that the minister has had six weeks to check whether his agreement with the Premier to form government allows him to introduce private members' bills and to amend government legislation, can he outline the provisions of the agreement to the house?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:00): To answer the member's question, yes, I can introduce private members' bills, and as everybody knows on the other side (they have seen my contract), if I am participating in cabinet discussions then I am bound by the cabinet discussions. If there are bills that I believe are not in the best interests of the regions, then I will vacate from the cabinet, and I have the opportunity to make amendments.

Mr VAN HOLST PELLEKAAN: Supplementary?

The SPEAKER: Supplementary, member for Stuart.

MEMBER FOR FROME, GOVERNMENT AGREEMENT

Mr VAN HOLST PELLEKAAN (Stuart) (15:00): To the Minister for Regional Development: given that the minister said that if he believed that a bill was not in the best interests of regions he would vacate himself from the discussion, how does he advocate on behalf of regions within cabinet?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:01): I would have thought it was obvious—from the other side. If I am not participating in the cabinet itself, then I can debate that in this chamber here quite openly and fiercely, the way that I believe I can do it. This is the area where we have to debate any issue; any debate at all should be in here. I have made it quite clear before, and it is part of my agreement with the government: if I am not participating in the debate, I have the opportunity to debate it in this chamber here, and I will continue to do so.

Mr GRIFFITHS: Supplementary, sir.

The SPEAKER: Supplementary, member for Goyder.

REGIONAL IMPACT ASSESSMENT STATEMENTS

Mr GRIFFITHS (Goyder) (15:01): Again for the Minister for Regional Development: can the minister confirm his position on the completion of regional impact assessment statements to ensure that regional issues are considered by the cabinet in its decision-making?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:02): Sorry, Mr Speaker, could the member repeat that, please?

Mr GRIFFITHS: Can the minister confirm his position on regional impact assessment statements and their consideration by cabinet as part of its decision-making, and can the minister confirm in his time as a minister whether any have been placed before cabinet for consideration?

Ms Chapman interjecting:

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

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:02): Mr Speaker, first and foremost, the cabinet does not talk about its deliberations in this place. Quite frankly, the member for Goyder knows that and, quite frankly, all he is trying to do is intimidate members. The reality is—

Members interjecting:

The Hon. A. KOUTSANTONIS: Yes, he is a very intimidating guy: he frightens me. The reality is that cabinet deliberations are for cabinet. Asking questions on cabinet deliberations is not appropriate for this place.

Ms CHAPMAN: Further supplementary to the Treasurer.

The SPEAKER: Yes, there's a supplementary on the clock.

REGIONAL IMPACT ASSESSMENT STATEMENTS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:03): To the Treasurer: in this year, how many regional impact statements has your government commissioned?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:03): That wasn't the question that the member for Goyder asked. The question the member for Goyder asked was: how many times have the cabinet considered regional impact statements? So, what I will do is get a detailed answer for the house.

RIVERBANK PRECINCT

The Hon. P. CAICA (Colton) (15:03): My question is to the Minister for Transport and Infrastructure. Can the minister inform the house about the completion of the Riverbank footbridge and the benefits it has brought to the Riverbank Precinct?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:04): Can I thank the member for Colton for his question about a project of which we are all very proud. Last Saturday, the government held a community event to mark the completion of the Riverbank footbridge. It was a great occasion that was enjoyed by many people, particularly

families, especially given it was scheduled an hour or so before the Adelaide Crows and North Melbourne football game at Adelaide Oval.

The Hon. L.W.K. Bignell: And won the game.

The Hon. S.C. MULLIGHAN: Indeed, so I hear. The event celebrated the commissioning of the footbridge's stunning LED lighting scheme and its water feature. The feedback from those who attended the event, and from those who attended the Crows-Kangaroos game on Saturday night and saw the finished bridge and these displays, was very positive.

The event was attended by Kaurna elder Auntie Josie, who provided a welcome to country before the event. The Riverbank footbridge is located in an area with great cultural significance to Aboriginal people. The house may be interested to know that the water feature is representative of natural tributaries to the river and includes vegetation and urban design elements reflecting cultural heritage. I am advised that the three upright sandstones and stainless steel flow line symbolise three generations, the flow of time and the connection between the Adelaide Hills and the river.

We know that the Riverbank footbridge has been a success. The project was delivered within the $40 million budget and, according to its designers, it is believed to be the only bridge clad in glass in Australia and possibly the world. The curved design and the integrated water features at the south ends of the bridge are a credit to the design team, led by Aurecon. I should also thank the contractor McConnell Dowell for their delivery of the project. The footbridge was open and available for use during the Ashes Test late last year and for the commencement of the AFL season this year.

The project supported many jobs during construction and had an average of 60 people working on site at any one time, with a peak of 110 workers, and 86 per cent of the work went to local contractors. The footbridge has contributed significantly to energising the Riverbank Precinct, providing easy access to the Adelaide train station, tram stops on North Terrace and to the burgeoning laneways and everything else that lies beyond in the City of Adelaide.

I have spoken previously to the house about the use of public transport by football fans travelling to and from the Adelaide Oval, and we have seen South Australians take up this method of transport in droves. We are seeing over 50 per cent of footy-goers use our public transport services, which is a significant increase on the take-up that existed at AAMI Stadium.

This government invested in the Riverbank footbridge because we knew how important it was both to the Adelaide Oval redevelopment and also to the future of the Riverbank Precinct. Tens of thousands of people use the bridge each week, and it is fast becoming a warmly embraced piece of infrastructure.

Also, nearly three weeks ago I attended the Velo-city conference for the welcoming and closing sessions. Amongst the delegates was Mr Manfred Neun, President of the European Cyclists Federation. He called the Riverbank footbridge one of the most exciting pieces of infrastructure that facilitates urban mobility that he has seen globally. To shift the thinking of a cycling conference to the merits of infrastructure encouraging people to move around a city by foot is no mean feat.

I would also like to thank all those who were involved in the project, particularly in the management and construction of the bridge. This includes the staff of the Department of Planning, Transport and Infrastructure, as well as the contractors, subcontractors and other workers. I know many South Australians are appreciative of their work.

MEMBER FOR FROME, GOVERNMENT AGREEMENT

Mr GRIFFITHS (Goyder) (15:08): My question is again to the Minister for Regional Development. In issues before cabinet where you form an opinion that it is against the regions but you are compelled to vote in cabinet on that, if you lose that vote are you therefore bound by cabinet solidarity and unable to vote in the house differently, or do you have to abide by cabinet solidarity?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:08): Again, I refer to my agreement with the Premier and this government, which has been tabled in this house. I would suggest that members on the other side read that. If they have any questions, come and see me. It is very clear in the agreement.

Ms Chapman interjecting:

The SPEAKER: The deputy leader has been called to order and warned twice. Please don't interject again. The member for Hammond.

RURAL RESEARCH AND DEVELOPMENT FOR PROFIT

Mr PEDERICK (Hammond) (15:09): My question is to the Minister for Regional Development. What will be South Australia's share of the federal $100 million commitment to the Rural R&D for Profit policy, specifically to support continued innovation in our agriculture, fisheries and forestry sectors?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:09): I thank the member for the question, and I will bring back an answer to the house.

NORTHERN ADELAIDE IRRIGATION SCHEME

Mr GRIFFITHS (Goyder) (15:09): My question is to the Minister for Regional Development. What action has the minister taken to support the Northern Adelaide Irrigation Scheme? It is a project that the Barossa Regional Development Australia Board has identified as a priority; a project that three surrounding councils have submitted a business case for; and it was one of the seven investment-ready projects announced following last year's Regional Infrastructure Summit.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:10): The federal government, under federal agricultural minister, Barnaby Joyce, is heading up a taskforce looking at projects around Australia that are ready to go, and he has got a big bucket of money that he wants to get out to water projects. I have suggested that that, along with a few other projects around South Australia, would be very good for the federal government to have a look at funding.

NORTHERN ADELAIDE IRRIGATION SCHEME

Mr GRIFFITHS (Goyder) (15:10): Supplementary, sir, to the Minister for Regional Development: has the minister been briefed about the Northern Adelaide Irrigation Scheme, and has he taken any action on it?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:10): It is basically the same question, but to answer the member's question: not at this stage. I have not been briefed, but I will be getting a briefing in the future.

LOCAL GOVERNMENT ACT

Mr GRIFFITHS (Goyder) (15:10): My question is to the Minister for Local Government. Does the minister believe that the current provisions of the Local Government Act allow for an adequate level of community and ratepayer engagement on projected infrastructure and service spending, and rate income required to fund council projects?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:11): That is a good question; however, what I am going to do in the later part of this year and the new year is open up the Local Government Act to look at the whole thing. That issue will be going in for discussion with the LGA and councils. So, it is too early at this stage to make a comment on that; I need more discussion with the LGA.

INDIA TRADE

Ms DIGANCE (Elder) (15:11): My question is to the Minister for Tourism. Can the minister inform the house about his recent trip to India?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:12): I thank the member for the question. I was in India for four days last week, having a lot of meetings about tourism, agriculture and aquaculture. It is a very exciting time coming up for all South Australians, and I urge everyone on both sides of the house to bear in mind that on 15 February next year we will be hosting India v Pakistan in the Cricket World Cup. It will be the biggest TV audience for a cricket match in the history of cricket; over one billion people will tune in and see the Adelaide Oval as these two great teams do battle.

It is a game that we aggressively went after. While other states were trying to secure games with Australia, or a semi-final, we got the biggest game in international cricket. What we are going to do is build around that a business forum, and I would love to get the input from people on both sides of the house to get business leaders from India and from here in South Australia to spend time together over three or four days, to go to the cricket, and to also have roundtable discussions about how Indian investors and businesses can do business with South Australian businesses.

We want to sell more agricultural produce overseas, we want to get more tourists coming here to South Australia, and we want to make sure that the vast mineral resources that we have in this state are exported as well, so that all South Australians can benefit in terms of money coming into our economy and also jobs being created right throughout this great state. We are using cricket in our diplomacy and in our trade development in South Australia.

I hosted two functions—one in Mumbai, one in Delhi—where we had former Indian cricketers along, and at the Mumbai event we even had Shaun Tait. On the eve of his wedding, this great South Australian sportsman, who has worn the baggy green—

The Hon. A. Koutsantonis: He missed his buck's show.

The Hon. L.W.K. BIGNELL: He could have been out with his mates, but instead he was hanging with us and the World Cup trophy, and promoting Adelaide and South Australia. The next day, he went off and got married to a local woman from Mumbai. It was terrific to be there with all these top-level Indian business people who are committed to coming out here.

Lachlan Murdoch is in town at the moment, and I caught up with him last night; he is keen to be involved as well. He owns media interests in India, as well as here in South Australia, and that is the sort of level that we want to get to. We want to have top business people from here in South Australia and India come together.

We also had discussions with a lot of food importers and wine importers. It is fair to say that we can do a bit of work to increase the knowledge of South Australian produce throughout India, but I was very pleased with the meeting that we had with the almond importers. Eighty per cent of the almond products here in the Riverland go to India. We talked about some of the staining that happens on the almonds at the moment and they have got some ideas on how we can improve that, to see if we can get the ratio of staining down to about 0.5 per cent, and I will talk to the member for Chaffey about that.

I am also having a meeting with the growers or their representative up in the Riverland this coming weekend. And also, pistachios—they say that if we can produce more pistachios in South Australia they would be willing to buy as many as we can produce. So there are a lot of opportunities in the food, wine and tourism sectors. I think if we can build it all around cultural events, as well as sporting events, and have the businesses coming together next February for the World Cup, it won't just be cricket as the winner. I think South Australia and all those who are employed here or do business here will be winners as well.

PUBLIC SECTOR EMPLOYMENT

Mr PISONI (Unley) (15:16): My question is to the Minister for Education and Child Development. Has her department achieved the full-time equivalent reduction target of 119.2 for this financial year as detailed to the parliament's Budget and Finance Committee on 18 November last year?

Mr Pisoni: Oh, the Treasurer again.

The SPEAKER: If the member for Unley utters one more word out of order, he will be leaving the chamber for an hour.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:16): I have to say, the idea that anyone could stand between the Minister for Education and having a go is kidding themselves. I am answering this question because it is a matter for the budget and we will be making an announcement on Thursday and you know that. Sorry, sir, I apologise, you also know that.

The SPEAKER: I do know it, as it happens.

The Hon. A. KOUTSANTONIS: You do know it, sir, being the father of the house now, something you carry exceptionally well, might I add. We will be making announcements on all of our FTE targets for reductions in the budget and you will be able to see them there, and we will have an estimates process where you will be able to come along and ask all those questions.

INVESTMENT AND TRADE INITIATIVES

Mr WHETSTONE (Chaffey) (15:17): My question is to the Minister for Investment and Trade. As the government has cut the budget for globally integrating the South Australian economy from $30 million to $16 million in the past two years, has the minister successfully lobbied to reinstate funds for investment and trade initiatives?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:17): I thank the member for his question and congratulate him for being put on the front bench in this portfolio. I can tell you that the budget that will be announced on Thursday was set before I came into cabinet, but that it is a good budget, in my opinion, as you will see on Thursday, for investment and trade.

I can also tell you that in recent weeks we have announced record figures on export performance and that we have announced significant developments in our relationship with both India and China, and you have just heard my colleague the Minister for Primary Industries talk about that. Can I also tell you that there will be announcements in the coming week that take to a new level our engagement with our trading partners, as you will see in the next few days.

In the coming year you are going to see some very exciting offerings on how we might create new jobs and new enterprise from selling more of our products overseas and getting into this state more investment, because what we all need to do, on both sides of this house, is talk South Australia up. What we all need to do on this side of the house is support our primary producers, our winemakers, and our manufacturers to sell their products.

I am very confident that the newly appointed shadow minister will be a partner with me in taking a bipartisan approach, because what business wants from all of us is cooperation, not conflict and confrontation. They want us to be singing off the same song sheet when we go overseas and promote the good work being done by our farmers and our small businesses. I think you will see a very productive year ahead on investment and trade, and I thank him for the question.

Members interjecting:

The SPEAKER: The member for Schubert is called to order, and the member for Hammond, for interjecting 'Kumbaya', is warned a first time. Member for Stuart.

ELECTRICITY PRICES

Mr VAN HOLST PELLEKAAN (Stuart) (15:19): My question is for the Minister for Mineral Resources and Energy. Given that the Australian Energy Regulator has announced a 4.4 per cent increase in electricity prices effective 1 July, does the minister still stand by his public prediction of December 2013 that South Australian electricity prices will fall by 0.9 per cent each year for the next three years?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:20): I am very disappointed with the Australian Energy Regulator.

Members interjecting:

The Hon. A. KOUTSANTONIS: Thank you. I am very disappointed with the Australian Energy Regulator. I believe that the Energy Regulator is not equipped to make the appropriate determinations. I think its place within the commonwealth government is not appropriate. It should be an independent body, separate from the ACCC. I think its determinations are not wise.

The current increase from 2014-15—a proposal that SA Power Networks has submitted to the regulator—is for network charges to increase by approximately 4.38 per cent, or about $85 per typical residential customer. It's about $53 for increased distribution costs; of that, $28 is for vegetation.

There are approximately $30 of recovery costs associated with the solar feed-in scheme, and that's important because that scheme would have expired last year had it not been for the opposition and the Greens voting together in the upper house to extend it. So, while the Leader of the Opposition was fighting losing battles, that he lost, at the election campaign in the last term, the reality is the opposition are the ones who banded together with the Greens in like a Bob Brown agreement, which included having a solar feed-in tariff.

Mr Marshall: You wanted to increase the rebate and make it retrospective for 17 years—to increase the rebate.

The Hon. A. KOUTSANTONIS: No, our rebate was for five years. I think it's disappointing that the Leader of the Opposition doesn't know his own policy.

Mr Marshall: Fifty-four dollars.

The Hon. A. KOUTSANTONIS: Fifty-four dollars? The Leader of the Opposition is claiming now, in the house, that we wanted $55 per kilowatt hour.

Members interjecting:

The Hon. A. KOUTSANTONIS: Is it 54¢ now? Oh, 44¢, $55—only a slight difference! Perhaps what's going on is the nightmare in his head. He is waking up every morning realising he is still Leader of the Opposition.

Mr GARDNER: Point of order, sir.

Members interjecting:

The Hon. A. KOUTSANTONIS: In your head, over and over again.

The SPEAKER: The Treasurer has finished his answer and that, I hope, will obviate the need for the member for Morialta's point of order. The member for Stuart.

ELECTRICITY PRICES

Mr VAN HOLST PELLEKAAN (Stuart) (15:22): Given the minister's answer that he is extremely disappointed with the Australian Energy Regulator, my supplementary question is for the Minister for Investment and Trade. Does the minister stand by his comments of 2 May this year regarding electricity regulation that 'Labor has set the rules and must take responsibility for the outcome'?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:23): First and foremost, what the shadow minister didn't say in his question is that I was talking, of course, about retail pricing. The monopoly that's been established for SA Power Networks was established by the Liberal opposition when they were last in government, when they privatised our assets.

Mr Marshall: You predicted that prices were going down for the next three years.

The SPEAKER: The leader is called to order.

The Hon. A. KOUTSANTONIS: When the commonwealth government's regulator increases prices, the opposition are quick to blame the state Labor government, but I notice—

Mr Marshall interjecting:

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

The Hon. A. KOUTSANTONIS: I notice there is no criticism of their friends in Canberra, who appoint the regulator, who answers to them. The national body that runs it through the SCER—

Mr Marshall: Whoops!

The SPEAKER: Was that the member for Bragg?

The Hon. A. KOUTSANTONIS: No, that was the Leader of the Opposition reliving the nightmare in his head over and over again. I think what the Leader of the Opposition is saying is, 'Did I have a moment when I came out and told everyone to vote Liberal? No, that wasn't me.' The Leader

of the Opposition came out and told everyone to vote Labor. That's the moment you are trying to make up in your head that I did. What we are actually seeing is retail prices in electricity change dramatically under deregulation. I might also point out to the Leader of the Opposition that the opposition claimed at the time that they supported our move to deregulate retail pricing of electricity. Are they now saying—

Members interjecting:

Mr VAN HOLST PELLEKAAN: Point of order.

The Hon. A. KOUTSANTONIS: —that they do not support deregulation of retail pricing?

The SPEAKER: Thank you for the pause created by the member for Stuart and, in that pause, could I ask the member for Unley to withdraw from the chamber for an hour.

The honourable member for Unley having withdrawn from the chamber:

Mr VAN HOLST PELLEKAAN: I refer to standing order 98. I understand that the Treasurer has chosen to answer the question on behalf of the Minister for Investment and Trade but the question was, 'Does he believe that Labor set the rules and takes responsibility for the outcome?'

The SPEAKER: Yes, we know what the question is; that is probably a bogus point of order. The Treasurer.

The Hon. A. KOUTSANTONIS: Last time I checked, Ian Macfarlane was in the Liberal Party.

The Hon. J.W. Weatherill: You never know, these days.

The Hon. A. KOUTSANTONIS: That is true. Ian Macfarlane is the federal resources or industry minister who has carriage for energy, and he chairs the SCER. The SCER is the body that sets national policies. The SCER—of which I am a member, because I am the Minister for Energy—recently resolved, including Mr Macfarlane, that we would separate the AER from the ACCC. The people who are holding us back in this decision are, of course, the commonwealth. Now, Mr Macfarlane is bound by his cabinet colleagues—

Members interjecting:

The Hon. A. KOUTSANTONIS: It is not my fault that the Leader of the Opposition doesn't understand the difference between retail pricing and transmission, and if he doesn't understand the difference between the two and how they are regulated, I am happy for you to criticise me about decisions I have made and I have taken. So if deregulating electricity prices is the wrong thing to do, I am happy for members opposite to say, 'What impact you've made on retail pricing is your fault.' But the idea that you could criticise me about a regulator who has made a decision on monopoly—

The SPEAKER: No, I am not criticising the Treasurer.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: The only person in this chamber who has been wrong recently is the Leader of the Opposition. I think he predicted he would win 28 seats and you told everyone to vote Labor on the day before the election. It's not my fault you are an amateur.

Mr Marshall: How will the budget go on Thursday?

The Hon. A. KOUTSANTONIS: The budget is going to go exceptionally well. I'm glad the Leader of the Opposition is asking about the budget. I look forward to receiving questions from him because, like the last state election campaign, we can go one on one and we can beat him again and again and outclass him, and outcampaign him, and outmanoeuvre him, and run better strategies than him over and over again.

The SPEAKER: The Treasurer has finished. The member for Adelaide.

HOUSING SA

Ms SANDERSON (Adelaide) (15:27): My question is to the Minister for Social Housing: what is the current total amount owed to Housing SA by public housing tenants or former tenants?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (15:28): I thank the member for her question, and I congratulate her on her elevation to the shadow ministry. As at 30 April, the total Housing SA client debt is $21.8 million. This is up from $20.3 million in April last year, largely due to increases in utility costs impacting on low-income families.

Some $12 million of this is owed by current Housing SA tenants and includes $1.3 million in overpaid benefit—tenants under-report their income or the number of persons living in a property—$4 million in water charges; and $1.1 million in unpaid rent from $260 million in rent collected each year, and that is less than 0.5 per cent collected.

There is $515,000 in bond assistance for private rent considered a short-term debt, and $4.8 million in maintenance and damage repairs. Much of the existing client debt is owed to private landlords and SA Water which Housing SA pays on behalf of its clients. In 2012-13 Housing SA provided almost 21,000 bonds and bond guarantees at $21.4 million and more than 23,000 rent grants totalling $8.2 million. Housing SA actively seeks to recover all debt from tenants—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer will not interrupt the Minister for Social Housing. He is on his final warning. If I see his lips move once more, for any reason—Minister for Social Housing.

The Hon. Z.L. BETTISON: I emphasise again that rent debt is less than 0.5 per cent of the $260 million collected annually by the agency. Housing SA actively seeks to recover all debt from tenants and non-tenants. Housing SA is actively chasing all money it is owed by past and present tenants. Eighty per cent of people with a Housing SA debt have a repayment arrangement with the agency. We are currently working with the federal government on establishing direct debits for Housing SA tenants up to the point of 30 per cent of their income. There must always be a balance between adversely affecting struggling families and sanctioning those who may be flouting the system.

Personal Explanation

MEMBER FOR FINNISS, REMARKS

The Hon. J.J. SNELLING: On a point of order, sir: in the course of question time, during an answer from the Treasurer, the member for Finniss interjected comments to the effect that he needed a translator, comments that I think could only be construed as racist. I ask, sir, that you direct the member for Finniss to withdraw and apologise.

Members interjecting:

The SPEAKER: I do not need the assistance of the member for Bragg. The comments, if made as alleged, would be offensive but not unparliamentary. Does the member for Finniss wish to say anything?

Mr PENGILLY (Finniss) (15:31): I seek leave to make a personal explanation.

Leave granted.

Mr PENGILLY: Earlier on in question time the Treasurer seemed to take offence to some comment I made. I intended no offence against him whatsoever. I am sorry if he feels that way. I simply have a hearing disability and cannot hear clearly some members, including himself. I apologise.

The SPEAKER: The house will make of that personal explanation what it will.

Mr WILLIAMS (MacKillop) (15:32): Mr Speaker, I seek clarification. It is my understanding of the matter that has just been raised that it is the convention of the house that if a member is present in the house, it is unparliamentary for another member to take offence on their behalf or seek redress on their behalf.

The SPEAKER: Yes, I think the member for MacKillop is right.

Grievance Debate

COVE SPORTS AND COMMUNITY CLUB

Mr SPEIRS (Bright) (15:33): Cove Sports and Community Club, located at Oval Road, Hallett Cove, was established in the 1980s. It sits on the east side of Lonsdale Road, overlooking the Field River gully to Gulf St Vincent and, surf clubs aside, would be one of the few sporting clubs in the state with a spectacular sea view.

During my time as a City of Marion councillor I built a strong relationship with the club and in particular its manager, Mr Keith Noble, a fellow Scotsman and long-term Hallett Cove resident. I was pleased to be able to continue this relationship during my candidacy for the state seat of Bright and in particular to be able to be joined by the member for Mitchell, himself a candidate at the time.

You do not have to be at the Cove Sports and Community Club for long to realise that it is a critical part of the southern community. The club sits on the boundary between the electorates of Bright and Mitchell and primarily services Hallett Cove in my electorate and Sheidow Park and Trott Park in the member for Mitchell's electorate. The club is home to five different sports: Australian Rules football, soccer (or football as I would call it), BMX, netball and cricket.

There is no doubt that the club is the biggest community hub in the local area. Its average patronage over the course of a week is close to 7,000 people and it is the main sports facility for a community of around 23,000, the combined populations of Hallett Cove, Sheidow Park and Trott Park. With almost one-third of its catchment community accessing the club, its significance cannot be underestimated.

During our many visits to the club, the member for Mitchell and I were taken aback by the standard of the facilities at the club. While the community's use of the club is thriving, years of underinvestment in the facility have meant that it has grown tired and outdated: it does not have disability access; in early 2013, one of its light towers suffered a dangerous collapse; storage space is insufficient; and changing rooms do not meet the appropriate standards. Yet in the face of these difficulties, the club spirit is not daunted and it continues to grow its patronage.

In November 2013, the member for Mitchell and I were delighted to be able to pledge $500,000 to the club if a Liberal government was elected. To give credit where credit is due, we were pleased to note that the government almost matched this promise through the club's success in the round of the Office for Recreation and Sport grants to be provided to the club in the new financial year. We hope that the government keeps true to its word and follows through with this funding.

The funds will be a catalyst for a transformation in the club, combining with funds from the City of Marion to trigger an upgrade worth around $1 million and paying for new lighting, changing rooms, additional storage space, disability access and a fantastic new spectator balcony, with ocean view, which will open up new revenue streams for the club by making the site a more attractive function venue.

Uniquely, the club will also be providing its own financial contribution to the upgrade. This is in itself a huge success story. Just a few years ago, the club was saddled with a crippling debt, but it has worked diligently to pay this down and build a surplus. This is all the more impressive given that the club has committed to remaining family friendly, avoiding gaming machines and at the same time looking to diversify its income streams so that it does not need to rely only on the sale of alcohol to raise funds.

In late 2013, the club hosted the successful Cove Fair, and it is hoped that the upcoming renovation will enable it to raise more money from functions. I note with interest that this financial turnaround took place under the stewardship of a Scotsman and refer government members to his abilities. They may like to enlist his skills in debt reduction when preparing the state budget.

Cove Sports and Community Club is one of those clubs which is part of the very fabric of the community it serves. It is an important meeting place, a place for social engagement, and it provides a place for people of all ages to enjoy sport and keep fit—all the more important when statistics show that 25 per cent of Australian children are obese.

Cove Sports is also a development ground for young sporting talent. Earlier in the year, the Cove Cobras, the club's AFL club, celebrated their former junior Michael Galley's debut with Glenelg in the SANFL. The Cove Sports and Community Club, like many of our clubs, gets little in the way of

assistance. It gets no recurrent funding, like a library or a community centre, yet despite struggles with finances and facilities it continues to survive. It is not about the bricks and mortar; it is about the people, people like Keith Noble, its manager; Andy Fry from the soccer club; Trevor Wigg of the BMX club; Tracey Harris and David Gilbert from the netball club; and Darren Thomas of the cricket club.

CHILD PROTECTION

The Hon. P. CAICA (Colton) (15:38): After learning of the reshuffle on the opposition front bench last week, I have been haunted—it might sound too strong a word, but, no, it is not; I have been haunted—by a phrase repeated in this place ad nauseam by the member for Unley over the last 18 months. It is more of an accusation, really, that this government—this is the accusation of the member for Unley—'has a casual attitude to child protection'.

You might wonder why the reshuffle reminded me of this particular phrase, and I am happy, of course, to explain. Aside from the absurdity of calling the government that commissioned the Layton and Mullighan reviews 'casual' when it comes to child protection—it is a government that has tripled spending on child protection, I might add—it is also utterly hypocritical.

Our current Minister for Education and Child Development has held the child protection portfolio since July 2008, with the exception of the 15 months between October 2011 and January 2013. I have done a little bit of research, and I hope it is correct; I am sure the opposition will tell me if it is not. In that time, the opposition has had the following shadow ministers: the member for Bragg, from April 2007 to September 2008; the member for Davenport, from September 2008 to July 2009; the Hon. Stephen Wade in another place, from July 2009 to April 2010; the member for Bragg again, from April 2010 to December 2011; the member for Morialta, from December 2011 to February 2013; the member for Unley, from February 2013 to April 2014; the Hon. Stephen Wade in another place, again, from April 2014 to June 2014; and the member for Adelaide, from June 2014 to the present.

Mr Picton: That's eight.

The Hon. P. CAICA: My colleague says eight, but that is seven changes of the shadow ministry in less than seven years and three in three months. Now the portfolio rests (and I am not being disrespectful in anyway here because I think she will be good at her tasks) with the most junior member of the shadow cabinet. That, to me, just shows how seriously they take child protection. All this is from an opposition that accuses the government of having a 'casual attitude to child protection'. The only child protection policy presented by the member for Unley at this year's election was to abrogate all responsibility for child protection and handball it off elsewhere—somewhere, who knows where; they did not say to where.

Let's hope that the member for Adelaide sticks around long enough to actually contribute to child protection in this state. Let's also hope that she is not foolish enough to make hollow accusations about a 'casual attitude to child protection', given the long list of shadow ministers they have had come before her. Let's hope, too, that the opposition is finally more interested in helping to protect our most vulnerable citizens than making political mileage from their misery.

WORLD AQUACULTURE CONFERENCE

Mr TRELOAR (Flinders) (15:42): I rise today to talk about a significant conference event which occurred in this state just last week: the World Aquaculture Conference 2014, hosted in South Australia. Delegates from all over the world undertook activities which went on for more than a week. The World Aquaculture Society has been in existence for over 30 years, and this is the second time the conference has been held in Australia, the first time being in Sydney in 1999. Last year's conference, in 2013, was held in the US, and next year the conference is due to be held in Korea.

Topics covered almost everything imaginable: technical advances in aquaculture, segments on 'from farm to table', biosecurity, sustainable health development in aquaculture, and ranching, of course, which is something that tuna fishers in Port Lincoln undertake. Other topics included emerging species in aquaculture, and there were addresses on new varieties of mussels, sea cucumbers, urchins, lobsters, crabs, and freshwater crayfish. Interestingly, there was even a segment on genetically modified salmon in aquaculture, which I have no doubt the Minister for Agriculture, Food and Fisheries was all over.

Delegates came from the world over. I think the real opportunity, of course, was not just the exchange of information but also the networking that occurs at these events. On Wednesday, I attended a few of the sessions, and on Thursday night I went home to Port Lincoln and attend an event at the Axel Stenross Maritime Museum, where delegates who chose that particular field trip to Port Lincoln gathered. There were representatives of all the local aquaculture industries, including kingfish, tuna, oysters, mussels, abalone, and freshwater crayfish, otherwise known as marron or yabbies.

It was certainly a great event, and I understand that on the Thursday the bus trip ventured up to Arno Bay and had a look at the Clean Seas hatchery up there, which of course these days is concentrating very much on kingfish propagation and farming. It seems to be very much a success, and the kingfish is a wonderful table fish. Tuna ranching or tuna farming—tuna fishing, of course, is a combination of wild catch fishing and farming whereby the wild catch is towed via nets into the closer waters and fed until market. Unfortunately, the weather turned bad on the Friday, a number of site visits were due to occur, so I am not sure what people did ultimately on the Friday, although I did hear that a good number of the Korean delegates finished up at the Marina Hotel eating anything and everything that was raw. So, no doubt, they had a good time.

Just today, I have viewed via the internet an episode of *Landline*, where they featured the oyster industry, particularly on the West Coast and Eyre Peninsula, and took some footage at Coffin Bay. It was interesting, because it featured a few of the locals: Brendan Guidera I will mention, who is supplementing his operation by growing the native angasi oyster. It also featured Jill Coates and her son Jed, and Rodney Grove-Jones, who is pioneering the propagation of the Pacific and angasi oyster. The angasi is interesting because it is a local native oyster. It was fished out in the latter half of the nineteenth century and early part of the twentieth century, and has really been reintroduced into the oyster farming situation, one as a matter of spreading the risk and also as insurance against the potential impact of Pacific oyster mortality syndrome, otherwise known as POMS.

So, these are innovate farmers, it is an innovate industry, it continues to develop, and the only downside at the moment, of course, is that time and time again these growers and all those involved in aquaculture and fishing tell me that the cost recovery programs undertaken by this current government are extensive, prohibitive and damaging the sector.

Time expired.

TOBACCO REGULATION

Mr PICTON (Kaurna) (15:47): On 31 May, the world marked the 28th World No Tobacco Day. Over 5 million people each year around the world die from the negative health effects of tobacco, with over 15,000 of those deaths in Australia. Tobacco is the only legal product available that, when used as properly intended, is fatal. Therefore, tobacco must be treated as a product unlike any other. Likewise, the tobacco industry is an industry unlike any other. While the industry talks about corporate responsibility, any sales success that they have results in more deaths, and any failures for them to sell their products actually saves lives.

Over the past four decades, Australia's and South Australia's approach to tobacco regulation has transformed and is continuing to transform. In the latest step towards saving lives from cancer, I congratulate the Minister for Health in this government for his recent announcement to make outdoor dining areas smoke-free by July 2016. He has also announced he will reintroduce funding for anti-tobacco advertising campaigns. These changes will save lives in South Australia.

Likewise, reforms at the national level in recent years have made Australia a world leader in the fight against tobacco and cancer. Increases in tobacco excise have addressed a falling tax-to-price ratio in Australia compared to other advanced economies, and Australia has led the world with the introduction of plain packaging for tobacco. It is a move now being considered in other countries, such as the United Kingdom and New Zealand.

This is not a measure that was ever intended to convince large numbers of existing smokers to quit; it is a measure aimed at preventing new smokers starting up this horrible habit by removing the last possible way from tobacco companies to advertise their product and attach glamour to their cigarette brands.

Big tobacco companies fear nothing more than the introduction of this measure. They have spent millions of dollars in Australia trying to stop the reform, and are now spending even more

money overseas trying to stop the spread of this policy. In the past fortnight, we have seen the big tobacco companies and their allies pushing stories about plain packaging supposedly increasing smoking rates.

These 'industry monitor figures', however, are not backed up by the respected and reliable Australian Bureau of Statistics figures that show that the consumption of tobacco and cigarettes in the March quarter across Australia were the lowest ever recorded in over 50 years of records. In seasonally adjusted terms, there was a 5.3 per cent drop in tobacco consumption from when plain packaging laws were introduced until now.

Economist Stephen Koukoulas has gone as far as to label these ABS figures as 'a great depression for tobacco sales'. The truth is, as dissected by eminent public health expert Professor Mike Daube, 'The tobacco companies want stories in the UK that will say that plain packaging hasn't helped in Australia. That's the main game for them at the moment.'

This is a cautionary tale that, when it comes to tobacco policy, be very wary of industry statistics, industry research and industry spokespeople. This is an industry that has one goal: the continuation of the steady sale of cigarettes across the globe, particularly in developing countries, despite the fact that it causes health disasters for communities across the globe.

HEALTH FUNDING

Dr McFETRIDGE (Morphett) (15:50): In question time today we heard the health minister talking about the reduction in funding to the South Australian government and, as a consequence of that, the reduction in funding to the South Australian health department. Let us put all of this in perspective—and I remember having a similar argument with the Minister for Police when I had the shadow police ministry. The health department is actually getting a lot more money than they have ever had from the federal government. They are not getting as much as they expected, sure, but then, when you are paying a billion dollars a month in interest on the debt, isn't that to be expected?

For the Labor Party to come in here and blame the federal Liberal Party for death, disaster and an apocalypse that is coming in the next few years is a bit rich. It is a bit rich, particularly when you also consider the state of the state. Let us put this all into perspective: this is budget week and we know there is some excitement. We know there are drops. We know there are leaks. We know there are announcements, but 'all will be revealed on Thursday' we are told time and time again.

We know what crisis management is: crisis management 101 is all about deny, deny, deny, deflect, deflect, deflect. Let us look at the actual cost to the taxpayers of this state of 12 years of hard Labor. Six years of deficit in seven. Labor promised $2.6 billion in surpluses and they are delivering $2.9 billion in deficits. The debt is $14 billion in 2016, so we are paying about $3 million a day in interest. As the member for Heysen often says, what could you do with that $3 million every day if you could give it to each of the communities in South Australia?—every day. It is not going to the Belgian dentists as it was in the State Bank time when Labor sent the state broke last time. They are doing it again now. Tax liabilities will soon exceed $25 billion. We are the highest taxed state in the nation, and it goes on and on from there.

The state is in a deplorable state after 12 years of Labor. We are going to get excuse after excuse, denial after denial, deflection after deflection from this government, particularly from the Treasurer on Thursday. However, let us have a look at the total extra funding that South Australia is getting from the federal government. Sure, we would like more, but when you have had a previous federal Labor government that has run up the debt and deficit so high that we are paying a billion dollars every month in interest on the debt, then you really have to start thinking, 'Is it going to be possible to increase at the rate that they had promised? It was never in the forward estimates, but it was there. I will be interested to see what the Treasurer has to say about the Kevin Foley excuse: having the moral fibre to go back on their promises.

The specific purpose payments that are being received from the federal government included with the GST revenue, by 2016-17 it will be nearly a billion dollars extra—$855 million extra. The $655 million the health minister said today was coming out of the health budget is probably the increase that they were expecting, which was coming out of the *Magic Pudding*, put out there by the Rudd and Gillard Labor governments. It was not the case. The federal health minister in a media report today said that commonwealth health funding to South Australia has grown by $332 million over the next four years.

So, health funding from the commonwealth to South Australia is not reducing, it is increasing by $332 million over the next four years. For the minister to come in here and say that it is the end of the world, that we are going to be closing hospital beds tomorrow, that is only going to be if he continues to implement his cuts because of this government's bad management. That is what has happened; that is what we are facing on Thursday in this place. South Australians have to lay the blame on Labor.

This government is trying to lay the blame on the federal Libs; well, the South Australian government should lay the blame on this state Labor government, because that is where it stops. It stops with the minister. The former minister for health (John Hill) said in this place, 'The South Australian public expect a really good public health system and the buck stops with me.' That is what he said: the buck stopped with him as the minister. So, minister Snelling, when you are handing down the health budget and trying to explain this budget to us on Thursday, the buck stops with you and your former health ministers in this place as well.

Let us just go to another one of my portfolios. I am covering health in this place and am happy to assist the Hon. Stephen Wade in the other place, who has health, but I also have emergency services. Let us just see what they have done to emergency services over the last four years. This is out of the Report on Government Services 2014: they have actually reduced, in real terms (in 2012-13 dollars), real revenue of fire service organisations from $193.4 million in 2008-09 to $178.5 million. The fire and emergency services are expected to do more with less. This government is an atrocious government.

Time expired.

VOLUNTARY EUTHANASIA

The Hon. S.W. KEY (Ashford) (15:55): I am very pleased to see that we are moving as a government on the advance care directives area. That legislation to me is really important. I know members in this house will understand what I mean, particularly if they provide a JP service, as to why we need to make sure that this is a simple process, and also a process where people can change their mind easily and get advice easily. So, congratulations to minister Snelling and the team in this area.

As members would be aware, I am concerned with regard to adopting appropriate South Australian voluntary euthanasia legislation, and I was very pleased to recently receive information from an organisation I have been a member of for many years, the South Australian Voluntary Euthanasia Society. I imagine other members of the house would have received this information. They have advised that Quebec has passed a medical aid in dying bill, and I am advised:

> The new law, entitled 'An Act respecting end-of-life care' passed on Thursday 5th June, 94 votes to 22.
>
> Choice for medical aid in dying will be lawful for adults suffering from incurable serious illness; in an advanced state of irreversible decline in capacity; and suffering from constant and unbearable physical or psychological pain which cannot be relieved in a manner the person deems tolerable.
>
> Quebec now becomes the 9th jurisdiction to allow voluntary euthanasia, [of course] joining:

Netherlands	Belgium	Luxemburg	Switzerland
Oregon	Washington	Montana	Vermont

Some of those provisions are a little bit different. Certainly, the one in Oregon is a patient-assisted-in-dying jurisdiction, but basically the principles of voluntary euthanasia are supported. I was also advised by SAVES that there is an organisation—and I must say, I looked up this organisation, Deputy Speaker, after showing you some of this information to make sure that it was a legitimate organisation—called the Society for Humanistic Judaism.

This organisation seems to have a very progressive position on a number of issues—ones that I certainly support—particularly emphasising the need for people to have a choice, and also acknowledging that women should have control over their own bodies. I was very surprised but also very pleased to see that. It also has very interesting policies with regard to sexuality and transsexuality. There are a number of chapters for the Society for Humanistic Judaism, particularly in America, but it also has a global presence. Just recently, on 25 May this year, they adopted a resolution supporting physician-assisted death. Although I will not have time to read the whole article, what they say is:

- Each human being should have control over his or her own body and autonomy in matters of personal concern.

So, that talks a little bit about what I said with regard to the choice issue. They continue:

- A competent adult diagnosed with a fatal disease that will cause unbearable pain and suffering has the right to die in a dignified and peaceful manner.

This is a point that I did find particularly interesting:

- Government has no substantial, legitimate interest in prolonging the lingering, painful death of a terminally ill person who wants to die. Physician-assisted death, also called physician-assisted suicide, in which a physician, at the request of a terminally ill patient, provides the patient with a lethal dose of medication that the patient can take when he or she is ready, promotes dignity and autonomy.

It is really interesting to read the whole article, but one of the other points I just wanted to raise that they raise is:

- Opposition to suicide on religious grounds cannot justify prohibition of physician-assisted death, failure to permit it, or penalties on physicians who participate in it. Separation of church and state is a cornerstone of our democracy.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE

The DEPUTY SPEAKER: I have been advised of the resignation of the Minister for Investment and Trade from the Economic and Finance Committee and the resignation of the member for Stuart from the Natural Resources Committee.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (16:01): By leave, I move:

That Mr van Holst Pellekaan be appointed to the Economic and Finance Committee in place of the Hon. M.L.J. Hamilton-Smith (resigned).

Motion carried.

NATURAL RESOURCES COMMITTEE

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (16:02): By leave, I move:

That Mr Treloar be appointed to the Natural Resources Committee in place of Mr van Holst Pellekaan (resigned).

Motion carried.

Bills

LADY KINTORE COTTAGES (TRUST PROPERTY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 May 2014.)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (16:04): I do not want to spend very long speaking to the substantive matter here. I believe other members have contributions to make, and I will be content to simply let the matter rest after their contributions.

Dr McFETRIDGE (Morphett) (16:05): The Lady Kintore Cottages (Trust Property) Amendment Bill 2014 was first introduced over 12 months ago into this place on 20 March 2013. It has been a while coming, but at last we are here and it should not take the house long to make sure that all the i's are dotted and the t's are crossed.

The Lady Kintore Cottages (Trust Property) Amendment Bill 2014 seeks to amend the Lady Kintore Cottages Act 1920 and bring administrative objectives of the legislation in line with the current objectives of the Benevolent Strangers' Friend Society Incorporated, which holds six properties on trust under the act.

The DEPUTY SPEAKER: We just need to call you to order for a moment, member for Morphett. We stand corrected. The minister has spoken, which closes the debate.

The Hon. J.R. RAU: I did not mean to. Madam Deputy Speaker, if there is some way procedurally that we can enable the member for Morphett to finish his words, that is fine. Otherwise, can I say on the record that am happy, when the report of the committee comes back, for him to speak at length about the report of the committee. Can I assure the member for Morphett and others that I was not attempting to terminate their right to speak. This is an unfamiliar piece of gymnastics.

Dr McFETRIDGE: I am quite happy to go along with that. I will save the 1892 report from the philanthropic movement that was going to establish this until that time.

Bill read a second time.

Standing Orders Suspension

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (16:10): As I understand it, just as an explanation for members, in the opinion of some, this is a hybrid bill. I do not necessarily have that opinion but, given that others do and there is a certain inevitability about what will follow, I therefore take the following steps. I move:

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

The DEPUTY SPEAKER: There not being an absolute majority present, ring the bells.

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

Motion carried.

Referred to Select Committee

The DEPUTY SPEAKER (16:10): The Lady Kintore Cottages Act 1920 was enacted to enable the transfer of certain real property and money held by the Lady Kintore Cottages Incorporated to the Adelaide Benevolent and Strangers' Friend Society Incorporated after it had become clear that the original purpose of providing housing to indigent widows and deserted wives and their families became impracticable to apply.

The Lady Kintore Cottages Incorporated was an incorporated body under the Associations Incorporation Act 1890. The original properties held by the Lady Kintore Cottages Inc. that were invested in the society by the 1920 act have since been sold by the society. This bill aims to recognise the wider purposes of the society than those set out under the Lady Kintore Trust.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (16:12): I move:

That the Lady Kintore Cottages (Trust Property) Amendment Bill be referred to a select committee.

Motion carried.

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

That a committee be appointed consisting of the member for Kaurna, the member for Giles, the member for Adelaide, the member for Morphett and the mover.

Motion carried.

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

That the committee thus constituted have power to send for persons, papers and records and to adjourn from place to place, and that it report to the house on 5 August 2014.

Motion carried.

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

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

The DEPUTY SPEAKER: There not being an absolute majority of the house present, ring the bells.

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

Motion carried.

TRAVEL AGENTS REPEAL BILL

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (16:14): I move:

That this bill be now read a second time.

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

Leave granted.

The Bill will repeal the *Travel Agents Act 1986*. It implements a key recommendation in a national travel industry transition plan approved by a majority of State and Territory governments on 7 December 2012.

The Bill illustrates the South Australian government's ongoing commitment to remove unnecessary red tape for businesses and promote efficient and adaptable regulation.

The transition plan recommended sweeping changes to existing travel agents regulation, which has been in place since 1986, following the introduction of a cooperative scheme for the uniform regulation of travel agents, known as the national scheme.

The terms of the national scheme required jurisdictions to enact uniform legislation requiring travel agents to be licensed and for those agents to become and remain members of the Travel Compensation Fund, or TCF.

The TCF monitors the financial position of travel agents and administers compensation to consumers who have suffered financial loss because their travel agent has failed to pay a travel or travel-related service provider on their behalf.

Now, after over two decades in operation, the national scheme has steadily become ill suited both to modern industry practices and to how consumers purchase travel today.

The rise of electronic commerce in particular has fuelled the growth of direct distribution channels. Making travel arrangements is now predominantly an online business, with consumers cutting travel agents out of many transactions.

It is now estimated that two-thirds of travel and travel-related expenditure—or $18 billion out of $27 billion—is now made without relying on a travel agent. Growth forecasts predict that this trend is likely to continue.

As a result, a significant number of consumer transactions are currently falling outside the scope of the existing regulatory scheme and the pool of consumers who are eligible to access compensation by the TCF is shrinking.

However, the compliance burden associated with satisfying the TCF's prudential oversight requirements remains high relative to its declining benefit to consumers: in March 2011, PricewaterhouseCoopers estimated the cost to industry of complying with the TCF's requirements alone at around $19.3 million; in 2012, KPMG put this cost at $18.4 million.

The industry itself is also increasingly globalised, with many overseas players entering the local market, bypassing the national scheme altogether.

Recent collapses of well-established, local agents controlled by offshore corporations indicated how complex ownership arrangements are undermining the effectiveness of the TCF's prudential oversight. These are circumstances which the national scheme cannot prevent and future similar incidents are not unlikely.

In addition to its shrinking coverage, the national scheme also raises concerns about regulatory duplication.

Travel agents—particularly those that are incorporated or publicly listed—are already subject to financial controls under laws of general application and other industry-led mechanisms such as accreditation obtained through the International Air Transport Association, IATA.

In practice, these controls cover the majority of the travel agent market, which is dominated by a small group of large companies.

It was in light of these challenges that State and Territory Consumer Affairs agencies developed a Travel Industry Transition Plan, taking into account two independent cost-benefit analyses, and two rounds of public consultation.

The transition plan envisages a regulatory scheme for travel agents informed by contemporary market conditions.

These reforms consist of two key changes, to be implemented by the end of 2015.

The first change removes the TCF's prudential supervision function and puts measures in place that would trigger the closure of the fund. This was achieved through changes to the TCF's governing trust deed on 1 July 2013.

The second change involves repealing travel agents' licensing legislation by 1 July 2014.

This Bill will achieve this requirement and will also preserve, for a limited time, certain powers relating to the TCF.

These powers provide for additional matters that are not included in the TCF's governing deed, such as the right of the TCF trustees to sue and be sued in the name of the TCF.

Other provisions that will be preserved are the Minister's original power to declare the TCF as an approved compensation scheme.

The limited continuation of these provisions is required in order to align with the TCF's termination date. This is currently either 31 December 2015, or as soon after 30 June 2015 as the TCF's obligations are met and the fund is officially closed.

Removing the national scheme will not leave travel agents unregulated and consumers without redress.

The Bill will enable fuller reliance on the Australian Consumer Law and existing company laws, as well as industry-led regulatory mechanisms and remedies such as credit card charge-backs.

A key advantage of the ACL is that it applies existing levels of consumer protection to transactions with all travel agents as well as travel providers.

Complementing these measures will be a new industry-led accreditation scheme, to be administered by the Australian Federation of Travel Agents, or AFTA.

The scheme is required to be implemented from 1 July 2014, coinciding with the proposed commencement date of the Bill.

With the help of a one-off grant of $2.8 million funded by the TCF, AFTA has significantly progressed its voluntary scheme. It has also negotiated with UK insurer, International Passenger Protection, to introduce new insurance products into the Australian market covering defaults by both travel agents and suppliers.

Such developments have not been possible in the presence of the national scheme, with travel agents already subject to TCF and licensing costs.

TCF funds will also be used to support the creation of a consumer voice.

The transition plan recommended that a one-off grant be made for the purposes of consumer research and advocacy to assist in empowering consumers who transact within a globalised travel industry. CHOICE has been the successful tenderer to undertake this project.

The Bill is the culmination of a lengthy process of collaborative reform on foot since early 2009.

All jurisdictions are cooperating to achieve the passage of similar legislation within the required time frame; the State of Victoria passed its repeal legislation in March 2014. New South Wales and the Australian Capital Territory have introduced their repeal Bills and expect them to be passed by both Houses in May; Queensland expects to have its repeal legislation passed by 1 July 2014.

The Bill will enable travel agents to transition into an environment that is appropriate for contemporary market conditions and existing regulatory coverage. It will also enable an experienced, well-established industry to play a central role in overseeing the activities of its representatives in the absence of more prescriptive regulation.

Importantly, the Bill will help place the Australian Consumer Law centrally as the most appropriate form of protection for consumers, and regulation for travel agents both at present and in the foreseeable future.

I commend the Bill to the house.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides the short title.

2—Commencement

This clause provides for the commencement of the Act and ensures that, even in the event that the Act is assented to by the Governor after 1 July 2014, the Act commences from 1 July 2014.

Part 2—Repeal of *Travel Agents Act 1986*

3—Repeal of Act

This clause repeals the *Travel Agents Act 1986.*

4—Transitional provisions

This clause provides transitional provisions to preserve specified sections of the *Travel Agents Act 1986* relating to the administration of the Travel Compensation Fund until the termination of the trust deed according to its terms, as follows:

(a) the approval of the trust deed by the Minister made under section 19 will continue to apply;

(b) section 21, which permits appeals to the District Court against certain determinations of the trustees, will remain in force;

(c) section 25, which provides that the trustees may enforce rights (subrogated to the trustees due to payment from the compensation fund) against the directors of a licensed travel agent (or former licensed travel agent) that is a body corporate, will remain in force until the termination date in relation to a claim made against the compensation fund in respect of matters occurring before the repeal date;

(d) section 26, which provides that the trustees may sue and be sued under the name 'The Travel Compensation Fund', will remain in force in relation to any legal proceedings brought by or against the trustees before the termination date in relation to a matter occurring before the repeal date.

Mr PEDERICK (Hammond) (16:14): I advise the house that I will not be the lead speaker on this bill.

Dr McFetridge interjecting:

Mr PEDERICK: I thank the member for Morphett for his support. I rise to speak to the Travel Agents Repeal Bill 2014. This bill was introduced in the other place on 22 May 2014 by the Hon. Gail Gago as Minister for Business Services and Consumers. The bill proposes to repeal the Travel Agents Act 1986 as part of a national reform program to reduce red tape and promote efficient regulation.

In regard to the national scheme, in 1986 a cooperative scheme for uniform national regulation of travel agents was introduced. Under the national scheme travel agents are required to be licensed under state legislation and to be members of the Travel Compensation Fund (TCF). This scheme is funded by fees on travel agents and compensates consumers who have suffered financial loss because their travel agent has failed to pay for travel or a travel-related service provider on their behalf.

After two decades of operation, the following drivers for change have emerged. One is the growth of direct distribution channels. A large proportion of travel arrangements are now made online. Online bookings in Australia increased from 5 per cent in 2001 to almost 35 per cent in 2008 at an average annual growth rate of 34.6 per cent. Globally this figure is estimated at over 50 per cent. Two thirds of travel and travel-related expenditure ($18 billion out of $27 billion) is now made without relying on a travel agent, and most consumer transactions fall outside the scope of the existing scheme and are not covered by TCF compensation.

This brings to mind a conversation I had with a semi-retired travel agent the other day where he informed me of the issues of booking online with international carriers. This is quite relevant to the legislation we are debating at the minute because people who go online, who might be looking at Singapore Airlines or Air France, do not realise that they are actually booking with an operator who is based in either Singapore or Paris, which circumvents everything around compensation. When it comes to the TCF and wanting to claim some compensation for a trip that goes pear shaped, they cannot, and they end up in a world of strife.

The second driver that has emerged is globalisation and consolidation. As I just said, the industry is becoming increasingly globalised and many overseas players have entered the local market, bypassing the national scheme altogether, and complex ownership arrangements undermine the effectiveness of the TCF's prudential oversight.

As a result of consolidation, the market is largely dominated by a small group of large companies that collectively hold almost 60 per cent of the market share. The TCF is no longer able to guarantee to compensate consumers in the event that one of the major travel agent businesses collapse.

Part 3 is about compliance costs, where the cost to industry of complying with the TCF's requirements is estimated at $19.3 million, and this was quoted by PricewaterhouseCoopers in 2011, and $18.4 million was quoted by KPMG in 2012. Then we get to four: regulatory duplication. Travel agents, particularly those that are incorporated or publicly listed, are already subject to financial controls under the laws of general application, the Franchising Code of Conduct and under industry-led mechanisms, such as accreditation obtained through the International Air Transport Association, (I-A-T-A).

Ms Redmond: IATA.

Mr PEDERICK: IATA, thank you, member for Heysen. In practice, these controls cover the majority of the travel agent market, which is dominated by a small group of large companies. In regard to the reform plan, from 2009 state and territory consumer affairs agencies developed a travel industry transition plan, taking into account two independent cost-benefit analyses and two rounds of public consultation. The plan was approved by a majority of state and territory governments on 7 December 2012.

The reforms are taking effect in four phases. In phase 1, from 1 July 2013, travel agents were not required to lodge annual financial returns to the TCF. Phase 2 involves the repeal of travel agents' legislation by 30 June 2014. Phase 3 is the introduction of a voluntary industry accreditation scheme from 1 July 2014. Phase 4 will mean closure of the TCF by mid to late 2015 and final payments of any consumer claims by 30 June 2015.

In oversight beyond the TCF, travel agents will continue to be regulated and consumers have redress through the following measures. Australian consumer law and existing company laws will continue to apply existing levels of consumer protection to transactions with all travel agents and travel providers. The transition plan also supports industry-led accreditation. Many travel suppliers already insist that only an accredited agent can provide a particular service, such as issuing tickets or selling boutique travel products. A new accreditation scheme, the AFTA Travel Accreditation Scheme (ATAS), is being established and administered by the Australian Federation of Travel Agents (AFTA)—we have plenty of acronyms here—and commences from 1 July 2014.

AFTA has received a one-off grant of $2.8 million for ATAS, funded by the TCF. To become accredited, a travel intermediary must agree to abide by the code of conduct and charter, confirm that their corporate policies, procedures and any consumer marketing activity will comply with Australian consumer law, be a fit and proper entity, be a registered Australian Business Number (ABN) holder, comply with relevant sections of the ASIC administered Corporations Act 2001 as required, and provide certified financial accounts to prove solvency.

They also must provide evidence of adequate public liability insurance and professional indemnity insurance, demonstrate an adequate level of staff education and training, and provide evidence of an adequate complaint handling policy and procedures. Other accreditation available includes the International Air Transport Association (IATA), the Cruise Lines International Association (CLIA) of Australasia and the National Tourism Accreditation Framework using the T-QUAL symbol.

Obviously within the industry there are some concerns about where we will be with consumer protection moving forward from 30 June 2014. Typically, current consumer travel insurance only covers the cost of cancelling or changing any travel arrangements for unforeseen reasons, lost luggage or travel documents, legal bills and overseas emergency medical expenses. Most policies do not offer protection when consumers' travel arrangements fail to go ahead as planned because the airline or other end supplier collapsed or became insolvent.

Just digressing a little bit, I cannot remember the name of the show (I think it was only on last night) about travelling to Bali and the disastrous—

Ms Redmond: *What Really Happens in Bali*.

Mr PEDERICK: *What Really Happens in Bali*. Thank you, member for Heysen. It certainly proves that insurance is vitally necessary, especially in regard to medically related expenses. I know

that I have never gone overseas without having medical insurance for myself or my family, when they have accompanied me, because there can be massive costs. I think it was around $70,000 to get someone out of Bali with a medical evacuation. It might sound a lot for someone to pay for their emergency medical insurance at the start of the trip, but it is pretty cheap pocket money if something goes wrong while you are overseas.

ATAS accredited agents are only required to hold public liability and professional indemnity insurance. Agents can opt to take out three types of insolvency protection offered by international passenger protection, represented locally by Gow-Gates: travel agent and intermediary failure insurance, which is only available for ATAS accredited travel agents; scheduled airline failure insurance, which covers insolvency of an airline; and end supplier failure insurance, which covers losses arising from the insolvency of an airline and other end suppliers.

It is not compulsory for travel agents to be accredited or for accredited agents to have any of these insurances. TCF funds will also be used to support the creation of the consumer voice. Choice has been a successful tenderer to undertake this project. In regard to the winding up of the TCF, all jurisdictions party to the national scheme need to repeal their travel agents' legislation. South Australia is the last state to introduce the legislation.

The TCF funds at the end of 2013 were $27,071,647. The TCF trust deed requires any funds remaining after the TCF closes to be redistributed to participating jurisdictions. No portion of the TCF funds will be redistributed to agents; however, the transition plan approved a range of uses, including funding educational and informative material about the reforms for businesses and consumers. As I mentioned earlier, a travel agent came to me with some concerns, and there are criticisms about these proposed reforms.

Some people are saying that instead of abolishing the TCF, it could have been reformed and it should not be abandoned before an effective replacement is in place. That is one criticism and certainly a valid one in this case. Also, the fact that both accreditation and insolvency cover will be voluntary, even for accredited agents, it will lead to market confusion and consumer vulnerability.

While the United Kingdom and New Zealand have a voluntary approach, both provide some default protection against travel agents' failures. I think this is somewhere that the Australian legislation, as committed by the states and territories, could have—

Ms Redmond interjecting:

Mr PEDERICK: Yes; and we could have followed suit and put some protections in place. AFTA claims that the TCF program lacks consumer awareness, with 97 per cent of the public unaware of its existence, according to them. Yet, the new regime puts a greater onus on the consumer to be informed beyond accreditation to insurance cover. ATAS is not independently governed from AFTA as the plan intended. ATAS has been developed to benefit AFTA and the large operators that constitute the board, who are determined to avoid volumetric insurance under the TCF.

The market arrangements are said to be unfair, with AFTA members being told that they have to be ATAS accredited, and travel agent and intermediary failure insurance only available to ATAS accredited travel agents; also, fees are relatively high for smaller entities. The current fee for TCF is $425 per annum for a head office or sole location and $320 for each additional location. ATAS participation is subject to an annual fee and based on an entity's annual gross total transaction value. The fee for an agent with a turnover of $1 million would be $1,350 for a non-AFTA member. If the agent's turnover was $250 million, the fee would be $20,000 for a non-AFTA member, and that is 15 times higher for a 250 times increase in turnover. However, the accreditation does not relate to any form of insurance cover.

Without the protection of a statute, the client trust accounts held by travel agents are vulnerable to claims from financial institutions. We on the side of the house seek clarification—and we will hear back from the minister—about the security of agent-held client funds, with the repeal of the act, and the fairness of the market and governance arrangements. We think that there is need for a higher level of consumer awareness of the new arrangements, and the implementation of ATAS needs to be fair to small to medium operators.

I note that in the second reading speech made in the other place, the minister talks about the government's ongoing commitment to remove red tape. In the first instance, I think that is a great

thing, but in the second instance, when you delve into the situation—I have had some feedback from some travel agents in my electorate—there could be some real issues in what happens in the actual running of the act if it does come into place in the near future. There are some real issues with whether people will have compensation.

You talk to people involved in the travel game, and they are very good operators. You can hear some of them advertising on the radio and they have their nightly shows, and they are very good operators, in the main. They have 24-hour call service—because obviously with the time zone differences you could be anywhere in the world—where you can ring your agent (if obviously they are one of these more reputable agents) and get service and get it all sorted out if something has gone wrong with some sort of tour, river cruise or a guided tour, or whatever tourism activity that someone is taking up. In talking to some of the operators in my area, what they are concerned about is that, under the new regime, someone can just set up shop across the road from someone who has been dealing with travel for the last 20, 30 or 40 years and decide to go into business with no accreditation and—

Ms Redmond: No knowledge.

Mr PEDERICK: Yes—no knowledge and no safety net, no fallback for the consumer. We all know how easy it is for people to go for the cheapest rate and think, 'Fantastic, I've stolen that trip. It's only cost me $2,000' where perhaps with the agent across the road who has been accredited for 20 or 30 years it might have been $2,300, but it might have come with all these protections and that client and operator service that you need when or if there are problems in regards to the tour.

If you are in Europe, North America, Canada, or anywhere in the world for that matter, you are a long way from home and the last thing you want when you are away is for something to go wrong. So, I seek assurance from the minister's comments to the house in regard to the protections that people will have under this scheme and the fairness that will be implemented for operators who have been involved in the travel industry for decades, who have done good work and who have looked after their clients and how that stacks up equitably with people who just pop up if this legislation is introduced and decide to run perhaps not such an honourable business venture.

Ms Redmond: Fly-by-night.

Mr PEDERICK: Fly-by-nighters—thank you, member for Heysen. As I said before, we on this side of the house are very keen to see red tape reduced, but we also want to see it reduced in a way that still gives people equity. We do not want to see thousands of people who are having distinct problems with new legislation, because what we have had in the past has done the job and next thing we have some fly-by-nighters or some not so honourable people setting up businesses.

Then when it all goes wrong when people are away on their holidays and they just want to enjoy that little bit of time they have got with the opportunity to travel, it can cost them many tens of thousands of dollars and not have any redress in regard to that. So, I will be very interested in the government's remarks on this bill and to see how it progresses through the house.

Mr VAN HOLST PELLEKAAN (Stuart) (16:34): I rise to make my contribution to this bill and indicate that I am the opposition's lead speaker, but I will not trouble you or the timekeepers for the unlimited amount of time that is available to me. I will not even come close. The member for Hammond has already made a fulsome and thorough contribution. I think that is outstanding and I thank him for that. I also direct all members towards the contribution from the Hon. Mr Stephen Wade in the other place, who has essentially dealt with this on the opposition's behalf already, so I will not go over all of that old ground, but I will outline the opposition's position and touch on a few other issues as well.

The Travel Agents Repeal Bill 2014 is something that has at least been agreed in principle by all states. I do not believe it has actually been finalised by all states with regard to their parliaments. I believe it has been introduced in all states, but I do not believe it has actually passed all states' parliaments. I might stand to be corrected on that, but I think everybody is really working up against that 30 June deadline that we have at the moment, and the opposition does not intend at all to thwart that or get in the way of that.

This bill proposes to repeal the Travel Agents Act 1986 as part of the national reform program to reduce red tape and promote efficient regulation. It would not surprise anybody to know that the Liberal opposition wholly supports that endeavour, because additional red tape and inefficient

regulation are certainly the scourge of businesses and households across our state, so we are very much in favour of that.

Travel agents are currently required to be licensed under state legislation and to be members of the Travel Compensation Fund (TCF). The scheme is funded by fees on travel agents and compensates consumers who have suffered financial loss because their travel agent has failed to pay travel or a travel-related service provider on their behalf. It is important to recognise that this is not the same as travel insurance. This is not the sort of insurance that private people—travellers or business travellers—could take out on their own behalf, and they will still have to do that. They have always done that. If they choose to do that in addition to this, that does not change, and I think that is an important distinction. This is just about financial loss related to, essentially, poor performance by the travel agent.

After two decades of operation, the following drivers for change have emerged. I will not go into as much detail as the member for Hammond has because, as I said, he has covered that. First, essentially, there is the growth of direct distribution channels. We all know that more and more things are done online these days, and certainly more and more travel bookings are done online. In 2001, approximately 5 per cent of travel bookings were done online and it was 35 per cent in 2008. Globally, this figure is estimated to be about 50 per cent. So, quite understandably, Australia really is not going to be any different to the rest of the world, because we can all access travel online.

I am sure we would all be familiar with anecdotal stories shared with us where, if you book through an Australian agent in Australia, it can often be more expensive than if you book with an agent based in your destination for the reverse round trip, if that makes sense. I am sure that is not always the case, and I am sure the Australian travel agents are doing absolutely everything in their power to look after their Australian customers, but there is a certain amount of arbitrage, essentially, that exists at the moment with regard to online bookings, and that will only continue.

Two-thirds of travel and travel-related expenditure—approximately $18 billion out of approximately $27 billion—is now made without relying on a travel agent, so the market is changing. Because of that, most transactions are actually now outside the scope of the TCF anyway, so that is quite an understandable driver for change. With globalisation and consolidation within Australia and across the international borders as well, there are very large organisations dealing with customers, whether they be a Carlson Wagonlit type of company that has the contract to do travel for members of parliament and staff—

Ms Redmond: At a huge premium.

Mr VAN HOLST PELLEKAAN: I will let you get to that—or whether it be just a private company that has grown far more slowly and might have set up alliances with international companies. Certainly, that globalisation consolidation is continuing, and the market is largely dominated by a small group of large companies that collectively hold almost 60 per cent of market share. What is really important here is that, as it stands, if one of those exceptionally large companies happened to fall over, the TCF probably could not handle it anyway. That is another quite logical driver for change—not necessarily a driver for abolition, but certainly a driver for change.

Compliance costs are another very important issue. The cost to industry of complying with the TCF's requirements was estimated at $19.3 million per year by Pricewaterhouse, in 2011, and at $18.4 million by KPMG, in 2012. They are very similar numbers and probably a very good indication. Regulatory duplication is another sensible reason for considering change. Travel agents, particularly those that are incorporated or publicly listed, are already subject to financial controls under laws of general application, whether they be franchising codes, common law, or some other code of conduct or industry-led mechanism.

It is important to point out that, while those things exist, they will not do everything the TCF currently does. Yes, it is a driver for change. Yes, a large number of other backups, if you like, exist in the system, and so that does make a case for change, but it is important to point out that they will not cover everything the TCF does at the moment, but probably the majority of those types would be covered. Just very briefly, in regard to the reform plan, there are essentially four phases:

Phase 1: From 1 July 2013, travel agents will not be required to lodge Annual Financial Returns to the TCF…

Phase 2: Repeal of travel agents' legislation by 30 June 2014

As I said before, we are knocking on the door of that—

> Phase 3: Introduction of a voluntary industry accreditation scheme from 1 July 2014—

Again, right around the corner, and—

> Phase 4: Closure of the TCF by mid to late 2015 and final payments of any consumer claims by 30 June 2015.

Phase 3 is obviously the key: the introduction of a voluntary industry accreditation scheme from 1 July 2014. Of course, if that goes well, what else do you need? If that is done effectively, responsibly, in consultation, and put into place with a capacity to cover all potential eventualities, then of course what else would you need? For me, that is really the key crunch area. Our world is dominated by voluntary and involuntary schemes, and I think we would all agree that a voluntary scheme would be better. The difficulty is that they do not always work, and I will come back to that just a little bit later.

There is certainly a significant regime established for oversight beyond the current TCF world as we know it. I will not go through all of that, but suffice to say that there are consumer laws that already exist, there is industry-led accreditation, and there are standards of consumer protection that exist. The member for Hammond went through those in detail, the Hon. Stephen Wade has canvassed those issues in great detail, and I know that speakers who follow me will go into the real nitty-gritty of the protection that will be afforded to travellers after this TCF has been wound up.

There is approximately $27 million in the fund at the moment. That is a significant amount of money, as I said before, but it is not enough to deal with some of the extreme potential outcomes. If one of the really large global companies were to fall over, TCF could not manage that anyway. Nonetheless, $27 million in an Australian industry fund is a very significant amount of money, so how that is used is going to be absolutely vital in regard to the success of how we move on.

I mentioned the Hon. Stephen Wade, who really did canvass this issue in great detail, and I would like to bring to the attention of the house and the responsible minister a couple of questions that remain unanswered. I will give her the text of this afterwards to save her from taking some notes.

The Hon. Stephen Wade asked a few questions in committee in the other place; he got some answers, but certainly not all the answers. He did specifically ask me to pass on to the government minister that the opposition is still waiting for an answer, so I will not open up the committee stage, but I would certainly put on record that the minister has given me her assurance that she will come back to the opposition with those answers. The currently responsible minister will get those answers for us.

I will put the questions on record, and one was about the ACCMC, which is the ATAS Code Compliance Monitoring Committee. The committee has five members: one independent chair, two consumer representatives, one nominated by industry or government, and one is the AFTA CEO. That seems pretty straightforward, but the question the minister was asked was: how will the two consumer reps be appointed? The minister in the other place was going to come back but, as I understand it, at least as of this morning, that answer has not come back so I put that question again on the record.

The other question that the minister asked was essentially the same, about the one industry/government representative, because it could be an industry and/or government nominee onto that committee as I understand it. We would like to know how that person will be appointed because, as I said, this can all go swimmingly so long as the new world is responsible, well funded, and fulfils its obligations to people. The five members of that board are very important and those three nominees—the two consumer and the one industry/government nominees—will be very important.

The last question I will just read directly from *Hansard*. The Hon. Stephen Wade asked the Hon. Gail Gago:

> I suppose my next question is going to have a presumption which is based on the answer that has just been taken on notice—

That is the last question about the other members of the board—

> but nevertheless let me speculate. I would not be surprised if Choice—

The consumer advocacy group, Choice—

has a role in the appointment of the consumer representative. Choice, as I understand it, is the successful applicant for the tender for being the consumer rep within the ATAS framework. I am intrigued considering that, as I understand it, the consumer protection agencies are stepping back; that is the nature of industry self-regulation. AFTA and ATAS will have perpetual existence. Is Choice's role as the consumer voice perpetual also? Having won the initial bid, will they always be the consumer voice within the ATAS framework?

I think it is a pretty sensible question; again it is one the Hon. Gail Gago is going to come back with, and I look forward to the government's clarification of those issues in this house.

Let me wind up by referring to a few general issues in regard to the travel agent industry. It is one of those industries that when things go well they are fantastic—you go on holiday, you have a great holiday and everything is wonderful; you go on a business trip, your scheduling is right, no planes are late, the weather was as predicted, you have the right clothes, everything falls into place really well, your meetings go well and you come home and think that it was a fantastic productive trip. However, when it goes wrong it can be a complete disaster, and that is really what is at the heart of this and that is why this is so important.

This legislation is not about just hoping that everybody has great holidays or just hoping and supporting and having a backup so that everybody can have useful productive business trips. It is actually about supporting people when the stuff really hits the fan because that is what we deal with here—it is either all great, all goes well or it is really pretty nightmarish stuff potentially.

Whether a travel agent forgot or, through no fault of their own, some payment was not made and a booking was not there so somebody is stuck on the other side of the country or the other side of the world, it is those sorts of issues that are really serious. I am sure, if I think about probably the most prominent example in this place, if the Premier's travel arrangements on behalf of the state were somehow mixed up through fault of a travel organisation, it would be a pretty serious outcome.

I am a bit concerned about the voluntary code of conduct. We in opposition will be watching this very closely. We do not want to stand in the way of reduced red tape and more efficient regulation—we do not want to thwart that—but we do want to make sure that travellers are protected, whether they be private or public travellers, whether they be people on holidays or members of parliament or business travellers, so we will be watching that very closely.

There is another issue, of course, that is important in all of this, and that is small travel agents versus large travel agents. As I have already mentioned and other members have mentioned, there is an industry trend towards globalisation, and there is an industry trend towards fewer larger organisations. If memory serves me correctly, 60 per cent of the industry in Australia is handled by very large organisations, so where does that leave the small ones? Where does that leave the small businesses?

I make these comments very genuinely as the shadow minister for small business. Many travel agents are small businesses and many of them are outstanding businesses. These days, you cannot be a small business with a relatively long history of being in business without actually doing a great job, because it is pretty tough. These are businesses that have forged exceptionally good relationships with their destinations, with airlines, with other travel agents overseas but, also very importantly, with their customers.

These are travel agents who have often specialised with regard to providing a particular service for a particular type of travel or a particular travel destination, and have really found a niche market for themselves. They might be travel agents who have got a niche market with regard to their customers. They might service groups of customers with particular language needs, for example, or maybe particular health travel needs or people with disabilities. A travel agent might really understand the difficulties of travelling long distances if you have a physical, mental or some other disability. Agents who have developed outstanding small businesses are providing services that the big boys essentially do not provide or certainly do not provide as well as the small ones.

There is a very real concern that, if the voluntary code that is to be established—that phase three that I referred to before—is not done properly, there is potential for a whole range of outcomes. There is potential for small but effective businesses that provide employment across our nation to go by the wayside and fall over, and the larger ones could take them over.

There is the possibility that, if that happens, then these specialist customer groups, these travellers with specialised needs, may not have anybody who services those needs. It might be

people who do not speak English very well, but they can go to that travel agent and get that help. It might be people who are looking for particular support because they have additional needs over and above the average person with regard to their travel.

Making sure that consumers do not miss out is a real concern here because, while we want to free up businesses from red tape, and while we want to improve regulation, we do not want a world where the big guys take over the little guys. We do not want a world where, perhaps on a per unit cost basis, a large company can outbid a small company but not provide the same amount of service. It potentially means that some people who need that service—and again I come back to just two examples, but there are many others: perhaps a language service, or perhaps people who can help with travel for people with disabilities—if they cannot get it from the small business that provides that now (and they might not get it at all) they might not be able to travel at all. That would then accidentally lead us towards some form of discrimination which I am sure none of us here would think was a good thing at all. So consumer protection has to stay front and centre.

The phase three voluntary industry accreditation scheme from 1 July—which is just a couple of weeks away or less—is going to be absolutely vital. I also put on record the obvious question that this legislation begs which is: does the government have intentions to do anything else that is similar with regard to other industries—whether they be real estate or motor vehicles—to remove the requirement for specific training and specific licensing out of those industries, or does the government potentially have any thoughts in the background about removing other protections for consumers like the legal profession or the medical profession have done? Those are the sorts of questions that are very important in the context of this debate, and I will wind up my remarks there.

Ms REDMOND (Heysen) (16:56): I can assure the member for Stuart as I rise to give an address on this particular piece of legislation that in fact this government has already very significantly dismantled the protections previously provided under the Legal Practitioners Act and the guarantee fund under that act. So there is far less protection than there used to be under the act for people dealing with legal practitioners.

I rise to put on the record some very serious concerns about this legislation. I believe that we are jumping the gun in a big way in agreeing to put this through. In fact, I object very much to the timing inasmuch as there was a travel agents' industry conference held in Adelaide at the Crowne Plaza during the last sitting week at which it was announced to those present that the new regime would be commencing on 1 July, when indeed this parliament had not yet had a chance to even debate this legislation. It is quite simple: the legislation before us basically repeals the Travel Agents Act that has existed since 1986.

I object, and I am on the record over many years as objecting, to the idea that various ministers can go off to conferences with various ministers from other states and come to a conclusion that we are all going to pass legislation and thereby usurp the authority of this parliament. I have always objected to it and I will object to it until the day I die. I do not think it is appropriate for ministers to be able to agree to that. I think they should have no more than the authority to say, 'We will look into it and we will come back here and try to have a debate about it.'

To be in a situation where here we are on 17 June being told that this new regime is going to come in and that we have to repeal this legislation in the current week so that this new regime can commence on 1 July is entirely inappropriate, and made more so by the fact that the agreement that was reached on 7 December 2012—two and a half years ago—was only an agreement in principle by a majority of the states and territories.

It could have been that of the six states and two territories there may have been five that agreed to it in principle. Indeed, it has already been mentioned by a couple of other speakers that the legislation relevant to this has not yet been passed in all of the other jurisdictions, and I think it is a mistake to proceed to pass this by 1 July.

I think it is of great detriment to two particularly significant groups of people: firstly, the consumers of South Australia, and, secondly, all of the little travel agents in South Australia, and there are probably hundreds of them operating right around the state. All of those travel agents employ lots of people and I fear that the consequence of this legislation and this move will be the ultimate demise of those travel agents.

It has already been mentioned by earlier speakers that we have seen a huge increase in the amount of direct bookings undertaken by people via the internet. Back in 2001, only 5 per cent of travel was booked through that means and now it is probably in the order of 50 per cent and increasing. True it is that if you do your bookings in that way, you may well find that you do not have the protection created by the 1986 act, and I will just go to what that act says.

It is very similar, in fact, to the regime—it is not the same wording, but similar—set up under the Legal Practitioners Act as it then was, and that is basically that, in order to operate as a travel agent, you have to be licensed, and in order to have a licence, first of all, there are certain requirements for you personally: you have to be at least 18 years of age; you have to not be disqualified by reason of any other behaviours; you have to have suitable arrangements in place which will enable you to fulfil your obligations as a travel agent; you must be a fit and proper person; and, most importantly, you must be eligible to be, and will become, a member of the compensation scheme.

So our act then sets up this compensation scheme. You have to pay an annual fee and, if you are running a business, that business must be managed and supervised. The act actually sets out that, at the moment, if you operate as a travel agent without being licensed under the act, a penalty of $50,000 is applicable, and if you operate without having your company appropriately managed and supervised, another $20,000 fine can apply, and there are disciplinary provisions under the act and all sorts of involvement of the District Court and so on.

The compensation scheme then says—much as the legal compensation scheme used to say—that if you are going to operate as a travel agent in this state, you not only have to have that licence with those various requirements, but you must participate in the compensation scheme; you must contribute to the compensation fund, and the provisions of that fund are set out not in the actual act but in a trust deed established under the act, and I will want to explore that particular matter when we get to the committee stage.

The fact is, as I say, that travel agents first of all agreed to change but, as has been mentioned particularly by the member for Hammond and then the member for Stuart, there is quite a discrepancy between the interests of the people who run the big travel firms and the people who run the little local travel agency. The people who run the big firms do not want to pay what is called the volumetric payment; in other words, a payment that is based on the turnover of their business, because that would clearly prejudice them in comparison to the people who are just running the little business.

The problem is that if we pass this legislation what we will be doing is wiping out that whole regime and not putting anything in place in its stead that will protect consumers. At the moment, as a consumer, if I do use a travel agent—and I must say that the protection offered by travel compensation schemes must be one of the key imperatives these days that drives people to use a travel agent rather than just going direct to the internet—then I know that in this state I am protected by that travel compensation scheme.

The member for Hammond went into some detail, thankfully, about what is covered by travel insurance and what is not, and most of us would know that we are covered if our flight is cancelled, if we have a medical injury overseas or if our luggage is lost. All sorts of things are covered by travel insurance, but what travel insurance will not cover is if your travel agent has, to use the vernacular, nicked off with the money you have paid them, or if the travel agent, having paid the money on to a third party supplier overseas who has booked a holiday for you, then finds that that company has gone belly up and there is no holiday for you overseas. That is when the Travel Compensation Fund steps in.

To give you an example (I am paraphrasing) a young chap booked a significant holiday overseas (I think it was from Perth). He had booked his honeymoon—a big honeymoon, quite expensive. He had booked all the trips, the side trips and so on. I think it was to South America. Two days before the wedding—so the honeymoon was obviously imminent—they were advised that the company overseas had failed and they had no bookings in place for their honeymoon.

The benefit of the compensation scheme that we have under this legislation that we are about to repeal in this state, was that that person, through the compensation scheme, was able within that 48 hours to have the entire honeymoon reinstated with appropriate bookings. Under the act, the

Travel Compensation Fund is then able to subrogate the rights of that person to pursue whoever it might be, but the consumer has that safety net, and that is unbelievably important.

As I say, it is to me one of the things that will encourage people to continue to use those small travel agents that operate in little towns all around this state. Those people in turn employ people all around the state in those travel agencies, and I have a significant fear that if we go down the path of repealing this legislation so that there is no Travel Compensation Fund and we have abolished the actual requirements of people having appropriate qualifications, being fit and proper people and so on, we will soon see the demise of all those little travel agents.

I have significant concerns about the way that is going to operate. The large operators, as I said, want to avoid the volumetric insurance, but probably the main concern to me in all of this is that the regime that is supposedly going to replace what is currently a compulsory scheme is completely voluntary. Yes, you can have accredited travel agents and they can take out certain insurance, but there is no compulsion on them whatsoever to be accredited or to take out insurance.

Can I tell you that in Victoria, where they are still debating this legislation, only 15 travel agents out of all the thousands of travel agents in Victoria have actually registered for accreditation. The vast bulk of people are not bothering with accreditation. It is removing red tape alright, but it is also removing all the protection that we currently have. It makes no sense to me unless we have an alternative scheme to move to that will give protection.

I know that the notes that we have received say there will be protection because if you are dealing with a travel agent—big, small, whoever—you can still get the same consumer protection that you get under consumer law anyway. Well, I hate to tell people, I do not know if anyone has regularly tried going to the Office of Consumer and Business Affairs, but if you happen to have spent $20,000 with a travel agent who has just done a flit and gone to live in Greece or wherever, you are not going to get much joy. They will tell you that, yes, you have a right to bring a claim and you may have enormous legal fees, but you miss out on the protection given at the moment under our current law.

I cannot understand why this government wants to pursue this instead of saying, 'We agreed in principle that we want to get rid of the red tape. We want to move with the times and recognise that people don't necessarily book their travel through agents any more; they go direct online and we maybe need to think about that, but let's keep this in place until we have sorted out a system that is going to, fairly, give people compensation if they pay their money to a travel agent and the travel agent goes belly up, or the travel agent pays it on and whoever they've paid it on to goes belly up.

I just cannot for the life of me work out why we have at a national level all agreed to throw away a system which has been working for more than 20 years—25 years—in a perfectly satisfactory way, and which has not had any great difficulty. One of the criticisms that was raised was that the current population is not aware of the existence of the Travel Compensation Fund. That is true, but anyone who has had cause to use it is obviously aware, just as you are not aware of a whole lot of things that happen in hospitals, or the ambulance service, or whatever it might be, unless you have cause to use them, and then consumers become aware of them pretty quickly.

But I can tell you that they are even less aware of the fact that they are going to be just left out in the cold with nowhere to go and no way to recover their money if they are in the same situation of that young man from Perth who booked his honeymoon, paid all the money to the travel agent, who did the right thing and paid the people overseas, and then found that the company overseas collapsed, and that person is left without anywhere to go.

As a parliament I cannot understand that we think it is alright to, with the stroke of a pen, wipe out a system that has been serving us well for 25 years for no better reason other than that the big players want to get control of the market. And let there be no doubt that this will push the small players right down. It will really damage the small players, it will damage the consumers in this state, and I can see no justification for it whatsoever.

Dr McFETRIDGE (Morphett) (17:10): Other members in this place have really said all that needs to be said about this particular bill, but I emphasise the fact that we now live in a brave new world and are a mouse click away from the rest of the world, and, as referred to by the member the Heysen, in 2001 about 5 per cent of bookings were being made online, while now, as the member

for Stuart said, about 60 per cent are being booked online. That is how my family does it and how many of my colleagues do it. And we certainly do it; my office does it for me.

As a result of that, I want to raise a point now that I also raised in the Supply Bill—and please, for the people at Carlson Wagonlit, I am not having a go at you. You are a very, very good travel company in 150 countries around the world, offering a very good service. However, just to put it on the record—and I understand the contract is still about the same level—the travel agents' contract for managed travel services issued by the Department of Treasury and Finance—and the copy that I have is the 2003-08 one, but I understand it is exactly the same—is for the provision of a one stop shop for all travel management services.

It includes: booking domestic and interstate and intrastate travel; car hire; air travel; rail hire; associated travel services, such as arranging visas, and a management subscription on behalf of any agency, including corporate club memberships, which you also have to pay for yourself, by the way; assistance with group bookings and conferences; travel management and financial reporting tailored to agency requirements; and government analysis and advisory services. It is a five-year contract. This is the managed travel services for the South Australian government, public servants and members of parliament.

Have a guess what you would pay for this service: $80 million for a five-year contract—$80 million. Just to break that down a little bit, we are paying $16 million a year for the management of travel services, or $1.333 million per month, or $307,692.31 a week, or $43,835.62 a day—a day—so nearly $44,000 a day just to manage our travel. That is not including all the airfares, bus fares, rail fares, taxis and car parking and other fares that we have to pay in the process. It is an extraordinarily expensive process to manage travel for the South Australian government. I would not have thought that it would be that complicated. I know that it is not something that smaller travel agents could handle. Being a global company, Carlson Wagonlit do a terrific job. Phil Hoffman down at the Bay, they are—

An honourable member interjecting:

Dr McFETRIDGE: And Semaphore—all over South Australia; in fact, they are all over the world. They won the Australian travel agent retailer of the year 2013. They do an exceptionally good job. You can contact them 24/7 and speak to a live operator to get assistance with your travel. I know a South Australian company would love to have this $80 million contract, the $44,000 a day that we are paying to manage our travel.

The point I want to raise here is that members of parliament are given a travel allowance. We can accumulate that, but nowadays most smart members of parliament are doing their own bookings, or using their staff to book online for them, choosing the flights and travel they want, and then going back to Carlson Wagonlit to organise it, or they may be paying themselves and claiming back through their travel.

What is the best way not to eliminate this $80 million contract but certainly to reduce it? If you were to halve it, if you were to take off $20 million, imagine if it were $20,000 a day instead of $44,000 a day for this travel, what that money could be put into. I suspect that members of parliament are intelligent enough and certainly honest enough to use that money to its best value.

I am suggesting that what the Treasurer and what this parliament can do is this: instead of having us go through the systems we are using now, include it as part of our salary each year; that is, do what we do with the rest of our money—the electorate allowances and also our global allowances, which are used in our electorate offices. Let's make sure we justify that spend to our constituents and to the tax office. That is all you have to do. It will simplify it dramatically, it will save a lot of money for the taxpayers of South Australia, and we will still have that accountability and that responsibility.

This is not about anything more in it for members of parliament; we can access it now. I would suggest that the taxpayers are going to get better value for money and that there may be considerable savings on this managed travel services contract—$80 million over five years, or nearly $44,000 a day. We should look at that. If you could save 25 per cent of that, that is a significant saving, when you have the debt and deficit this state has. It is not members of parliament, and certainly not me, putting the snout in the trough and wanting more than they are already getting because they are already getting it.

I can live with the pay freezes the Premier has apparently announced, but I have not heard the detail. I can live with that because I am not doing this job for the money. However, part of the job is to travel, and I advise every member in this place to get out there, use their travel and see the world and what is happening out there. You can access it on the internet—as I say, you are a mouse click away from the rest of the world—but get out there and see it on the ground. Talk to the people, see the sights, smell the smells and find out exactly for yourself what is going on out there so that you can bring it back to South Australia and make this an even better place than it already is.

Go overseas and spruik this place and tell them what a wonderful place South Australia is because I honestly think (and I do wear my heart on my sleeve here) that we do live in the best country in the world and the best state in the world. Time and time again Adelaide wins those awards for being the most liveable city in the world, and I suggest it is just brilliant—everyone you talk to just loves this city. So, go overseas and spruik this city, bring back ideas, bring back renewal, bring back fresh ideas, but let's do it for the best value for the taxpayer in South Australia.

When we are looking at changing the travel agents compensation fund, we are not only looking after our constituents, and we all try to do that, but let's also look after them from our side of the fence by making sure that the spend that these individuals in the parliament are spending is being used to the very best advantage of all South Australians so that every time we go out there we are seeing new things, coming back, doing our reports and being responsible to the tax office and to our constituents. We are doing it with the maximum opportunity to save the spend on this travel.

This is something we have to look at, and we have to grasp the nettle. We have to make sure that the media do not scare us into saying, 'It's snouts in the trough.' This is rubbish, absolute rubbish. Members of parliament deserve a bit more respect than they get. How are you going to attract people into this place if you do not give them the opportunity to fulfil their wants and desires—that is, to improve South Australia?

I do not think anybody in this place is in it for their own benefit: they are here to serve their constituents, whether they are Liberal, Labor, Independents, Greens, or whatever. They are here to serve their constituents and they do it very well. I challenge the spectators and the commentators out there to challenge this. This is a money-saving exercise. It is not an extra spend, and if we can do it, and we can enhance the opportunities we have now by managing it ourselves, and I think we can, it is something we should do.

This bill is recognising the fact that there are significant changes. Other members have said what they need to say about the safeguards—and whether it is like any homogenised legislation we are going into in Australia and we need to do it with the time frame that is being suggested is something the member for Heysen has spoken about—but I think we really do need to move with the times. This is not 1914: this is 2014. We need to recognise that there are not six railway gauges in South Australia now, or whatever there are; there is the rest of the world out there. We do need to travel, but let's do it with the most economic benefit for our constituents.

Mr TARZIA (Hartley) (17:19): I acknowledge the esteemed contributions of the Hon. Stephen Wade in the other place and my colleagues in this place, the members for Stuart, Hammond, Heysen and Morphett. The member for Stuart correctly highlighted that there are a number of questions that still remain outstanding. It is certainly not my intention to also enter into the committee stage here, but I would certainly echo the sentiments of the member for Stuart and ask that the government do present those answers to the house.

I rise today to speak in support of the bill. However, the bill also raises many concerns that I would ask the government to consider. I would like to do two things today. I would like to speak a little bit about the background and good reasons for supporting the bill, but I would like to view those in light of the concerns with it as well. As this place has heard, the current bill serves to repeal the Travel Agents Act 1986, and it is part of the national reform to cut red tape in this area, which is understandable.

Currently, the Travel Compensation Fund (TCF) is funded by charges priced into travel agent fees, and it has been an area of much market change, for several reasons, especially in the last 10 years. There have been substantial changes to the travel agent market in recent times, as we all know. It has been published, as we have heard earlier today, that about two-thirds of travel spend is now done without a travel agent. Consequently, most transactions seem not to be caught by the existing scheme and are not covered by TCF compensation.

It seems to be easier every day to book travel online, especially with market players like Wotif, Expedia, etc. Additionally, technology has now bridged the world and the world has become much smaller than it once was. Several overseas firms have entered our local market and simultaneously have bypassed the national scheme completely. A consolidated marketplace has also seen, as we have heard, a minute cluster of players dominate the market. Failure of the scheme has been at the expense of consumer compensation when, arguably, some of these consumers need it the most.

Furthermore, the expense of complying with this TCF has also presented much difficulty. We have heard two figures here today where independent financial firms have actually calculated the cost of complying with the TCF arrangements, being $19.3 million in 2011, calculated by PwC, and about $18.4 million, calculated by KPMG in 2012. Obviously, the overlapping of these regulatory measures leads to many inefficiencies in the economy.

I note that the Travel Industry Transition Plan has been developed to address the challenges after many rounds of public consultation. The plan has notably been established and been passed by a majority of state and territory governments, and it certainly would be prudent to follow suit. I note that travel agents will still be subject to some regulation and consumers will certainly have protection under an array of means. I will give a couple of examples: basic contract law and the Australian Consumer Law. These are some examples where there will be protection provided for our consumers dealing with travel agents and suppliers.

A novel accreditation scheme named AFTA Travel Accreditation Scheme (ATAS) is being established by the Australian Federation of Travel Agents and commences from 1 July. Other accreditation mechanisms already available include the International Air Transport Association, the Cruise Lines International Association of Australasia and the National Tourism Accreditation Framework.

That tells us a little bit about the background of the bill. There are, however, many grave concerns. Any act which purports to reduce red tape and regulation must consider many things, but one of them is the balance between a fair market and a free market. There are many concerns which still need to be ironed out in this bill, and I encourage the government sooner rather than later to answer the questions that we are putting before them.

The first thing that I want to mention is the concern that under it travel agents need not be accredited anywhere near the current level. In recent times, I spoke to the good people at Jetset Glynde, in my electorate of Hartley, which is my travel agent, Deputy Speaker. It is a very reputable organisation, let me tell you, and if anyone needs any travel bookings I would encourage them to go down to Payneham Road and consult with Rick Pirone and John Longo, the good people at Jetset Glynde. They tell me especially that they have been in the business for a long time and they have developed much expertise in the area, and they certainly have concern that the level of accreditation is much less post 1 July.

Apart from that, as we have heard today and as the member for Stuart pointed out very well, the relaxing of insurance requirements on the part of the travel agents is also in grave danger. In relation to TCF funds, I understand that the TCF funds at the end of 2013 were $27 million, and the TCF trust deed requires that any funds remaining after the TCF closes will be redistributed to participating jurisdictions. Beneficial projects for these funds to be allocated include funding educational and instructive material about the reform for companies and consumers.

Education concerning the reform is certainly of great concern to me. From talking to these and other travel agents, owners, employees and also their customers and consumers, it is evident to me that community awareness is certainly not where it needs to be in relation to this reform. Consequently, I believe the current government has an obligation to inform customers of the potential perils of the industry moving forward.

While I will support the bill, we certainly must acknowledge these issues confronting the future of the travel industry, not only for consumers but also for existing providers, and that we think about exactly who we want to let into this industry and at what expense. The government must educate consumers of the changes that the bill will present. As I mentioned earlier, we need to achieve the right balance between a fair market and a free market in the travel industry.

The DEPUTY SPEAKER: Member for Goyder.

Mr GRIFFITHS (Goyder) (17:27): Glad you gave me the call, Deputy Speaker; I was so engrossed in what the member for Hartley was saying I did not realise I had to stand up. It is amazing how many people talk about different bits of legislation, and this one has certainly piqued the interest of a few members. In my case, from a previous responsibility as shadow minister for business services and consumers, I had some interest in this issue from a legislative perspective in September of last year, so I did prepare some level of notes about it. I am pleased that the bill has come before the house and that so many members have taken an interest in it and actually expressed their thoughts upon it.

I am a bit of a student of history, too, so I like how things work. It is a different world now compared to what it was when the Travel Agents Act was first instigated in 1986, in which travel agents in South Australia were obligated to contribute to the Travel Compensation Fund, which is identified as a national scheme even though the Northern Territory is not part of it.

In December 2012, a ministerial council of state ministers agreed to implement a travel industry transition plan, with the objective to remove the mandatory compensation scheme which was operated by the Travel Compensation Fund. The TCF is a trust fund administered by a board of trustees comprising of nominees from each state government body responsible for administering travel agents' licences, which is done under the auspicing of Consumer and Business Services in South Australia and industry and consumer representatives.

Any person or company wishing to conduct business as a licensed travel agent in Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia or the ACT is required to participate in this Travel Compensation Fund. I found it interesting, as I am advised, that $8,260 is paid by the principal location of travel agents, and an additional $5,515 was paid by each branch location to the fund. All TCF participants are required to renew their participation annually.

I think I overheard the member for Hammond talk about the fact that there is a sole travel agent location fee of $425 for the renewal of it and the annual renewal fee for each additional office is about $320. The penalty for late payment per location is $60 and the failure to pay into the TCF results in a licence being terminated, so it is a very serious action. Reinstatement to the fund participation comes at a cost of $2,300, so that would certainly prompt people to pay on time.

Travel agents must also submit annual reports outlining their financial position. That I find interesting because a fair level of disclosure actually has to occur there to outline your financial position so, yes, they presumably become a public record even though they would be a family business and not in many cases operating under a shareholding arrangement, but that is what they are required to do.

A key function of the TCF is to actively monitor the financial security of all licensed travel agents in Australia, other than the Northern Territory, to ensure that sufficient funds are available to conduct the businesses. That is particularly important in rather challenging times when cash flow is critical to the success of businesses. Issues that might occur in this industry and elsewhere around the world might impact on services being provided, the needs of customers and how that financially impacts upon them.

The TCF provides, as a last resort, compensation for consumers who suffer a financial loss from dealing with a licensed travel agent in instances where consumers have paid a licensed travel agent for travel or travel-related services and that travel agent fails to account (i.e. fraud or suffers from insolvency). The TCF has paid out, I am advised, more than $65 million in compensation to consumers since it commenced operation in 1987, so it certainly has performed a very important service for those people that have been caught through the actions of others.

The current regulatory framework for travel agents was introduced in 1986. Since then, the rapid rise of new business models—and other members have spoken about these new models and it is the way the world operates now—together with technological advancements have gradually reduced the relevance and effectiveness of the existing system.

This market change has also steadily disadvantaged local travel businesses that find themselves competing with offshore providers operating outside the regulatory framework. It is fair to say, though, that a variety of members in this chamber have spoken about the success of

businesses that they are aware of, because of the quality of service that they provide to the community.

In 2012 in December, the state and ACT ministers approved a travel industry transition plan which sets out reforms for industry regulations in the Travel Compensation Fund. In 2011 the federal minister announced the need for reform and consultation review was undertaken which resulted in the plan being developed. As a result of this plan, a voluntary industry operated accredited plan will be introduced for travel agents and a consumer advocacy body will be established to deal with consumer issues concerning travel agents.

The development of a voluntary industry accreditation scheme is currently being undertaken and has been formulated as part of this bill, of course, and new industry accreditation will commence together with consumer advocacy agreement in 2014. Under the plan, a new TCF trustee came into effect on 1 July last year, consequently participants in the fund are no longer required to lodge their annual financial review to the fund, but additionally the fund no longer assesses the viability of new agents, so there have been some transitional arrangements in place.

New and existing travel agents will still be required to be financial fund participants until 30 June this year, and under the new TCF trust deed a TCF board of trustees appointed by the ministerial council representing the travel industry, consumers and the participating governments will continue to administer the TCF fund.

Accordingly, until 30 June 2014, the TCF has continued to provide compensation for travel clients who suffer loss when a travel agent collapses and fails to account for money paid by the consumer, providing the relevant travel arrangements or a refund. The TCF will not provide compensation in relation to travel agent collapses after 30 June this year, but its consumers will have 12 months to lodge claims with the TCF for a collapse occurring up to 30 June.

I am amazed that the fund actually has quite significant levels of dollars. I think in one briefing paper I read it referred to fractionally over $27 million, and it appears to me that, with the changes that are proposed, there are lots of questions from those of us on this side who have reviewed the legislation. I commend the various members of the house who have spoken, and also the Hon. Stephen Wade who prepared an initial briefing paper for the opposition on it. It is an important review to take, but indeed there are a lot of question areas.

We live in a world where there are many options available to people, but it is important that the parliament puts these through a very stringent review process, actually. This is a bill which, probably on many other occasions, might have gone through quite quickly, but it is a bill opportunity where the impact can be profound upon people who are found to suffer some challenges when, at the least convenient time, they are actually caught up in a situation beyond their control and need that assistance to exist. That is where the quality of the industry is a key and, indeed, the support that is provided to those who use the industry is absolutely important.

It is likely, as I understand it, that there will be a committee stage about this. There will be some clarification sought in a few areas. The member for Stuart and the shadow minister responsible for it in the house will probably have some questions. I think the member for Heysen has flagged some interest in that area, too. I look forward to these issues being clarified and all concerns that have been put on the record by various members being dealt with so that we can ensure that our community gets the best possible service.

Debate adjourned on motion of Mr Gardner.

At 17:36 the house adjourned until Wednesday 18 June 2014 at 11:00.