

## HOUSE OF ASSEMBLY

### Tuesday, 16 September 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.

#### *Parliamentary Procedure*

#### **SITTINGS AND BUSINESS**

**The SPEAKER:** Before I call the Minister for Education, the member for Bragg had foreshadowed raising a matter of privilege. It is a rule on matters of privilege that they must be raised at the first opportunity, not when the cameras are present in question time.

#### **VISITORS**

**The SPEAKER:** I welcome to parliament the Hectorville Neighbourhood Watch Group who are in the gallery. They are hosted by the member for Hartley.

#### *Bills*

#### **CHILD DEVELOPMENT AND WELLBEING BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 19 June 2014.)

**Ms SANDERSON (Adelaide) (11:03):** I rise to speak on the Child Development and Wellbeing Bill 2014 and advise that I will be the lead speaker. Firstly, I would like to commend the government for introducing the bill to appoint a commissioner. I am, however, extremely disappointed that, since the 2003 Layton report which recommended the children's commissioner, it has taken 11 years for the government to take action. Our children are our future and they deserve the best start in life they can get.

I see that a commissioner will assist in ensuring this occurs, and all children, including the state's most disadvantaged children, should be taken care of with a children's commissioner. The Liberal Party took to the 2014 election a policy for protecting our children that included a commissioner, and we believe that a commissioner should be the voice of all children and young people in the state.

It should promote the UN Convention on the Rights of the Child in all areas of community life, monitor the decisions of government and non-government agencies in terms of their inclusiveness in considering the rights and interests of children and young people, conduct ongoing research and provide suggestions to government about ways to strengthen the rights of children and young people in South Australia, ensure that all agencies of government that deal with children are implementing and following best practice policies on child protection matters, be provided with full with investigative powers, be a truly independent statutory officer, produce an annual report and be fully accountable to the parliament. Unfortunately, the Labor Party's bill falls quite short in many of these areas, and we feel the need to amend this bill in order to make it palatable to all the stakeholders and to what we believe is required for the protection of our children.

The Liberals have taken the lead on this issue, taking this policy to the 2014 election that included an independent commissioner for children and young people and for that commissioner to have investigative powers. The Hon. Stephen Wade has successfully taken our policy through the other house and, if this government is serious about wanting a children's commissioner and protecting our most vulnerable, it will support our policy through this house and not simply play politics

with such a serious matter. We acknowledge the seriousness of protecting our children and will seek to work with government to amend its bill in line with stakeholder feedback to ensure the commissioner is independent and equipped with investigative powers.

The requirement for a children's commissioner in our state has been identified in numerous reports commissioned by this government, including the Layton report way back in 2003. Further reports, such as the Mullighan inquiries, the select committee on Families SA and the DeBelle inquiry, have shown the requirement for change and the diabolical state of Families SA. I truly wonder how many children and their families' lives could have been changed if the government had not failed to act 11 years ago. If it had implemented the recommendation that it acknowledged and agreed on, how many children would have been spared the harm that we have witnessed through our papers over the last several months?

They commissioned the report; they agreed to the report and they failed to act. The government has failed these children. The failings of this department and its failure to even investigate have been highlighted as recently as today on the front page of the paper. It is most definitely time action was taken in this respect. I would like to read some of the comments from stakeholders who have spent a lot of time going through the government's bill and amended bill and put down what they think is very important. Here are some of the concerns of the Law Society of South Australia. Their summary is:

- (a) The role as defined lacks independence—

This is referring to the government bill—

from Government, and the resources required to guarantee that independence. To be effective, the Commissioner must be independent, and this should be expressly provided for in s 13 of the Bill...

Under the Bill, the role of the Commissioner has no powers to advocate for children and young people on either an individual or systemic level by investigation on its own initiative, and no power to actively intervene or compel information from others. This leaves the Commissioner with little to no power or authority. This will render the role ineffective.

The Law Society goes on to state that under the government's bill:

...the role of the Commissioner is limited to functions such as 'monitor the way the State Authorities investigate or otherwise deal with complaints..', and to 'monitor trends and complaints'. The Commissioner should have the power to conduct inquiries or reviews into matters involving breaches of children's rights. This is an integral function of the role. It enhances the Commissioner's power to influence action by State Authorities and hold them to account. In its current form, the Commissioner will have no such power.

The Law Society also notes:

...the revised Bill gives a new power to the Minister to exempt a person or body from giving information to the Commissioner under s 19(4). This will have little impact on changing the culture of the Department for Education and is unlikely to encourage the disclosure of information.

The method of appointing the commissioner has also not changed, and accordingly the Law Society has concerns regarding the appointment not being transparent.

The Bill does not require the Commissioner to provide an annual report. This does nothing to enhance the accountability and transparency of the Commissioner.

The Youth Affairs Council of South Australia sent through their recommendations and a summary of their key points in October 2013. Their main concerns with the government's bill include:

- To facilitate the independence of the Commissioner, we believe the role of oversight, leadership and coordination underpinned by the best interests of children and young people across the state best sits with a Commissioner for Children and Young People and not with a Child Development Council
- For the role of the Commissioner to effectively advocate for all children and young people across the state, the role needs to be completely independent of government and government influence
- YACSA seeks further information regarding the use of child development alliances and believes that the recruitment process and eligibility criteria needs to be more prescriptive and articulated in the legislation to ensure they are independent and representative, include young people and their existence does not malign but works with the networks and organisations already working within this space

- YACSA maintains that the development of any alliances should be initiated by the Commissioner and not the Minister
- YACSA seeks further information on how the Commissioner and proposed Child Development Council will be funded, and;
- YACSA also suggest that legislative requirement should be regular meaningful consultation with children and young people which is formalised, measurable and reported on in publicly available annual reports.

Feedback from Save the Children states:

The Commissioner should be provided with the power to undertake special inquiries and report on findings of such inquiries. This power could be modelled on Part 4 of the *Commissioner for Children and Young People's Act 1998 (NSW)* (the NSW Act), with special inquiries to be initiated either on their own motion of the Commissioner or following the direction of the Minister.

I also read from a submission from Grandparents for Grandchildren SA Inc.:

Grandparents for Grandchildren consider that South Australian families in this type of crisis would be best served by an independent Commissioner for Children and Young People.

At present, South Australia has access to the newly-created Commonwealth Commissioner for Children and Young People—but the Commissioner does not deal with individual cases where an appeal could be heard.

In addition S.A. has the Council for the Care of Children (SACCC), (which the State intends to abolish under the New Child Development Legislation), but this organisation also cannot hear an appeal against any decision taken by Families S.A., or the court. In fact in their submission to the Commonwealth Senate on the matter of a Commonwealth Commissioner, the SACCC clearly state that they can't do the work of a Commissioner...South Australia also has the Health & Community Services Complaints Commissioner (hccsc) and included in its brief are disability services, child protection services and counselling services. However, the Commission cannot deal with individual complaints or complaints about housing (which Grandparents for Grandchildren has found to be a huge problem), food problems, employment issues or court decisions, the latter of which is frequently an area of great concern to our clients...Australians who go through the court process and had a decision made against them have, under our legal system, the right to appeal that decision. However, no such appeal is available to parents, grandparents, or other kin, or even older children, who are unhappy with a decision handed down under the present system.

Pursuant to this, it is the case that in the Youth Court, a judge is not able to direct Families S.A. to place a child with Grandparents, they can only recommend the department do so.

The Office of Guardianship has a limited role, but excludes children/others not under the direct care of the Minister and does not deal with individual cases. The Office also comes under Families S.A. purview and so would not be an independent avenue for appeal against a decision made by Families S.A....Grandparents for Grandchildren applauds any moves by the S.A. Government to improve the wellbeing of children, and the new Child Development Legislation may well do that in the area of government policies. However, the proposed legislation does not allow for anyone who disagrees with decisions taken by the government through Families S.A. or who cannot challenge a court decision due to lack of finance or other restrictions, any avenue of appeal, such as an Independent Commissioner for Children and Young People would provide. Until that happens the new Child Development Legislation will remain inadequate....Unfortunately the new Child Development Legislation, while admirable in its goals, will still fall far short of what is needed at the 'coal face' without an overarching, independent, Commissioner for Children and Young People.

To also read the words of John White, President of the SA Law Society:

What is the commissioner really going to do? If South Australia wants an effective advocate for children, and not just another department, it is time to look at the fundamentals of an independent commission. It is critical that the commissioner be independent of government. This ought to be beyond argument...The method of appointment must be transparent...it is essential that legislation clearly sets out the commissioner's functions and duties, status, powers and method of appointment.

The minister may say that, since the Layton report, the Child Death and Serious Injury Review Committee has been established—and it certainly has. However, this committee has limited powers to investigate, it cannot interview, it can only use existing documentation, it reports directly to the minister, it is exempt from FOI, and the child has to die or be seriously injured before it could take up the case.

The minister has also established the Guardian for Children and Young People. However, as mentioned by Grandparents for Grandchildren, that only applies to children in care. We need a commissioner who has the power to intervene, to investigate, to penalise and to be properly resourced, who is independent of government and who can truly get to the bottom of all the issues that are going on in child protection.

In closing, it is still quite shocking that, on the front page of today's paper, the report says that of the 7,800 child protection reports classified as tier 2, 3,264 of them were never dealt with and that the CAR Line is still up to around a 17-minute wait. I truly hope that the correct introduction of a commissioner with powers can get to the bottom of what is going on in Families SA and can improve the system.

I was recently in New York and met with their equivalent department. They have no more than a two-minute wait on their report line. Their policy is that all reports must be investigated within 24 hours, and that is either in person by turning up at the house or by a phone call to see what has happened, and that extends out to no more than 48 hours. We do have a lot to do in this area and I am keen to work with the minister to make sure our children are safe and we do make improvements in this area. However, whilst we do applaud the bill being brought in, the commissioner must have investigative powers and they must be transparent in their appointment and they must be separate from government.

**Ms HILDYARD (Reynell) (11:17):** It is beyond question that the development, wellbeing and support of children and young people is the highest and most pressing responsibility for all of us in this place and, indeed, for the entirety of our broader South Australian community. It is an issue that I have no doubt is at the forefront of all of our minds at this time and always. We know there can be no more important thing for the future of South Australia than to, as a community, look after our children and young people and to see every one of our children and young people be nurtured, treated with compassion and respect, be safe, and be supported to reach their full potential.

We can only achieve this by working together with compassion and kindness, by using our best possible collective thinking, by rigorously putting the needs of our children and young people first, and by educating, empowering and protecting our children. I know from experience that it is the strength, thought and kindness of a broader community that helps to shape the trust that a child has in the broader family that is our community.

A commissioner for children and young people is a key aspect of our Child Development and Wellbeing Bill 2014 introduced to underpin our government's efforts to support the development and wellbeing of all South Australian children and young people. Through its introduction we can enshrine in law our collective intentions to define the importance of children, young people and their families, as well as their significance in shaping our state's future.

Our bill enshrines in legislation a planned and proactive approach to children and young people's development. It is focused on outcomes, with an outcomes framework for children and young people underpinned by performance indicators to guide and measure statewide outcomes for our youngest South Australians, as well as a child development council to support and advise the commissioner. The council and the outcomes framework hold all state and local government agencies to account by requiring them to demonstrate how they are working to improve outcomes for children and young people and how their work is making a difference.

Rightly, and incredibly importantly, these provisions make the wellbeing and development of children all our business. They ensure we proactively seize every opportunity we can to improve the lives of children and young people. Our bill is shaped by one of the largest consultations in our state's history, with more than 79 community forums, 156 written submissions, and targeted stakeholder and community feedback on the functions of the commissioner through two further rounds of consultation.

This consultation overwhelmingly supported the outcomes framework and the Child Development Council. Through consultation, stakeholders soundly conveyed the message that they want a community approach to the development and wellbeing of children and young people. They want efforts and resources focused on results, which are supported by research, measurement and data, able to be accessed by many.

This community approach to child wellbeing and development is consistent with latest research and supported by the widely respected neuroscientist, the late Clyde Hertzman; previous Thinker in Residence and child development expert, the late Professor Fraser Mustard; and by economist and Nobel Laureate, Professor James Heckman. International evidence-based work

confirms that prevention and harm minimisation are crucially important and cannot be overlooked if considering children's overall health, safety, education and wellbeing.

To establish a commissioner vested only with investigative powers, as the opposition bill does, is a shortfall of the role and does our children and community a great disservice. Our bill empowers the commissioner to support a proactive whole of community approach to keeping children safe and healthy. In contrast, the opposition bill directs all of its resources towards a narrow focus on investigation and punitive measures rather than proactive accountability. It fails to acknowledge that child protection is, indeed, everyone's business.

The opposition has massively underfunded its commissioner, with only \$644,000 in their pre-election costings, when we know that the Queensland model, including investigative powers, which, it must be noted, they have since dropped, cost more than \$40 million, with 230 full-time staff, 165 casual staff, and 49 contractors.

Keeping children safe from harm is not only about providing support when harm has occurred: education and prevention are crucial. Safety is, of course, of fundamental importance and embedded in the bill as well as three recent amendments to the Children's Protection Act 1993. Importantly, our bill grants the commissioner an authoritative voice to oversee an integrated approach by agencies and partners working together with families and investigating matters affecting children.

Our bill requires the cooperation of state and local governments to ensure the impact of policies on children and young people are considered and that they and their families are consulted. It provides a mechanism to support our efforts in creating a child friendly state under the UNICEF Child Friendly Cities framework. South Australia is proudly the only state to sign a memorandum of understanding with UNICEF Australia to develop initiatives that improve, monitor and measure outcomes for children, young people and their families.

The opposition bill, charging the commissioner with full investigative powers for individual cases without an outcomes-based proactive function, fails to promote improvement of agencies working in partnership with children and young people. It also risks duplicating and undermining the functions and expertise of other bodies, including the very important functions of SA Police. By comparison, the model in our bill of systemic inquiry is consistent with every other Australian jurisdiction. Reviews of functions over the past two years resulted in no Australian jurisdiction including full investigative powers for commissioners for children and young people as of 1 July 2014.

In summary, our bill will establish an independent commissioner for children and young people to be an advocate for children and young people and to investigate systemic issues; establish a child development council with responsibility to develop an outcomes framework for children and young people, which will incorporate a charter for children and young people; reinforce existing duties to children and young people; and require all governments, including local government agencies, to cooperate to achieve better outcomes for children and young people.

The bill will provide a mechanism for all sectors of our community to collectively impact and integrate policies, planning and support to help improve outcomes for South Australian children and young people. Every one of our South Australian families and, indeed, the whole of South Australia, can only benefit when we create such mechanisms which are fundamentally focused on and underpinned by fairness and the best possible outcomes for children.

The 2003 Layton report recommended that a children's commissioner include the functions of advocacy, promotion, public information and research, and develop screening processes for work with children and young persons. Importantly, our bill includes all these aspects recommended with the exception of screening processes which have been strengthened through the Children's Protection Act 1993.

In recommendation 1 of her report Justice Layton clearly stated that the children's commissioner model include the best features of the commissions in Queensland and New South Wales. It specifically does not include the function of deciding complaints and grievances. All jurisdictions in Australia have either removed or planned to remove investigative powers from the

role of commissioners or commissions. Our bill includes the establishment of a child development council with child safety being one aspect of focus.

The commissioner will attend and have a say at council meetings but not vote on decisions. The commissioner will be able to influence decisions yet retain his or her independence. Our bill sets out functions for the minister in promoting quality services, working with the commissioner and coordinating all important partnerships. The opposition's bill does not include functions of the minister. Our bill requires an outcomes framework for children and young people which will include that charter. This will support results based, cross-sector delivery of outcomes and community input. As mentioned, the outcomes framework is not included anywhere in the opposition's bill.

It is through education, empowerment and prevention with an outcomes focus that together we will make a difference on this issue which is close to all our hearts and, indeed, goes to the core of our functions as a South Australian community.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:27):** I rise to speak on the Child Development and Wellbeing Bill introduced by the minister for education and children's services. I think that is her title.

*Mr Gardner interjecting:*

**Ms CHAPMAN:** Child development, I am sorry. A contribution has been made by the member for Adelaide, the opposition's newly appointed representative for child protection, and I thank her for her diligent work in considering this matter. I join with her in thanking the government for bringing forward a bill which, at the very least, includes a recognition of the need to have a commissioner for children in this state.

It may be over a decade after strong recommendations by Robyn Layton QC, who provided the report for the state's plan for child protection back in 2003 but, nevertheless, it is here, and I thank the minister for bringing it to the attention of this parliament and at least making some commitment, albeit relatively small, to funding for it. I also wish to acknowledge the member for Adelaide's work in her tireless attention to consulting the stakeholders and becoming familiar with and briefed on the enormous task that we have to provide South Australians with protection for our children.

I start by saying that the government's bill proposes the establishment of a new council and an outcomes framework for children and young people, and in statutory form we are to have a new council. Can I just go back to 2002. In 2002, upon the election of the Rann Labor government, then ministers were proactive in ensuring that we immediately had some contemporary reports on the situation in relation to child protection. They acted promptly.

I can recall that in those early days minister Key was involved in ensuring that we had recognition for this important task. They got off to a good start and we had some important reports dealing with children in care, particularly those in state care, and the establishment by the government of ultimately the two inquiries by Mr Ted Mullighan QC, the late justice, who is well known to members here in the parliament. It was a good start.

We also continued during that time to have a department of families and community services. It has come in different formats; we have had several ministers, probably half a dozen in that time. We have had enormous changes in format. I can recall the now Premier, former minister, advocating for the importance of having a separate department for families and child protection and the importance of severing that role from the then department of human services back in 2002.

The previous Liberal government had, under minister Brown, amalgamated services in relation to housing, child protection, community welfare and health and hospital services in a major department. That was the structure they had endorsed. The then minister, now Premier, was strong in his voice to say that there should be an independent focus and attention given to a separate department on this. I for one did actually think that was not a bad idea, that they keep that separate, because we clearly had some challenges and there were ever-increasing demands.

The government's insistence on taking out individual service providers for children under the guardianship of the minister and taking it back into some central control model meant that clearly the government were going to take on an extra role—in the end, not very effectively, sadly; nevertheless there was a strong advocacy for that. So, I was surprised, like many others in this house I am sure,

when under a more recent government, the now Premier Weatherill himself decided that he was going to amalgamate education and child protection and child development. Child development, yes, but having the whole of child protection under the same umbrella was totally inconsistent with what he told us a number of years before as being necessary, dedicated and independent.

On this side of the house, our policy remains that it is a very major problem in this state and that it does require the dedicated attention of a minister. It is no reflection specifically on the current minister undertaking a different role, but education is also a very important service for delivery in this state, and we on this side of the house take the view that it is necessary that we keep it separate. Today here, the government have decided that they are going to have a new council and that they are going to have an outcomes-based framework.

I do not know what has been happening in the last 13 years. An 'outcomes-based framework' might be a glorified way of telling us: what have we done to ensure that children are actually being protected? What are the improvements? What reduction has there been in the number of children into guardianship, etc? You can have ticks in boxes for these framework outcomes, but the reality is that we have had a government department, amalgamated or otherwise, for the entire 12½ years I have been here and many decades before, but under this government we have had a department which has had a direct charter to deal with the protection of children.

I just remind members of the house that the objects of the current Children's Protection Act 1993, which covers the entire period of this government, states this:

The objects of this Act are—

- (a) to ensure that all children are safe from harm; and
- (b) to ensure as far as practicable that all children are cared for in a way that allows them to reach their full potential; and
- (c) to promote caring attitudes and responses towards children among all sections of the community—

with further detail on that—

- (d) to recognise the family as the primary means of providing for the nurture, care and protection of children—

with further detail on that. It sets out the fundamental principles. There is nothing new in this.

We do expect every year in the annual report the now Department for Education and Child Development (and its predecessors which have covered child protection) to account to the parliament about what they have been doing, how they have spent the money and how they have improved the cause for children, including the protection of children. Those objectives are there: they are clear in black and white. That is an obligation that needs to be met.

You can create a framework which is outcomes-based and has all the different detail, but in addition to this we have had reports of various entities who are charged with a role, including public advocates and psychiatrists involved in the department. We have had heads of department who are obliged, under law, to come to this parliament and tell us about what is happening in respect of a number of things in this state, including the protection of children.

We have had millions of recommendations. I say 'millions' in the sense that every year we read report after report by entities who have a concern about children. We have read Coroner's reports, we have read medical reports, we have read ministerial statements, and they all remind us of the importance of this area.

When the government came in, they did these reports, and after those reports they established the Child Death and Serious Injury Review Committee. We have their annual report, again giving us recommendations about how we might better protect children and how we might improve systemic failure and the like, across to issues such as how we might ensure that, separate from abuse or neglect of children, we deal with things such as swimming pool fences to protect children from drowning and the like—wider parameters than I suppose we colloquially understand as child abuse or neglect.

We have also had the appointment of the Guardian for Children and Young People. Ms Simmons has had this role and she has, of course, given us annual reports as well. She has given us a litany of recommendations as to how this situation might be improved for children. Very interestingly, the report of Mr Mullighan from the first inquiry he did recommended that there be changes to the Children's Protection Act to ensure that the Guardian for Children and Young People, who has a direct obligation to table a report in the parliament here, should be protected. He went so far as to say that we needed to protect her from ministerial interference in the preparation of her report so that there would be a full and frank disclosure to the parliament of what she found in relation to the protection role she had as a Guardian for Children and Young People, in addition to the minister who, of course, has the legal guardianship of the children.

We have had a lot of reports, we have had committees established, and the government's decision to set up another council, to set up the outcomes-based framework, frankly is window-dressing. I am not here to oppose it. I think it is just going to take resources away from what we should be doing, that is, getting back to the key fundamental recommendation of Robyn Layton QC back in 2003—to establish a commissioner for children who has some power to investigate, who has some power to require the delivery of documents, who has some power to require evidence to be tendered before him or her, who has the protection to ensure that there will be compliance, as a commissioner should have if they are genuinely independent in both their appointment and their role, and to ensure that offences are introduced for people who do not comply.

We have myriad commissioners, and we are about to have another one for Kangaroo Island if the government gets its way in further debate in this house. We have commissioners for the police across to victims of crime. We have commissioners for everything. Perhaps other than the commissioner for corruption, which of course is one of the more newly-appointed commissioners, I cannot think of any more important role to have the most power and the most independence than one involving our children.

If the minister's words are to be believed in her opening statement about the state's and the government's commitment to children then, for goodness' sake, this is the very commissioner, leaving all the others aside, who ought to have the highest priority and, in my view, sufficient powers to actually do their job to ensure that we do have some action and that we do get outcomes and not just another bureaucracy or, as has been described in the media, a 'toothless tiger'. That is the model the government is presenting to us for consideration today, and I wholly reject it as being adequate.

I am very pleased that, under the umbrella of the recommendations proposed and passed in another place by the Hon. Stephen Wade, the member for Adelaide has foreshadowed that the model be strengthened and that it actually have some effect. We will go into the detail of the importance of those amendments but, in essence, they will be to make provision for the appointment role to be more independent, for there to be provision for investigation of complaints and to deal with systemic review, and also to have offences imposed for those who do not comply with the commissioner's obligation.

What is incredible is that I read a bill the other day dealing with the Kangaroo Island commissioner, and even that has offences; up to \$10,000 for failing to comply with a commissioner's request for the provision of information is foreshadowed, yet we do not have anywhere near the strength required. The Liberal Party foreshadows that we will introduce offences to provide for that, and also, most importantly, that investigators be selected and appointed through a process for the commissioner to be able to undertake their task. If it is good enough for the Independent Commissioner Against Corruption to have investigators, surely it is good enough for the children of our state to have their commissioner vested with the power and responsibility to be able to undertake their role.

Can I also say that not only lawyers and other agencies that have been referred to by the member for Adelaide have outlined the deficiencies but also recently the Australian Medical Association. They, like police and welfare agencies and a number of other people in our community, including nurses and doctors and obviously people who work in our education department—anyone who works with children—understand the significance of this. The Medical Association has also made a very significant statement about the importance of their support and endorsement for the investigative powers of a commissioner. They truly understand that it is important for the

commissioner to have the ability to monitor the decisions of government and non-government agencies and make recommendations in a manner independent of government influence, and they make this point very clear in their presentation.

They also endorse the fact that the ability of the commissioner to provide suggestions to governments based on their research of best practice is also positive. But it is also an expectation that, if they are truly going to do their job, they must represent all children and young people of the state and promote the United Nations Convention on the Rights of the Child.

If you are going to achieve these things you actually have to give a commissioner the tools to be effective in their role, not just give a fancy name to a government appointee who will very much have their wings clipped. Please do not waste the money. We say to the government: if you are serious about this, if you are genuine in your desire to ensure that these children are protected and that we do not have on an almost monthly basis a media statement in relation to the unhappy circumstances of children in this state, then we must deal with this and we must give the commissioner those powers.

Can I also say that when the now Premier was the minister for families and communities, I actually sought in relation to one of these dreadful cases, the house of horrors case, a disclosure of the communications between the then minister (minister Weatherill as he was) and the department regarding the investigations of that matter. We know that Mr DeBelle QC has subsequently dealt with another matter in relation to communications between the relevant players in an education department matter, and we are about to have former Justice Nyland undertake her role in respect of a specific case. All of these are important.

The government talks about transparency, about being accountable, about having a genuine outcomes-based result in the development of this legislation, but all it does at the end of this bill is just add in the new commissioner that is proposed to form another veil of secrecy as an exemption under the Freedom of Information Act.

When we took on this question of getting the documents, this is what essentially happened, in short. We applied for the documents under freedom of information. The department rejected the information being made available, that is, the information from the Child Death and Serious Injury Review Committee, some of that material, in particular the recommendations to the then minister. The Ombudsman heard submissions and made a determination that that information should be available, that it was in the public interest under freedom of information law. However, the matter went to the District Court because the government immediately appealed against that decision and sought to have it overturned; they went off to the District Court to have a determination to again protect.

The sections in relation to the act which provide for the Child Death and Serious Injury Review Committee and their protection they defined within the act as protected; in fact, they made the comment during the course of those proceedings that there would need to be a change here in this parliament if we were going to remedy it. So I was very disappointed when I flicked to the end of the bill that has been introduced in this parliament—

**The Hon. J.M. RANKINE:** Point of order, Madam Deputy Speaker. The member for Bragg did not quite finish her story about the process of trying to access that information in relation to the Child Death and Serious Injury Review Committee. She actually lost the court case.

*Ms Chapman interjecting:*

**The Hon. J.M. RANKINE:** No, you didn't.

**The DEPUTY SPEAKER:** There is no point of order.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I am—

**An honourable member:** Chuck her out!

**The DEPUTY SPEAKER:** Excuse me! There is no point of order. I ask the deputy leader to continue her remarks.

**Ms CHAPMAN:** For the benefit of the minister I will repeat what I said. That is, when the matter came before the District Court the court determined that the provisions in the act did protect that material and, accordingly, that was not made available. Just in case the minister missed that, I want it to be absolutely clear. She did not understand it or had not read the judgement, I do not know. However, the reality is that it needed to be remedied by this parliament. That was clear. So I was bitterly disappointed when bill arrived. What did I find? They added another group into the protection of being exempt under the criminal information law to protect, rather than the other way round.

That is another area of freedom of information, in addition to what the Ombudsman more recently provided in one of his reports about the scandalous interference by ministers and other personnel in relation to freedom of information officers. Let me say that we will have a showdown on this freedom of information one day. We will have it, and we will have it because of the importance of protecting children in this state. We will make sure that this government is accountable. They can keep covering themselves in protection, can keep hiding behind the umbrella of secrecy, and our children will continue to die, continue to be seriously injured, continue to be shamefully neglected. This government will have that on their head.

**An honourable member:** Shame.

**The DEPUTY SPEAKER:** Order! Member for Torrens, are you standing up?

**Ms WORTLEY (Torrens) (11:47):** I support the government's Child Development and Wellbeing Bill. In particular, I would like to emphasise the importance of a commissioner with appropriate powers to affect systemic change and promote the interests of children and young people. It has been a position that I have both advocated for and supported, and I hope members opposite will put aside their differences and play a constructive role in helping us to establish this very important position.

The functions of the commissioner, proposed by the government, will include the authority to investigate systemic issues in a proactive way in order to identify where improvements can be made and showcase best practice. Despite what some members are expressing, our bill does not specifically exclude interviewing or looking into individual cases in the context of identifying systemic issues. Indeed, the model proposed in this bill of systemic inquiry is consistent with all other jurisdictions.

Reviews of functions over the past two years resulted in no Australian jurisdiction including full investigative powers for commissioners for children and young people as of 1 July this year. These include recent reviews in New South Wales, Western Australia, Victoria, the Northern Territory and Queensland. The exclusion of full individual investigatory functions is also consistent with the recommendations of the South Australia review of child protection by Robyn Layton QC.

Although the commissioner is able to consider circumstances from individual cases in inquiry into systemic issues, the role is not intended as a body for complaints but would seek to ensure that children, young people and families understand their rights and the available dispute resolution options, including how to contact responsible officers of state authorities.

In situations where children and young people contact the commissioner directly, the role will include providing information and referring matters to the appropriate state authority. If a matter involving state authorities has not been satisfactorily resolved, the commissioner may provide advocacy support for children and young people to seek further action. This function will in fact support families to receive satisfactory resolution where this has not occurred in the first instance, as well as ensuring continuous improvements to processes or systems through the commissioner's monitoring and inquiry function to ensure better responses for families in similar situations.

The government bill establishes appropriate checks and balances for all parties, including the commissioner, ensuring improvements in systems, services and policies at all levels within government. This advocacy for effective policies and continuous improvement aims to ensure best possible outcomes. The commissioner can identify practices that contribute to unsatisfactory resolutions, leading to improvements in the way agencies respond to issues concerning children and young people. Our commissioner model will work with rather than duplicate the functions of bodies such as the Guardian for Children and Young People, South Australia Police, the Health and

Community Services Complaints Commissioner, the Independent Commissioner Against Corruption and the Ombudsman.

Those opposite would have us believe that when they were in government they had some fantastic families department. What they had was a mega department. It was unwieldy. When we got into government we took their department, and some others, and made it the department of families and communities and that included: housing, ageing, disability and families sa. We then had another look at it and moved it into Families SA, with education. We did this to ensure that from birth through to 18 years the focus was on the wellbeing of children. The outcomes framework is about the wellbeing of children, so that the decisions that all agencies had at the forefront of their minds, and I cannot say it enough times, was the wellbeing of children—all children.

As a result of taking into consideration the feedback of the community and a wide range of stakeholders, the government has shaped this legislation to offer greater support for children, young people and their families. As law, this bill will be an investment in our children and our youth. It is, therefore, an investment in our whole society. When we look after the health and wellbeing of our young we improve the health and wellbeing of our state as a whole. As a parent and a former teacher I know firsthand the vital importance of the first few years of a child's life when it comes to their future development, and their ability to be productive and lead fulfilling lives.

This government cares about our children. Since being elected in 2002, we have nearly doubled the funding for our public schools on a per student basis. Initiatives of this Labor government have seen more children stay at school longer to complete their education. The government has set up children's centres around the state, bringing together preschool, allied health programs, occasional care and other community services in one location. We have increased funding for our child protection system from around \$90 million in 2002 to \$325 million in 2014. We understand that there is still more to be done. We always strive to do better and this is one considerable step toward achieving that goal.

**Mr TARZIA (Hartley) (11:54):** The government bill has many shortfalls and my support is conditional on a number of amendments being made, including but not limited to the following: firstly, independence. We have heard about the independence of the commissioner and what it should have. The independence of the commissioner, clearly, should be addressed in the legislation. Secondly, the functions of the commissioner must be expanded to include further enhancement of investigative powers. We also would stress the removal of the Child Development Council and the explicit requirement to prepare an annual report for parliament, which I will delve into.

As previously advised in 2003, the Hon. Robyn Layton recommended that the Labor government appoint a commissioner for children and young people in her report, the state plan for child protection. We have also heard about the Labor government's discussion paper in 2012. Neither the discussion paper nor the draft bill released in July 2013 actually provided for a commissioner. We think this is a clear failure. Quite esteemed bodies, such as the AMA, as I will go on to talk about, do want a commissioner.

We have heard that the consultation response was so strongly in favour of a commissioner that a revised bill was released in October 2013 that did provide for a commissioner in addition to the council and the networks, and here we are today, from 14 June when the Labor government introduced the amended version of the 2013 bill, with the Child Development and Wellbeing Bill. While the current bill is largely the same as the 2013 bill, a number of concerns have been addressed in this place, and the bill still falls short in terms of the role and functions of the commissioner, as well as their independence.

If you want a model bill, compare this bill with the Hon. Stephen Wade's bill in the other place, the Commissioner for Children and Young People Bill, and it is evident where the superior bill is: it is in the other place. The Liberal bill addresses the majority of the points raised during the consultation on the government bill, but there are a number of shortfalls in the government bill. I would like to talk to the house about the consultation with major stakeholders that has occurred and how the bill fails to address those concerns.

I will start with the independence of the commissioner. We have seen time and time again that this government has a problem with independence. Do you know why this government has a

problem with independence, Deputy Speaker? Because when something is independent you cannot control it. We see here again that we are at the mercy of the government. Let me tell you, the people of South Australia would like an independent commissioner. The government bill omits key information regarding the independence of the commissioner.

I quote from a letter of 1 August 2014 from the Australian Medical Association where they say, 'We have emphasised that the commissioner should have independent powers and a duty to report to the parliament.' Furthermore, I refer to a media release from the Law Society of South Australia dated 28 July 2014 in which they also issue extremely harsh criticism, where they say that 'the opposition's bill to establish a children's commissioner is an improvement in that regard'—speaking in regard to independence.

These are two esteemed bodies where we see that independence is such a crucial issue, but it has been ignored by this government. I draw the house's attention to this issue and hope that the government is humble enough to take that into consideration. There is a further requirement that we would like to put forward in regard to annual reporting. The government also has a problem with the concept of responsible government: that it is accountable to the people of South Australia and to the parliament.

It goes without saying that there should be an obligatory reporting requirement here. We would propose an annual report which goes into the detail, in the interests of accountability and responsible government. Let us see what this body comes up with annually in a structured manner or otherwise, but I am yet to see a proper version of that.

This bill fails to address these transparency issues and these independence issues. As I said, my support of this bill is conditional: I will support it only if the independence of the commissioner is clearly addressed, if its functions are expanded to include further enhancement of the investigative powers, if the Child Development Council is removed and if there is an explicit requirement to prepare an annual report (or a similar report) to the people of South Australia, who at the end of the day are paying for this resource and deserve that accountability.

**Mr HUGHES (Giles) (12:00):** I also support this bill. I would like to emphasise that this bill includes a number of provisions which uphold the independence of the commissioner. Much has been said today about the independence of the commissioner, but this bill does strongly underpin the independence of the commissioner. There are a number of provisions which touch on the independence of the commissioner which ensure that the commissioner has the capacity to operate independently. For instance, the commissioner must provide independent recommendations and reports, which the minister is required to table in parliament within 12 sitting days, and that is an incredibly important provision.

Under clause 19 of the bill, the commissioner can require state authorities to supply any information to enable the commissioner to monitor complaints and systemic issues and to make recommendations, which is a very important provision of this bill. It has been mentioned by the member for Hartley that there is no provision for annual reports, but that is not the case: the commissioner is required to report annually. It is not explicitly stated in the bill, but the requirement is under section 12 of the Public Sector Act 2009. The operation of that particular act ensures that the commissioner will report to the parliament on an annual basis. The bill does not provide the minister or the government with any powers to direct the commissioner, preserving the independence of the role; once again, an important provision.

It is a false perception that, because the opposition bill states these two provisions explicitly, the role it establishes is somehow more independent. It is not the case; in fact, these provisions apply equally in both bills. Importantly, the government's bill provides checks and balances to ensure that the commissioner is able to provide independent advice and recommendations while ensuring that the commissioner is also accountable to the public, under the Public Sector (Honesty and Accountability) Act 1995. The independence provisions of the bill support the greatest accountability in the commissioner's exercise of systemic inquiry functions, and that is something that has been discussed on a number of occasions in the house. Clearly, the commissioner is in a position to carry out systemic inquiries.

The government's bill does not stand in isolation but must be considered along with existing legislation, such as the Public Sector (Honesty and Accountability) Act 1995 and the Independent Commissioner Against Corruption Act 2012. These further support the high standards of conduct expected of the government and the public sector in working in cooperation with the commissioner in ensuring that the independence and the integrity of roles are not compromised.

I also highlight that the moral proposed in this bill of systemic inquiry is consistent with all other Australian jurisdictions. Reviews of functions over the last two years resulted in no Australian jurisdiction including full investigative powers for commissioners for children and young people, as of 1 July 2014. The bill before the parliament reflects the pattern of action that has occurred nationally in other jurisdictions. I think that shows that, collectively, the experience indicates that the direction in which this bill is going is the correct direction.

**Ms DIGANCE (Elder) (12:04):** I rise to speak in support of the Child Development and Wellbeing Bill, as introduced by the minister. Firstly, I will highlight the merits of this proposed bill and its broad and considered approach, and later I will contrast it to the narrow, and what I would suggest to be draconian, traits proposed in the bill by those opposite originating in the other place. But, to begin, I must clearly state my position on child protection.

From the outset, let me say I am absolutely appalled at harm inflicted upon children at the hands of any perpetrator. For many years of my professional life, I have worked at the coalface, hands on with families with young children, in particular focusing on those families considered at risk. I also spent time on policy, with much of my work centred on the United Nations Convention on the Rights of the Child soon after Australia became a signatory. It is the most widely ratified human rights treaty in the world, which signifies the importance of this instrument.

Those of you familiar with this particular instrument will know that much good work has evolved from it in this state. Some of the core principles of it are: the right of children to survival and development, the right of respect for the best interests of the child as a primary consideration in all decisions relating to children, the right of all children to express their views freely on matters affecting them, and the right of all children to enjoy all the rights of the convention without discrimination of any kind. So we see UNCROC supports the wellbeing of children.

The government's Child Development and Wellbeing Bill strives to strengthen the government's determination to support the development and wellbeing of children in South Australia. The bill seeks to recognise, by law, the importance of children and young people through seeking to establish an independent commissioner for children and young people to advocate for children and young people and to investigate systemic issues, and to establish a child development council charged with developing an outcomes framework for children and young people, which will incorporate a charter for children and young people. The bill seeks to evoke and enlist cooperation across government agencies, including local government, towards better outcomes for children and young people.

We are all aware that experience is a great teacher. My experience, coupled with qualifications, taught me the value of working with families and their children and community, as opposed to working on them or doing it to them. I want to retell a story, a true story, in which I played a role. It was while I spent my time as a community health nurse at a country location where there were many families of a lower socioeconomic standard, not necessarily by their own doing but by what life had dealt them.

In this group of high-risk clientele were women who were mothers seeking refuge and support from abusive relationships, and there were those with mental health issues and disabilities. With most of these families, although resources were scarce (as they commonly are in rural areas), a multidisciplinary team consisting of the local social worker, the local policeman, the paediatrician and me would work together to ensure the best possible outcomes.

This story is one of many in which I have been involved. A young woman who, from life's misfortune, saw her as a single mother. She lived alone with a toddler and a newborn baby. For those of you who have experienced parenthood, this comes with its stresses and daily challenges. She had no extended family or direct support. She was not coping and suffered postnatal depression, which was apparent in the disarray and poor hygiene of the children and herself on my first visit. She

was a young mother categorised as at risk, and the welfare of her children was at the tipping point, whereby temporary removal of the children was imminent.

However, I saw within this young woman glimpses of how any of us might be in this particular situation: no support, lonely, weighed down by the responsibility of two small children and money worries—juggling food, essential service bills and medicines required for the toddler who battled chronic and recurrent ear infections. I made her a cup of tea and some toast, I bathed the baby and the toddler, washed the sheets, fed the baby, fed the toddler, did the dishes and mopped the floors and bathrooms. From there, we made a simple plan of what daily tasks needed to be tackled each day.

Over the next few months, with intensive visits and inclusion of community supports, this young mother began to take pride in herself and her small family. With time, not only did she manage the house and children, but she began to take the children to playgroup and then even found herself a few hours of work.

This is a marvellous achievement, and it is a story that shows that working with people in need gives them hope and empowers them to make these changes. In the alternative scenario, she would have lost custody of her children and had to claw her way back from maybe a lower base of disempowerment and low self-esteem and low self-belief, not to mention the damage to those children's early years and the development of attachment and trust. The value of working hand in hand with this young mother saw outcomes of a positive nature. The multidisciplinary team approach was a great intervention, sounding board and safety net.

Why do I tell this story? I tell it as it demonstrates and illustrates the merits of this bill in reinforcing the strength of human spirit to make changes and to strive to be our best. It seeks to improve the way all sectors in the community integrate policies, planning and support to help improve outcomes for children and young people. South Australia can only benefit as a fairer and more productive society when we make such investments in our youngest citizens. Through the model proposed in this bill is the opportunity to build the evidence base to inform where resources will benefit children and young people. Pathways of choice and empowerment of prevention strategies build lifelong skills, as evidence suggests.

With the inclusion of the Child Development Council in this bill (that is not included in the bill proposed by those opposite) comes a strengthening and robustness of the model to drive this vision. Also, a feature is the outcomes framework in improving the development and wellbeing outcomes of children and young people in South Australia. This builds responsibility and accountability at a systemic level for all service providers. Our consultation processes overwhelmingly support a community focus with an outcomes focus.

There are functions for the minister in promoting quality services, working with the commissioner and the council. The government's bill includes advocacy, promotion, public information and research as recommended by the Layton report 2003, while the screening processes have been strengthened through the Children's Protection Act 1993. As government, our goal should be to have children cared for by parents and families. We should not be in the business of unjust judgement and removal of children, but where it is deemed safe we should encourage children to remain within their families and be supported in parenting practices.

While Queensland became the first state to establish an independent statutory body in 1996, recently they have dissolved these functions and distributed them between two newly established statutory bodies and existing departments. All jurisdictions in Australia have either removed or plan to remove investigative powers from the role of commissioners and commissions.

I note that the sponsor of the opposition's bill, Commissioner for Children and Young People Bill 2014, at times makes reference to the Queensland model, so I would suggest he avail himself of these recent changes. We will do well to learn from others' experiences so as not to repeat mistakes, and this is one such case that shows us that the model proposed by those opposite is not the way to go.

The proposed bill for the commissioner of children as introduced by the opposition does not have a wide vision of advocacy, research and a governance structure of multi means. Instead, at the heart of their proposal is a mean-minded punitive system of questionable credibility, open to misuse.

I would suggest to those in this house that they be wary of the slippery slope contained within the opposition's bill that would see South Australia flung back in time and lose the spirit of progressiveness that we are so famous for. Instead, look to the future to educate, research, advocate and empower to ensure we are, indeed, a progressive state.

This government bill has a comprehensive broad focus, and I support it.

**Mr GARDNER (Morialta) (12:14):** I am pleased to speak on the bill and indicate that I will be supporting amendments in due course to put in place some of the things that the opposition thinks will improve the bill. The bill is well and truly overdue. The minister indicated early in the first half of last year that parliament would see and, in fact, pass legislation of this nature prior to the end of 2013 and, of course, that turned out to be a false promise. We were, however, pleased that on the afternoon of the budget the minister was able to introduce the legislation that we now have the opportunity to debate today. It is 1½ years late by the minister's promise and 10 years late by what the people of South Australia had hoped for, had expected, after the Layton review.

The course of the debate today has suggested that we are as one at least in rhetoric when it comes to ideally preferring that the needs of children be put first, but we would suggest that the measures identified by the opposition will in fact be in the best interests of the children of South Australia, giving a children's commissioner the powers to act as an independent commissioner with teeth, the opportunity to investigate matters without restrictions being placed on the government, as has been supported by the AMA, as has been supported by the Law Society, as has been supported by just about every independent person of expertise in this area who has made submissions during the course of the debate.

When the government comes out and when the Premier says on television that, if the opposition's bill or amendments are preferred by the parliament, by the upper house, there will be no children's commissioner, as he did several weeks ago, that flies in the face of all that has been said in recent times about everything being on the table. When the Premier has said previously that everything is on the table in order to improve the child protection system in South Australia, how can he then say that the opposition's improvements to this government bill are completely unacceptable and cannot even be considered if the upper house of the parliament decides to go down that path?

I hope that in the time the Premier has had over the parliamentary break that the government has matured in its position on this matter and will consider the contributions made during the course of this debate, will consider the contributions made by those outside the parliament in support of the member for Adelaide's amendments, which give effect in fact to the policy difference that has been established since before the election.

I am glad that we have a bill to debate, I hope that it has a speedy passage and I hope the government will support the amendments that we will put forward and that the Child Development and Wellbeing Bill can in fact give effect to a children's commissioner who will have the investigative powers needed to be able to do the work they should be able to do.

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (12:17):** I thank all members for their contributions. I particularly thank my colleagues on this side, who outlined very clearly some of the very important issues contained in this bill.

This bill is about the wellbeing and development of all South Australian children. It has a very strong focus on that. It is about all agencies, all levels of government, taking into consideration the wellbeing, health and development of all children in South Australia. It is not a substitute for the Child Protection Act. We have done more since we have been in government, I think, than has any other government to provide oversight in relation to the protection of children in this state, certainly a lot more than the previous Liberal government had ever even thought about.

We have established the Guardian for Children and Young People, the Council for the Care of Children, the Child Death and Serious Injury Review Committee, and the community services and health ombudsman. We have had royal commissions: as has been mentioned, the Layton commission, the two Mullighan inquiries, the Debelle inquiry, and now we have Justice Nyland looking at different aspects. All these royal commissions looked at different and important aspects of child protection in this state.

It is a complete nonsense to try to duplicate the processes we have in place. This bill contains the provision to establish a commissioner for children, and we are doing that because of the extensive consultation that we undertook in the development of this bill. I understand that in fact in developing the opposition's counterpart to this, there was no community consultation undertaken.

*Ms Chapman interjecting:*

**The Hon. J.M. RANKINE:** You explain to us the community consultation you undertook, not the letters that you got randomly in the mail but the consultation you undertook with the community.

Our commissioner will have enormous independence in the work that will be undertaken, and I think it is worth pointing out that, in fact, the Liberals wanted to have a clause in their bill that allowed the minister to direct the commissioner. That is not in our bill, and I understand that after some pressure they took it out of theirs as well; nevertheless, this is an important piece of legislation.

I understand that we are going into committee now to go through just the first three clauses of this bill. I understand that the opposition has certainly flagged that it has amendments, but no amendments have been provided to the government at this stage, so it is impossible for us to deal with them. I am assuming that they are complex amendments.

The only amendment that has been put before me deals with the Marine Parks (Sanctuary Zones) Amendment Bill so, unfortunately, we will not be able to deal with any complex amendments because they have not been provided at this stage. However, I am happy to do the first three clauses in committee. I was asked to do three.

*An honourable member interjecting:*

**The Hon. J.M. RANKINE:** Yes, it's a simple one.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 and 2 passed.

Clause 3.

**Ms SANDERSON:** I move:

Amendment No 1 [Sanderson-1]—

Page 4, after line 3 [clause 3(1), definition of *State authority*]—Insert:

(ba) South Australia Police; or

That amendment inserts South Australia Police as one of the statutory authorities to recognise their importance.

**The CHAIR:** We have not circulated amendments so—

*An honourable member interjecting:*

**Ms Chapman:** Don't be critical of parliamentary counsel.

**The CHAIR:** Order!

*Members interjecting:*

**The CHAIR:** I am standing up. If you want to start pointing fingers, we can say why it did not come, so let's not do that. Let's get on with the business in the house. We are at clause 3. They are not distributed. Are we happy to go ahead with clause 3 or not?

**The Hon. J.M. RANKINE:** I am happy to go ahead with it. The government bill already applies to SAPOL; however, we are happy to accept this amendment because it really makes no difference.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Progress reported; committee to sit again.

### COMMISSIONER FOR KANGAROO ISLAND BILL

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 7 August 2014.)

**Mr GRIFFITHS (Goyder) (12:25):** I confirm that this is our second day on this bill. We debated it for an hour on Thursday 7 August, at which time I was part way through my contribution, so this will be interesting for me. I have only ever had 54 minutes in the past, now I am up to an hour, so we will see how we go.

**The DEPUTY SPEAKER:** Before you continue, member for Goyder, you are the lead speaker on this bill?

**Mr GRIFFITHS:** As I confirmed the first time, Madam Deputy Speaker.

**The DEPUTY SPEAKER:** Thank you.

**Mr GRIFFITHS:** I want to go for a little bit longer. Before I continue, I want to reflect a bit on what occurred on that Thursday afternoon. There has been some concern expressed about the question of whether the bill was or was not going to be debated and the fact that it was brought on, as I understand it, at quarter past four or thereabouts, when the Government Whip approached the Opposition Whip about bringing it forward when two other bills were debated rather more quickly than initially anticipated. The member for Finniss had sent out an email that afternoon confirming that the debate was not going to occur and then, after he left the parliament to travel home via plane to Kangaroo Island, it was brought on.

In talking to mayor Jayne Bates that very afternoon, I confirmed that the opposition had been ready for the debate from very early in the week following a very thorough review of the merits, the concerns, the issues and the consultation undertaken on the Kangaroo Island commissioner bill and that the fact that the debate had not occurred was not the fault of the opposition but, I quite sincerely believe, was the fault of the government for not ensuring that the parliament sat into the evening of Tuesday or Wednesday of that week to actually ensure that there was sufficient time for it to occur.

We had originally been advised the previous week that it was going to be in the program on Tuesday, Wednesday and Thursday, and then on Monday, as I understand it, the program was altered to remove it from the Wednesday. I think that was due to the unavailability of an adviser to the minister, so I respect that and I have no concerns about that, but then on Tuesday it was listed with others but did not come about, and on Thursday it was listed with others but did not come about.

The comment from mayor Jayne Bates, as I have read it, was that it was listed to be debated at 3pm on that Thursday, and that was just not physically possible; that is not how the parliament is structured. Those in here would know that question time occurs until 3 o'clock and then there are the grievance debates, so at best it is 3.30 before debate on legislation takes place. I do thank the Opposition Whip for putting via email to mayor Jayne Bates the accurate record of what occurred that day, but I want to reinforce the fact that the opposition had been ready for the debate at any time that week and it was not our choice for it to occur at 5 o'clock on Thursday.

In continuing my initial contribution, I just want to put on the record all the things that have occurred on this because it is quite important. On Wednesday 23 May, a briefing was held to discuss the bill, and the minister was good enough to provide that to me, the deputy leader and the member for Finniss. In attendance with us was Ms Kristina Roberts from the Kangaroo Island Futures Authority (KIFA) and those who drafted the bill.

The minister relayed that the purpose of this bill is to ensure that the Kangaroo Island community continues to have a direct voice in the cabinet once KIFA is non-operational. My recollection is that the minister made the comment 'shackling state government to Kangaroo Island'. I cannot disagree with the principle of that; indeed, I think it should be shackling any region or any community in South Australia to government and the cabinet, so that is interesting.

The legislation would require government agencies to refer to Kangaroo Island management plans. These government agencies are bound by the plans, and the commissioner has a duty to refer noncompliance with those requirements to the minister. It was argued that the bill, as I put in my previous contribution, could be seen as a remedy for a level of non-performance, and my great frustration is that I am interested in an overall solution to the way in which services are provided and the investment that takes place.

As we put six weeks or so ago, I had a concern that the proposal from the minister achieves that in a very different way for a particular locality that does not necessarily improve the situation for all areas. That is why we have had a bit of a difference of opinion on how to do this. I think the absolute focus of a government—especially one elected for a fourth term—should be to ensure efficiency in how it manages, to ensure that those who work under the ministers are reporting issues, that the minister has an observational point of view on issues that communities are dealing with and is able to influence the decision, because they are the person whose head is on the chopping block. They are the ones who make the decisions; they are the ones who are the public voice of it. That is why we have had this big philosophical debate for some time.

My belief is that the minister said he previously suggested that the heads of departments would be responsible for complying with the Kangaroo Island plans. I am going to use quote unquote, but I think that the minister's response to this was that the feedback he received was 'universal horror', which I find interesting because that is within a government departmental process itself. They have also, seemingly, if I can take those words as being accurate and indeed reflecting upon the feedback that the minister had received, a great level of concern that somebody else was going to come in and tell government departments what they had to do. Now we are still driven for this amendment and this bill

Within five days, the deputy leader and I had a briefing with Mr Raymond Spencer, who is the chair of the Kangaroo Island Futures Authority. During that meeting, Mr Spencer provided examples where government departments had been making unilateral decisions on the island without necessarily considering the impact on other sectors and the entire economy, being unintended consequences. He reiterated that the use of state government funds delivered to the island via each separate department or agency is not necessarily efficient and that there is duplication of the delivery of services in many areas. That frustrates me, because coordination is an absolute key, and I would have thought that with all the levels of review of budgets undertaken in the last decade this level of duplication would have been taken care of and there would be far greater efficiency.

Other comments from Mr Spencer at that meeting on the 26 May included:

A Commissioner will provide a level of transparency to decision making processes on the Island and will give residents a much needed voice.

I am not sure about that. They do create local advisory groups. We are not sure about who will be appointed to those, how many it will be, whether they will be skill based, locality based or particular issue based.

He went on to say that local government would not be impacted. He has acknowledged that the Kangaroo Island council plays a key role in the delivery of services and administration or distribution of funding, i.e. commonwealth grants and services they provide to the community. He went on to say that the three major issues facing the island are governance, access—certainly the member for Finnis has spoken about this quite often, about the need to ensure that some improvements take there, but it is basically around SeaLink opportunities and the airport—and the importance of agriculture and its export ability to markets.

The Kangaroo Island Futures Authority considered a range of options before determining that a commissioner would best deliver a solution, including the concept of machinery of government

change—which is a bit what I have been talking about under the position that we hold—abolishing the council (which I find interesting) and establishing a replacement authority.

In regard to management plans, the futures authority has been working on a draft management plan for the past two years. It is envisaged that community consultation would occur within three months of the commissioner being established. He also went on to say that KIFA would stay on for a few months after a commissioner is established, to ensure information is transferred, and I believe that the executive officer is contracted until a period in 2015; she could presumably be doing other things after that. Mr Spencer supports the idea of a minister for Kangaroo Island, with his preference for the responsible minister to be the planning minister as he has a broader view on issues; he would be a better facilitator. Minister, it is interesting that a person that you have appointed obviously has a very high regard for you by putting that to you.

*The Hon. J.R. Rau interjecting:*

**Mr GRIFFITHS:** Very interesting. The deputy leader and I sought confirmation from Mr Spencer about the delivery of any level of state government funding for infrastructure projects. It is interesting, and I am sure we were patient in waiting for this, but Mr Spencer was unable to provide a detailed explanation on that and referred back to the targets for enhanced tourism, farm gate productivity and things like that. He referred to the government needing to give budgetary consideration to the airport, roads, SeaLink negotiations and electrical infrastructure via the new cable and electricity supply issues that the island faces.

I am aware that within the 2014-15 state budget there is a commitment, I believe, of \$5.6 million over five years for the Kangaroo Island authority and support for the commissioner. There is also a proposed expenditure in the 2014-15 year of \$2.25 million for the Kangaroo Island multi-day walking trail and some \$565,000 for the upgrade of the Seal Bay Conservation Park facilities.

The delivery of funding for key infrastructure projects on Kangaroo Island and regional South Australia should be a priority for any state government. The proposed bill is considered by some as a strategy making it appear as if the government is taking action to boost the local economy without necessarily delivering upon those things. So, that is some of the feedback that we have received.

In the consultation that the opposition has undertaken we tried to be as wide as possible and as inclusive as possible. I will report on who was for and against, and I think in my early contributions I noted that no matter what we say on this not everyone will be supportive of us. We do have those who are for it and those who are against it of the 32 consultation feedbacks that I received.

A copy of the draft bill in the minister's second reading speech was sent to a broad range of stakeholders seeking comment. They included: the Kangaroo Island Council, SeaLink, the PSA, the AEU, the SA nursing federation, the department of national parks regional manager, the Kangaroo Island Health Advisory Council, the head of the Kangaroo Island Community Education, the Kangaroo Island health service, the chair of Agriculture Kangaroo Island, the chair of Tourism Kangaroo Island, the state chair of SATAC, and the LGA.

On Wednesday 14 May, I flew to Kangaroo Island at the request of the member for Finnis very early in the process—I do understand that—to attend a meeting of the Kangaroo Island Council. I know that the minister, and I believe Mr Spencer, attended later that week. At the meeting I attended it is fair to say there was good attendance. We were late in being put on the *Notice Paper*, but there are a lot of people who attend council meetings, and I was quite impressed to see the gallery of those who were in attendance for the business they were discussing.

The member for Finnis took the microphone first and put his position and concerns that he has, rather strongly. In my address to the councillors I said to them that I was interested in feedback. I wanted to know what the position is: what areas they might support and what areas they have concern with. I do respect that because it was so early in the process for the majority of the members present at that council meeting other than a core group who have been involved with the Kangaroo Island Futures Authority who had quite a detailed knowledge of the proposal, that for most there was not a lot of information flow that had occurred through to them yet. But most were good enough to give me some level of feedback.

I do note and put on the record that the Kangaroo Island Council has formally resolved several times, as it does now, to support the bill. It has worked through a series of amendment requests, and I believe there are 11 amendments that the minister tabled on 2 July.

As a further example of our willingness to put on the record the level of feedback that we have received I am quite happy to put on the record some direct feedback from those who I consider to be important players. In a letter from mayor Jayne Bates, dated 25 June, she said on behalf of the council:

The level of consultation with Council and our community has been exemplary and both Council and the community have been able to seek clarification on elements of the legislation and suggest amendments. We have been in receipt of two lots of amendments to date and Council considered all of these at a Special Council meeting held on 24 June where the following resolution was passed:

Moved Cr. Wilson, seconded Cr. Clements

That Council:

- 1) Thank the Minister for his comprehensive, consultative approach to explaining and refining the Commissioner for Kangaroo Island Bill legislation and for allowing the Council to review and suggest changes which have been incorporated as formal amendments. Council are content with the explanations, planned clarifications in Hansard—

I presume that will also come—

and formal amendments proposed with one additional suggested inclusion into Amendment 10, section 19! Whereby the words '...and conduct this review every four years thereafter' may be added to the end of the paragraph.

Point 2 of the letter from Kangaroo Island Council states:

Council writes to all members of parliament reiterating council's support for the bill, the amendments proposed, incorporated and the consultative feedback process that has resulted in our community's feedback being incorporated as amendments (independent of council's input). Council will also seek the members' active support for the passage of this bill through parliament.

The letter goes on to say in the final paragraph:

There is clear intent with this legislation to challenge the status quo that exists around delivery of government services for our community. It is not about seeking or spending more money, rather more around ensuring actual delivery of services we are supposed to be getting in a more cost efficient 'joined up' manner, as well as designing and implementing policy and plans for the island that are fit for purpose and recognise the unique nature of being an island community. This is an excellent opportunity for governance of the island to improve and we seek your support for this bill in its passage through the parliament.

The minister nods his head in appreciation of those words signed off by the mayor, and I must admit that when you read them in isolation it is rather difficult to stand before you, minister, and say, 'No, we do not support it,' but it is because of the wider ranging issues associated with it all that we formed our position not to support the bill.

I do not knock at a personal level mayor Jayne Bates's commitment to the Kangaroo Island community and all those who serve on council and community groups, but I do come from the basic premise of the flaw that exists within it because it does not ensure that the problem that exists and the problem that exists within government is actually fixed. There is an isolated approach to it which I do not believe is the right way to do it. A communication from the president of the Local Government Association dated 26 June was forwarded to all Liberal MPs and, I believe, non-Labor members of the Legislative Council, and that stated:

The LGA has been supporting the Kangaroo Island Council in considering the Commissioner for Kangaroo Island Bill, including advising on various amendments and enhancements to negotiate with the government. The LGA will continue to support the council during the passage of the bill through the parliament.

They are not here, but they are here in spirit, no doubt, it would seem.

At the LGA Management Group meeting on Thursday 19 June it was resolved that on behalf of the LGA Board and their response to the Kangaroo Island Council's request, I advise the key state members of parliament that the LGA supports the passage of this bill through the parliament.

I am really shocked, and I think I enforced that in my first contribution where the LGA had put in a two-paragraph summary of the position they hold on that, that there is not a wide ranging review.

The note from the president, David O'Loughlin, does not identify to me that they have considered the implications of it. I suppose yes, it does consider the implications, but what are the practical examples of that?

Are they worried, as I have been ever since this process commenced, about a person who is appointed to a very authoritative role and who has the ability to put in place plans that can suppress those visions that might be held by an elected group of people, such as Kangaroo Island Council, for an alternative vision? I understand this feedback, I understand this input, but it still relies upon that one person.

As I understand it, unless the minister corrects me in his contribution, there are changes or an absolute commitment to reviewing input that comes in; an absolute commitment to ensuring that, where an elected group has developed a budget that sets out a 12-month plan or alternatively a full year vision on how they intend to spend funds, the commissioner's proposal for management plans will not completely say something different to that, and that is what I have great fears about.

**The Hon. J.R. Rau:** The council does?

**Mr GRIFFITHS:** I have personal fears about it. The deputy leader also sought advice from a person known to her in the legal fraternity about the bill, and the feedback from that person was:

I would query why this bill is necessary other than to derogate council's authority.

We have talked about this.

The minister already has power pursuant to the Development Act. Section 57 provides for land management agreements that the minister may enter with owners relating to development, management, preservation or conservation of land but, in doing so, section 57 (2a)(a) provides that the provisions of the appropriate Development Plan must be had regard to.

A final comment was:

In my view the bill appears to be designed to dilute council's power in relation to its Development Plans and development plan consent as the commissioner has overriding powers in his functions, which also he has the right to delegate.

That is from a legal person who is worried about it. I know the minister asked about our alternative vision for this from the start. I would love to have been in a position as the government to have an alternative vision for it, but that has been taken away from us. During consultation on the bill I was asked questions by a number of elected members. It is interesting that a number of people who spoke to me on the telephone used very similar words in asking this. I think there had been discussion amongst others.

**Ms Redmond:** Really? I can't believe that.

**Mr GRIFFITHS:** Yes. I was asked by a number of elected members, a board member of KIFA and members of the community: if the Liberal Party does not support the idea of a commissioner for Kangaroo Island, then, what is its own plan?

**The Hon. J.R. Rau:** Isn't that a fair enough question?

**Ms Chapman:** Get a decent minister, for a start.

**Mr GRIFFITHS:** Well, it is. The minister asked, 'Isn't that a fair enough question?' The deputy leader said, 'Get a decent minister.'

**The DEPUTY SPEAKER:** It is unparliamentary to respond to interjections like that, and it is unparliamentary to interject, of course.

**Mr GRIFFITHS:** I actually think it is nice for the repartee and the wit that exists between the chamber to be recorded sometimes, Deputy Speaker.

**The DEPUTY SPEAKER:** I know you do; that is why I am drawing your attention to it.

**Mr GRIFFITHS:** Okay.

**Ms Redmond:** He's just making a comment anyway.

**Mr GRIFFITHS:** True; I'm just making a comment.

**The DEPUTY SPEAKER:** That is you plural, not just you singular.

**Mr GRIFFITHS:** I appreciate the correction. A clear Liberal alternative is the fact that in government we would ensure that the process of government is focused on the delivery of policy, infrastructure and services for people in the way that they need them. In government we would not just give up on improving government departments, as I am concerned the minister appears to have done. We would create an attitudinal change that would ensure that all South Australians are serviced by the public service in the way they should be, thus removing the need for commissioners to be appointed.

**The Hon. J.R. Rau:** I can hear a violin playing.

**Mr GRIFFITHS:** Well, it might be tugging at the emotional heartstrings, but it's absolutely true, minister, you have to understand. It is what we believe an opportunity in government represents for us, and that is what we intend to do. As it is 3½ years until the next election, our suggestion—and it is not subject to amendments because it is a rather difficult thing to amend a bill in this way—is to have a Kangaroo Island committee, which we consider to be similar to the capital city committee, which the government has established and has representatives on. The member for Adelaide, unfortunately, is not a member of the government and is not a member of that committee.

**Ms Redmond:** No bias there.

**The Hon. J.R. Rau:** It is unspeakable. You think about it, Deputy Speaker.

**Mr GRIFFITHS:** Okay; I don't want to run the risk of having you removed from the place by speaking about how the committee functions. That is what our alternative is, where there is a level of elected member representation by the council, there is ministerial representation to the group, and then there is an ability to do things. In our case, the member for Finniss, no matter what political party they are part of, would be part of that committee, as long as Kangaroo Island continues to be part of Finniss—

*Ms Chapman interjecting:*

**Mr GRIFFITHS:** Yes—because we think local representation is important in the decision-making process. That is what our response to it is and that is what we would like to see occur. A Kangaroo Island committee could be established under the new Kangaroo Island act. It would bind the ministers and the local member of parliament to membership and ensure the needs of Kangaroo Island residents and visitors are addressed.

As a foundation, the Kangaroo Island committee may be involved in things such as enhancing and promoting the development of Kangaroo Island, including identifying and promoting key strategic requirements for economic, social, physical, and environmental growth, which is, I think, quite similar to the intended role via the commissioner. Our position is that it would consist of the premier or a nominated minister and two other ministers nominated by the premier, the local member of the parliament and probably two members of the council.

It would meet at least four times per year; utilise the services, facilities and staff of existing resources and departments; and prepare and deliver annual reports. Importantly, it would make a difference on the ground. It would make decisions that cannot be refuted because of the authority provided to it, and it would ensure that, within a cabinet, no matter what colour or persuasion it is, actions take place. That, minister, is what our alternative position on this is.

**The Hon. J.R. Rau:** Do you keep the council as well?

**Mr GRIFFITHS:** We do.

**The Hon. J.R. Rau:** It would be the most overgoverned area.

**Mr GRIFFITHS:** The minister asked me, 'Do you keep the council as well?' to which I replied yes. The minister goes on to say that it would be the most over governed area. I think the ability of people to vote for more than one person and via a collective of people who actually collect rates is fairly important. If the minister has flagged his intention to remove Kangaroo Island Council I would be rather interested to hear that.

*The Hon. J.R. Rau interjecting:*

**Mr GRIFFITHS:** The minister puts on the record that it was not his position but he was just seeking clarification on my thoughts on that, so I am generous enough to correct that fact. The council is not bound under the proposed legislation and, as such, the commissioner would focus on the services provided by government departments. I make that comment because, as I understand it in the Kangaroo Island commissioner bill, local government is bound by that.

*The Hon. J.R. Rau interjecting:*

**Mr GRIFFITHS:** The minister is shaking his head so that is a rather important point for us and, given that seven of our eight amendments refer to removal of local government as being bound by that, we might have some interesting discussions at the committee stage about this.

It is important to note that, as Kangaroo Island Council and the Local Government Association have supported the bill, I have not flagged the option of these amendments with them. In my conversation with mayor Jayne Bates on the last sitting Thursday, early in the afternoon before the debate occurred, I told her we had amendments. She said, 'Well, have you consulted the community on that?' and I said no. I think I mentioned that on Thursday 7 August to the minister too and he reacted in a similar way, 'Oh you naughty boy,' but it was rather difficult given the very strongly stated position of Kangaroo Island Council, flawed or unflawed, of supporting the bill, to actually consult with them on that, so that is why we have chosen not to.

**The Hon. J.R. Rau:** The opposition knows better than the council what is good for the council.

**Mr GRIFFITHS:** We do consider many things, minister. The minister tabled 11 amendments to the bill on 2 July, but he has been fully supportive of the Kangaroo Island Council, as I understand it, based on the feedback from consultation undertaken post the introduction of the bill. In reviewing these, I note the theme of consultation, but in no area is the inclusion of the local MP detailed. For example, one amendment states:

...if a council is directly affected by the proposal—must seek the views of the council in relation to the proposal and, if the proposal has the potential to create additional costs for the council, must consult with the council in relation to options for funding such additional costs;...

That is an amendment that concerns me straightaway. In reviewing this it is still not clear to me that a management plan determined by the commissioner does not override a decision made by the council—just that it may consult—while a reference to additional cost provides no clear direction. I do not believe it and I think a level of ambiguity exists that will probably result in a lot of questions at the committee stage.

It is not necessary to provide examples because there are hundreds of those but to ask for some clarification on how that will work. The Kangaroo Island Council supports this and I question how they can support it. I do not know because it leaves open so many unknowns that it worries the life out of me. They must be focusing, as stated in the letter from Kangaroo Island Council, on clarification provided on the debate to clear this up, but I am concerned because I feel the legislation is rather poorer in giving a direction in that area.

The government amendments provide for the Environment, Resources and Development Committee of the parliament to undertake an inquiry two years after the operation of the act and at the end of each four-year period thereafter. In one of the amendments we have submitted for the minister's consideration, we are requesting the inclusion of a sunset clause whereby the role of the commissioner ceases four years after commencement of its operations.

*The Hon. J.R. Rau interjecting:*

**Mr GRIFFITHS:** The minister shakes his head, but I put on the record that that is the intent of amendment No. 8. In relation to additional issues, during consultation on the bill in Adelaide, given the high number of non-resident property owners, (I think I quoted earlier it is in the range of 40 per cent or thereabouts), I am advised that the minister made the statement that the principle of a commissioner could be rolled out to other parts of regional South Australia.

The minister no doubt will clarify that, but these comments give rise to the concerns that I and others have about the impact on local government and they should, I believe, concern the Local Government Association. I mentioned this comment to the LGA executive director, Wendy Campana, and she committed to checking it, but I have not received any feedback even now, which is a good eight weeks or so after my conversation with Ms Campana.

I do respect that by voting against the bill, even with all the concerns we have raised in second reading contributions, we run the risk of providing opportunities on a weekly basis for the party to actually be criticised, and I use the word 'unjustly'. I do believe it is very unjust. I am not supporting government attempts to improve delivery of services and infrastructure to the people of Kangaroo Island and by association to regional South Australia. I understand we need to have broad shoulders in putting this position on the record. We do so, and that is why I have tried to reiterate so many times during this contribution the fact that the position we have taken is based on feedback from people who have lived in regional communities all their lives and from talking to people constantly—

**The Hon. J.R. Rau:** It sounds like this feedback is from somebody who sits behind you.

**Mr GRIFFITHS:** He is one of those. The member for Finniss is one of the people who has given me feedback, but the real concern comes from the communities which we are lucky enough to represent. This bill seems to have a total focus on a particular area, but it is the wideranging issues across the whole of state government and the way that it manages itself that bring us to this point.

It is interesting that, not long ago, I met with four different councils in one day, and as a parting question I asked them, 'Have you heard about the Kangaroo Island commissioner bill?' I gave them my brief summary, trying to be respectful of the government's position but also outlining personal thoughts I hold—

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

**Mr GRIFFITHS:** That is my great fault, member for Newland. Some of them looked at me and said 'Yes, we have heard a little bit about that; don't know very much about it.' Some said, 'No, we think what does it do for us? It doesn't help our area. We still have the wideranging issues.'

The minister has put an interesting process before us. There will be, I think, a good half a dozen people or so who will stand up to speak on the bill. Some will have some personal reflections to add, no doubt about that. I think the parliament works best when not only the real detail is debated but also when personal reflections are provided, because sometimes the only thing that keeps you sane is when you hear those sorts of things in the chamber. It is quite likely that the numbers will be reasonably large and I look forward to the committee stage, because we will be going for some time. Deputy Speaker, if I was to sit down now—

*Members interjecting:*

**The DEPUTY SPEAKER:** This is your moment of power. Are you going to seek leave or are you going to sit down?

**Mr GRIFFITHS:** It's interesting. I would rather seek leave about 10 seconds before the bells ring.

**The DEPUTY SPEAKER:** Well, we are all looking and we are all waiting.

**An honourable member:** Say what you've said again.

**The DEPUTY SPEAKER:** Reminding everybody that parliament's time is very valuable.

**Mr GRIFFITHS:** Absolutely. Repetition frustrates the life out of us.

**The DEPUTY SPEAKER:** You asked him to repeat something did you say?

**Mr GRIFFITHS:** No. We are being flippant.

**The Hon. J.R. Rau:** The first few times he has made these contributions over the space of 1½ hours or so they have been quite good and I am wondering if he wouldn't mind telling us again.

**Mr GRIFFITHS:** I think I might be affected by short-term memory loss, minister, it might be hard to repeat it. I am actually surprised that there is no-one in the gallery. It disappoints me a bit.

**The DEPUTY SPEAKER:** They are all listening, I am sure, in their rooms.

**Mr GRIFFITHS:** And indeed in the visitors' gallery, Deputy Speaker.

**The DEPUTY SPEAKER:** You are going to seek leave now, are you?

**Mr GRIFFITHS:** I will, Deputy Speaker. I will seek leave.

Leave granted; debate adjourned.

*Sitting suspended from 12:59 to 14:00.*

#### **APPROPRIATION BILL 2014**

*Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure*

#### **ANSWERS TABLED**

**The SPEAKER:** I direct that the written answers to questions be distributed and printed in *Hansard*. I know the Opposition Whip will be pleased to hear that it is answer time—there are 15.

**Ms Chapman:** For this year or last year?

**The SPEAKER:** By definition, they couldn't be last year.

#### **PAPERS**

The following papers were laid on the table:

By the Speaker—

505<sup>th</sup> Report of the Public Works Committee entitled Happy Valley Outfall Channel Upgrade Project which has been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991.

Auditor-General—Report on the Adelaide Oval redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011 for the designated period 1 January 2014 to 30 June 2014 Report August 2014 [Ordered to be published]

Joint Parliamentary Service, The Administration of—Annual Report 2013-14 Members, House of Assembly—

Register of Members' Interests—Registrar's Statement Annual Report June 2014 [Ordered to be published]

Travel Entitlements Annual Report 2013-14

By the Premier (Hon. J.W. Weatherill)—

Remuneration Tribunal—

Determination No. 6 of 2014—Allowances for Members of Adelaide City Council Report

Determination No. 7 of 2014—Allowances for Members of Local Government Councils Report

Determination No. 8 of 2014—Travelling and Accommodation Allowances for Ministers of the Crown and Officers and Members of Parliament Report

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

Regulations made under the following Acts—

Child Sex Offenders Registration—Disclosure of Personal Information Without Authorisation

Subordinate Legislation—Postponement of Expiry  
 Worker's Liens—Notice of Lien Fees and Forms  
 Rules made under the following Acts—  
 Juries—Amendment No.2  
 Magistrates Court—Amendment No. 50  
 South Australian Civil and Administrative Tribunal—Organisation of Tribunal  
 Business into Streams  
 Supreme Court—  
 Civil—  
 Amendment No. 26  
 Supplementary  
 Criminal—  
 Criminal  
 Supplementary  
 Fast Track Adoption—Amendment No. 1  
 Fast Track Supplementary Adoption—Amendment No. 1  
 Land and Valuation Division  
 Land and Valuation Division Supplementary  
 Special Applications  
 Special Applications Supplementary

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

Development Act 1993—Proposal for a Land Division to Create an Allotment to  
 Accommodate an Electricity Sub Station at Middleton on the Fleurieu  
 Peninsula Report  
 Regulations made under the following Acts—  
 Development—Assessment of Significant Developments  
 Private Parking Areas—Parking spaces

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

Regulations made under the following Act—  
 Work Health and Safety—Evidence of Licence

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

Regulations made under the following Acts—  
 Health Practitioner Regulation National Law (South Australia)—Insertion of  
 regulation 11A  
 South Australian Public Health—Notifiable and Controlled Notifiable Conditions

By the Minister for Mental Health and Substance Abuse (Hon. J.J. Snelling)—

Regulations made under the following Acts—  
 Controlled Substances—Controlled Drugs, Precursors and Plants  
 Tobacco Products Regulation—Smoking Bans in Public Areas—Longer Term

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

Regulations made under the following Act—  
 Teachers Registration and Standards—Variation—Registration and  
 Assessment Fees

By the Treasurer (Hon. A. Koutsantonis)—

Regulations made under the following Act—  
 Commonwealth Places (Mirror Taxes Administration)—Prescribed Modification of  
 State Taxing Laws

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

Regulations made under the following Acts—

Electricity Corporations (Restructuring and Disposal)—Mining at Leigh Creek  
Southern State Superannuation—Payment of Division 293 Tax

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

Regulations made under the following Act—

Mining—Prescribed Costs—Records and Samples

By the Minister for Disabilities (Hon. A. Piccolo)—

Regulations made under the following Acts—

Liquor Licensing—

Definition of regulated premises

Dry Areas—Various Councils—New Years' Eve and Australia Day

Notice made under the following Act—

Gaming Machines—Prescription Notice Variation—Social Effect Inquiry Process

By the Minister for Police (Hon. A. Piccolo)—

Regulations made under the following Acts—

Firearms—Variation of regulation 4A—Prohibited firearm accessories

Police—Command and Structure of SA Police

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

Regulations made under the following Act—

Primary Industry Funding Schemes—South Australian Sheep Industry Fund

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

Regulations made under the following Act—

South Australian Motor Sport—Provision Relating to Declared Areas

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

Boundary Adjustment Facilitation Panel—Annual Report 2013-14

Local Council By-Laws—

City of Charles Sturt—

No. 1—Permits and Penalties

No. 2—Moveable Signs

No. 3—Local Government Land

No. 4—Roads

No. 5—Dogs and Cats

No. 6—Domestic Livestock Management

City of Marion—

No. 1—Permits and Penalties

No. 2—Moveable Signs

No. 3—Local Government Land

No. 4—Dogs

No. 5—Roads

No. 6—Cats

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

Water Amendment (Murray Darling Basin Agreement Regulation 2014—Regulation made pursuant to the Commonwealth Water Act 2007  
Regulations made under the following Acts—  
Historic Shipwrecks—Prohibition of Certain Acts in Protected Zone  
Natural Resources Management—Eastern Mount Lofty Ranges—Longer-Term Water Conservation Measures  
Notice made under the following Act—  
Environment Protection—Movement of Controlled Waste—Notice and Policy

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

Commissioner of Highways—Schedule of Leases Granted for Properties held 2013-14  
Removal of Track Infrastructure, Schedule of—2013-14  
Regulations made under the following Acts—  
Air Transport (Route Licensing—Passenger Services)—Service of notice on person operating a schedules air service  
Metropolitan Adelaide Road Widening Plan—Application for Consent of the Commissioner of Highways for Building Work  
Road Traffic—Variation—Apparatus Approved as Photographic Detection Devices

### VISITORS

**The SPEAKER:** I welcome to Parliament House today students of Norwood Morialta High School, who are guests of the member for Hartley; students of Concordia College, where a former member for Playford used to wield the cane, who are guests of the member for Unley; and Andrew and Heather Jeffery, who are guests of the member for Finniss.

#### *Ministerial Statement*

### ROYAL ADELAIDE SHOW INCIDENT

**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) (14:07):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.R. RAU:** A tragic incident occurred at the Royal Adelaide Show on Friday 12 September, which led to the death of an eight-year-old girl. I would like to express my sincere condolences to the child's family and friends, who are affected by this tragic loss. It causes me great sadness that what should have been a fun day out for this family has ended in such a devastating way. As a parent, I am very concerned that we should have one of these rides involved in a serious incident. It could have been my children; it could have been anyone.

It is critical that all of us have the confidence that these events are managed to achieve the highest standards of safety. Amusement ride operators must ensure that they understand and comply with nationally mandated safety standards to maintain, install and safely operate these amusement rides. They must also meet their work health and safety obligations to keep patrons and workers safe. By law, show ride operators are obliged to have the rides checked by a professional engineer to demonstrate to safety regulators that the rides are properly maintained. They also need to train their operators and ensure that they are competent to supervise access to the rides.

Within that context, SafeWork SA is undertaking a comprehensive investigation. Investigators are working closely with South Australia Police, the Royal Agricultural and Horticultural Society of South Australia, and the operators of the device where the incident occurred. They will examine every avenue of inquiry to establish exactly what happened and to prevent any recurrence. It would be inappropriate for me to discuss the specific details of the investigation while it is underway, given information gathered may later be used as evidence in legal proceedings.

### CHILD PROTECTION

**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) (14:09):** I seek leave to make a further ministerial statement.

Leave granted.

**The Hon. J.R. RAU:** On 1 July 2013, the government released a report from former Supreme Court justice Bruce DeBelle following the completion of his royal commission, the Independent Education Inquiry. This report had been edited by commissioner DeBelle, and he recommended a final, unedited report be released once a legal event had occurred. On 20 August this year, the Director of Public Prosecutions advised my office that the legal event referred to by commissioner DeBelle had occurred. Today, I table the unedited final report.

I have been advised by the Crown Solicitor's Office that transcripts and exhibits from the DeBelle royal commission may contain details, the disclosure of which would constitute a breach of various statutory provisions, including section 71A(4) of the Evidence Act, which serve to protect the victims of sexual abuse. Crown is now working through the significant volume of material to consider whether redactions are necessary to avoid breaches of this or any other statutory provisions. I have asked that Crown work as quickly as possible to review the documents, and I will table them in parliament once that work is completed.

Finally, I would like to make an important request of the media. The final report names the school in question. It also names schools where the offender worked previously. I would ask the media to show restraint and not to report this detail out of respect for the victims and all of those in the school community who have been affected by the events. The report is available to view on the education department website. I table the report of the Independent Education Inquiry.

### EMERGENCY SERVICES

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:13):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. A. PICCOLO:** Today, I have the great pleasure of launching 'A Safer Community' discussion paper. The paper is the culmination of 20 roundtable discussions that I have facilitated throughout suburban and regional South Australia over the past three months which have involved volunteers, volunteer associations, paid staff and unions. What has been clearly expressed by a number of participants during this process is that there are opportunities for reform in the sector. This could be achieved—

*Ms Chapman interjecting:*

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

**The Hon. A. PICCOLO:** —by improving the way in which we support our front-line services, both volunteer and paid, by streamlining and reducing duplication of common corporate activities, such as administration, training and procurement, whilst redirecting resources back into front-line services and reducing red tape.

This discussion paper takes into account and sets out a proposal for a new way for South Australia's fire, emergency and rescue services to work together in serving the community. The discussion paper outlines a model where front-line services would operate as they do now, but with one organisation created from the regional level up to a single chief officer with the overall responsibility and accountability for the sector.

I have committed to maintaining our current front-line services. They are an integral part of our local communities. Volunteers and paid workers take pride in wearing their uniform and protecting their community, with honour boards at stations often showing generations of service. If this model is supported, a two-stage process will be used to implement the revised structure, with non-

operational services integrating in July 2015 and operational management integrating in mid-2016. This staging is deliberate, as the sector needs to remain operational while the reforms are rolled out.

It is important to stress that there is no intention through this process to diminish front-line services, and it is envisaged that the service delivery to the community will continue as it does today. Similarly, this process is not a cost-saving exercise but, rather, about ensuring the sector is structured in the best possible way to help save lives and reduce the personal trauma and hardship that accompany severe emergency events whilst ensuring that volunteers and staff on the ground have the skills, equipment, facilities and support they need. All savings will be reinvested in the sector. The discussion paper is available to download at the SAFECOM website. I have requested that comments on the paper be received in my office no later than 5pm, Friday 24 October 2014.

In closing, throughout this process I have interacted with in excess of 1,500 volunteers and staff from across the state, as well as members of this chamber, and I would like to take this opportunity to thank each one of them for their contributions so far. In particular, I would like to acknowledge the constructive contribution made by the CFS Volunteer Association, the SES Volunteer Association, the UFU and the PSA. I look forward to people's comments in the next stage of this reform process.

#### *Question Time*

### **EMERGENCY SERVICES LEVY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18):** My question is to the Premier. How much of the \$90 million per year increase in the emergency services levy will be spent on emergency services here in South Australia?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:18):** Every single cent, Mr Speaker.

*Mr Pederick interjecting:*

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

**The Hon. A. KOUTSANTONIS:** If members had read the report that went to the Economic and Finance Committee, as has been the process every year since the emergency services levy was introduced by members opposite, they would realise that the hypothecated fund of emergency services can only be used on emergency services.

Indeed, in the report we gave to the Economic and Finance Committee, we listed the expenditure determinations by the minister for 2014-15. They were for the Country Fire Service, MFS, State Emergency Service, Surf Life Saving SA, Volunteer Marine Rescue, SA Police, SA Ambulance, Department of Environment, Water and Natural Resources, State Rescue Helicopter Service, Shark Patrol, and others for the provision of emergency services, and we detailed the amounts.

What we offered afterwards was a general remission from consolidated revenue. That money has been removed and we have put it into health and education, and people are fully funding emergency services through the levy. We're not taking that money raised from the emergency services levy and spending it in general revenue or anywhere else; it's going directly to emergency services.

*Members interjecting:*

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

**The Hon. A. KOUTSANTONIS:** The act requires us, I understand (but I will go back and check), to spend every cent we raise on emergency services. If there's a surplus—

**Mr Bell:** Smoke and mirrors!

**The SPEAKER:** Member for Mount Gambier, I call him to order.

**The Hon. A. KOUTSANTONIS:** —at the end of the year that remains in the Community Emergency Services Fund when we are calculating next year's round of emergency services budget, that goes towards it.

The idea that we're somehow raising money to be spent on other issues is inaccurate; it's simply not accurate. The emergency services levy is there to raise money for emergency services. It always has been and always will be. What we have removed are general remissions for everyone other than pensioners and concession card holders. The reason we have done it is going exceptionally well.

If only the opposition joined with us and criticised the commonwealth government for the cuts it has made to health and education, we wouldn't have to do this. My promise to the people of South Australia is that we will reverse these increases and reinstate the remissions immediately if the Prime Minister reinstates the cuts he made to health and education.

**Mr MARSHALL:** I have a supplementary question.

**The SPEAKER:** Before we get to that, I warn the member for Heysen a first and a second time. I warn the member for Hammond a first time, and I call to order the members for Hartley and Unley. Yes, leader.

#### EMERGENCY SERVICES LEVY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:21):** My supplementary question is: given that the emergency services levy will bring in an additional \$90 million this current financial year, how much will the emergency services budget increase in the same period?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:21):** Again, the Economic and Finance Committee—

**Mr Marshall:** Zero is the answer to that—zero.

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

**The Hon. A. KOUTSANTONIS:** So what the—

*Mr Pisoni interjecting:*

**The SPEAKER:** The member for Unley is warned a first time.

**The Hon. A. KOUTSANTONIS:** When the opposition invented and introduced this tax it offered general remissions for people because they were very concerned about the political impact of introducing a brand new tax. I see the member for Davenport is smiling, because he knows exactly how they were calculated—a very serious backbencher at the time that the tax was introduced.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** You were a minister.

**An honourable member:** I think it was even his idea.

**The Hon. A. KOUTSANTONIS:** No, I think the minister who passed it was the attorney-general. He was the person who had coverage of it and then it was left to poor old Brokie to pick up the pieces afterwards.

What we do is calculate the cost, like a council rate, of the emergency services budget and retrofit the tax. Then we offered a whole series of remissions. The amount we raise for emergency services, the budget for emergency services, never changes. What we add is a discount. We have removed the discount, so the budget was published. In the report to the Economic and Finance Committee on 6 June—

**Mr Marshall:** What's the answer to the question?

**The Hon. A. KOUTSANTONIS:** I'm going through it now. On page 2 of 9 that was sent to the member for Unley, and no doubt he would have read it in great detail being the diligent member he is—before the budget was released he got these papers—it showed that the total expenditure on

emergency services was projected to be \$255.4 million in 2014-15. It is always announced before the budget. We said in this document—and I know the member for Unley is a diligent reader of all these documents because he raised the change in a way—

**Mr Marshall:** Answer the question.

**The Hon. A. KOUTSANTONIS:** I am answering the question.

**Mr Marshall:** No, you're not.

**The Hon. A. KOUTSANTONIS:** He's a diligent reader of all the information we give him. If you go through the paperwork that was sent to him he would realise—

*Members interjecting:*

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

**The Hon. A. KOUTSANTONIS:** —that the government tabled and flagged to members on the committee that, rather than announcing the remissions in the submission to the Economic and Finance Committee, we said that we would announce them on budget day. So surely that would flag to a professional politician that there would be some changes to remissions.

*Mr Pisoni interjecting:*

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

**The Hon. A. KOUTSANTONIS:** We've always been upfront and honest about this. In fact, we have been so upfront and honest we published it in the budget papers. In the budget papers, on page 6 of the Budget Measures Statement, we say what the increases are going to be. For a property of \$100,000, it is \$37.30. Going up to a property of \$1 million, the increase would be \$373. We showed you the increases in the budget papers.

**Mr Marshall:** That's not the question. Answer the question.

**The Hon. A. KOUTSANTONIS:** Calm down. It is in the report card that often you get angry? Did you put that on the report card? The report card doesn't show the fake anger, and I notice that—

**The SPEAKER:** The member for Finniss.

**Mr PENGILLY:** My point of order was going to be: do you consider that the Treasurer is debating the issue?

**The SPEAKER:** I uphold the point of order.

**The Hon. A. KOUTSANTONIS:** The budget has remained exactly the same. What we have done is remove the—

**Mr Marshall:** Shame! Shame!

**The SPEAKER:** The leader—

*Mr Marshall interjecting:*

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

*Mr Marshall interjecting:*

**The SPEAKER:** The leader is warned for the second and final time. That's it.

**The Hon. A. KOUTSANTONIS:** Under the legislation introduced by the opposition to create the emergency services levy, for us to spend an extra \$90 million on emergency services through the fund, we would have to increase the rate. So, the Leader of the Opposition is criticising us for not increasing taxes more. If he thinks through his hypothesis, that is what he is asking us to do. This can all be reversed. All they have to do is call their mates in Canberra and tell them to reinstate the money they have cut from our hospitals and schools and cuts they have made to—

**The SPEAKER:** The Treasurer's time has expired.

**Ms Chapman:** He's our Treasurer. It's a worry.

**The SPEAKER:** The deputy leader is warned for the first time. Unfortunately, that puts her interjection on *Hansard*. The leader.

#### EMERGENCY SERVICES LEVY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26):** My question is to the Premier. Do emergency services operators' premises have increases in their ESL bills as a result of government changes?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:26):** All South Australians, excluding pensioners and the appropriate beneficiaries of benefits, have received an increase in their emergency services levy, but what we have done is protected pensioners. Pensioners are the most vulnerable in our community from the cruellest and harshest realities of the Abbott government. We have done it—

**Mr Whetstone:** You are the worst treasurer this state's had.

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

**The Hon. A. KOUTSANTONIS:** We have done it to protect people from the harsh reality of the cuts being made by the Prime Minister. The Prime Minister has targeted those who are most vulnerable in our community.

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

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

**Mr PENGILLY:** The federal government is not responsible for the ESL in South Australia and the rate of increase.

**The SPEAKER:** That is a bogus point of order. It may be a point of varying weight, but it is an entirely bogus point of order and I call the member for Finniss to order and warn him for the first and the second time. Treasurer.

**The Hon. A. KOUTSANTONIS:** Currently, the regional cities and towns of Berri, Goolwa, Kadina, Loxton, Millicent, Mount Barker, Mount Gambier, Murray Bridge, Naracoorte, Nuriootpa, Port Augusta, Port Lincoln, Port Pirie, Renmark, Tanunda, Victor Harbor and Whyalla receive a 20 per cent discount on their bill. Country areas outside those listed major towns receive a 50 per cent discount on their bill and those outside council areas receive a 90 per cent discount on their bill because that has always been in place.

I notice the Leader of the Opposition is asking: will volunteers be exempted? Will these increases be reversed? He is saying that they are hurting people. What we have not heard from the Leader of the Opposition is, if he is elected premier in three years' time, if he makes it—

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

**The SPEAKER:** I call the Treasurer to order. Member for Stuart, that makes you happy? You will not need to proceed with your point of order.

**Mr VAN HOLST PELLEKAAN:** So long as he abides by standing order 98, I will be happy.

**The SPEAKER:** Yes. Treasurer.

**The Hon. A. KOUTSANTONIS:** Those remissions I talked about remain in place. They are unchanged. Yes, emergency services volunteers who volunteer in the CFS and the SES do pay the emergency services levy unless—

**Ms REDMOND:** I believe the Treasurer is answering a question that was not asked. The Leader of the Opposition's question was about premises occupied by organisations that pay the emergency services levy, not about the volunteers.

**The SPEAKER:** The Treasurer.

**The Hon. A. KOUTSANTONIS:** The government pays emergency services on all its facilities. In fact, I received my bill as Treasurer only the other day. Of course, it all can be reversed

with the stroke of a pen if the Prime Minister reverses over the next four years his cuts to health, \$655 million; his cuts to concession funding for pensioners, \$123 million; \$47 million in cuts to skills funding; and of course his lie on Gonski of \$73 million. These cuts of \$898 million made by the commonwealth—

**The SPEAKER:** Point of order. Member for Bragg.

**Ms CHAPMAN:** This is clearly debate.

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

**The Hon. A. KOUTSANTONIS:** The government has made it very clear we didn't want to increase or remove remissions from the emergency services levy. I will point out that the rate of the emergency services levy is lower today than it was in 2001 and 2002 when the opposition was last in government.

*Mr Marshall interjecting:*

**The Hon. A. KOUTSANTONIS:** What sort of remissions were in place? I am glad the Leader of the Opposition acknowledges that remissions have been removed because the whole premise of his question was that we were increasing the rate, increasing taxes. What we have done is taken away those discounts, but we haven't taken those discounts to the bottom line. What we have done is put them into health and education to make the shortfall on your friends' cuts that you have made to health and education. All they have to do is use their special relationship with Tony Abbott.

**The SPEAKER:** Point of order by the deputy leader.

**Ms CHAPMAN:** As poor as this may be, it is still debate.

**The SPEAKER:** If I were to criticise the Treasurer's response, it would be for referring to the opposition in the second person. Treasurer.

**The Hon. A. KOUTSANTONIS:** I have completed, sir.

**The SPEAKER:** The Treasurer has finished the answer. A supplementary from the leader.

#### EMERGENCY SERVICES LEVY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31):** How is it that the Treasurer can blame increases in the ESL on federal government cuts when his own state budget has cuts four times larger than anything coming from the federal government?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:31):** Depending on his audience, he says we spend beyond our means, but here today he says we are cutting too deeply. Which one is it?

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Okay, now we're increasing. You confuse the message, and this is why you can't think two steps ahead. That's why you are still in opposition: you can't think two steps ahead. Either we tax too much and we spend too much, or we cut too deeply. Which one is it? Or is it both? We spend too much and cut too deeply; is that what you're saying? Put that in the report card. I notice the report card doesn't go back to March. It starts in April: '1 April, made a new speech', year zero, 1 April.

*Members interjecting:*

**The SPEAKER:** Before we move to the member for Stuart, I warn the member for Newland for the first time, I warn the member for Chaffey for the second time, I call the member for Adelaide to order and I warn the member for Mount Gambier for the first time. Member for Stuart.

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

**The SPEAKER:** Yes, I uphold the point of order. The member for Newland, rewarded for his misconduct.

**REX MINERALS**

**The Hon. T.R. KENYON (Newland) (14:33):** A question is not a reward, sir: it's a right of a member. My question is to the Minister for Mineral Resources and Energy. Are there any developments on the proposed Rex Minerals Hillside mine on Yorke Peninsula?

**Mr Tarzia:** Thank God the mining tax has gone.

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

**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):** The mining tax doesn't apply to copper. He's a genius, isn't he? I want to thank the honourable member for his question. I am pleased to inform the house today that Rex Minerals has accepted the mining lease offered by the state government for its Hillside copper, gold and iron ore project near Ardrossan. The company has now received all primary and state and federal approvals to allow them to progress the development of the project which would see copper mining returned to the Yorke Peninsula after a 100-year absence—too long.

Rex Minerals has indicated that the extension to the largely completed feasibility study will review a staged development with a lower capital start-up option. This will provide the company with the optimal starting position in which to move towards their ultimate vision of a large scale copper, gold and iron ore mine at Hillside. Our agriculture and mining sectors are crucial sectors of our economy and must coexist for the benefit of our state. This mining lease strikes the right balance between environmental and economic priorities.

As the Minister for Mineral Resources and Energy, I am committed to maximising the benefits of the resources sector. Just last year South Australia produced 262,000 tonnes of copper. That is enough to supply the copper needs for plumbing, roofing, and brass fitting electrical wiring and appliances in over 1.3 million homes. South Australia has seen record employment in this sector of more than 15,000 jobs in 2013, and this month's ABS figures show combined minerals and petroleum exploration reached a record high of \$647.6 million for South Australia, up from \$616 million in 2012-13.

The Hillside project will only enhance the positive impact of the sector. It has the potential to create hundreds of jobs for the region, diversify the local economy and provide follow-on benefits to local businesses. But the state government also recognises the importance of preserving our state's reputation as a clean green food producer which our farmers and rural communities work so hard for. That is why the mining lease followed extensive public consultation with detailed assessment by all the relevant government regulatory agencies and the very best scientific and technical advice.

The mining lease includes approximately 100 stringent terms and conditions to ensure the environment and the amenity of the area is protected and preserved. These conditions cover everything from dust and traffic management to air quality, heritage and, of course, native vegetation. Real-time monitoring will also be required to ensure our regulations are constantly being met.

The state government's formal assessment report with supporting technical documents will be released on the Department of State Development's website later today, including the terms and conditions of the mining lease. Rex Minerals now has 12 months to prepare a program for environment protection and rehabilitation—their PEPR. It details how the company will meet all of the state government's strict conditions and requirements.

I want to take this opportunity to thank the tireless work of our regulators in overseeing the development of this mining lease. They work incredibly hard to provide the confidence for resources companies to invest in long-term projects here in South Australia. They also provide confidence in the community that our world-best regulatory system will ensure environmental, social and economic impacts are properly managed for generations to come.

I also welcome any feedback from the house and the local member and, of course, we offer him and any other member a full briefing from the department on the conditions, which will be made publicly available later on today. I would also like to thank the opposition for its support in this great endeavour of bringing copper mining back to Yorke Peninsula.

**Mr GRIFFITHS:** Supplementary, sir.

**The SPEAKER:** Supplementary, member for Goyder.

#### **REX MINERALS**

**Mr GRIFFITHS (Goyder) (14:37):** Given the announcement of 99 conditions that was made some 50 days ago, but they have not been available for public review—and it is not available for public review until later this afternoon—is the minister able to confirm the conditions attached to the transfer of the ore to market and, indeed, conditions associated with the rehabilitation of the site?

**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):** I will take advice, but generally we set the conditions; we don't prescribe how the conditions should be met. We ask the company to come back to the regulators with their very best analysis about how they can meet the conditions. We then do an analysis piece of work on that and we give them a tick or cross.

All the conditions will be made publicly available today. I would like in future to have the release of the acceptance of the mining licence and the release of the conditions done simultaneously to avoid this delay of a few hours. I think that does cause some concern in the community, and I think we should be doing it a lot faster. It is just a technical issue that we have in the department, given that we don't know exactly when the mining company is due to accept the mining lease because it is an ASX-listed company and it has to abide by the terms and conditions of the ASX when they make their announcements to the market.

If we can better coordinate that, I would like to have more information made publicly available, but I will get a much more detailed answer for the member. I offer him a full briefing in my office, as I have done previously, and any other member who is interested to see how this process has worked because I am sure we will be coming to a regional area near you soon with more mining proposals—hopefully, in the South-East very soon for some very good shale gas opportunities.

#### **EMERGENCY SERVICES LEVY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39):** My question is to the Treasurer. Does the Treasurer stand by his comments on ABC radio that the increase in the emergency services levy bill on a \$400,000 home is 62 per cent?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:39):** No, sir. The increase on a \$400,000 home is 163 per cent. That is a raise of \$149. I think if he checks the transcript, it wasn't me asserting that it was that, it was the program interviewers. I will check, but if I did say that then that's not accurate—the increase is 163 per cent. In fact, I will go through them all so the house knows exactly what they are. For a \$10 million property in area 4 the percentage increase is 342 per cent. For a \$2 million property it is 289 per cent. For a \$1.5 million property it is 272 per cent. For a million dollar property it is 242 per cent. For the median average price it is 163 per cent.

You will notice, as you are looking through this, that the discounts that were offered were targeted at those who were most wealthy and those who had properties that were less valuable were given lower remissions. Perhaps I will ask you: who in fact designed a system that would offer lower discounts to people who can least afford to pay but then offer the largest discounts to the most wealthy? Who could have set up such a scheme for remissions? Who could that have been? Members opposite. But, sir, let's not worry about this percentage business, let's talk about the real numbers.

*Members interjecting:*

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

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Really? Well, he's losing weight. I'd watch out, if I were you. Got a new suit, lose a bit of weight—never know. These are the real numbers, Mr Speaker, the

numbers that matter to families. For metropolitan Adelaide for a \$100,000 home it is a \$37 increase, for a \$150,000 home it is \$56, for a \$200,000 home it is \$75, for \$250,000 it is \$93.

**Honourable members:** Shame!

**The Hon. A. KOUTSANTONIS:** I like how the members opposite are calling out, 'Shame.' I didn't hear that when the commonwealth budget was released. I did not hear any of that. I didn't hear any of those complaints of, 'Shame.' I didn't hear them criticising Tony Abbott or Chris Pyne or Mr Briggs about their cuts to our hospitals and schools, there was just some quiet applause, 'Yes, well done. Well done, chaps.' The increases that actually affect families are the dollar values and they range from \$149: \$187 for a half a million dollar home, for an \$800,000 home the increase is \$299, and then I have read out the other figures. So, there are increases, I accept that. They can be reversed tomorrow, all the commonwealth government has to do is reverse their cuts to our hospitals, schools and the cuts they have made to our pensioners and I will immediately, with pleasure, reverse these increases.

**The SPEAKER:** Before the member for Flinders asks his question I warn the member for Mount Gambier for the second time, the member for Adelaide for the first time and I call to order the members for Morialta and Mitchell. Member for Flinders.

#### EMERGENCY SERVICES LEVY

**Mr TRELOAR (Flinders) (14:42):** Supplementary question to the Treasurer. A constituent has brought me their emergency services levy bill, which demonstrates that liability on their farming property has risen from \$574 last year to \$3,950 this year. Would the Treasurer confirm that this is an increase of 588 per cent?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:43):** Which area is it? Flinders, is that regional area 2? I would imagine then that the value of their property is well above \$10 million, but I will check that.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Yes, I understand it is a farm, but if the capital value of the property is more than \$10 million then the increase is very large. For example—

*Members interjecting:*

**The SPEAKER:** The member for Unley is warned for the—

*Members interjecting:*

**The SPEAKER:** Oh dear. The member for Unley, if his lips move again he will be leaving.

**The Hon. A. KOUTSANTONIS:** It is a tax designed to fund emergency services introduced by the Liberal Party, and the Liberal Party chose, at that time, to include primary production land and here they are today saying, 'How dare you tax primary production.' It's your tax; you introduced it. I find it stunning, Mr Speaker, like a dog returning to its vomit, the opposition are looking at this and saying, 'Who did this? It wasn't us.'

**The SPEAKER:** The minister the Treasurer will withdraw and apologise for the expression 'a dog returning to its vomit' because it suggests that every member of Her Majesty's opposition is a canine.

**The Hon. A. KOUTSANTONIS:** Sir, I do not believe that they are canines. I apologise if I have caused any offence. I didn't mean that literally. I was just trying to—

**The Hon. J.J. Snelling:** A metaphor.

**The Hon. A. KOUTSANTONIS:** It was a metaphor.

**The SPEAKER:** I was hoping the minister didn't mean it figuratively either.

**The Hon. A. KOUTSANTONIS:** Yes, sir. While, yes, there are increases to primary production properties in the ESL, I suppose members opposite should consider decisions taken by

the Olsen government when they introduced this and applied this tax to primary production land. It could have been exempted, and they chose not to.

If they want the remissions reinstated, all they need do is call the Prime Minister, because I know that, during the campaign, the Leader of the Opposition, whether it was on submarines or on Holden, touted his special relationship with Tony Abbott. He could get more out of Tony Abbott than anyone else because of his special relationship. Well, perhaps he could use that special relationship—

**Mr GARDNER:** Point of order.

**The SPEAKER:** Oh, no!

**The Hon. A. KOUTSANTONIS:** —then ask the commonwealth government for a—

**The SPEAKER:** What's it going to be? Debate?

**Mr GARDNER:** Let's say debate. I think we have strayed from the question: 'Is this an increase of 588 per cent?'

**The SPEAKER:** Yes, I uphold the point of order. Member for Goyder.

#### EMERGENCY SERVICES LEVY

**Mr GRIFFITHS (Goyder) (14:46):** My question is also to the Treasurer. Treasurer, a constituent has discussed with me today, indeed, that their ESL—to illustrate the increase in the liability that's been attached to it—has gone from \$136.50 to \$1,137.05. Does the Treasurer accept that this is an increase of 733 per cent?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:46):** If, indeed, those numbers you have quoted to the parliament are accurate, that would mean that the capital value of the land being assessed is in excess of \$10 million.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Members opposite say, 'So, what?' The formula calculating these increases is based on a formula that you introduced. It's your formula.

**The SPEAKER:** No, no—

**The Hon. A. KOUTSANTONIS:** Sorry, Mr Speaker; I apologise.

**The SPEAKER:** Although I voted for the formula—

**The Hon. A. KOUTSANTONIS:** Not yours, sir.

**The SPEAKER:** Although I voted for the formula, you are not referring to me.

**The Hon. A. KOUTSANTONIS:** No, sir. You were here, and I understand, sir, you fought the good fight and voted against the introduction of the emergency services levy. But the formula that calculates the emergency services levy applicable to that piece of land, indeed, is a formulation determined by the Olsen government. For the opposition today to be coming into this place saying it is unfair that this calculation takes place, perhaps they should consider, those of you who were staffers during that period—looking at you, member for Kavel—

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** All the Leader of the Opposition needs to do is stand up in this place, or publicly, and say, if he is elected, he will reverse the increases; thus far, he hasn't said that. Secondly, all he needs to do is call his close personal friend the Prime Minister. The Prime Minister has such admiration for him that he came out during the campaign.

I want to personally thank you for that close relationship you have with the Prime Minister and bringing him out here during the campaign. It was very effective. There was great penetration to the media market when he turned up. Everyone was in no doubt about how close you and the Prime Minister were. It was a great piece of tactical advice to bring the Prime Minister down. Perhaps if the

Leader of the Opposition asked the Prime Minister, in the same vein as coming down to Adelaide to help campaign for you, to reverse his cuts to pensioners—

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

**The Hon. A. KOUTSANTONIS:** —hospitals—

**Mr GARDNER:** For revisiting the same ground on 98.

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

#### EMERGENCY SERVICES LEVY

**The Hon. I.F. EVANS (Davenport) (14:48):** My supplementary to the minister is: in the emergency services zone that covers the primary production areas of the state, how much has now been collected from the emergency services levy in that zone, and how much is being spent on emergency services in that zone?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:49):** I think the member for Davenport was sent the information in an Economic and Finance Committee report. We are a very transparent government.

**Mr Marshall:** Very thin; not transparent.

**The Hon. A. KOUTSANTONIS:** That's not very nice. I only have the distributions here. I don't know how much we will be raising, but what I will do is get that for the member. The distributions are here. In regional area 4, we are distributing \$217.7 million; in regional area 1, \$18.5 million; in regional area 2, \$10.7 million; in regional area 3, \$0.9 million, of which expenditure on emergency services is attributable to the fixed property component of the levy, and the distributions are out there. What I will do is I will get you a much more detailed answer so we know exactly what it is we are raising from those regional areas and so you can see exactly what it is.

#### EMERGENCY SERVICES LEVY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:50):** My question is to the minister for—oh, she has gone! Where is the Minister for Volunteers? I will ask this question to the Premier then: does the Premier agree with the Treasurer's statement on Channel 7 News last Thursday—and I quote—'there are thousands of other volunteers who will take their place' in response to the CFS volunteers saying the increases in the ESL would reduce their capacity to respond to fires?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:51):** I was very clear in what I was saying, but I can't be responsible for the editing done.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** No, I don't walk away from the comments. What I said was: 'I doubt very much South Australians would leave their neighbours in the lurch.' This state has a fine tradition of standing up for each other, standing up for their neighbours. Let's talk about real cuts: why is it that the Leader of the Opposition is happy to see—

**Mr Marshall:** Why don't you answer a question?

**The Hon. A. KOUTSANTONIS:** I am trying to answer but you keep on talking over me. I show you the courtesy that you deserve; you should show me the courtesy—

*Members interjecting:*

**The SPEAKER:** I beg to differ.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Sir, I am an example to all members of the house of how to carry themselves in question time. My comments about volunteers were in no way trying to attack

or criticise volunteers who do not want to volunteer. What I was saying is this: I do not believe that our CFS volunteers, who are the best in the world, would ever see a neighbour or ever see a friend or another region of South Australia not responded to because of the way we raise the emergency services levy. If that offended anyone, I apologise. I did not mean to offend anyone when I said that; I just did not believe the assertions to be accurate.

#### **MOUNT BARKER, LITTLEHAMPTON AND NAIRNE STRATEGIC INFRASTRUCTURE PLAN**

**Ms DIGANCE (Elder) (14:52):** My question is to the Minister for Planning. Can the minister inform the house about the announcement of a Mount Barker, Littlehampton and Nairne Strategic Infrastructure Plan and the work that has occurred to produce this plan?

**Ms Chapman:** Yes, close the court at Mount Barker.

**The SPEAKER:** The deputy leader is warned for the second and final time. The 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):** On the weekend I had the pleasure of joining my cabinet colleagues in Mount Barker.

**Mr Pederick:** It's a long drive!

**The Hon. J.R. RAU:** It was a long drive, but being there gave me another opportunity to meet with representatives of the Mount Barker council, the members and staff of which have worked very closely with the government over the last couple of years to plan for growth in this very important region. Can I mention as an aside, Mr Speaker, that in something of an eerie echo of F. Scott Fitzgerald's novel *The Great Gatsby*, during the course of our public meeting a huge smiling image of the member for Kavel looked down upon us like the billboard with the all-seeing glasses of Dr Eckleburg.

For those of you who have not been to the Mount Barker sports facility, there is an enormous image of the member for Kavel. We found that, whichever part of the room we moved to, he continued to follow us with those all-seeing eyes, and the mysterious smile. What was he thinking? He kept his own counsel on that day.

Anyway, back to the story. As members may be aware, Mount Barker has one of the highest population growth rates of noncoastal towns within Australia. This demand for growth in the area creates a need to identify where people will go and what they will need to ensure that we are creating the great neighbourhoods we need for new residents.

On the weekend, the government, in partnership with the council of Mount Barker, launched the Mount Barker, Littlehampton and Nairne Strategic Infrastructure Plan. This plan outlines infrastructure required to support demand for growth within the area. The close cooperation between the government and the district council has identified issues and helped to work through these concerns, leading to this clear vision for the future.

**Mr KNOLL:** Point of order, Mr Speaker. On my computer, a copy of a press release which was put out on Sunday and which is entitled 'Infrastructure Plan for Mount Barker' discusses very much what the Attorney-General is talking about right now.

**The SPEAKER:** Can the Deputy Premier assure me that the material he is giving to the house does not duplicate in any way the news release?

**The Hon. J.R. RAU:** I can say absolutely definitely, Mr Speaker, that, for instance, some of the new material, such as the material about the member for Kavel, is completely new. It might be—

**The SPEAKER:** Proceed.

**The Hon. J.R. RAU:** Thank you. The plan includes information on the planning and provision of transport, power, education, cultural and community facilities, as well as health, recreation and open spaces. I am advised that work will start on the first of the new growth areas, Ashton Hills, incorporating an expansive network of linear trails, green spaces, and a village centre with a range of shops and services, including a new school site. The plan has—

**Mr KNOLL:** Mr Speaker, he is reading word for word from the press release from Sunday.

**The SPEAKER:** Bearing in mind the existence of the Privileges Committee, can the Deputy Premier assure me that he is not reading word for word from the news release?

**The Hon. J.R. RAU:** At this point, Mr Speaker, perhaps not. But I can say that my answer was entirely original, having regard to the very important additional material at the beginning regarding the member for Kavel.

**Ms CHAPMAN:** Supplementary, if I may, sir.

**The SPEAKER:** Do you want to hear the rest of the news release? The member for Bragg.

#### **MOUNT BARKER, LITTLEHAMPTON AND NAIRNE STRATEGIC INFRASTRUCTURE PLAN**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:57):** Supplementary to the Deputy Premier. Given the Deputy Premier's statement relating to the unprecedented growth in Mount Barker and the need for infrastructure, what funds is he going to make available to keep open the Mount Barker court?

**The SPEAKER:** I doubt that is a supplementary, but does the—

**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) (14:57):** Mr Speaker, I am happy.

**The SPEAKER:** Yes, if the Attorney wishes to answer.

**The Hon. J.R. RAU:** I thank the honourable member for this question. There are a couple of things that need to be said about this. The first thing, and I think that it is important to get this on the public record, is that the way in which the Courts Administration Authority decides to expend its money is a matter for them.

*An honourable member interjecting:*

**The Hon. J.R. RAU:** There appears to be a Tourette syndrome sufferer in the back corner. The situation is that the Courts Administration Authority is able to do whatever it wants with its funds. It has made its own decisions—presumably, as I read the release put forward by the Chief Justice, after due consideration—that all of the services can be adequately delivered to these people using alternative venues, for example, the City of Adelaide or Murray Bridge, both of which are reasonably proximate to Mount Barker. We are also examining a range of other ways in which we can have even easier access using technology to various opportunities for people to engage with the justice system.

I will be releasing, I expect before the end of the year, a very high-level justice plan document, which will explain a whole range of initiatives, which will actually add up to a better delivery of service across the state. Obviously, I am very happy to discuss those matters in the parliament when that document is released.

#### **MOUNT BARKER, LITTLEHAMPTON AND NAIRNE STRATEGIC INFRASTRUCTURE PLAN**

**The Hon. I.F. EVANS (Davenport) (14:59):** My supplementary question to the minister is: when the government rezoned Mount Barker for significant growth (as the minister referred to in his first answer), why didn't the government undertake a traffic impact study and a study of the safety issues to do with the South Eastern Freeway, Cross Road, Glen Osmond Road and Portrush Road? I put in an FOI application and received no documents. I am just wondering why the government would rezone Mount Barker and not do a traffic impact study on those four main roads into the city.

**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) (15:00):** My understanding at the time is that the infrastructure improvements which were identified to be delivered in concert with the expansion of Mount Barker principally related to a second freeway interchange at Bald Hills Road—a project, I am happy to report to Parliament, we have reached agreement on with the commonwealth government and also the Mount Barker council for funding.

Construction will commence in the next few months. It has been a project that has been heartily welcomed by the council. It has been heartily welcomed by the local federal member. It has been heartily welcomed by the local state member as well. These sorts of improvements to infrastructure in the Mount Barker area are just the ones that the Deputy Premier was alluding to in his previous response.

#### **SOUTH AUSTRALIAN RIVER MURRAY SUSTAINABILITY IRRIGATION INDUSTRY IMPROVEMENT PROGRAM**

**Mrs VLAHOS (Taylor) (15:01):** Can the Minister for Agriculture, Food and Fisheries inform the house about round 2 of the South Australian River Murray Sustainability Irrigation Industry Improvement Program?

**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) (15:01):** Back in July, the Premier, Senator Simon Birmingham and I launched the first projects in the \$100 million South Australian River Murray Sustainability Irrigation Industry Improvement Program (3IP). I am pleased to let the house know that next Monday we will open the second stage of grants for that program, that is, \$140 million worth of projects.

This \$240 million project is making a huge difference to people right along the River Murray. I want to thank the member for Chaffey and the member for Hammond for the work they have done at a local level to help promote this very good scheme. It is not very often that any region in South Australia gets \$240 million pumped into it—

**Mr Whetstone:** Don't forget to hand over the water licences.

**The Hon. L.W.K. BIGNELL:** That is it, 40 gigalitres of water will be returned. This is what the Premier went in to fight really hard for a few years ago, that is, to make sure that we had the Rolls Royce scheme set up here in South Australia. We know others were saying that we could make do with a Mazda, but I want to congratulate the Premier for sticking to his guns and what we have is a fantastic scheme to help people right along the River Murray in South Australia.

Already, we are seeing people who have got their first bit of money put up proposals to reduce the amount of water they use and increase their efficiency. They may be changing grape varieties or they may be changing from one particular fruit to another that makes more sense. It is bringing about a great deal of change, and it has been terrific to see the way people have been willing to put up their hands and come up with some really good ideas and be part of that change, because the Riverland is a really important part of our economy in South Australia. It produces some amazing things for not just local consumption but also national and, indeed, international consumption.

Next Monday, we will be releasing the details of this latest round, as I said worth \$140 million. Information sessions will be held at Loxton, Renmark, Waikerie, Berri, Murray Bridge and Langhorne Creek. People who come along will be provided with a detailed explanation of the guidelines and an opportunity to speak with 3IP regional support officers. Expressions of interest will close at 5pm on Friday 17 October 2014.

I want to take this opportunity to put on the record our thanks to Senator Simon Birmingham for the work we have been able to do with the commonwealth. It has been terrific to see both levels of government working closely together for the benefit of not just those people along the River Murray but everyone in South Australia who benefits from the extra economic activity and the reduction in water being taken from the Murray River.

**The SPEAKER:** Supplementary, member for Chaffey.

#### **SOUTH AUSTRALIAN RIVER MURRAY SUSTAINABILITY IRRIGATION INDUSTRY IMPROVEMENT PROGRAM**

**Mr WHETSTONE (Chaffey) (15:04):** My supplementary question is to the Premier. The Minister for Agriculture has just outlined the contribution that South Australia will put towards the Murray-Darling Basin Plan. What component of water will the state government be putting towards that 183 gigalitres of SDL?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:04):** I will take that question on notice and ask the Minister for Water to bring back an answer, but we will be making our fair share of contribution remembering though, of course, that the South Australian community has already made its contribution. In 1969, we capped the level of water that we took from the River Murray and have not taken a drop more since 1969 to this point.

Indeed, the upstream states have overallocated the waters of the river. I think in the order of about 5,000 gigalitres of water have been extracted in addition since that period, at a time when we already knew that the river was under pressure. In fact, the whole burden about the approach we took in relation to getting extra water down the river (the 3,200 gigalitres of water down the river) was that South Australians should not bear the additional burden associated with putting that water back into our contribution of putting that water back in the river.

Despite the fact that we have always done the right thing, we also offered to do more, but I insisted that it not come out of the hides of our irrigators, and that's something that I negotiated directly with the Prime Minister of Australia. That is why we achieved the \$240 million, the next stage of which was just announced by the Minister for Agriculture, so that our irrigators could make the adjustments necessary to put the water back in the river without affecting the viability of their businesses. That should be a matter, I think, of celebration for this state.

Implicit in the question from the member is that somehow the city is not pulling its fair share and that the country is doing all the work. The truth is that we negotiated to make sure that the irrigators did not bear the burden of adjustment here and neither should all other South Australians, remembering here that of the 6 per cent or 7 per cent or so that is taken from the River Murray by South Australians (93 per cent of it being taken by the upstream states), only 1 per cent is used in the broader metro area; 6 per cent of it is used by irrigators. So, of course, any additional adjustment to put some water from South Australia back into the river is going to have to come from our irrigation communities, but we have taken the step to ensure that the burden of adjustment does not unfairly fall on them.

I must say that I think this represents an incredibly exciting opportunity for the Riverland: \$240 million plus \$25 million, plus another \$25 million, \$290 million going in. Looking at the other funds that are going to have to go in to ensure that we get our 3,200 gigalitres of water, this represents a massive opportunity for our river communities to thrive. You cannot put \$290-odd million into a river community, a relatively small set of communities up and down the river, without that having a very substantial positive economic impact. So, this should be a very exciting time for the river communities, and I invite all those opposite to get on board with us in celebrating that great success.

**The SPEAKER:** Just for the information of the member for Morialta, the correct expression is, 'Thank you, sir; may I have another.' The member for Chaffey again.

#### **SOUTH AUSTRALIAN RIVER MURRAY SUSTAINABILITY IRRIGATION INDUSTRY IMPROVEMENT PROGRAM**

**Mr WHETSTONE (Chaffey) (15:08):** As a further supplementary question to the Premier, in your good negotiating skills you managed to negotiate about \$265 million to \$290 million for South Australian river communities. Why is it that New South Wales and Victoria negotiated over a billion dollars each?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:08):** Because that's where the water comes from. They are the ones who have the uncovered irrigation ditches. They are the ones who spill more water than we use in our entire system. That's where the investments need to come from. If the member had just decided for one second to set aside his partisan opportunism and actually look at the Murray-Darling Basin Plan, he would see his 2,750 gigalitres (the Mazda that was called for by the dear old member for MacKillop), and he would see strapped on top of that is the extra water that gets us up to 3,200.

What's in the account that pays for that? About \$1.77 billion that is set aside in a locked box to get us from the 2,750 to the 3,200. If you want to value the amount of extra effort that was necessary to get this extra water down the river and to give us a healthy river, it is there in black and white.

Where does it need to be spent? The lion's share of it needs to be spent upstream where they are actually guzzling all this water. That is what we insisted on, and it is no surprise that that is where the money is being spent because we get the benefit because we are downstream. We are the ones who have to put up with the degradation of this river, the depletion of this river, and we were the ones who stood alongside the environmental groups around this nation.

We stood together with our irrigators. They were being encouraged by irrigators upstream to split apart from the South Australian government and actually join with them against us: irrigators versus the city. The great leadership of the irrigator communities up there—Gavin McMahon and Ben Haslett, those leaders of great foresight—decided to stick with us. They decided to trust a South Australian Labor government to work with them to deliver and we did.

#### COURTS ADMINISTRATION AUTHORITY

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:11):** My question is to the Attorney-General. Will the closure of the Holden Hill and Port Adelaide magistrates courts increase the court backlogs?

**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) (15:11):** I thank the honourable member for her question. Can I return to what I was explaining before, and that is that the Courts Administration Authority is a rather unique creature in terms of South Australia—

*Members interjecting:*

**The Hon. J.R. RAU:** As I was saying, a rather unique creature, and it is unique because it is not answerable to the Attorney-General. It doesn't even make its budget submissions directly through the Attorney-General. It has a direct channel to the Treasurer, and it makes its own decisions about how it will allocate its resources.

What has occurred is that the Courts Administration Authority has decided that, in order to manage its affairs, it will streamline its operations, and it is consulting on that as of yesterday. I read a statement issued by the Chief Justice, which is as informative for me as it should be for anyone else who wishes to read it, wherein he explains that they do not believe there will be any shortfall in service delivery, although he acknowledges that some people may have to travel a little further or to a different place.

I am confident that the courts can manage this, as the Chief Justice has said in his statement. I have no reason to doubt the Chief Justice. I have no reason to think he is making it up and, as I mentioned before, we are presently engaged, through the Criminal Justice Reform Council, in the preparation of a series of initiatives to improve the overall efficiency and delivery of service to the public through the criminal justice system. When that documentation is released publicly towards the end of this year, I hope members will see that there are many elements that need to be changed in the system to improve it.

People must understand that the criminal justice system is not just the courts. The courts are simply processing material for which they must rely in their turn on police, on the Director of Public Prosecutions, on the private legal profession, on the Legal Services Commission, on forensics and a whole bunch of other people, all of whom have to work in a cooperative way and in an efficient way to get the service to work as well as it can.

That is what we are on about and, as I said, more about that before the end of the year, but in terms of this particular initiative, I read with care the statement issued by the Chief Justice yesterday. I read him as saying that he was confident that the service delivery would not be impaired, and I have no reason to believe that the Chief Justice, in making that statement, was not telling the public what he believed to be true.

#### COURTS ADMINISTRATION AUTHORITY

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:14):** A further question to the Attorney-General: can the Attorney-General advise the parliament how much money in total has been cut from the Courts Administration Authority budget in the forward estimates?

**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) (15:14):** I will check this and get back to the honourable member, but I think in the context of their overall budget, which is in the order of \$90 million or thereabouts per year, the forward estimates contemplates \$4 million, or \$4½ million or thereabouts, over the forward estimates in the context of a budget of that size. Can I say to all members, let's be clear about this: all government agencies are being asked to provide the Treasurer and the cabinet with savings—all of us are. Some agencies have made very substantial contributions to making those savings, far greater than the proportion we are talking about here.

Obviously, the government recognises that some agencies, by reason of the way in which they are constituted, have a greater or lesser capacity to vary their expenditures, and of course the courts do have a fairly high level of fixed expenditure in the form of judicial salaries and in the form of leases and other things on major buildings. There is not much they can do about that. There are bits and pieces they can move, there are bits and pieces they can't, but in terms of the overall expectation of government agencies across the board, the expectation of the courts has been relatively modest. I am sure the Treasurer would confirm that. That expectation has been negotiated directly between the Treasurer and the courts, because they like to have the opportunity of speaking on their own behalf to the Treasurer or his officials, and having got their budget they then work out how they are going to allocate it.

Can I make another point too. I notice there were some rather ill-informed comments—obviously not from the member for Bragg, because she doesn't do that, but from some members of the profession—in the last couple of days on this topic. I make the point to those people, and it is worth them contemplating this, that they have the simple answer that if you have a problem all you do is throw money at it and it goes away.

*Members interjecting:*

**The Hon. J.R. RAU:** The answer in the case of the justice system—

*Members interjecting:*

**The Hon. J.R. RAU:** You're using your time.

**The SPEAKER:** Order!

**The Hon. J.R. RAU:** The answer in the case of the justice system is that everybody there needs to work better. The culture of the whole system needs to be better integrated. That will deliver faster outcomes and better outcomes at a better value.

I make the final point. If by some magic wand trick, the member for Bragg became the Attorney-General tomorrow, and if the member for Bragg were able to persuade her colleagues to give her another bucket of money to tip into the courts, the member for Bragg could not guarantee that one penny of that money would be spent on keeping Mount Barker open—not one penny.

**The SPEAKER:** A supplementary question from the member for Davenport.

#### **COURTS ADMINISTRATION AUTHORITY**

**The Hon. I.F. EVANS (Davenport) (15:17):** Given the minister's answer about reductions or changes to the Courts Administration Authority budget leading to the closure of the Mount Barker court, can the minister advise the house whether he knew of the announcement that Mount Barker court was going to be closed prior to attending the Mount Barker community cabinet this week?

**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) (15:18):** I was aware that the Courts Administration Authority was considering announcing—

*An honourable member interjecting:*

**The Hon. J.R. RAU:** Hang on; I'm answering the question—considering announcing a period of consultation for the closure, or partial closure, because I think in the case of Mount Barker

it's not a complete closure; I think it's a partial closure, if I remember rightly. That is by the bye. I was aware that they were intending to make a statement about that. It was their statement to make, not mine, and it was for them to decide when they were going to make that statement.

Did I know when I was in Mount Barker that I had an expectation they would be making a statement? Yes, I did. I didn't know exactly when, but I knew something was coming. I had a feeling something was coming.

*Grievance Debate*

**HOLMES, MR ALLAN**

**Mr PENGILLY (Finniss) (15:19):** I would like today to make a few comments about the departure of Mr Allan Holmes. I think the title of my speech this afternoon should be 'Bye bye, Allan, adieu, farewell, adios'. Members may be aware that as part of the Weatherill government's revolving door policy towards senior public servants, Mr Allan Holmes of the environment department has now departed the public sector. I know many members will have a black armband on for this departure and I must say it is an unusual one, even for this government.

The government usually gets rid of anyone who has shown any initiative or has done something. The list of high achievers who have also been shoved out include Rod Hook and Jim Hallion, both of whom have served this state extremely well and put together a large number of projects. Mr Holmes, though, has been recognised for doing nothing and allowing nothing to happen under the new banner of 'environmentalism'.

I have to say that Mr Holmes has been immensely successful at stopping any project that he personally did not like. When he departed recently he sent out a note to various parts within his empire—because that is what he built, an empire—and the note said, 'The king is dead, long live the king!' What a curious statement for any public servant to make.

In a radio interview Mr Holmes lamented the freeholding of shacks, a rather curious statement given the coming down of the Berlin Wall, the end of international communism and the rest of the history of the last 25 years. He also lamented the fact that he had only been able to stop the Port Wakefield project and not to bury it. He stated that it was still out there and possible—dreadful!

For those members who have not been to Port Wakefield or through it, the Port Wakefield project was the brainchild of the Chapman family who built the outstanding and well-awarded Hindmarsh Island marina. Although its inhabitants are very proud of it, and rightly so, Port Wakefield is not exactly pristine wilderness. It is in parts ramshackle with an environment damaged heavily by uncontrolled run-off stormwater, and other degradation. The Chapman family proposed to remedy all this, and the only casualties were going to be three mangrove plants that would be potted and cared for and replanted at the end of the day.

Mr Holmes obviously does not like the Chapmans, and obviously thinks Port Wakefield, despite its environmental degradation, is all fine as it is now. Recently, he even went further and stated that the second-only surviving clipper ship, the *City of Adelaide*, had no heritage value and should not be housed on any South Australian government land. What an extraordinary statement. The real reasons for Mr Holmes' curious outburst on this topic—the 'because'—was the Chapman family was part of the consortia that brought this very important part of South Australia's maritime heritage to South Australia and that he, Mr Holmes, had nothing to do with it. Sour grapes, I suspect.

Mr Holmes fitted in perfectly with this government's objectives: do nothing and sack anyone who does something, and a minister for planning who inherited a 30-year plan and then deducted 28 years. Members will remember all the leaking about the Adelaide Zoo and its financial problems a couple of years ago. Mr Holmes, I suspect, knows all about that because he lamented that he was the only chief executive in an environment department in Australia who did not have a zoo. He not only wanted his own zoo, but he wanted that one and all the employees under it—that would have been a nice, tidy addition to the empire.

Before I finish, let me also raise the subject of Southern Ocean Lodge, which has been spectacularly successful and which the government is great at expounding the virtues of. In another life when I was mayor on Kangaroo Island a number of years ago, that project came to us and I

immediately contacted Paul Holloway, the then minister, who was a great bloke and a good fellow to deal with and could be trusted—unlike some others.

Mr Holmes did everything possible to try to stop Southern Ocean Lodge, and I say 'everything possible'. It was widely known in tourism and environment circles that Mr Holmes did not want that project and he would stop at nothing to inhibit the progress of that including using the Native Vegetation Council and anyone else who happened to put their hands up.

I say that the state is well rid of Allan Holmes and I hope that the environment department comes under a new charter and a new direction. I hope that the last public servant shafted by this government remembers to turn the lights off.

### CLIMATE CHANGE

**The Hon. S.W. KEY (Ashford) (15:24):** I rise to express my very deep concern that the federal climate change policies will severely damage South Australia's environment and economy. There is overwhelming evidence that our climate is changing. On Monday 16 September, the ABC TV program *Q&A* hosted a panel of prominent and highly-respected scientists. In response to a question on climate change, the panellists were unanimous that the scientific evidence overwhelmingly proves that the climate is changing. Nobel prize winner Peter Doherty made the point very well when he used a medical analogy in describing the health of the planet. He said:

The diagnosis is clear. The exact progress the disease will take is not necessarily that clear—it is enormously complex. But what we need to do now is think about treatment...all of us need to think about duty of care because we have the duty of care of the planet, and of every other life form on it and duty of care for future generations.

Labor takes its duty of care very seriously. I have been very pleased to have been a part of a government that has had an emphasis on this. Premier Rann was one of the first ministers for climate change, I think, in the country and certainly on an international level and this inheritance has continued right through to today with the work that has been done by not only Premier Weatherill but minister Ian Hunter from the other place.

The other thing that I think South Australia should be known for is that we enacted Australia's first dedicated climate change legislation. The former Labor government released a strategy to reduce greenhouse gas emissions and began a climate change awareness program. Today, South Australia's emissions are lower than they were in the 1990s. The government set itself a target of achieving 33 per cent renewable electricity by 2020 and it is possible that we will reach this target in the coming year.

South Australia leads the nation in the uptake of alternative energy sources. Since 2002, the installed capacity of renewable energy has grown from 0.8 per cent in 2002 to 31.7 per cent. All of this has been achieved in spite of the state's population and economy which have both grown. In fact, all of this has significantly contributed to the creation and growth of new industries and jobs in South Australia. In order to treat the problem effectively, all governments must take their duty of care seriously.

At times, it feels like South Australia is alone in Australia in acting on this duty, especially given that countries like China and the United States are strengthening their climate change policies. In fact, earlier this year, President Obama announced some of the most ambitious emissions reduction targets to date. Let us not forget that the United States is a country that has faced the full brunt of the global financial crisis, with higher unemployment than Australia and a federal debt estimated to be around four times higher than Australia. It seems like the US President clearly understands his duty of care. He said:

As President and as a parent, I refuse to condemn our children to a planet that's beyond fixing. The shift to a cleaner energy economy won't happen overnight and it will require tough choices along the way.

I ask: does the Abbott government also understand that it has a duty of care to our planet? The facts speak for themselves. Since coming into office, the Abbott government has not done anything that I am aware of but dismantle important policies on climate change. They have repealed the national carbon pricing mechanism and replaced it with a direct action plan that has been ridiculed by experts. They have abolished the Climate Commission, the Australian Renewable Energy Authority and defunded the Environmental Defender's Office and the CSIRO.

### NORWOOD CORK TREE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:28):** It is my great pleasure to rise today to speak on the Norwood cork tree, which has been growing adjacent to Edward Street in my electorate, the electorate of Dunstan. This is an excellent tree, a significant tree and one which the community has passionately worked together to protect. The cork tree was planted in 1892 by prominent industrialist Mr Henry Buttery. It was a great pleasure for me to speak to one of his descendants specifically about this tree in the electorate of Dunstan. Today, the tree is registered by the National Trust of Australia at No. 34 on the Significant Tree Register and it is in exceptional form. The cork tree was at risk of being removed after a development proposal was submitted to the Norwood, Payneham and St Peters council.

My electorate values community, it values heritage, open space and our environment—all values which, as the local member, I strive to represent at every opportunity. So, when members of my electorate heard about this issue, of course they raised these concerns with my office immediately, and then, in conjunction with the Norwood Residents Association, the Save the Norwood Cork Tree group was assembled, campaigning to ensure that the initial development application, which would have had the tree completely removed, did not proceed.

This group met regularly and lobbied the company proposing the development, as well as the council, on this matter. I would particularly like to draw the house's attention to the hard work of Lynette Arden, Carole Whitelock and Jim Dunk, who established this group and started the community campaign and petition. Of course, I would also like to acknowledge the many residents who joined this group and gave of their time voluntarily, including the former member for Norwood Mr Greg Crafter, who was involved.

When I first became involved, I committed to contacting Coles, who were proposing the development in Norwood. I must say that at all times they engaged very respectfully. I spoke initially with Mr Fabio Pagano, who put forward a proposal to remove the tree and relocate it. Apparently, this technology exists; I know that Michael Keelan was one who thought that this could potentially work. However, this was not favoured by the community because an alternative site was not obvious and also the likelihood of transplant was certainly not 100 per cent.

I was delighted when an alternative proposal for the redevelopment of Coles was agreed to by the company. That alternative involved keeping the cork tree in its exact situation. I think this is an excellent outcome for the community, I think it is an excellent outcome for the people of Norwood, and I certainly thank Coles for agreeing to this new arrangement.

I was delighted to have the Norwood Residents Association present me with a petition in March of this year, and on 22 May this year I tabled the Norwood cork tree petition in this place on behalf of over 1,000 signatories; in fact, to be precise, there were 1,111 signatures on that.

I would like to congratulate members of the local community, the Norwood, Payneham and St Peters council and Coles, who have listened to feedback and redesigned their plans accordingly to ensure that the Norwood cork tree could remain intact in its original place. This is a great result for all involved and a very obvious example to many other people of what can be achieved by different community groups working together.

### SUBMARINE PROGRAM

**Mr PICTON (Kaurna) (15:33):** This Sunday marked 100 years since Australia's first submarine, the HMAS *AE1*, was tragically lost off German New Guinea at the outbreak of World War I. Some 35 people were lost in that, and the submarine has never been found. That is a reminder to us of Australia's long history with submarines. We have a huge ocean front that needs to be protected. We rely heavily on maritime industries, and submarines are always going to be something that is essential to our national security.

This is particularly important to think about now as the federal government is considering the future for the next generation of submarines in Australia and specifically how they are going to be made and whether they keep their promise to make the next 12 submarines in Australia, at Adelaide, at the advanced Techport facility, or whether we go to another country and buy their submarines—

specifically, Japan is being floated extensively by the federal government—and support their economy and support their industries.

As this is being debated at the moment—and I hope that the federal government is true to their word that they have not made a decision on this matter—I think it is something that we in South Australia need to be particularly concerned about. We need to consider the national interest elements of this decision, particularly what our national security requirements are, how it affects our national finances, our economy and also the faith people can have in promises that are made by politicians.

Firstly, on national security, none other than our Governor-General, Sir Peter Cosgrove, former chief of the Australian Defence Force, has previously outlined his reasons for why he believes submarines should be made in Australia, and chief among them is national security. He said:

Current Australian Government policy aims for self-reliance in the direct defence of Australia. That doesn't mean we should have a full suite of capabilities for every occasion. Nor does it preclude a degree of dependence on allied nations for collaboration on certain technologies. But it is absolutely within our best interests to develop, own and keep as much of our intellectual capital and capability as possible.

I think that really sums up that we need some self-sufficiency for Australia's technological ability for our Defence Force and also self-sufficiency of our supply for important defence technologies. I saw that Hans Ohff, who until recently was the head of the Australian Submarine Corporation here, made comments that if we did purchase submarines from Japan, and if Japan were to be involved in its own theatres of war or national emergencies, then we would never be able to rely upon spare parts being available for our submarines, we would never be able to rely on the expertise and engineers we needed to keep our submarines going because we would be reliant upon that other country.

A lot of the commentary on this has been about value for money. I note that the ABC has spoken to a number of military experts in Japan in recent days, and they have raised concerns about Australia's ability to get value for money if we did purchase the submarines from Japan. I note that Kazuhisa Ogawa, a former government defence adviser, is quoted as saying to the ABC:

It's an issue of hull strength. Japan has secret technology, like special steel and noise reduction. So the issue is how can we share it...

Another of the experts spoken to by the ABC was a former submarine commander, who said:

This is not just about building a hull, it's the most advanced submarine in the world and unless Australia studies it intensely and Japan helps, it will take decades...Australia could have many technical and implementation problems.

I also notice that Göran Roos, who is of course an expert in advanced manufacturing, was quoted as saying that the short lifespan of the Japanese submarines could pose an enormous problem and end up costing us twice as much.

In the few seconds I have left I would like to note with great disturbance the comments of the member for MacKillop, who advocated on behalf of purchasing submarines from Japan and said that that would be a better use of taxpayers' money. I think that is a disgusting indictment of our industry in South Australia and not the sort of leadership we are looking for at this time.

### EMERGENCY SERVICES LEVY

**Mr TRELOAR (Flinders) (15:38):** I rise today to speak on a subject that has been the topic of a good part of question time today, at least, and dominated the airwaves and the print media for the last few weeks, that is, the emergency services levy. Every property owner and many businesses in South Australia are in the process of receiving their emergency services levy notice. They have been going out over the last few weeks; some are only just arriving at the moment and being opened now by property owners.

I have to say that the number of phone calls and emails that my electorate office, and every electorate office, has been receiving over this time would indicate that there is a great deal of surprise and anger at the increase that has been built into this levy—this levy that in a way has become a tax. It seems to me that it has become a land tax that has been introduced by stealth. It is a land tax by any other name, and we cannot get away from that.

The Treasurer was asked a number of questions today in question time relating to constituents of members from this side of the house who had particular instances they wanted to query. Certainly, a constituent in my electorate contacted me and suggested that his emergency services levy has gone up 588 per cent since last year, quite an extraordinary increase. The member for Goyder also indicated that he had been contacted by a constituent, who admittedly owned farming property of some value, and the increase in his emergency services levy is 733 per cent, which is quite extraordinary.

The average householder has also seen significant increases. For a \$400,000 capital value house, they are now paying \$241, which is an increase of 163 per cent on last year. If you have a half a million dollar home, and many houses in metropolitan Adelaide and even in country areas are approaching that value, the emergency services levy is now \$280, up from \$102 last year, which is an 183 per cent increase, and so it goes on. A \$750,000 house is up 219 per cent, and a million dollar home is up 242 per cent.

The Treasurer today very much played the blame game, attempting to put the reasoning behind this increase very much at the feet of the federal government, and it is simply not true. The state Labor government is desperately trying to blame this decision to double and triple the emergency services levy on the federal budget cuts, which are largely four years away; in fact, through smoke and mirrors suggested by the Treasurer, do not actually exist at all. In fact, after evidence and questioning during the Budget and Finance Committee, the Treasury CEO, Brett Rowse, confirmed that federal funds to South Australia will actually increase by \$2 billion per year by 2017-18—and that was in evidence to the Budget and Finance Committee. Mr Rowse agreed that total federal budget grants in South Australia will be \$9.9 billion, which, as I said, is an increase of over \$2 billion from 2013-14.

What the Treasurer is suggesting is simply incorrect. This is a land tax by any other name. Along with the amalgamation of emergency services which has been suggested by the Minister for Emergency Services in recent days, it is going to make it really difficult for services such as the CFS and the SES to continue to operate in the same way they have been operating in the past.

My feeling is that it will have an impact on volunteers and on the way in which those organisations are run. Centralisation does not give any savings; that has been proven over a long period of time. I urge that all of our constituents out there in the country areas and even in the metropolitan area make known to the minister their thoughts on the amalgamation of the services. That submission process is open until some time in October.

Ultimately, once again, we get back to Labor mismanagement of the state finances. Obviously, we have a state deficit forecast at \$1.2 billion and a state debt forecast at \$14 billion, and this is an effort by the state Labor government to claw back some of that cash.

### **SUPERANNUATION GUARANTEE**

**Ms HILDYARD (Reynell) (15:43):** I rise to speak about an issue that will negatively impact hundreds of thousands of ordinary South Australians. Two weeks ago, Tony Abbott's federal Liberal government reached into the pockets of thousands of Australians and ripped the heart out of the income that would have ensured that they were able to access a decent, secure and dignified retirement.

The freezing of the superannuation guarantee at 9.5 per cent per annum until at least 2021 will reduce the retirement income of more than eight million Australians. This is despite Tony Abbott's pre-election promise of no adverse changes to superannuation. The member for Sturt, the federal education minister, Christopher Pyne, had the gall to say, on 2 September, in relation to this substantial change, that this decision is very good news for workers.

Good news perhaps if you are a highly-paid worker who will maintain a 30 per cent tax concession on your super. Not good news, however, if you are amongst our lowest paid workers, who will be penalised for saving for their retirement and not good news for female workers, who already lag behind men in terms of retirement savings, due to a growing gender pay gap, the fact that they are more likely than men to take time away from work to care for children and others and the fact that currently they are expected, on average, to live longer than men.

With the retirement income of half of Australia's female workforce now cut and the abolition of the low income superannuation contribution, which benefits 2.2 million Australian women, the federal Abbott government has shown its lack of care for the ability of women to enjoy a dignified retirement. Saving the low income superannuation contribution was a top priority for many groups, including the Women in Super group, who state that without it about one in two working women and 80 per cent of the female part-time workforce will incur a tax penalty for saving for their retirement.

Increasing the superannuation guarantee from 9 per cent to 12 per cent on the original timetable would have delivered financial security for hundreds of thousands of workers, begun to address the responsibilities that come with an ageing population, and supported our economy. Instead of keeping its pre-election promise to ensure no adverse changes to superannuation and instead of caring about the future of Australian workers, this federal Abbott Liberal government has supported tax reductions for just our wealthiest Australians.

There has been much debate, in light of this broken promise, about the interaction between enterprise agreements and the superannuation guarantee. The wages and conditions of more than four million Australian workers are covered by enterprise agreements and many of those agreements simply refer or default to superannuation guarantee provisions. The reality is that when many workers bargained in good faith with their employer to reach those agreements they did so with the reassurance of a promise by the incoming Prime Minister that the previously legislated timetable of increases to the guarantee would remain, meaning they did not need to put any new provisions in their agreements. But, to their detriment, that promise has been broken.

I have no doubt that unions and some employers will work hard together to vary some agreements to ensure that terms and conditions reflect the original guarantee or to adjust wages to take into account the Prime Minister's broken promise. I also have no doubt that, amongst the rhetoric we have heard from the federal Liberal government, we have not heard, nor will we hear, about the impact this broken promise will have on the hundreds of thousands of workers relying on award wages—in hospitality, retail, the community sector and undertaking clerical work—who do not currently have an opportunity to negotiate into an agreement improvements to address the shortfall in their retirement savings. We will not hear because they do not care. In fact, the retirement savings of low to middle income earners are not enough for them. They are now coming after their penalty rates, too.

But we should not be surprised. The Liberal Party has always opposed universal superannuation, as they have opposed other mechanisms which promote fairness and equal access to a decent standard of living. The federal Liberal government talks about ending the age of entitlement.

*Mr Pengilly interjecting:*

**Ms HILDYARD:** However, as Australians find that their superannuation savings are not enough to live on, they will need to supplement their savings with a pension. This federal government decision is an outrageous one, made by a government that fundamentally fails to understand what it means to live on a basic wage and how any cuts to universal superannuation put at risk the possibility of a dignified and secure retirement for so many ordinary working Australians.

**The DEPUTY SPEAKER:** Before we continue, I just need to remind the member for Finniss that he has several ticks and crosses beside his name from question time, so any more outbursts and I will have to put another tick beside his name.

*Bills*

## COMMISSIONER FOR KANGAROO ISLAND BILL

*Second Reading*

Adjourned debate on second reading (resumed on motion).

**Mr GRIFFITHS (Goyder) (15:49):** The sad thing is I have had to rise three times, now, Deputy Speaker.

**The DEPUTY SPEAKER:** There you go!

**Mr GRIFFITHS:** It just ruins your thought processes: that is all. I think I have been quite fair in the one hour and 40 minutes that I have contributed to the bill so far by putting on the record some of the supportive comments that have come through from some organisations, but in my closing comments I want to put some of the negatives that I have also received. Otherwise, I am sure there will be people on my side who will have a go at me for not recognising all sides of it.

I will not identify the people who have contacted me. I think it is fair that I preserve that confidence but I do want to highlight, in a few dot points from each them, the issues that they raised as part of the consultation. The first person's position was:

- Unsure
- Concerns if the KI community has been properly consulted
- Decisions must be timely and made close to the heart of the KI community—above personal interest and political bias

The next person, who is a representative of one of the community associations on the island, noted that that community association was indifferent to it, that public consultation had been poor and was 'a waste of resources'. A lady I met when I was on the island was vehemently opposed, I must admit, in the conversation I had with her. Her position was stated as:

- concerns with impact it may have on democratic representative form of government and the consequent erosion of rights

That is an issue that I have put quite strongly also, where the concern is that people who are elected for four years are put in place to make decisions on behalf of the community and provided with revenue-raising power. To appoint a person to act as an authority above them to give direction but provide a vagueness of ability to consult for alternative funding sources if they need more money is poor to me, so I totally understand that person's frustrations.

Another person, also known to me, and who I know has taken on a community leadership role in past years on the island, was quite strongly opposed and was concerned that local government may be hindered, as others have stated. This person attended a special meeting conducted by council and listened to the concerns. It is not just a person who has made this stance in isolation but someone who has attended meetings and heard others speak to it.

A representative of another community association on the island was quite strongly opposed and said it was 'passing the buck by bureaucrats and governments'. That is an interesting one. It was also said to be 'another level of bureaucracy', which is also a sound argument. Some concerns were raised about transport issues as they relate to the island. Another community association was opposed and its position was:

- Commissioner is an 'easy way out for government'
- Another layer of administration
- Doubtful that the right person would be appointed as Commissioner—needs to have Islanders at heart, not government

That is a point that I have made and I am sure that others will make, too. They raised some very serious concerns about the cost of freight—that is one of the key issues—and transport to and from the island.

It was pointed out that the island's economy remains at global financial crisis level with very little activity. They said the state government did not take up a recommendation in the Girt By Sea report, as I understand it (and I know the member for Flinders has referred to that in the past), to place a moratorium on real estate purchasing fees. That is an interesting one. Their final point is that they cannot see what a commissioner would achieve that a minister could not. I think that raises a really valid point.

Why can't a strong minister—giving good direction to staff, understanding the issues in a community, being part of the process of the Westminster system that is well understood, responsible to the people and who stands for election every four years—do what a commissioner is intended to do?

Another person who works within a service provider area on the island is opposed, concerned that the commissioner and advisory boards will be funded from the three main agencies on the island of health, education and the Department of Environment, and does not want another level of bureaucracy to have to answer to. There are concerns that the commissioner and advisory board will have power of decision-making over the principal and governing council. In this case it might be an education area but it could be in other areas, too—in finance, facilities and resources, be they human or physical.

This person also made the statement that the Citizens' Jury was a kangaroo court in that the decisions had already been made. I know others have given me similar feedback where it was thought that resolutions were predetermined and those who facilitated it had determined what they wanted to see, and that is what the end result was for the Citizens' Jury. We all have different opinions but they were the ones that were put to me. This person also pointed out that union members in that workplace were opposed to the bill also.

Another individual resident was opposed, concerned that the proposed legislation may take away the autonomy of the Kangaroo Island community. Again, it comes back to the credibility, the skill set, the knowledge and the time spent on the island of the person who may be appointed under the minister's plans to make decisions. The following questions have to be posed. Do they truly understand it? Do they know the people? Do they know the issues? Do they know the history? Are they involved in developing a strong future? This person was concerned that the Kangaroo Island Council is supportive of the bill, particularly as council makes up a small component of the KI community. For the record, I recognise that they are elected to represent the community, but this individual has raised the point of the Kangaroo Island Council being dysfunctional.

This person also pointed out that, at that time, which was late May, when the consultation had been happening and the Citizens' Jury had occurred well and truly before that and there had been some good levels of letters to the editor in *The Islander* newspaper about things, most people on the island were not aware of the proposal to establish a commissioner. A little bit after that person, another one who was opposed linked the Citizens' Jury to green thinking, considered the impact on future development proposals and was not aware of management plans overriding government departments. That is one of the basic premises of it: a single person can override not just local government, as I have stated many times, but indeed government departments.

I did receive letters in support of that. On reviewing them, it is interesting that eight of those in support of it were in a template response. There were some other people who, as individuals, indicated their support for it. I have confirmed the exact words of the Kangaroo Island Council and the Local Government Association and I think it was quite generous of me to actually put that on the record but, as an elected member body, they also have to be held accountable for their words and actions and I think the *Hansard* provides opportunity for all to review that.

We now come to a completion from me, finally. I hope that all members of this place actually consider the implications of this bill and not look just at the local perspective of Kangaroo Island but the potential for wider application. My understanding is that the minister, as part of his Adelaide-based consultation, referred to it as being a principle able to be rolled out in other areas.

A lot of sections of the community should be concerned that all of a sudden we are going to have this autocratic society in which one person deems what is to occur and manages to convince the minister, and if those who are charged with responsibility to provide what is in the management plan, they can be fined as a result. That is not necessarily the way I want to live. The way I want to live is in a government that is focused on absolute best positive outcomes at all times and works with the community to understand what it needs.

Yes, I understand that it has priorities in where dollars are to be spent. I absolutely appreciate that and it has to make hard decisions on that, but it has to ensure efficiency of delivery in the best possible way. That is where I think a whole of government responsibility and a change to this is important, not just an action instigated by the minister in proposing a Kangaroo Island commissioner bill. I do look forward to contributions from others, and I am sure we will have some robust debate about it.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:57):** I rise to speak on the Commissioner for Kangaroo Island Bill 2014. Let me first disclose that I was born and raised on Kangaroo Island, the beneficiary of 11 years of education at the Parndana Area School. I continue to be a ratepayer, one of the 40 per cent who live off island. I am a patron of the KI Pioneers Association and the Parndana Show. I remain a passionate advocate of Kangaroo Island and its people.

The peak governing body for islanders is their elected Kangaroo Island Council, complemented by appointed and elected boards, committees and councils representing the schools, the hospital, volunteer associations and organisations, the environment forums, transport operators and the like, including farmers. The funding, advocacy and influence of these vary. The state and federal governments contribute funding and services, as applies across South Australia, in consultation with local governance.

The bill before us proposes the establishment of a commissioner to be appointed and paid for by the state government. The commissioner can be a public servant. He or she has a role to prepare management plans and principally to provide better coordination and delivery of infrastructure on Kangaroo Island and for other purposes. The Minister for Planning claims this is necessary to support him, the proposed minister for Kangaroo Island, to be the new king of Kangaroo Island, with an advocate to present priority positions in cabinet.

The bill will operate, he says, by compelling state authorities, including public servants, public corporations and the local council, to provide information and prescribe contracts to the commissioner. Refusal or failure to comply can result in a name-and-shame listing in the commissioner's report to the minister and Premier for most state authorities.

For councils, their penalty is to be reported to the Minister for Local Government, and he or she then has the power to take action under section 272 of the Local Government Act. That act allows for the minister to refer the breach to the Ombudsman for investigation. Action on that report can result in a declaration that the council is in default and, subject to the process allowing the council to plead its case for mercy, it may find itself and/or its members under suspension and subject to an administrator being appointed.

Management plans are to be developed after consultation with the local community by the commissioner, and once in place he or she maintains them. The commissioner must provide an annual report to parliament. Commissioners operate in South Australia in varying roles, representing the police, victims of crime, health and community service, corruption, legal services, public employment, industrial relations, equal opportunity, liquor and gambling, small business and highways, to name just a sample. There are varying levels of independence in their operation and powers of enforcement. To my knowledge, South Australia has no other commissioner of a geographical area, and across Australia no other island is subject to a commissioner in their governance structure.

In recent years, the state government appointed a KI Futures Authority with a small executive to prepare a report for the government. It published the Paradise Girt by Sea report outlining priorities for Kangaroo Island in infrastructure planning and services to advance the industry and economy of the island, recognising the environment, lifestyle, primary industry, tourism, transport challenges and other pursuits and aspirations. I recall numerous reports over my lifetime, most identifying common challenges, but this was a useful contemporary assessment. From there, the authority has promoted planning reform, marketing ideas, energy, water and transport options and supported selected projects and enterprises. This work is not without merit, but it does not address the core infrastructure prerequisites for the island, including its economy, water, roads, transport and energy.

Historically, state government has provided its usual services to country regions and, in recognition of the unique isolation of being an island, included a sea transport service (the latter was discontinued under the last Liberal government) and consideration of the sealing of the South Coast road and subsequent contribution to road maintenance, currently around \$2 million a year. With an increased burden of waste disposal, environmental laws, deteriorating infrastructure, stagnant ratepayer revenue and increased regulatory compliance obligations, the local council has floundered and plunged into debt to cover repeated annual deficits, borrowing around another \$1.8 million in the

previous financial year (I do not know how much it was to the financial year just completed) to meet its expenses.

Whilst I have expressed my views as a ratepayer on some of the management and project decisions of the council, I do not reflect on the efforts of the council and staff, but the position is clear: the council is in a financial mess and its back is against the wall. To date, I suggest the government has not helped, but it has in fact taken advantage of this dilemma by failing to provide or subsidise infrastructure obviously needed and opting to just prepare more reports.

Secondly, it has bought up more land on Kangaroo Island, reducing the revenue base of the council. Thirdly, it has improved its own assets—that is, the government's assets—with boardwalks and walking trails, primarily supporting income from tourists for government and not for the local people. Fourthly, it has imposed regulation resulting in costly compliance to islanders. Fifthly, it has sponsored planning reform, with a new DPA, carving out the coastline to further advantage the government in control and income and depleting the council's future role. Sixthly, it has increased levies, taxes and charges, adding to the already high cost of living. Seventhly, it has reduced education and health services, making it even harder and more expensive for families. The list goes on and on.

Unsurprisingly, the council supports this bill. They are desperate. Amongst individual islanders, however, submissions are split. Some support and some oppose, but most, I suggest, do not even know what is going on or have any clue about what is actually being proposed by the government. The Local Government Association has assisted the council (as a member of that, that is to be expected), most particularly with the amendments re the strengthening of consultation clauses the government will apparently present.

In a meeting with the chief executive officer, and from some subsequent correspondence from the LGA's chief executive officer, it is clear to me that the LGA has not considered the broader legal issue of the implication of this bill, including the cost to council in compliance with the legal expense and representation when there are disputes, and we understand what a hefty imposition could be imposed on the council as a result of getting through that consequence. Secondly, there is the extension to other council's jurisdiction in South Australia, as has been flagged by the minister at the Adelaide public meeting. Thirdly, there are the difficulties of council's power under the Development Act.

As independent legal advice has confirmed to me, the minister already has the power, pursuant to the Development Act under section 57, to enter into land management agreements with the owners in relation to development, management and preservation and conservation, as has been outlined by our lead speaker. Here is where the current position is clear: in those circumstances, the minister must—must—have regard to the appropriate development plan, not 'maybe' or 'think about it' or 'tinker with it', but 'must'.

To avoid that, the appointment of a commissioner with the proposed powers will circumvent this and consequently derogate the council's powers. That is the real consequence of what this bill presents for the people of Kangaroo Island. I will not support this bill because it will:

- undermine the elected council as the people's voice;
- not help the council with its financial predicament;
- dilute the council's principal role in planning;
- add another level of costly bureaucracy of over \$1 million a year; \$6 million has been allocated over the next four years from an Adelaide-based commissioner;
- not bind the government to do anything about the infrastructure challenges that the island currently faces; and
- waste valuable time to consult and prepare more plans when the council's strategic plan, the RDA reports, and the countless management plans that are already there for action identify those priorities.

With this bill, the minister is a wolf in sheep's clothing and nothing less than that. It is a disgraceful attempt to undermine the independent governance for the people of Kangaroo Island. He has an army of qualified public servants and administrators to advise him. If he were genuine about the belief that there is any commitment by his government and that there is any waste already in government services, he would call a meeting with the relevant ministers and sort it out.

If there is an overlap, if there is an inadequate provision of service, if there is a circumstance where there has been a waste of government services—I have heard the minister come along to public meetings and talk about giving inappropriate subjects at the local school. What piffle, what absolute piffle!—if he has any problem with this, he can go and speak to the other ministers. He has a whole army of people in his department who could sort that out. He has to have the courage himself as the planning minister, as the minister who allegedly gives a toss about the people on Kangaroo Island, to go into his own cabinet and make the decision on infrastructure they are seeking.

Islanders do not expect it all at once, but if the minister is bona fide in his commitment to Kangaroo Island as being unique, as being an important part of South Australia, he would confirm that if he went into this cabinet and started the list. Stop spending any more money on bureaucracy, more reports, more plans and start delivering projects that support island development and not government enterprise. I oppose the bill.

**Mr PENGILLY (Finniss) (16:09):** It will come as no surprise to the house to learn that I strongly object to this ridiculous bill and say: minister, if this is the answer, it is a damn-fool question quite frankly. Where on earth is this going to finish? Are we going to have a commissioner for Mount Barker? That could come. Are we going to have a commissioner for the Barossa Valley or for Port Augusta? What a load of crock!

I have listened at length to what the member for Goyder and the member for Bragg said, and I would add to that. I am a lifelong islander. My wife is a sixth generation islander. I served 17 years in local government over there then I came into this place. I shake my head in disbelief at the bill that has come before the house. How the Labor caucus supported this is beyond me. I understand that it went through cabinet many months ago and finally we have got it.

Unfortunately, we have had 12 years of lost opportunity with this Labor government. The only person who recognised that a few dollars needed to be put in there was the former minister Patrick Conlon. At least he had a grip of what had to happen. Instead of putting in place more bureaucrats, you put a couple of million dollars a year into B grade roads. Thank heavens for Pat. In direct contrast, nothing has happened apart from that, in essence. I spoke earlier today about the efforts made by Allan Holmes on the Southern Ocean Lodge. We have had 12 years where nothing has happened, in direct contrast to the years before, particularly when Dean Brown was premier, when he put infrastructure in.

What the island needs is infrastructure. It does not need another bureaucrat sitting over the top of government agencies telling them what they can or cannot do. I will come back to the council a little bit later in my contribution. Much has been said about KIFA. I pulled out the local *Islander* from 2011 when the cabinet came to the island under Mike Rann of blessed memory as premier, before he was slotted, and I looked at what this was going to achieve and what was going to come out of it. I went through—and I do not have it with me today, it is in my office at Kingscote—what they proposed to do, then I looked at what should have been done and then I looked at what had actually been done and it is very, very little.

They have produced a glossy report called *Paradise Girt by Sea*. It is a wonderful brochure, but what has come out of it? They were going to play merry hell with the airport, but nothing has really happened there apart from a plan, and I repeat to the house that the recommendations from Phil Baker, former airport CEO, were that it did not make economic sense to do anything to the airport at this time, yet they are still pushing the case for that. I put on the record again that I have no objection, and never have had, to doing something with the airport, lengthening the strip or whatever, but why on earth would you want to bring large jets or bigger turbine-powered aircraft into Kingscote when you have one of Australia's best airports 20 minutes away?

You have a regional airline that is struggling on the service to Kangaroo Island. Yes, it is expensive if you do not get discount seats and yes, local people get cranky about that. I completely

understand that. I am fortunate that, as part of my job, I am able to fly back and forwards. I regularly see the KIFA chief executive officer on there as well and I can understand that: it is the quickest way to get there. However, 20 minutes away from a large successful airport, why on earth would you go to the extreme? I know that has been pushed for by a few people.

In my view, what has happened in the push for this Commissioner for Kangaroo Island Bill has been a litany of orchestrated manipulation and nonsense and, quite probably, lies—lies. I turn to that: I think the citizens jury was a joke. That is absolutely no criticism of who put their hand up to go on it, however, there were people who put their hand up who were dismissed, probably because they were ethically not suitable or something—I do not know; I do not know why that happened.

I will go back to the formation of KIFA. I used to have a bit of time for the Attorney. I thought he was quite a decent sort of fellow and I used to have quite a number of discussions with him. Simply, I do not trust him anymore. I do not trust him at all. When this KIFA thing was put together for the board he asked me did I have any suggestions about who may go on it and I said, 'Yes, I'll think about that.' I was quite happy to put forward a few names, which I did, and then, when it came out, no-one that I had suggested was on there. So, I did a bit of homework and I did some FOIs to find out. I might add that I did suggest, at the time, that the mayor might be on there. I did some FOIs and what I found out was that, in my view, it was a manipulated outcome.

Just on the subject of KIFA, I put FOIs in well over 30 days ago and have had no answer. Is this the way they want to operate? Is this the way the minister's people want to operate? I do not like it. In fact, I think it is dreadfully wrong. The freedom of information legislation is there for a very good reason. They have failed to come up with the responses to the FOIs that I put lodged in early August, quite frankly.

Let me go on with the Citizens' Jury. If I am wrong, I can be corrected, but my understanding was that anything that is to be decided by way of this commissioner bill or whatever was to be put to a referendum of island people. I think if you go back and check, that was the suggestion that was floated around. It was going to be put to a referendum; nothing happened—absolutely nothing happened. The next thing we heard was about the Citizens' Jury 'blah, blah, blah', all funded by KIFA through the Attorney's office, and the outcomes were displayed in the local paper. There was much money spent on advertising.

A lack of trust has developed. The Attorney, the Minister for Planning, Deputy Premier—call him what you like—has an army of people, as the member for Bragg suggested, who can go out and push his case, which is what has been happening. There have been a number of people, some who should know better, who have gone out and pushed the case for the KI commissioner.

As the member for Goyder mentioned earlier, he and I attended a meeting of the Kangaroo Island Council and had a few words to say. Indecent haste followed the next day and they rushed through a meeting to push the case to let the government know that we are all in favour of the commissioner for KI. They forgot to mention that there was a handful of councillors there. The bare minimum—I think, from memory, five or whatever out of eight—pushed through this motion and then rushed out to sell it. They have been completely conned. The KI Council has been completely conned.

If the minister for local government had done his or her work—there have been a succession of local government ministers over the last few years—they would have moved in and that council would have been removed, quite frankly. I do not think we need a commissioner for Kangaroo Island. In my view, we need an administrator put into the Kangaroo Island Council. It has been completely dysfunctional for a number of years. It has been subject to intimidation, bullying and all sorts of things which I am not going to go into now.

The ministers and the government will not listen to me because I do not know anything. Well, I do know something. I know that the vast majority of islanders could not even be interested in what was taking place with the Citizens' Jury or whatever. I work on the gates at the football every now and then when I am on the island, and I had person after person coming through the gates telling me that the commissioner idea was a load of rubbish. They did not want it.

*Ms Chapman interjecting:*

**Mr PENGILLY:** Yes, after seeing the full page I took out in *The Islander*. I will tell the house, and the minister knows this, that if I thought this bill was going to do something for Kangaroo Island, I would wholeheartedly support it. I would get behind it and sell it. I do not think it will. In fact, I am sure it will not. I think it is a complete waste of public money to put in another level of bureaucracy. I think it is even sadder, as the member for Bragg put it, that they have brought in the local council under this commissioner's bill.

There is one thing over and above everything else that Kangaroo Island needs to get sorted, and that is the cost of travel and doing business across the water. That is the single biggest issue. The government will not touch it. KIFA have refused to touch it. They have fluffed around the edges and made a few well-meaning statements but done completely nothing on it. I have raised it time after time in this place and I will continue to. It is the cost of getting there. You can talk about doubling the primary industry sector. Meanwhile, you are putting in sanctuary zones which are going to do enormous damage to the fishing industry, and the tourism industry I might add.

**Mr Pederick:** The ESL.

**Mr PENGILLY:** The ESL, yes. However, if you want to increase the number of tourists and visitors going to Kangaroo Island and if you want to increase the economy of Kangaroo Island, which are worthy ideals, you have to do something about the cost of getting across the water. We simply have to. I am not suggesting for one moment that we go back to the fully subsidised service that was operated by the *Troubridge* and then the *Island Seaway*, which I think at the time it finished cost something like \$5 million a year.

When the Liberal government got rid of that and the service went through to Cape Jervis-Penneshaw they at least spent over \$18 million on infrastructure on the island. They did something with the roads. They did something in the national parks down through Flinders Chase—sealed the roads down there. They did something with the filtration plant. They did something with the hospital, and the list goes on. They built the first desalination plant in South Australia at Penneshaw. They did those things. That was the infrastructure that was needed.

After 12 years of Labor we still have nothing more than single wire earth return (SWER) lines across much of the island, once you get past the three-phase line. Have KIFA pushed for that? I have not heard. I get very little information out of what is going on in KIFA. Perhaps I give them a bit of a dust-up every now and then and they do not like it. I do not care, quite frankly. If they want to talk to me, they can; if they do not, they do not. You are battling to get answers to questions. I sent an email probably two months ago and I am still waiting for an answer on that.

Let me tell you, the owners of the abattoirs asked KIFA to do some work on power and water, sheep numbers, etc. The owner rang me up to have a chat and I talked to him about it. I said, 'Well, how are you going?' He said, 'Well, I have put in questions and asked for some support there and I have got absolutely nothing.' Within 24 hours I had the details on the stock numbers, some issues to do with water, power, etc. One of the abalone farms was concerned about power. Then KIFA got active and did a few things about it.

I wonder what on earth this commissioner is going to do. It is the beginning of the end of Kangaroo Island Council as far as I am concerned—it is the beginning of the end. We will seek to have that matter addressed, and when we get into committee I think you can look forward to hours more of discussion, debate and comments. You can look forward to hours of it because I think that needs to happen.

The island's economy has always struggled to some degree, and it has a lot to do with the cost of getting across that water. There are very few people on the island who have much money to play with. I am well paid, as is everyone else in here, and I have the opportunity to spend a few dollars. There are very few people who have that, apart from people on good incomes in the public sector, whether that be at the hospital, the national parks, the schools or whatever. Most people do not have much money.

Madam Deputy Speaker, I could take you to one home on Kangaroo Island which still has dirt floors—they are clean. The member for Bragg's great-grandparents had a dirt floor in their place. I am talking in the year 2014 and I could take you to a home on Kangaroo Island that has dirt floors. You think about that. There is very little money. I go to sport (football), and the big social occasion,

as it is in much of the country, is to go to football or netball. You pay \$7 to get in, or \$3 if you are a pensioner. You buy a pie and a pasty, watch the sport and have a good day. That is really important.

What really worries me is that, although the KI commissioner is lauded in the bill 'to assist with improving the local economy', KIFA have not done that. The minister can look down his nose at me, I do not care; they just have not done it. They have not addressed the issue of getting across the water. Have they raised it with the current federal government? I do not know. They have not done it. I view the whole thing with a whole lot of scepticism.

As I said before, if I thought that this bill was going to be useful to the island, I would support it. I do not think it will; I do not think that it is going to do anything whatsoever. We cannot stop it down here, and heaven knows what will happen to it in another place. At the end of the day, it is out of my control. It is the government's right to put forward such legislation.

In relation to the government agencies, in my view the ministers have failed to do their job. If there is a problem with the agency, whatever that agency might be—Families SA, schools, health, whatever—the ministers, who are paid a huge salary to administer their departments, under the CEO, have failed to act. They simply have not done what they are there for. For the Attorney to rush in here with a bill to make him the king, lord supremo of Kangaroo Island and minister for everything I find quite a joke, quite frankly.

The minister has told me ad infinitum, 'I want to do something for the place; I like it.' Well, good. I say to you, minister, 'You better get busy because you haven't done much yet, and the government hasn't done much, apart from Patrick Conlon's \$2 million a year and a few bits of money thrown around the place and support to do reports.' On the subject of reports, I have shelves full of reports that have been done on what is needed on the island. I invite you to come home and look at them. You can go back to the original one done on the *Troubridge* service 100 years ago.

I will give you a more recent example of what has not been done, and that is the Kingscote Wharf precinct. That has had more plans put up for it than anything I know of. In the latest effort, when they called tenders and whatnot, I said to the government officers involved, 'You're not going to get any expressions of interest. No-one is going to put anything in,' and they didn't. They would not be told.

When I took Mike Rann of blessed memory and showed him what had been put up by Howard Young for a marina in Kingscote back around 2004 or 2005, they thought it was a wonderful idea, but they did not pursue it. Howard Young has probably gone off and retired; I do not know, I have not heard anything. Now we have plans for a ferry into Kingscote, and we have other things floating around the place that may or may not be of some use.

We have the money allocated for the walking trail that I think the member for Bragg talked about. I am perfectly happy with a walking trail through Flinders Chase and down the western end of the island; I have no problem whatsoever with it. They are great walks. I have walked most of the coastline, and I think that will be terrific. But the problem is, and the problem is going to be, that the department is so scared of its own shadow and so scared of fires and what might happen that, for four, five or six months of the year, when it is hot and dry, you will not be able to walk through it.

When the weather is good to walk through it, you will not be able to walk through it because they will be terrified that someone is going to be burnt. Just remember, that whole place, that whole area of Flinders Chase (100,000 hectares), went up in smoke in 2007, and it is ready to go again. The departmental officers are so full of paranoia that they will just shut it down. Perhaps the minister might be in the middle, but they will get a helicopter in to get him out, I suppose. There may well be people walking on that track for a number of days, but they will not be able to walk in it. I have no problem with it. It will aid and abet the government's own business enterprises.

In the short time left to me, I indicate that I am looking forward to the committee stage. I repeat again ad infinitum that, if this bill were useful for Kangaroo Island, I would support it. It is just another level of bureaucracy that is going to be put in by the Deputy Premier, if and when it goes through, for no useful purpose.

Fix up the cost of sea transport, give people a chance over there, get off their back with overwhelming bureaucracy, fix up the ridiculous situation to do with sanctuary zones, which is going

to cripple a large section of the fishing industry and the recreation industry and tourism, with respect to visiting fishermen. I find it a sad indictment on a pathetically inadequate government that has run out of ideas, and it is just stupid.

**Mr KNOLL (Schubert) (16:29):** From the outset, can I say that I will be brief, not using my entire 20 minutes, and I am sure Hansard will be quite appreciative of that. I think that brevity is something that is lost in this place sometimes, depending on the quality of the contribution.

Can I say in regard to the KI commissioner bill that, obviously, I have not been involved in the history of the process to get to where we are, and I want to talk later about what would happen in my area if this same discussion came to the Barossa and the Murraylands. The first point I want to make about this bill is that, in my estimation and my party's estimation, this is a bandaid measure.

The government is finally admitting that they have failed regional South Australia and they are finally admitting that there are issues outside metropolitan Adelaide that they need to deal with, and this is one of them. Why, of course, Kangaroo Island specifically I do not know, but there you have it; maybe somebody has a shack somewhere that means they have a greater understanding of the area.

To me, this smacks of a bandaid measure. As somebody who does not come from a political background but from a business background, I am used to dealing with complex issues. Oftentimes, as the manager of a business the issues that came across my desk were ones where an easy answer was not able to be found. Indeed, all the fun, easy decisions were made by somebody else and, by the time things got to my desk, it was because decisions were very difficult and nigh on unsolvable.

Whenever dealing with complex issues, I found the best thing I could do—the way to deal with an issue permanently and properly—was to go to the core of the issue and find out what was really wrong and fix that fundamental issue. So often it would have been easier for me to make a decision that would have stuck a bandaid over the problem, and the issue would have come back and we would be having the same discussion over and over again. I believe the KI commissioner bill is an example of trying to put a bandaid over a sore when the treating of the sore itself is what is needed here.

I think the core issue we are talking about is a breakdown of the bureaucracy. The comments from the Attorney in regard to this bill were that a KI commissioner is needed to be able to more adequately supply services to Kangaroo Island. What I would say is that, if there are issues in supplying those base services to Kangaroo Island, we need to look at those base services and the delivery of those base services, as opposed to creating more bureaucracy to fix the bureaucracy that is already there. If the bureaucracy that is already there were working to its best extent, there would not be a need for a Kangaroo Island commissioner.

Indeed, I think this bill is very much about creating the perception that things are being done to help the island instead of actually doing things to help the island. What we are going to have, and what we have had, is more talk. What we are going to have is more public servants. But what we are not going to see is any increase in real investment or any increase in capital. The member for Finnis' speech, directly before mine, highlights some of the ways that real investment could be made into Kangaroo Island, but this bill does not deal with any of those issues. All it says is, 'We have failed Kangaroo Island and what we are going to do is try to use more of the same to fix the problems we already have.' I think that is a fundamentally flawed argument, and I would encourage the government to go and fix the issues as they exist currently and deal with the core issues of the failure of public service provision as opposed to this bandaid measure.

On Kangaroo Island, there are strong structures that the government could work within to try to improve services. Members previously have talked about KIFA, and there is, obviously, the local council. There is also the Kangaroo Island Tourism association. The Kangaroo Island Tourism association has an extremely high membership, and when I was on the board of Tourism Barossa we looked at KI Tourism with envy at the way they were able to pull together their community to work in a coordinated way to improve the tourism offer and the level of visitation to the island. There are strong structures in place that the government could work with currently.

The other point I would like to make in regard to this bill is that it does seem to be a random cracking of the whip. Fair enough, there are genuine issues on Kangaroo Island, and I do not dispute

that at all. It does have some unique challenges as an island, as opposed to mainland South Australia.

The case as to why Kangaroo Island needs a commissioner versus the rest of South Australia has not been made clear. I think of this as the thin end of the wedge. Again, as the member for Finniss talked about previously, there are many on the island who are in favour of this because they are in favour of the focus and the attention that this bill and the process has brought to the island. I can see many rural communities across South Australia wanting the same level of attention and wanting the same level of focus. I think, naïvely, they believe that it would lead to outcomes and greater investment but, alas, I do not think that is the case. However, they would certainly look at this idea and say, 'Well, if Kangaroo Island can have a focus, certainly my region can have a focus.'

**The Hon. J.R. Rau:** What's wrong with that?

**Mr KNOLL:** If the Attorney is suggesting that every region in South Australia is lining up for a commissioner then he is welcome to make those remarks. I am worried that the passage of this bill into law will see an argument created for further and further bureaucracy and talk, and action plans and the like and, over my short life, I have seen many of these within government departments as a proxy for real action—and that does worry me a lot.

Also, in looking at this bill, I turned my mind to what would happen if this debate came to the beautiful Barossa Valley. In the South Australian Tourism Commission's campaigns for regional South Australia, Kangaroo Island came first and the Barossa came second. I would hope in this case that the passage of this bill for Kangaroo Island coming first and the Barossa coming second that that progression does not follow.

In trying to understand whether or not a Kangaroo Island commissioner would work for Kangaroo Island I looked at what would happen if this debate came to the Barossa. First of all I would say that, like Kangaroo Island, the Barossa has strong structures. I am referring to Regional Development Australia Barossa, Tourism Barossa, the local councils of the Barossa, Light and Mid Murray, Barossa Food (which is a food industry association), the Barossa Grape & Wine Association, and the numerous service groups and town committees. There are strong structures within the Barossa as there are strong structures within Kangaroo Island. If government wanted to come and talk about the issues, wanted to learn where to invest or where to improve services to particular regions, it would be able to find those people to talk to and structures that they can deal with and work through to provide those services.

What I am trying to get at here is that there is an alternative model and not simply, in the words of the government today on another topic, just throwing more public money at this issue. There are structures on the island and structures within my region where the government could work through to provide services on a much more efficient basis, as opposed to just adding more bureaucracy to the bureaucracy that already exists.

The other thing that I know about my region is—and I refer again to the speech of the member for Finniss about Kangaroo Island where it is the same—that if the government really wanted to know what the issues were in my region and to understand where they need to improve I have a whole host of people who would be willing to sit down and talk. We know the issues. In fact, Regional Development Australia Barossa has a road map of 10 priorities for the region that anyone could pick up and ask, 'Where is the Barossa at? Where do they need to improve?' It is there in black and white. It is something that the entire community is signed on to. We have a plan. All it requires is real investment and real capital and real money being put into the region.

One way we can improve the Barossa first and foremost is around improved local health services. Yes, I am going to jump on this bandwagon again. The 20-year campaign to secure better health services in the Barossa in the form of a new facility to replace a facility built in 1955 and a facility built in 1910 is still ongoing. That is a priority that is clear. The entire community signed on. We would not need a Barossa Valley commissioner to tell us that. There have been numerous studies. It is ready to go; all it requires is the investment.

The local council and I have developed a list of roads that the government could invest in. I have a whole host of deficient roads that the government could invest in and provide real capital and

real investment, as opposed to providing more bureaucracy. The government could also provide more support for existing institutions and I think there is a lesson and a parallel there for Kangaroo Island as well. There are existing institutions, and if the government is not happy with the way those institutions work, I think that it should look to help improve those institutions as opposed to simply creating another one. I think that message is made clear.

The fourth thing that I think the government could do, especially in my region, and this is something that I have been pushing for over my six months in this place, concerns disused school land which could be gifted back to the community which the community could use as a local asset, especially in Moculta and Mannum, two areas that have disused school land that could very easily and effectively and productively be used by the communities.

If this bill does turn into law and the Attorney, in his infinite wisdom, decides that this is a model that needs to be rolled out, I can say that in the Barossa we can save ourselves a lot of time and effort and the roundtable discussions and all those sorts of things. I have the people there and we have the plans already in place and there is no need for a commissioner in my region as, indeed, I do not believe there is a need on Kangaroo Island for a commissioner. What we really need to do is start talking about real investment in infrastructure and capital.

The last point that I would like to make here is this. Not wanting to put words into the Attorney's mouth, I wonder whether or not this process is being used as a Trojan horse to bypass councils, as a way that we can get around local governments. On Kangaroo Island, there is strong local government. In my region there is strong local government and certainly those institutions and organisations for local service provision are already there to be able to be worked with, but on the flip side if there is an intention that way—and there are detractors of council and they are many and varied and all over the place—if the government wants to have that discussion, then let us have that discussion.

I would hate to see this bill as a proxy for having a proper discussion about the role of local government in our state, especially in regional South Australia where local government tends to be more the primary form of service provision, where local governments in regional areas tend to pick up the pieces and fill in the gaps where other forms of government fail. If we want to have that discussion, let us have that discussion but the idea that this commissioner is to be put in place for local service provision somehow in competition with, or to move away from, local councils, is a very sad thing and we need to call it out.

In closing, what is happening on Kangaroo Island and what is happening in regional South Australia is fairly clear. There are a large number of issues and I and many country members have spoken about the issues that regional South Australia faces and whilst it may look pretty and it may look sexy to talk about a commissioner for Kangaroo Island as a way to solve the problems, I fear that it is more bureaucracy. It is more talk and spin, as opposed to real investment and real capital and real substance. I think that is sad because, certainly, there would have been hope throughout this process that it could have been more than that, but on the readings we have been able to make of it, we do not think it is and on that basis, we are not going to support the bill.

**Mr PEDERICK (Hammond) (16:43):** I rise today to speak to the Commissioner for Kangaroo Island Bill 2014 which was introduced on 8 May 2014 by the Attorney-General, and I note that we certainly will not be supporting this bill in this place. This bill seeks to establish a commissioner to provide for the development of management plans in relation to the coordination and delivery of infrastructure and services on Kangaroo Island and other matters relating to Kangaroo Island and for other purposes.

What the minister believes is already happening is that matters concerning Kangaroo Island—and the rest of the state just misses out—do not reach the relevant ministers, and government departments do not consider the needs of Kangaroo Island residents and visitors when making decisions. I would say that is a pretty big failing of government departments and ministers alike.

The objective of the bill is to provide Kangaroo Island with a voice in cabinet via a responsible minister and supposedly to assist in streamlining infrastructure and service projects. Certainly, as a member in this house who has a regional electorate, I know these are problems faced right across

country electorates. As I indicated earlier, it is interesting that the Attorney-General has singled out Kangaroo Island to establish a commissioner instead of working to fix the management of government so that all regions are better serviced. I note that we have not heard from the regional development minister on this bill.

Challenges obviously exist in the delivery of infrastructure and services to grow the economy. I note that Kangaroo Island has a small population of around 4,600 and a small ratepayer base of approximately 1,400. The Kangaroo Island Council struggles financially to deliver the necessary services and some 40 per cent of ratepayers do not live on Kangaroo Island. I note from my trips over to the island as a member in this place that the roads are in constant need of repair. There are many kilometres of roads and so much other work that can be done. I also note that in 2012-13, in regard to their rate base and their ability to raise funds, the Kangaroo Island Council recorded a net loss of \$1.8 million. I also note that one-third of Kangaroo Island consists of government owned land, which is non-rateable and does not contribute to council revenue.

In his second reading speech, the minister talked about the delivery of state government services and the fact that they suffer from three interrelated major problems from the Kangaroo Island perspective. Firstly, there is a lack of critical mass in any of these agencies that can be devoted to Kangaroo Island issues. Secondly, the delivery of services tends to be Adelaide or mainland focused. (We all find out that they are Adelaide focused if we live in a regional electorate; there is nothing surer.) Thirdly, there is a lack of any one or more networks joining up services with a Kangaroo Island focus.

I really struggle that agencies, ministers and departments cannot reach out to Kangaroo Island. You can fly there in a plane quicker than you can drive from here to Mount Barker, way out in the regions of South Australia, where as we have heard cabinet had one of their country cabinet meetings the other day. It is just incredible. Whether it is a departmental head, working groups in departments or a minister and their staff, there is no issue with the time to get to Kangaroo Island.

The minister considers that establishing this commissioner for Kangaroo Island will better deliver for Kangaroo Island. What has the government been doing for the last 12 years? Not much. This bill will create a single Kangaroo Island authority that sits above the various state government bodies responsible for service delivery and is not answerable to them but rather to a minister. The stated position is that the commissioner would not replace local government but would sit alongside it. I think the local government has been sold a pup. They really need to rethink their position where they have been supporting the idea of a commissioner for Kangaroo Island.

I know local government is up for election and I know nominations have to be in by today, but talk about forecasting your own destiny. I think the Kangaroo Island Council, in endorsing this position, is forecasting its own destiny, in that it may not exist very long into the future at all. Why would you talk about supporting a commissioner when, if the council was doing its job and the government was doing its job, all the issues in focus on Kangaroo Island could be dealt with?

We also have the Regional Development Authority Board which is another body that is involved in decision-making and has plans for all the regions around the state. Certainly, the board in charge of Fleurieu and Kangaroo Island has plans in place. Why isn't the government already working with local government and the RDA to make sure that the infrastructure is in place, that the plans are put in place, and that there is action happening rather than just setting up another bureaucracy? With regard to the commissioner, the proposed role will supposedly:

- improve the management, coordination and delivery of infrastructure and services provided by government agencies on Kangaroo Island;
- assist improve the local economy, including the marketing of products and the development of the tourism economy;
- prepare and review management plans dealing with the delivery of government projects and services to the island; and
- have responsibility for coordinating and using existing public servants and programs to deliver outcomes in line with a regionalisation of policy formation.

I reckon that last one is a long way of saying, 'Get the public servants over there and have a look,' which they could be doing now without having to refer to a commissioner for Kangaroo Island. We also see that the role of the commissioner would have the power to establish local advisory boards. How much more bureaucracy do we need? The role will also prepare and deliver to the minister an annual report on the operations of the commissioner and any local advisory boards in the implementation of the management plans.

It is noted from the briefings given to the opposition that it is anticipated that the commissioner and any local advisory boards would have two full-time equivalent support staff based within the Department of the Premier and Cabinet and at the time of the announcement the cost of having a commissioner was expected to be \$860,000 over four years, as outlined in a media release dated February 2014. That cost now appears to be far greater because the 2014-15 budget outlines \$5.6 million over four years for the Kangaroo Island commissioner and the Kangaroo Island Futures Authority.

**Mr Pengilly:** That would seal a few kilometres.

**Mr PEDERICK:** Absolutely right! The development and implementation of management plans is a key component of the bill, and the legislation supposedly provides the framework to enable the commissioner to prepare and implement management plans which take precedence over other state authority management plans. Management plans must be approved by cabinet and, if there are conflicting positions between two separate agencies in relation to a management plan, the commissioner will make the final recommendation to the minister/cabinet. What we are setting up is a little dictatorship, a little dictator, to take over Kangaroo Island and this person will have the ultimate say in the end on—

**Mr Knoll:** Is there a former Labor minister that you know of?

**Mr PEDERICK:** Yes—on what goes on. This is a bit of a ridiculous statement but if we considered the equivalent population density across the state of one commissioner for 4,600 people, we would need 304 commissioners. We would have one for every 4,600 people. I know that is ridiculous, but that is how ridiculous this is because that is what is happening. The government is setting up a grand bureaucracy to oversee Kangaroo Island. Kangaroo Island is a great place. I visited there as a kid and had friends go over there who used to be at Coomandook. Mr Harrison was the principal at Kingscote.

**Mr Pengilly:** You have been to the odd fire.

**Mr PEDERICK:** Yes, I went to help clean up after the fires in 2007. I sought advice from the local member, the member for Finniss, while I was over there trying to sort out a few issues on where we were actually going on the Sunday—but that is another matter that we do not need to go into here today! It is a great place. I have gone over there for meetings on issues regarding the sawmill and plantation forestry and there are a lot of issues involved with that. I have met with the Fryars and others with regard to free-range eggs and the great work they do and the great opportunity they have over there because of the lack of foxes.

**Mr Pengilly:** I do not think the commissioner will unscramble that.

**Mr PEDERICK:** Yes. As the member for Finniss rightly said: fix the transport issues and the access to Kangaroo Island. So many people who I know, and even I myself think that if I want to take my family to the island it will cost so much and so you do not go.

There is so much opportunity, so many hundreds of kilometres of roads where this money could be spent. There needs to be work done on the power connection for the island to make sure that the infrastructure is kept up to speed. As the member for Finniss said, some of these people are living in almost third world conditions, yet we have a minister endorsing another level of bureaucracy to set up advisory boards under that, citizens juries and whatever else, when all of these matters could be sorted out through the bodies that are in place.

Time and time again, we hear in this great state and this great country of ours that some people think we are overgoverned because we have the three levels of government: local, state and federal, and here we are setting up another one under this bill. It is just crazy stuff. You would have thought that with 12 ministers and the couple of hangers on that they have employed, in ministers

Brock and Hamilton-Smith, that we would get some decent outcomes and not just through those ministers and their ministerial staff, of which they have at least 10 each, but their departments, some with well over 1,000 people in the department (many departments) through the Public Service. But no, none of that seems to work. None of that has seemed to work for the last 12 years that this Labor government has been in power. So, we are going to set up one little dictator who can override everything and decide that, 'If these plans don't look like they're going to merge I'm going to settle on the recommendation to the minister and cabinet.' It just does not add up.

In times when things are tough we see the government reaching out with its land tax, the emergency services levy. This is a government that makes out that it is recognising the role that farmers and primary producers make in this great state and yet here it is raising this land tax, because that is what the emergency services levy is. We talked about it earlier today in question time: we have seen rises of 600 and 700 per cent, and I know there have been other rises of over 1,000 per cent, and it is going to kill off people's ability to grow food.

This government decided it was going to recognise growing food from our clean green environment because the Olympic Dam expansion did not go on but then all it wants to do is hurt the people who are growing this food. Today, we had the Treasurer, who has absolutely no idea, looking up the emergency services levy brackets for people who might have property worth over \$5 million or \$10 million and then saying, 'We are hitting the wealthy.' Obviously, he has not heard of asset rich, cash poor, which many people are, especially with regard to the primary production sector.

Many people do not have any spare cash to do anything else, or for any extra things or any niceties in life. Yes, they might have properties worth \$1 million or they might have properties worth \$10 million, but they all live their lifestyles in line with what they can earn off of those properties and the investment they have made to grow food for this great state and country. When you have people say, 'We're just taxing the rich'—basically it is a Robin Hood idea they have taken: tax the rich to help the poor—I do not take to that. Essentially, what it is doing is putting a land tax on our farmers so that they cannot do well what they are already doing well into the future.

I am more than intrigued, I am a bit stunned that this bill has even come into this place. It seems extremely Mickey Mouse. I cannot understand, with all the bureaucracies that are in place, whether it be through local government, Regional Development Australia, the state government or federal government, how this is the best the state Labor government can come up with in 12 years.

**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) (16:59):** I will respond to a few of the remarks that have been made because I think a response is probably called for. I gather we are going into committee at some point and will be debating bits and pieces there, so I will not go too far with all this.

Can I just start off with a very simple proposition: if there was one thing about South Australia that I would like to change, just one thing, it would be that South Australians looked at the opportunity for change with enthusiasm and optimism rather than being frightened, huddling in a corner in the foetal position, waiting until it has occurred and then, at the end of that, suddenly waking up and saying, 'Actually, Adelaide Oval is not bad,' or, 'The tram isn't bad. Goodness me, I wonder when that happened. Who did that, I wonder?' The answer is: somebody who does not go into the foetal position every time a question is raised and an answer is offered to a question which is not something that has been done a million times before and failed. That is my wish, if anyone is listening.

Therefore, the people I dislike out there are the knockers, the people who say, 'You can't do this, you can't do that. It is all too hard. Don't do it this way, don't do it that way.' These are the sorts of people who often write in the media, 'This business has closed. This person doesn't feel very well. This person hurt their leg. This dog got run over.' There are no happy stories. Where is the noodle salad? Never. It is all just the unhappy, miserable stuff: 'You can't do that. Somebody doesn't feel well. I'm in the paper. I'm not happy.' What about the people who are doing really great things? Who wants to read about them? Answer: everybody. Do they get to read about them? No, because everyone is interested in having this big downer about everything.

Why are we doing this on Kangaroo Island? There are a number of reasons. First of all, we decided that Kangaroo Island was a region of South Australia which was particularly disadvantaged

for a whole range of reasons, many of which we have heard today from speakers: lacking infrastructure, lacking population, lacking resources, lacking investment, etc. We get that, and that is why the KIFA was set up. The KIFA was never set up to be a permanent outfit. It was set up to be something which would try to look at the problems on Kangaroo Island, try to get up-to-date information about what those problems might be, turn its mind to what solutions might be possible and try to help people along the way.

We have helped people along the way on various things. Free-range eggs, for example, have come out of this. We have done work on that with Mr Fryar and other people, and that has been a positive thing. I think that if you spoke to Mr Fryar he might tell you that KIFA is okay. We have done a complete rezoning of the island, which was something that needed to be done years ago; that has been completed. There are various other things we have done which have been helpful to individual businesses and so on, and it is not my job in this room to talk about those in particular.

The point is this: one thing that became very clear is that if we are going to actually continue to do anything for Kangaroo Island there has to be a continued focus on Kangaroo Island. At the moment, Kangaroo Island, by reason of KIFA being in existence, effectively has a ministerial presence in the cabinet, but that is only because KIFA is there, and KIFA was never designed to be there forever.

So, what we decided to do was actually put in place a person whose sole job it would be to consult with the community, come up with management plans for the island which were directed towards economic growth, investment, tourism, etc., and say to government agencies, 'If you are doing anything on Kangaroo Island, you have to turn your mind to these things.' The sanction if you do not is not that somebody is going to come around and punish you but that the commissioner will write a report, notify the relevant minister, and it will be elevated immediately to ministerial level that some agency is not getting with the program.

At that point, it is up to the minister to do something about it or not. Not only will it be elevated to the cabinet table level by a minister responsible but there will also be a report brought to this place. That report brought to this place by the commissioner will tell every member of parliament that here are the management plans, here is what is supposed to be happening and here are the agencies that are not getting with the program, and everybody in this place can start asking questions: why is that agency not doing that? It is putting a spotlight on noncompliance by government agencies.

The idea that it ignores the council is, quite frankly, ludicrous, because the council, if you read it, is a partner. There is a completely separate conversation going on on the island right now about island governance: whether they should have a council, whether they should merge the development board and the tourism people, and whether they should have a different governance model. That conversation is going on at its own pace on the island and it will get to wherever it is going to get to in its own good time.

That has nothing to do with this bill, because this is predicated on the assumption that for the time being the council will continue. If it turned out that some new governance arrangement came up there would need to be an amendment to this bill to reflect the change in governance there, but at the moment there is nothing happening in that space and it will not happen unless the community wants it. If it does happen, we can accommodate it by tweaking this legislation later on.

Some of the comments that have come from the opposition are quite frankly puzzling. On the one hand, they say, 'Why are you picking on Kangaroo Island? Why not all the regional parts of South Australia?' Then in the next sentence, they say, 'What a terrible thing you are doing to Kangaroo Island.' Make up your mind: you either want it everywhere because it is really good or you do not want it everywhere because it is really bad, but it is a bit odd to ask: what about Moonta, what about Wallaroo or somewhere? You cannot have a bob each way.

**The Hon. S.W. Key:** What about Ashford?

**The Hon. J.R. RAU:** Why not Ashford? Why not Enfield? Why not Bright? While I am mentioning Bright, to those people who condemned that Citizens' Jury, they should think on the member for Bright who did an excellent job on the Citizens' Jury, and I congratulate him. I am sorry some of you people do not appreciate him as much as I do.

I might mention a couple of other things as well. This has been extensively consulted on. I have been to the island countless times. The council has spoken to people about this. There has been a genuine attempt to engage with the community on the island, and the original bill was amended at the specific request of the council in coordination with the LGA. We are at the point now where, for reasons that I can speculate upon (and might in due course speculate on, but at the moment I will not) the opposition has decided that they are going to oppose this bill.

I think they started from the proposition, 'We will oppose it,' and then started garnering the arguments to meet that proposition. It did not evolve on the basis of, 'Let's consider this,' and eventually a decision is made. I think it started as, 'This is definitely no, or else,' and then from that proposition a bunch of pretty unsophisticated straws in the wind were drawn together, but never mind.

**Mr Griffiths:** No predetermined position.

**The Hon. J.R. RAU:** Perhaps not by the member for Goyder. In any event, this has been the subject of extensive consultation and it has the support of the local community. It has been extensively consulted upon in that community, unlike the proposition that is being advanced by the opposition, or even more unlike the proposition they have not advanced anywhere except here today, which has not been the subject of consultation with anybody, although I am glad we found out about it today.

The other thing I want to say is that this is not about controlling anything. This is about making sure that government agencies are required to turn their minds to the needs of this very small community when they are making decisions. If they do not, a minister finds out about it and a minister is sitting in the cabinet room and can actually ask questions and say stuff about that, and this parliament finds out about it. What in the world is wrong with that? It seems to me that this thing is a no regrets move really. At very worst, if it is everything those opposite have speculated upon and it is a 'do nothing' bunch of nothing, nothing will come from nothing—even Shakespeare said that, I think. 'Nothing comes from nothing,' might have been from *King Lear*.

**The DEPUTY SPEAKER:** It's a song: 'nothing comes from nothing' is from *The Sound of Music*.

**The Hon. J.R. RAU:** *The Sound of Music*. There you are: it was Julie Anthony. It's easy to confuse Julie Anthony with the bard.

**An honourable member:** Andrews.

**The Hon. J.R. RAU:** Sorry, Julie Andrews. I know—Julie Anthony is the girl from Galga.

*Mr Pederick interjecting:*

**The Hon. J.R. RAU:** See, I do know my girls from Galga.

**Mr Pederick:** The girl from Galga. At last, you've got it right.

**The Hon. J.R. RAU:** Yes. Anyway, back to the story because it's developing quite well, I think. Where was I up to?

**The DEPUTY SPEAKER:** Julie Andrews. Nothing comes from nothing.

**The Hon. J.R. RAU:** Nothing comes from nothing, exactly. The 'no regrets' point. We put this in and it turns out to be a complete dud, and it does not do anything: tell me how Kangaroo Island is worse off because everybody will say, including the member for Finniss, that it could be doing a lot better than it is now? Everyone agrees with that. So, if this idea turns out to be dud, you can all say to me, 'You're an idiot, you put up a dud.' But you cannot say, 'You didn't try.' But what if it actually works? What about that? Hey, that is scary. It could be like Adelaide Oval. It could be like a tram. It might actually do something. Wouldn't that be scary?

Can I make another couple of points. We have unashamedly been trying to get infrastructure investment on the island. In fact, in the lead-up to the last state election, unlike those opposite, the government promised an amount of some millions of dollars, in a partnership with the commonwealth, to upgrade the airport at Kangaroo Island.

We believe, and the transport economics people believe, and Mr Drummond, to whom I think the member for Finnis might have spoken many times, who was up until recently, and perhaps still now, the owner of the Kingscote Hotel, was an absolutely fierce advocate of improving air access because one of the problems getting into that place is how much it costs to get there and how hard it is to get there.

If you could have bigger planes going there, it would change the transport economics. It would also mean, for instance, that people from Melbourne who wanted to go there could go there directly in a decent-sized aircraft. My understanding is, and the member for Finnis can correct me later if this is wrong, that the member for Finnis actually told Mr Briggs, 'Don't do that, it's a waste of money.'

**Mr Pengilly:** That's a complete lie.

**The Hon. J.R. RAU:** Well, did you support it? No.

**Mr Pengilly:** I haven't even spoken to him about it.

**The Hon. J.R. RAU:** The member for Finnis has said in here that 'it was a waste of money'. He said that not more than an hour ago.

**Mr PENGILLY:** Point of order.

**The DEPUTY SPEAKER:** The member for Finnis has a point of order.

**Mr PENGILLY:** Ma'am, that is completely untrue in relation to what the Deputy Premier said about any discussions or whatever I have had with the member for Mayo. It is completely untrue. He is making it up.

**The DEPUTY SPEAKER:** As I have just had reinforced with me, that is not a point of order. If you feel that you have been misrepresented, you can take that up later on. Attorney.

**The Hon. J.R. RAU:** If the member for Finnis assures me that he has not spoken to the member for Mayo about these matters, I accept that. But I do also know that he has said in this place and other places several times, 'It is a waste of money. The airport is a waste of money.' He said it a little while ago in this room. I do not know of a single regional member here who would not want \$17 million invested in their electorate, bringing with it the prospect of increased turnover, easier movement of perishable goods, more tourism opportunities, etc. Quite strange!

All this conspiracy stuff about 'Why are we doing this?' The only way I can try to explain this, and I have been thinking about this, and I have been listening to the other speakers quite a bit, is that it is like it is Christmas Eve and somebody has persuaded the opposition that Santa is going to rob their house, and they are sitting at the bottom of the chimney with a Tommy gun waiting for him to come down. That is what we are looking at, that degree of paranoia. It is just ridiculous.

**The DEPUTY SPEAKER:** Is the gun loaded?

**The Hon. J.R. RAU:** Possibly not. This paranoia about what are we up to. We are not up to anything other than what we say we are up to. I make the point that Kangaroo Island, I do not believe, has ever returned a Labor member of parliament. I am not sure but I believe that the last person who voted Labor on Kangaroo Island is in the museum next to the thylacine!

You can accuse the government of any sort of base motive you want, but currying favour and pork-barrelling with Labor supporters or would-be Labor voters is the most ludicrous, paranoid thing I can possibly imagine. If the government is not trying to lure the good burghers of Kangaroo Island into the dark side—and that is not the motive, and I am glad that is accepted—is the other alternative that the government so dislikes the people of Kangaroo Island that they want to vex them with something horrible? Why would we bother with that?

Whether or not you accept it, the motives for this are absolutely as stated, and they are absolutely about trying to do something for a very small, isolated regional part of South Australia which needs help. That is what it is about. That is all it is about. It is not about anything else.

If it works, I think that is really good for Kangaroo Island and it will mean that the chances of the power issues there being dealt with appropriately and expertly will improve. It will mean the roads

issue can be examined at a cabinet level rather than the Kangaroo Island Council struggling with this by itself. I appreciate the member for Finniss acknowledging the member for Elder's contribution towards \$2 million a year for the roads. That was a good thing and I agree with him. That is what this is all about. It is about the government sincerely trying to do something for this part of the country. Why the island? There is something about an island, and that is it is surrounded by water.

*Members interjecting:*

**The Hon. J.R. RAU:** Yes, it is official. An island is surrounded by water.

*Ms Digance interjecting:*

**The Hon. J.R. RAU:** Yes, it is. And that means what happens on that island is, to some degree, quarantined from anything on the other side of the water.

**Mr Pengilly:** So is Australia.

**The Hon. J.R. RAU:** Australia is a little bit bigger. Let us assume all the paranoid fear that has been unearthed over there was to be realised. The contagion will be quarantined on this island of experimental horrible bureaucracy. I am paraphrasing the opposition a bit. At least there can be a quarantining of this menace. If, on the other hand, it turns out to be really good, maybe in a few years' time we can have a conversation about whether there is anything we have learned there that might usefully be rolled out somewhere else. Maybe, maybe not. Who knows? I do not know. What are we actually frightened of here? Where is the downside of doing this? Why is the island going to suffer for having a crack at this? I honestly do not get it.

For all those reasons, I would urge the opposition to put the paranoia aside and get out of that South Australian mindset which is, 'That's a bit different, let's curl up in a corner and not do anything.' For goodness sake, have a go. If it does not deliver what I hope it would deliver, I will be very disappointed, but at least I will have had a go—at least.

The house divided on the second reading:

Ayes .....	22
Noes .....	19
Majority .....	3

#### AYES

Bedford, F.E.  
Brock, G.G.  
Digance, A.F.C.  
Hughes, E.J.  
Koutsantonis, A.  
Piccolo, A.  
Rau, J.R. (teller)  
Wortley, D.

Bettison, Z.L.  
Caica, P.  
Gee, J.P.  
Kenyon, T.R.  
Mullighan, S.C.  
Picton, C.J.  
Snelling, J.J.

Bignell, L.W.K.  
Close, S.E.  
Hildyard, K.  
Key, S.W.  
Odenwalder, L.K.  
Rankine, J.M.  
Vlahos, L.A.

#### NOES

Bell, T.S.  
Goldsworthy, R.M.  
Marshall, S.S.  
Pisoni, D.G.  
Speirs, D.  
van Holst Pellekaan, D.C.  
Wingard, C.

Chapman, V.A.  
Griffiths, S.P. (teller)  
Pederick, A.S.  
Redmond, I.M.  
Tarzia, V.A.  
Whetstone, T.J.

Gardner, J.A.W.  
Knoll, S.K.  
Pengilly, M.R.  
Sanderson, R.  
Treloar, P.A.  
Williams, M.R.

#### PAIRS

Hamilton-Smith, M.L.J.

McFetridge, D.

Weatherill, J.W.

PAIRS

Evans, I.F.

Second reading thus carried.

*Committee Stage*

In committee.

Clause 1.

**The Hon. J.R. RAU:** If my perusal of the amendments is correct, the member for Goyder's amendments begin before mine and I think it is probably fair to say that a fair number of the member for Goyder's amendments are basically the same thing.

**The CHAIR:** Consequential?

**Mr GRIFFITHS:** Chair, the minister is correct. The first seven of my eight amendments are consequential and deal with the one singular issue, so I am prepared to indicate that if the vote taken on the first of those amendments is lost I will not move the other individual amendments.

Clause passed.

Clause 2 passed.

Clause 3.

**Mr GRIFFITHS:** Before I get to the amendments, I have a question that relates to clause 3— Interpretation. It provides that 'a government agency means (a) a state authority', and I completely understand that, but also '(b) an agency or instrumentality of the Crown in right of the Commonwealth'. I have had some answers provided during the briefing on this, but I am wondering whether the minister can clarify it for the record because when I first read this I was rather intrigued by how a state act could actually bind the commonwealth.

**The Hon. J.R. RAU:** I am advised that, as the agency's job is to facilitate cooperative behaviour, it is simply stating that, where possible, if all the state instrumentalities and agencies can be brought into harmonious cooperation with the commonwealth, then that is something it should seek to achieve, but it has no capacity to require the commonwealth to do anything, obviously. Clearly, if there were a commonwealth matter which touched upon the island and it was important from the point of view of the management plan, it would be sensible for engagement with that commonwealth agency to occur. One example that springs to mind is that the acronym, which I always get wrong, the EPBCC or—

**Mr Pengilly:** EBPC.

**The Hon. J.R. RAU:** Yes. There is a commonwealth piece of legislation and there is a state piece of legislation and given that there is so much environment on Kangaroo Island, it might be from time to time that matters which are of interest both to the commonwealth and the state bob up. There is no capability for this commissioner to tell anybody specifically what to do, but they can turn their mind to making sure that there is some cooperative arrangement.

Indeed, on the point about telling people what to do, the commissioner cannot tell anybody what to do. All the commissioner can do is formulate plans in conjunction with the community and if those plans are being ignored by agencies actually say to the relevant minister, 'Look, these agencies are ignoring these plans.' That is the extent of it. They do not then step in and become chief executive.

**Mr GRIFFITHS:** I appreciate the response from the minister in regard to the commonwealth. As part of his second reading wind-up contribution he mentioned the member for Mayo and some words in relation to the member for Finniss, which I believe, subject to the comment made by the member for Finniss, you have acknowledged as being truthful and you accepted those. As part of the consultation therefore in the bill, given the linkage with the commonwealth, was consultation between your department and the member for Mayo personally or with his office undertaken?

**The Hon. J.R. RAU:** Not that I am aware of. That the commonwealth is in here is incidental; it has no jurisdiction over most of this and it does not have to be bound by any of this. It is simply saying to the commissioner, 'You should try to engage with the commonwealth.'

**Ms CHAPMAN:** The Regional Development Authority is an entity that is funded by commonwealth and state, as I understand it. Is it proposed that on the establishment of a commissioner there will be a withdrawal of funding from the state as far as the Regional Development Authority goes, or will that continue exactly as it is as far as the state is concerned?

**The Hon. J.R. RAU:** As far as I am concerned, there is no intention to disturb any of those other arrangements by reason of this bill, but I did say before (and the member for Bragg may or may not have been listening when I said it) that quite separate to this bill there is a conversation going on on Kangaroo Island—and indeed has been for some time—as to whether an island with 4,600 people and 1,200 ratepayers is best served by having a stand-alone council, a stand-alone RDA, a stand-alone this and a stand-alone that, and whether some better form of governance, which is still consistent with that part of the country receiving direct commonwealth funding, which obviously is very important, would be beneficial. That conversation is ongoing on the island, as I understand it. As I understand it, it has come to no conclusion as yet and that conversation has absolutely nothing to do with this; the two are not linked.

**Mr PENGILLY:** I am intrigued by this, because I want to know who is conducting this conversation. I have never heard of it. None of the progress associations have talked to me about it. It is not in the council minutes. Where is it happening? I have not heard a thing about it, and I talk to lots of people.

**The Hon. J.R. RAU:** The good news for the member for Finniss is that it does not matter in the sense that it has nothing to do with this bill—absolutely nothing to do with this bill. I was just giving that by way of background because people keep raising this issue about governance, and this is not about governance. I was just providing information to the house. My understanding is that conversations are taking place on the island. I gather that there is a citizens' jury-type process going on and am just telling the parliament what I know.

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Can I just finish? All I know is that this has been raised with me for years by various people about whether or not you needed a tourism board, an RDA, a council or a whatever given the size of the place and whether you could not get some greater bang for your buck by having some consolidated thing.

As I understand it there is a conversation going on on the island about that. That is all. Just so it is clear, I do not know where that conversation is up to and I do not know where it is going to end. I do not even know whether it is going to end, and that has nothing to do with this.

**Mr PENGILLY:** I understand that it has nothing to do with it. The point I make is that you are making the statement, minister, but you have to substantiate it. Surely, with the hundreds of people you have working for you, whoever is around the chamber now—I do not know—you have to be able to substantiate it. You cannot just make the statement that a conversation is going on without having some knowledge of who is doing it. I simply want to know where on earth are you getting that information because I do not know. Is it from within your department? I appreciate the fact that it is not to do with this, but it is in a way because you cannot tell me where it is coming from, and I just want to know.

**The Hon. J.R. RAU:** We are literally off at a total tangent to this bill. I take full responsibility for having provided too much information in an answer, but we are going off in a completely different direction. I will make an effort to find out from KIFA where the latest situation with that is and let the member for Finniss know. But it has absolutely nothing to do with this.

**The CHAIR:** We are talking about the amendment to clause 3 which is about definitions. We are not anywhere near the subject of definitions so can we come back to definitions. I do not know where you are going to talk about what you are talking about later on but it is not at clause 3.

**Ms Chapman:** Yes, it is.

**The CHAIR:** No, it is not because clause 3 is about definitions.

**Mr GRIFFITHS:** We are asking questions about interpretations at the moment and therefore comments provided by the minister, which the member for Finniss seeks clarification on.

**The CHAIR:** There is nothing in here about that.

*Ms Chapman interjecting:*

**The CHAIR:** We still do not think it is relevant to this particular part—sorry. Can we talk about—

**Ms CHAPMAN:** So that we might be clear about this, this is a bill to establish a commissioner and all of the powers and aspects that go with it.

**The CHAIR:** Can you show us where in this—

**Ms CHAPMAN:** If I may just put this to you: in the second reading contribution of the minister he outlines the level of governance that currently operates in the subject area, which is Kangaroo Island, and he outlines what other structures exist. He outlines the history and significance of the Kangaroo Island Futures Authority (KIFA) that has been referred to in the debate, and he outlines, essentially, what is to happen to that in the next extension of the establishment of a commissioner.

Questions are being asked about what is within the definition of 'government agency' and what state authority (which is in the definitions) is to be there which, for example, includes a council, an administrative unit. These are all the governance levels which are not only being referred to as part of the process which is developing towards the establishment of the commissioner but also who is going to be responsible to the commissioner and what jurisdiction he or she is going to have. We are in the definitions clause because we have certain governance structures.

The Attorney has volunteered in his answers to date conversations independently, apparently, going on in relation to change of governance. We already know, from the reports that have been referred to, that the KI Futures Authority, as one of its strong recommendations, has put that there be a change of governance to deal with that aspect on Kangaroo Island. It is one of, I think, seven or eight strategic directions outlined in the reports that have been referred to. I do not—

*The Hon. J.R. Rau interjecting:*

**Ms CHAPMAN:** Excuse me, you have referred to Paradise Girt by Sea.

**The CHAIR:** Order!

**Ms CHAPMAN:** I am sorry, I will refer to you.

**The CHAIR:** You will refer to me alright. In a minute you will be referring to me.

**Ms CHAPMAN:** Madam Chair, I did say—

**The CHAIR:** Looking here; forget him.

**Ms CHAPMAN:** I am happy to refer it to you.

**The CHAIR:** Thank you.

**Ms CHAPMAN:** The minister has made it clear in his contribution that the KI Futures Authority is part of the current governance structure which is to go. That governance structure has been referred to in its publication Girt by Sea. I mean, it is all in the second reading speech as to what it is doing. We know the operations of that have been referred to in the contributions to date in this debate of the strategic directions of that, including governance, which is one of its priorities, apart from a list of others, and I went through them in my contribution.

The minister is now telling us that he is aware, I am not quite sure where from or what the detail is, of conversations that are going on in relation to that governance. He has certainly presented to the committee and the parliament that he does not see his appointment of the proposed commissioner undermining the governance structure that is in existence, particularly with council and others. All of this relates to us asking questions about what the commissioner is actually going to be doing, and that is what we are getting to, that under the definitions we are asking questions about

who this applies to because that directly affects what powers the commissioner has over them. It is a perfectly legitimate question.

**The Hon. J.R. RAU:** Can I—

**The CHAIR:** Are you going to give us the solution because we need to get back to interpretations?

**The Hon. J.R. RAU:** Yes, I am. Some members opposite are either misunderstanding this deliberately or have not carefully looked at it, but it is as simple as this: the commissioner does not have the power to direct anybody. The commissioner is not—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Please, you have had your go. The commissioner is not a chief executive of a government agency. The commissioner has no delegated authority to give direction to a government agency—none. All the commissioner does is, after due engagement with the community, formulate management plans around key areas which are described in the legislation and government agencies and other people involved in activities on the island are to have regard to those when formulating their policies and undertaking their activities. If the commissioner forms the view that people are ignoring that, the sanction is simply that the commissioner notifies the relevant minister that department X, or whatever, is not complying with what is required under the management plan, full stop, end of it. He or she also provides a report to the parliament which would also identify that failure.

In some respects it is a little bit like the Auditor-General, who has a look at the way a government agency works over the course of a year. There is a basic expectation of financial performance from an agency where, at the end of the year, the Auditor-General says, 'Well, this agency has either complied or it has not,' and they make suggestions as to how things might improve. That is it. Maybe we should have called it the KI auditor, maybe that would have helped. In fact, I will make that as an offer. If that will solve this problem through both houses then I will think about that. How is that? You cannot do better than that.

**Mr PENGILLY:** I heard everything the minister said then and I understand everything he said; however, the debate has been made somewhat more confusing by the minister's earlier alluding to conversations regarding where the council goes. If he can say to me there are no conversations or there are conversations, I want to know why he made the statement. If they are having conversations, that is fine, that does not worry me in the slightest, but I would know about it. I have a pretty good network over there; I have a very good network over there. I know what is going on. Minister, with all sincerity, I have heard absolutely nothing. I was with 1,500 people on Saturday, from all walks of life, from NRM members, people to do with progress associations, sports clubs, you name it—the Sunday walking club. No-one has mentioned it. All I am asking is why did you bring that into the discussion on this bill? I cannot understand your reasoning.

**The Hon. J.R. RAU:** I will try to explain this again. I was saying that this particular bill has nothing to do with governance structures on the island. It has nothing to do with it. I added by way of information, which as it turns out was unwise—anyone here who is wanting to be a minister at some stage remember that; do not volunteer information. This is now taking us off somewhere else. The point is this, and this is what I can tell you: first of all, I am happy to arrange for KIFA to give you any information at all that they have about this. That is number one, no problem.

Second, I am of the understanding that there is a citizens' jury process going on on the island. I understand that that has been going on for a while. If that is not a fact that is known to the member for Finnis, I do not know why that is not known, but that is my understanding. I understand that that citizens' jury process is ongoing; it has not finished. It has not got to an endpoint. It has no outcome. The Citizens' Jury outcome, if and when it ever arrives, would be that the Citizens' Jury thinks that something like this would be a good idea, and at that point the idea would be tossed up in the air and some conversation about that idea could be had. But we have not got there yet, and that has nothing to do with this.

**The CHAIR:** Member for Finnis, you have had three questions, unless you have a different sort of question. You have asked the same question three times really.

**Mr PENGILLY:** It is different.

**The CHAIR:** I do not know how it will be.

**Mr PENGILLY:** It is different.

**The CHAIR:** Let me hear it and, if it is not, we will move on.

**Mr PENGILLY:** It alludes to comments that were just made by—

**The CHAIR:** Oh no.

**Mr PENGILLY:** Well, he referred to something different. He said, 'getting information from KIFA'. That is fine. Could he please ensure that my FOIs, which are outstanding, are answered?

**The CHAIR:** That has nothing to do with this debate.

**Mr PENGILLY:** Well, it has.

**The CHAIR:** That is being really naughty now. Deputy.

**Ms CHAPMAN:** Minister, you have indicated that this new commissioner cannot direct anybody to do anything. That is what your understanding is. I will be asking some questions on clause 9, but my understanding is that what is proposed is that in fact the commissioner, once they have gone through and done the plans that are to be provided and developed, and consultation, etc., can serve a written notice on any of the state authorities, and they are defined, and they—

*The Hon. J.R. Rau interjecting:*

**Ms CHAPMAN:** Just a minute; if I might just finish. They have to deliver up information that they have in their possession. There are certain consequences in relation to—and provision of contracts, that is also there. If you are a state authority, other than a council, you go through a name and shame process. That is, the commissioner reports to you, minister, and they can put it in the annual report to parliament.

If you are a council, it is a different set of rules. They start the process, which I referred to in the contribution I made, under section 272 of the Local Government Act, which ultimately goes to the Ombudsman, ultimately moves on under those processes. Yes, the commissioner is designed to specifically have a function and a power, and that power includes the provision of information. If you disobey, there are certain consequences. One of the categories which is specifically in the definition, which does have a consequence to it, can trigger all of the powers under the Local Government Act, which currently Mr Brock would be empowered to consider and to effect, if he wished to do so. Local councils certainly are in that category, and in this case the one local council that is on the island.

I understand you are going to make some amendment in relation to what is going to happen with the contract obligation, because that in itself seems completely absurd, but, in any event, clearly, there is a power to direct and councils are in it. Councils are almost the only elected body left on Kangaroo Island under the government's structure so, yes, it is relevant, and we are keen to know why the council is included as a state authority within the definition of this proposal.

**The Hon. J.R. RAU:** It is as simple as this. There is a management plan that is sitting out there. The commissioner wants to know whether all agencies, including the council, are getting with the program and cooperating with the plan. The commissioner cannot override the council and direct the council to do what the plan says, but nor can the commissioner be stonewalled by the council saying, 'Buzz off. We do not want to give you the information.' Nor can the commissioner be stonewalled by a government department that says, 'We do not have to listen to you; go away.'

That is all that says. It is so that this person, in doing their duty to actually evaluate whether people are performing according to the management plans, cannot be frustrated by an uncooperative council or an uncooperative government agency that just says, 'Go away. We do not have to talk to you.' That is all that deals with.

**Ms Chapman:** Yes, and it is very significant.

**The Hon. J.R. RAU:** Do you want to make the thing—

**Ms Chapman:** You could end up with an administrator in the council.

**The Hon. J.R. RAU:** Look, I do not know if all members here actually understand what the member for Bragg is presently saying, but what the member for Bragg is saying is this: if a council is asked by the commissioner to provide information, and the council says to the commissioner, 'No, go away. We are not going to listen to you. Nick off,' then the commissioner can go to the Minister for Local Government, under the provisions of the Local Government Act which deal with misbehaviour, and report to the Minister for Local Government that there is this misbehaviour going on—in other words, no cooperation. The Minister for Local Government then may, if the minister so wishes, start the disciplinary proceedings under the Local Government Act because the local government agency is failing to cooperate.

That is the sanction. You have to go through a whole process and, at any time, if the local government authority or government agency wants to cure their default by actually providing cooperation, it ends. It is a wholly unremarkable provision. It basically says: if you ignore a legitimate request for information and thumb your nose at what the law says, ultimately, there is a disciplinary consequence—that is all. It does not interfere with the government agency, it does not override the government agency's decision-making process, nor does it override the council's decision-making process.

**Mr GRIFFITHS:** From the minister's response to that, I refer him to his own amendment No. 8, which states:

if a council is directly affected by the proposal—

so not just a request for information but an expectation from a management plan as to what is to occur, they—

must seek the views of the council in relation to the proposal and, if the proposal has the potential to create additional costs for the council, must consult with the council in relation to options for funding such additional costs;

If that is not a direction, I do not know what is, because that is a specific decision being made that, even though a group of elected people have made a decision on what they are going to do, the commissioner's management plan overrides that. If there are additional costs, they can go out and get some more money for it then, potentially, if they can find a funding source for it—but that is clearly a direction.

**The Hon. J.R. RAU:** And what is the sanction?

**Ms CHAPMAN:** Potentially, an administrator in their council.

**The Hon. J.R. RAU:** I am afraid we will have to agree to disagree on this. I just do not see it that way.

**Mr GRIFFITHS:** I move:

Amendment No 1 [Griffiths-1]—

Page 3, lines 12 to 14 [clause 3, definition of *responsible Minister*, (c)]—Delete paragraph (c)

I recognise that, of the eight amendments I am putting forward, four are contained within clause 3 and they relate to the removal of local government from being bound by this act. The first amendment is under 'responsible minister' for the complete removal of paragraph (c). I will have some questions about it later on. My amendment is for the removal of paragraph (c), which provides:

(c) if the authority is a regional development assessment panel or a council development assessment panel—the Minister responsible for the administration of the Development Act 1993...

My request is that, on the basis of the seven amendments that we are proposing about removing local government from being under the control of the management plans and the commissioner, we delete paragraph (c).

The committee divided on the amendment:

Ayes ..... 17  
Noes ..... 20  
Majority ..... 3

## AYES

Bell, T.S.  
Goldsworthy, R.M.  
Pederick, A.S.  
Redmond, I.M.  
Treloar, P.A.  
Williams, M.R.

Chapman, V.A.  
Griffiths, S.P. (teller)  
Pengilly, M.R.  
Speirs, D.  
van Holst Pellekaan, D.C.  
Wingard, C.

Gardner, J.A.W.  
Knoll, S.K.  
Pisoni, D.G.  
Tarzia, V.A.  
Whetstone, T.J.

## NOES

Atkinson, M.J.  
Brock, G.G.  
Digance, A.F.C.  
Hughes, E.J.  
Mullighan, S.C.  
Picton, C.J.  
Snelling, J.J.

Bettison, Z.L.  
Caica, P.  
Gee, J.P.  
Kenyon, T.R.  
Odenwalder, L.K.  
Rankine, J.M.  
Vlahos, L.A.

Bignell, L.W.K.  
Close, S.E.  
Hildyard, K.  
Key, S.W.  
Piccolo, A.  
Rau, J.R. (teller)

## PAIRS

Evans, I.F.  
Weatherill, J.W.  
Sanderson, R.

Hamilton-Smith, M.L.J.  
McFetridge, D.  
Wortley, D.

Marshall, S.S.  
Koutsantonis, A.

Amendment thus negated.

Progress reported; committee to sit again.

At 18:02 the house adjourned until Wednesday 17 September 2014 at 11:00.

*Answers to Questions***INDIGENOUS PROGRAMS, GRANTS AND FUNDING**

**6 Dr McFETRIDGE (Morphett)** (27 May 2014). What Indigenous programs, grants and funding were provided by each department or agency under the minister's portfolio for 2011 and, in each case, were these funds recurrent, current, operational or capital expenditure?

**The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government):** There were two grants that were provided for projects that included an Indigenous component. The funds were provided through the Enterprise Zone Fund—Upper Spencer Gulf and Outback

Project	Industry	Project Overview	Approved Assistance	Project Investment
Civil Train	Training	Deliver civil construction training to a group of 12 women from the north and far north region	\$75,000	\$158,900
Port Augusta Council	Mining	Employ an indigenous mining mentor	\$60,000	\$120,000

**INDIGENOUS PROGRAMS, GRANTS AND FUNDING**

**9 Dr McFETRIDGE (Morphett)** (27 May 2014). What Indigenous programs, grants and funding were provided by each department or agency under the minister's portfolio for 2011, and in each case, were these funds recurrent, current, operational or capital expenditure?

**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):** Indigenous programs, grants and funding provided in 2011:

Capital Expenditure

Seaford Rail Extension Project

Site recovery, survey work, archaeological services, cultural awareness training, burial analysis, burial excavations, and repatriation services.

\$815,107

Operational

Remote Aerodrome Upgrade Program

\$190,000

**VOLUNTEER SUPPORT FUND**

**49 Dr McFETRIDGE (Morphett)** (27 May 2014).

1. How much has been allocated to the Volunteer Support Fund in each year since 2002?

2. Which department and officers are responsible for making the decisions as to which agencies or organisations receive a Volunteer Support Fund grant?

**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):** I have been advised:

1. The government allocated \$200,000 in funding to the Volunteer Support Fund in 2002, and \$150,000 each year thereafter.

2. The Office for Volunteers, within the Department for Communities and Social Inclusion, convenes a selection panel to prepare recommendations for the Minister for Volunteers.

The minister is then advised of the selection panel's recommendations and provides final approval on the successful applicants.

#### **ADELAIDE SHORES**

**60 Dr McFETRIDGE (Morphett)** (25 June 2014).

1. What is the total cost of the proposed 22 metre high aerial obstacle course proposed to be built at Adelaide Shores?

2. Will the state government be funding or partly funding this project and, if so, how much is this contribution?

**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):** Adelaide Shores has a licence arrangement with a private operator who will construct and operate the proposed Adelaide Adventure Park.

There will be no financial contribution by the state government.

The full investment figure is commercial in confidence.

#### **APY LANDS**

In reply to **Dr McFETRIDGE (Morphett)** (6 May 2014).

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have been advised:

Police on the APY lands remain vigilant in their efforts to detect and apprehend those who bring both cannabis and alcohol onto the APY lands. Vehicles and persons are regularly stopped and searched, and measures including drug transit route operations are regularly conducted to deter the supply of cannabis.

South Australia Police (SAPOL) investigators have undertaken lengthy covert operations in relation to those who engage in the organised sale of cannabis to Anangu people, and SAPOL continues to work collaboratively with police agencies in the Northern Territory and Western Australia to combat the supply of drugs through the Substance Abuse Intelligence Desk.

SAPOL is aware of sexualised behaviour on the APY lands, however there is no evidence currently available to police which would indicate that prostitution is occurring on the APY lands. No actionable intelligence has been provided by the Australian Crime Commission to support this claim. Specialist SAPOL sex-crime investigators, currently posted to the APY lands, advise that they have not received any reports of prostitution occurring on the APY lands.

#### **GILLMAN LAND SALE**

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (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):** I have received the following advice:

No. The deed signed between the State of South Australia and Adelaide Capital Partners does not contemplate any requirement for additional infrastructure.

#### **ROYAL VISIT**

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (8 May 2014).

**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):** I have been advised:

To cater for the increased patronage demand expected due to the visit of the Duke and Duchess of Cambridge to Elizabeth, a number of additional services operated on 23 April 2014.

These extra services included:

- special royal (bus) shuttles which operated between the City and Elizabeth every 15 minutes between 7.00 and 9.30am, and 1.00 and 3.00pm
- additional buses at Paradise and Mawson Lakes interchanges operating as special shuttles every 20 minutes from 7.00 to 9.00am; and
- buses on standby at Salisbury Interchange to cater for increased demand.

In addition to special services, two extra route C1 bus services operated from Tea Tree Plaza Interchange to provide increased frequency between approximately 9.00 and 10.00am.

This information was communicated to the public via the Adelaide Metro website and the Department of Planning, Transport and Infrastructure's social media, as well as a press release.

A number of scheduled Adelaide Metro services also operated to Elizabeth from the city and other major interchanges, as well as on the Gawler train line.

As there were a number of scheduled services operating to and from Elizabeth, including train services, and travel was not free on this day, it is not possible to segregate patronage data on regular bus and train services to provide specific information relevant to the royal visit only.

Notwithstanding, patronage data has shown approximately an 18 per cent increase on normal scheduled services during this period, together with over 200 passengers taking advantage of special royal shuttles from the city.

#### FORESTRYSA

In reply to **Mr BELL (Mount Gambier)** (20 May 2014).

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business):** I am advised that ForestrySA has been strategically streamlining its workforce over the last decade. On Wednesday 28 May 2014 the SA Government announced voluntary separation packages would be offered to up to 60 ForestrySA employees working in the Green Triangle and Mount Lofty Ranges.

#### COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT

In reply to **the Hon. I.F. EVANS (Davenport)** (21 May 2014).

**The Hon. J.W. WEATHERILL (Cheltenham—Premier):** Yes.

#### POLICE RECRUITMENT

In reply to **Mr VAN HOLST PELLEKAAN (Stuart)** (22 May 2014).

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety):** I have received this advice:

1. The police and cadet FTE projections in out years take into account changes to the constable development program that start from 2014-15 when the cadet recruitment program changes from 29 weeks to 52 weeks duration. From 2014-15 onwards, as at each 30 June, there will be a higher level of cadets in the system who will graduate in the next financial year. The FTE figures provided as at 31 December 2013 included 129 FTE already recruited at 30 June 2013 plus an additional 50 cadets at the academy who graduate before 30 June 2014.

The additional police or cadets, above attrition, to meet the Recruit 313 initiative are:

- 20 FTE in 2014-15
- 20 FTE in 2015-16
- 47 FTE in 2016-17, and
- 47 FTE in 2017-18, the final year of the R313 initiative.

This will bring recruitment to 313 FTE police or cadets by 30 June 2018.

2. Police cadets are included.

**RURAL RESEARCH AND DEVELOPMENT FOR PROFIT**

In reply to **Mr PEDERICK (Hammond)** (17 June 2014).

**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):** The \$100 million four-year Rural Research and Development for Profit is an Australian government program announced in the May federal budget. The federal government will release program guidelines, including details on research priorities for the first round of funding, in the coming months. The program will be administered by the Department of Agriculture, not the research and development corporations, and will be a competitive grants round.

As such, it is not possible to indicate what South Australia's share of this funding will be.

**FORESTRY FIRE INSURANCE FUND**

In reply to **Ms REDMOND (Heysen)** (19 June 2014).

**The Hon. J.W. WEATHERILL (Cheltenham—Premier):** The fire self-insurance fund was built-up by ForestrySA in order to replant areas of their commercial forestry estate in the event of fire. The bulk of the ForestrySA commercial forestry estate was in the Green Triangle region. Since the Green Triangle region commercial forests are no longer part of ForestrySA's commercial estate, the fund was returned to government as a special dividend. As ForestrySA's retained plantation comprises only a small proportion of the overall commercial forestry estate, a separate fire self-insurance fund was not considered necessary.

The Government recently announced in June that 60 hectares of the Bundaleer forest that was destroyed in the fires in 2013 was going to be replanted. Future options for the Mid North forests, which were affected by the Bangor fire earlier this year, are still being considered and will be the subject of local community consultation.

**MULLIGHAN INQUIRY RECOMMENDATIONS**

In reply to **Dr McFETRIDGE (Morphett)** (5 August 2014).

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development):** I have been advised:

Since 2008, the Anangu Pitjantjatjara Yankunytjatjara lands has had an ability to report child protection concerns online. This remote region was one of the priority areas for the inception of electronic reporting that would assist with the confidentiality of raising child protection reports from community areas where discreet phone calls may have been difficult.

**MULLIGHAN INQUIRY RECOMMENDATIONS**

In reply to **Dr McFETRIDGE (Morphett)** (5 August 2014).

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development):** I have been advised:

Pursuant to section 13 the Children's Protection Act 1993 (SA), Families SA are prohibited from disclosing information relating directly to a specific notifier. Furthermore, it is Families SA policy to not disclose quantitative data that could be depicted as relating to any one community on the Anangu Pitjantjatjara Yankunytjatjara (APY) lands. To do so would be potentially damaging and polarising to the individual communities based on the APY lands.

However, as declared in the fifth and final annual report to the Children on APY Lands Commission of Inquiry: A report into sexual abuse, Nganampa Health Council as a signatory to the APY lands child protection protocols for children on the APY lands for the investigation and assessment of suspected abuse and/or neglect, are committed to meeting its obligations as contained therein.

**MULLIGHAN INQUIRY RECOMMENDATIONS**

In reply to **Dr McFETRIDGE (Morphett)** (5 August 2014).

**The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development):** I have been advised of the following:

In line with Families SA policies and practices, children who are from the APY Lands and placed in Adelaide are referred to the Child and Adolescent Mental Health Service to receive therapeutic support. In addition, children receive case management support through the Families SA Case Management Support Team which is part of the Country Directorate office, located in Mile End. Cultural connections are maintained through regular return visits to the APY Lands or in assisting families to travel to Adelaide.